

**AGENDA**  
**Monday, March 9, 2026**  
**6:30 PM**

**Mayor & Council Regular Meeting**  
**Mayor & Borough Council**

**Borough of Chatham**  
**54 Fairmount Avenue**  
**Chatham, NJ 07928**

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**CALL MEETING TO ORDER**

The meeting will be called to order at 6:30 p.m.

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**ROLL CALL**

Mayor Carolyn Dempsey  
Council President Brian Hargrove  
Council Member Miles Gilmore  
Council Member Katherine Hay  
Council Member Karen Koronkiewicz  
Council Member Jocelyn Mathiasen  
Council Member Justin Strickland  
Steven Kleinman, Borough Attorney  
Stephen W. Williams, Borough Administrator  
Vanessa L. Nienhouse, Borough Clerk

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**EXECUTIVE SESSION**

Council Member Gilmore introduces Resolution #26-134 by reading the following.

**RESOLUTION #26-134 RESOLUTION TO ADJOURN INTO EXECUTIVE SESSION**

**BE IT RESOLVED** by the Borough Council of the Borough of Chatham that it shall adjourn into closed session to discuss the following subject matter(s) without the presence of the public in accordance with the provisions of N.J.S.A. 10:4-6:

- \* Attorney Client Privileged Advice- Affordable Housing
- \* Attorney Client Privileged Advice - Police Personnel

**BE IT FURTHER RESOLVED** , the matter(s) discussed will be made known to the public at such time as appropriate action is taken on said matter(s), and when disclosure will not result in unwarranted invasion of individual privacy or prejudice to the best interests of the Borough of Chatham, provided such disclosures will not violate Federal, State, or local statutes and does not fall within the attorney-client privilege.

Motion by Council Member Gilmore, second by \_\_\_\_\_.

**The Mayor and Council Meeting will resume at 7:30pm.**

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**MEETING RECONVENED AND CALLED TO ORDER**

The meeting will be called to order at 7:30 p.m.

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**ROLL CALL**

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**SALUTE TO FLAG**

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**MOMENT OF SILENCE**

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**STATEMENT OF ADEQUATE NOTICE**

Pursuant to the requirements of the Open Public Meetings Act, adequate notice of this meeting has been provided by including same in the Annual Notice, copies of which were posted on the official bulletin board on the main floor of Borough Hall, emailed to the Daily Record, the Chatham Courier, the Chatham Patch, and TAPinto Chatham and was filed with the Borough Clerk, all on January 6, 2026.

**VIRTUAL MEETING ACCESS:**

Anyone wishing to gain access to the meeting may dial 929-205-6099 ( Webinar ID: 82762628332) or obtain online access of the meeting using the following URL: <https://us02web.zoom.us/j/82762628332>  
Zoom participants may make comments during the Open to the Public portion of the meeting.

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**PROCLAMATIONS**

Council President Hargrove proceeds by reading the resolution.

**RESOLUTION #26-135 PROCLAMATION CELEBRATING AMERICAN RED CROSS MONTH IN THE MONTH OF MARCH**

Council President Hargrove moves to adopt the resolution, second by Council Member\_\_\_\_\_.

**RESOLUTION #26-135 CELEBRATING AMERICAN RED CROSS MONTH IN THE MONTH OF MARCH**

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**RECUSALS**

Recusals or abstentions submitted for the record.

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**MAYOR APPOINTMENT**

Shade Tree Commission

Kiran Jois Alternate I remainder of Dawn Ferguson's term 03/09/2026-12/31/2027

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**ADOPTION OF COUNCIL MEETING MINUTES**

Council President Hargrove introduces the resolution by reading the following:

**RESOLUTION #26-136 RESOLUTION TO ADOPT COUNCIL MEETING MINUTES**

**BE IT RESOLVED**, by the Council of the Borough of Chatham that the minutes from the following meeting are approved as prepared and shall be filed as a permanent record in the Borough Clerk’s office:

Regular Meeting Minutes: February 23, 2026

Closed Session Minutes: February 23, 2026

Motion by Council President Hargrove, Second by \_\_\_\_\_.

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## **MAYOR'S REPORT**

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### **MEETING OPEN TO THE PUBLIC**

#### **NOTICE OF PUBLIC COMMENT TIME LIMIT**

Hearing of citizens during the Public Comment section of the Agenda is an opportunity for any member of the public to be heard about issues which are/are not topics scheduled for Public Hearing tonight. To help facilitate an orderly meeting, and to permit all to be heard, speakers are asked to limit their comments to four minutes.

**If participating by phone: To raise your hand, press \*9. To speak, press \*6 to be unmuted.**

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### **RESOLUTIONS NON-ROUTINE NON-CONSENT**

Council Member Strickland reads the resolution by title:

**RESOLUTION # 26-137 RESOLUTION TO ADOPT NEGOTIATED AGREEMENT BETWEEN THE BOROUGH OF CHATHAM AND THE CHATHAM BOROUGH DPW ASSOCIATION, INC., FOR THE TERM OF JANUARY 1, 2026 THROUGH DECEMBER 31, 2028**

Motion by Council Member Strickland, second by \_\_\_\_\_.

#### **Roll Call Vote**

[\*\*RESOLUTION #26-137 AUTHORIZING ADOPT AGREEMENT WITH DPW ASSOCIATION\*\*](#)

Council Member Hay reads the resolution by title:

**RESOLUTION #26-138 AUTHORIZING COMPETITIVE CONTRACTING FOR CONCESSIONS - EV CHARGING STATION**

Motion by Council Member Hay, second by \_\_\_\_\_.

#### **Roll Call Vote**

[\*\*RESOLUTION #26-138 AUTHORIZING COMPETITIVE CONTRACTING FOR CONCESSIONS - EV CHARGING STATION\*\*](#)

Council President Hargrove reads the resolution by title:

**RESOLUTION #26-139 AUTHORIZING CONCESSION - POOL SWIM LESSONS**

Motion by Council President Hargrove, second by \_\_\_\_\_.

#### **Roll Call Vote**

[\*\*RESOLUTION #26-139 AUTHORIZING CONCESSION - POOL SWIM LESSONS\*\*](#)

Council Member Koronkiewicz reads the resolution by title:

**RESOLUTION #26-140 RESOLUTION ADOPTING A SPENDING PLAN**

Motion by Council Member Koronkiewicz, second by \_\_\_\_\_.

**Roll Call Vote**

[RESOLUTION #26-140 RESOLUTION ADOPTING A SPENDING PLAN](#)  
[26.03.06 Spending Plan.final.pdf](#)

Council Member Mathiasen reads the resolution by title:

**RESOLUTION #26-141 RESOLUTION ADOPTING AN AFFIRMATIVE MARKETING PLAN FOR THE BOROUGH OF CHATHAM**

Motion by Council Member Mathiasen, second by \_\_\_\_\_.

**Roll Call Vote**

[RESOLUTION #26-141 RESOLUTION ADOPTING AN AFFIRMATIVE MARKETING PLAN FOR THE BOROUGH OF CHATHAM](#)  
[Chatham Boro AMP 2026.pdf](#)

Council Member Gilmore reads the resolution by title:

**RESOLUTION #26-142 RESOLUTION EXPRESSING INTENT TO PROVIDE THE FUNDS NECESSARY TO SATISFY THE BOROUGH’S AFFORDABLE HOUSING OBLIGATIONS**

Motion by Council Member Gilmore, second by \_\_\_\_\_.

**Roll Call Vote**

[RESOLUTION #26-142 RESOLUTION EXPRESSING INTENT TO PROVIDE THE FUNDS NECESSARY TO SATISFY THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS](#)

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**ORDINANCES FOR SECOND READING**

**Council Member Hay introduces Ordinance #26-02 by title:**

**ORDINANCE #26-02 AN ORDINANCE OF THE BOROUGH OF CHATHAM TO AMEND CHAPTER 165 “LAND DEVELOPMENT”, TO ADD THE AH-1 AFFORDABLE HOUSING 1 ZONE**

Borough Clerk Vanessa Nienhouse states: A legal notice was published indicating that Ordinance #26-02 was introduced and passed on first reading at the February 23, 2026 meeting and indicated the second reading and public hearing would be held at 6:30 pm on March 9, 2026 for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

Mayor Dempsey opens the meeting for public hearing on the Ordinance.

Council Member Hay moves to adopt Ordinance #26-02 and reads the following statement:

**BE IT RESOLVED**, that this Ordinance as read by title on second reading, and after public hearing at this meeting, be adopted and finally passed.

Council Member \_\_\_\_\_ seconds the motion.

**Roll Call Vote**

[ORDINANCE #26-02 AH-1 AFFORDABLE HOUSING 1 ZONE.docx](#)

**Council Member Gilmore introduces Ordinance #26-03 by title:**

**ORDINANCE #26-03 AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF CHATHAM BY AMENDING THE RESTATED POST OFFICE PLAZA REDEVELOPMENT ORDINANCE AND**

**PLAN, AMENDING THE REQUIREMENTS FOR ACCESSORY USES**

Borough Clerk Vanessa Nienhouse states: A legal notice was published indicating that Ordinance #26-03 was introduced and passed on first reading at the February 23, 2026 meeting and indicated the second reading and public hearing would be held at 6:30 pm on March 9, 2026 for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

Mayor Dempsey opens the meeting for public hearing on the Ordinance.

Council Member Gilmore moves to adopt Ordinance #26-03 and reads the following statement:

**BE IT RESOLVED**, that this Ordinance as read by title on second reading, and after public hearing at this meeting, be adopted and finally passed.

Council Member \_\_\_\_\_ seconds the motion.

**Roll Call Vote**

[ORDINANCE #26-03 POST OFFICE PLAZA RED PLAN AMENDMENT ORDINANCE.docx](#)

**Council President Hargrove introduces Ordinance #26-04 by title:**

**ORDINANCE #26-04 ORDINANCE OF THE BOROUGH OF CHATHAM TO AMEND CHAPTER 165 “LAND DEVELOPMENT”, TO ADD THE AFD-6 AFFORDABLE HOUSING DISTRICT**

Borough Clerk Vanessa Nienhouse states: A legal notice was published indicating that Ordinance #26-04 was introduced and passed on first reading at the February 23, 2026 meeting and indicated the second reading and public hearing would be held at 6:30 pm on March 9, 2026 for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

Mayor Dempsey opens the meeting for public hearing on the Ordinance.

Council President Hargrove moves to adopt Ordinance #26-04 and reads the following statement:

**BE IT RESOLVED**, that this Ordinance as read by title on second reading, and after public hearing at this meeting, be adopted and finally passed.

Council Member \_\_\_\_\_ seconds the motion.

**Roll Call Vote**

[ORDINANCE #26-04 AMEND CHAPTER 165 TO ADD THE AFFORDABLE HOUSING ZONE 6.docx](#)

[311 Main St. BLDG Concept Site - Perspective FINAL.pdf](#)

**Council Member Strickland introduces Ordinance #26-05 by title:**

**ORDINANCE #26-05 AN ORDINANCE OF THE BOROUGH OF CHATHAM TO AMEND CHAPTER 165 “LAND DEVELOPMENT”, TO ADD THE AFD-5 AFFORDABLE HOUSING 5 ZONE**

Borough Clerk Vanessa Nienhouse states: A legal notice was published indicating that Ordinance #26-04 was introduced and passed on first reading at the February 23, 2026 meeting and indicated the second reading and public hearing would be held at 6:30 pm on March 9, 2026 for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

Mayor Dempsey opens the meeting for public hearing on the Ordinance.

Council Member Strickland moves to adopt Ordinance #26-05 and reads the following statement:

**BE IT RESOLVED**, that this Ordinance as read by title on second reading, and after public hearing at this meeting, be adopted and finally passed.

Council Member \_\_\_\_\_ seconds the motion.

**Roll Call Vote**

[ORDINANCE #26-05 AMENDING CHAPTER 165 TO ADD THE AFFORDABLE DISTRICT 5 AFFORDABLE HOUSING 5 ZONE.docx](#)

[589 Main Street -Revision 1-01.16.2025 Concept plan.pdf](#)

**Council Member Koronkiewicz introduces Ordinance #26-06 by title:**

**ORDINANCE #26-06 AN ORDINANCE OF THE BOROUGH OF CHATHAM TO AMEND CHAPTER 165 “LAND DEVELOPMENT REGULATIONS”, TO CREATE THE BUSINESS AFFORDABLE HOUSING OVERLAY – (B-AHO) ZONING DISTRICT**

Borough Clerk Vanessa Nienhouse states: A legal notice was published indicating that Ordinance #26-06 was introduced and passed on first reading at the February 23, 2026 meeting and indicated the second reading and public hearing would be held at 6:30 pm on March 9, 2026 for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

Mayor Dempsey opens the meeting for public hearing on the Ordinance.

Council Member Koronkiewicz moves to adopt Ordinance #26-06 and reads the following statement:

**BE IT RESOLVED**, that this Ordinance as read by title on second reading, and after public hearing at this meeting, be adopted and finally passed.

Council Member \_\_\_\_\_ seconds the motion.

**Roll Call Vote**

[ORDINANCE #26-06 BUSINESS AFFORDABLE HOUSING OVERLAY DISTRICT.docx](#)

**Council Member Hay introduces Ordinance #26-07 by title:**

**ORDINANCE #26-07 BOROUGH OF CHATHAM AFFORDABLE HOUSING ORDINANCE DEVELOPMENT FEE ORDINANCE TO REPLACE CHAPTERS 69 AND 119 FOR ONE NEW CHAPTER 69**

Borough Clerk Vanessa Nienhouse states: A legal notice was published indicating that Ordinance #26-06 was introduced and passed on first reading at the February 23, 2026 meeting and indicated the second reading and public hearing would be held at 6:30 pm on March 9, 2026 for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

Mayor Dempsey opens the meeting for public hearing on the Ordinance.

Council Member Hay moves to adopt Ordinance #26-07 and reads the following statement:

**BE IT RESOLVED**, that this Ordinance as read by title on second reading, and after public hearing at this meeting, be adopted and finally passed.

Council Member \_\_\_\_\_ seconds the motion.

**Roll Call Vote**

[ORDINANCE #26-07 AFFORDABLE HOUSING ORDINANCE DEVELOPMENT FEE ORDINANCE.docx](#)

**Council Member Koronkiewicz introduces Ordinance #26-08 by title:**

**ORDINANCE #26-08 BOROUGH OF CHATHAM AFFORDABLE HOUSING ORDINANCE DEVELOPMENT FEE ORDINANCE TO REPLACE CHAPTERS 69 AND 119 FOR ONE NEW CHAPTER 69**

Borough Clerk Vanessa Nienhouse states: A legal notice was published indicating that Ordinance #26-08 was introduced and passed on first reading at the February 23, 2026 meeting and indicated the second reading and public hearing would be held at 6:30 pm on March 9, 2026 for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

Mayor Dempsey opens the meeting for public hearing on the Ordinance.

Council Member Koronkiewicz moves to adopt Ordinance #26-08 and reads the following statement:

**BE IT RESOLVED**, that this Ordinance as read by title on second reading, and after public hearing at this meeting, be adopted and finally passed.

Council Member \_\_\_\_\_ seconds the motion.

**Roll Call Vote**

[ORDINANCE #26-08 AN ORDINANCE TO ADD B-4 AFFORDABLE HOUSING INCLUSIONARY MULTIFAMILY AND COMMUNITY BUSINESS DISTRICT.docx](#)

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**COUNCIL MEMBERS REPORTS**

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**ADMINISTRATOR'S REPORT**

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**CONSENT AGENDA**

The following items are considered to be routine by the Chatham Borough Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

Resolutions #26-143 through Resolution #26-154 have been placed on the Consent Agenda.

**FINANCE**

[RESOLUTION #26-143 BILLS LIST](#)  
[BILL LIST 03-09-26.PDF](#)

**CONTRACTS**

[RESOLUTION #26-145 RESOLUTION AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONTRACT TO DONOFRIO & SON INC](#)  
[RESOLUTION #26-144 RESOLUTION AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONTRACT TO GARDEN STATE TREE MANAGEMENT](#)  
[RESOLUTION #26-146 RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH AND ST PATRICKS SCHOOL](#)

**COMMUNITY SERVICES**

[RESOLUTION #26-147 AUTHORIZING THE DEPARTMENT OF COMMUNITY SERVICES TO](#)

03-09-2026

**SOLICIT SPONSORSHIPS**

RESOLUTION #26-148 AUTHORIZING THE APPLICATION OF AN ANJEC GRANT AGREEMENT FOR OPEN SPACE STEWARDSHIP PROJECTS

**LAW AND SAFETY**

RESOLUTION #26-149 AUTHORIZING THE CHIEF OF POLICE TO CLOSE BOROUGH ROADS TO CONTROL AND TO REGULATE TRAFFIC CONDITIONS AS NEEDED

**PERSONNEL**

RESOLUTION #26-150 AUTHORIZING THE HIRING OF RYAN VASQUEZ AS FULL-TIME SERVICEPERSON DPW  
RESOLUTION #26-151 NORTH JERSEY MUNICIPAL EMPLOYEE BENEFITS FUND RENEWAL

**OTHER**

RESOLUTION #26-152 AUTHORIZING THE ADMINISTRATOR TO SIGN AN ACCESS PERMIT AGREEMENT WITH NJT FOR USE OF THE BATHROOMS FOR THE FARMERS MARKET  
RESOLUTION #26-153 RESOLUTION IN SUPPORT OF A 2026 FEDERAL FUNDING APPLICATION TO MITIGATE PASSAIC RIVER FLOODING  
RESOLUTION #26-154 SUPPORTING THE LIBRARY OF THE CHATHAMS FUNDING REQUEST FOR THE RENOVATION & BUILDING INFRASTRUCTURE UPGRADE

**RESOLUTION[S] REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION AND VOTE**

**CONSENT AGENDA VOTE**

Council President Hargrove moves to adopt the resolutions #26-143 - #26-154 placed on this evening's Consent Agenda by consent of the Council, Seconded by Council Member \_\_\_\_\_.

**ORDINANCES FOR FIRST READING**

Council Member Strickland introduces Ordinance #26-09 by title and reads the statement.

**ORDINANCE #26-09 AN ORDINANCE COMPREHENSIVELY REVISING AND UPDATING CHAPTER 131 OF THE CODE OF THE BOROUGH OF CHATHAM, "FILMING," TO BE CONSISTENT WITH NEW JERSEY "FILM-READY" REQUIREMENTS**

**WHEREAS**, the above Ordinance was introduced and read by title at this Council meeting held on March 9, 2026.

**BE IT RESOLVED**, that at the Council meeting to be held on March 23, 2026, at 6:30 p.m. prevailing time, at Borough Hall and online, the Chatham Borough Council will further consider this Ordinance for a second reading, public hearing, and final passage; and

**BE IT FURTHER RESOLVED**, that the Clerk is hereby requested to publish the proper notice thereof, including this Ordinance, post the Ordinance on the bulletin board in Borough Hall, and make copies available to members of the general public.

Council Member Strickland moves Ordinance #26-09 for adoption on first reading.

Council Member \_\_\_\_\_ seconds the motion.

**Roll Call Vote:**

[ORDINANCE #26-09 NEW JERSEY FILM-READY REQUIREMENTS.docx](#)

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**ADD-ON RESOLUTION[S]**

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**EXECUTIVE SESSION**

**If additional time is needed for Executive Session,**

Council Member Gilmore will introduce Resolution #26-155 by reading the following:

**RESOLUTION #26-154 RESOLUTION TO ADJOURN INTO EXECUTIVE SESSION**

**BE IT RESOLVED** by the Borough Council of the Borough of Chatham that it shall adjourn into closed session to discuss the following subject matter(s) without the presence of the public in accordance with the provisions of N.J.S.A. 10:4-6:

**BE IT FURTHER RESOLVED** , the matter(s) discussed will be made known to the public at such time as appropriate action is taken on said matter(s), and when disclosure will not result in unwarranted invasion of individual privacy or prejudice to the best interests of the Borough of Chatham, provided such disclosures will not violate Federal, State, or local statutes and does not fall within the attorney-client privilege.

**The Mayor and Council meeting will not be called back to order after the executive session.**

**Motion by Council Member Gilmore, second by \_\_\_\_\_.**

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**ADJOURNMENT**



# Borough of Chatham

54 Fairmount Avenue ▪ Chatham ▪ NJ 07928  
973-635-0674 ▪ ChathamBorough.org

## **RESOLUTION #26-135 PROCLAMATION CELEBRATING AMERICAN RED CROSS MONTH IN THE MONTH OF MARCH**

**WHEREAS**, the American Red Cross was established on May 21, 1887, as a humanitarian organization to provide services to those in need regardless of race, religion, gender, sexual orientation, or citizenship status and today is one of the largest humanitarian organizations in the world; and

**WHEREAS**, in the United States, the American Red Cross responds to an emergency every eight minutes, from small house fires to multi-state natural disasters they respond to an average of more than 65,000 disasters every year; and

**WHEREAS**, In New Jersey last year, the Red Cross responded to 1,052 disaster operations, installed 3,592 free smoke alarms, delivered over 10,000 services for military members, veterans and their families, and trained 90,753 people in life-saving skills like CPR, First Aid and AED; and

**WHEREAS**, the month of March is American Red Cross Month, a special time to recognize and thank Red Cross volunteers and donors who give of their time and resources to help others in need in our communities. The Red Cross depends on local volunteers to deliver help and hope during a disaster and assist their neighbors when they need a helping hand.

**THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham, that they hereby celebrate the month of March as American Red Cross Month and encourage all citizens to support the American Red Cross organization and its mission to help those in need due to disasters and emergencies by volunteering, making monetary donations or by giving life-saving blood.

Adopted: March 9, 2026

Attest:

BOROUGH OF CHATHAM

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Vanessa L. Nienhouse, RMC, CMC  
Borough Clerk

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Carolyn Dempsey  
Mayor



# Borough of Chatham

54 Fairmount Avenue ▪ Chatham ▪ NJ 07928

973-635-0674 ▪ ChathamBorough.org

## RESOLUTION #26-137

### RESOLUTION TO ADOPT NEGOTIATED AGREEMENT BETWEEN THE BOROUGH OF CHATHAM AND THE CHATHAM BOROUGH DPW ASSOCIATION, INC., FOR THE TERM OF JANUARY 1, 2026 THROUGH DECEMBER 31, 2028

**WHEREAS**, the Borough of Chatham and the Chatham Borough DPW Association, Inc. have engaged in negotiations with regard to a successor collective negotiations agreement for those sworn Department of Public Works employees of the Borough for the period of January 1, 2026 through December 31, 2028; and

**WHEREAS**, negotiations between the parties have successfully concluded and a written document (the “Agreement”) has been developed that records the agreements of the parties; and

**WHEREAS**, the Borough Council has been advised that the Chatham Borough DPW Association, Inc. has approved the Agreement, subject to a final recorded vote of its membership, and believes that the Agreement is fair and agreeable to them and it is fair and agreeable to the Borough.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Chatham hereby accept and adopt the Agreement reached with the Chatham Borough DPW Association, Inc, for the period of January 1, 2026 through December 31, 2028, in substantially the form attached hereto; and

**BE IT FURTHER RESOLVED**, the Mayor and Borough Clerk be and are hereby authorized to execute said Agreement on behalf of the Borough of Chatham and all necessary steps shall be taken at such time to implement the terms and conditions of the Agreement; and

**BE IT FINALLY RESOLVED**, that the Clerk shall forward a certified true copy of this resolution to the appropriate representatives of the Chatham Borough DPW Association, Inc., Borough Administrator Stephen Williams, CFO Karen Fornaro, DPW Director Tony Torello, and Borough Attorney Steven Kleinman.

Name	Motion	Second	Yes	No	Abstain	Absent
Hargrove						
Gilmore						
Hay						
Koronkiewicz						
Mathiasen						
Strickland						

Adopted: March 9, 2026

Attest:

BOROUGH OF CHATHAM

\_\_\_\_\_  
Vanessa L. Nienhouse, RMC, CMC  
Borough Clerk

\_\_\_\_\_  
Carolyn Dempsey  
Mayor

#### CERTIFICATION

I, Vanessa L. Nienhouse, Borough Clerk for the Borough of Chatham, County of Morris, State of New Jersey, do hereby certify this is a true and correct copy of the resolution adopted by the Borough Council at its Regular Meeting held on March 9, 2026.

\_\_\_\_\_  
Vanessa L. Nienhouse, Borough Clerk



# Borough of Chatham

54 Fairmount Avenue ▪ Chatham ▪ NJ 07928  
973-635-0674 ▪ ChathamBorough.org

## RESOLUTION #26-138

### RESOLUTION AUTHORIZING THE PURCHASING AGENT TO SOLICIT PROPOSALS FOR COMPETITIVE CONTRACTING FOR CONCESSIONS - ELECTRIC CHARGING STATIONS

**WHEREAS**, N.J.S.A. 40A:11-4.1 authorizes a municipality to use competitive contracting in lieu of public bidding for the procurement of specialized goods and services, the price of which is expected to exceed the bid threshold; and

**WHEREAS**, the Borough of Chatham, County of Morris, is desirous of using the competitive contracting process for a concession to provide turnkey electric vehicle stations services, including the purchase, installation, operation and maintenance of electric vehicle supply/service equipment within the Borough.

**WHEREAS**, the Borough Council took into consideration the benefits and any risks of proceeding with the concession process; and

**WHEREAS**, the estimated value of the concession is above the Borough’s bid threshold, and the concession will incur minimal expenses for the Borough; and

**WHEREAS**, the Borough will provide parking spaces on Borough owned property for the Electric Charging Stations; and

**WHEREAS**, N.J.S.A. 40A:11-4.3 states, in order to initiate competitive contracting, the governing body shall pass a resolution authorizing the use of competitive contracting each time specialized goods or services enumerated in section 1 of P.L.1999, c.440 (C.40A:11-4.1) are desired to be contracted. If the desired goods or services have previously been contracted for using the competitive contracting process, then the original resolution of the governing body shall suffice; and

**WHEREAS**, N.J.S.A. 40A:11-4.1 (j) through N.J.S.A. 40A:11-4.5 and N.J.A.C. 5:34-9.4 et seq. The hiring of a for-profit entity or a not-for-profit entity incorporated under Title 15A of the New Jersey Statutes for the purpose of Concessions — Electric Charging Stations; and

**WHEREAS**, the basis of award will be based upon the most advantageous price and other factors;

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Chatham, County of Morris, State of New Jersey, hereby authorizes the Qualified Purchasing Agent to solicit proposals to obtain Electric Charging Stations within the Borough of Chatham in accordance with N.J.S.A. 40A:11.4.1 thru 4.5 et. seq.

Name	Motion	Second	Yes	No	Abstain	Absent
Hargrove						
Gilmore						
Hay						
Koronkiewicz						
Mathiasen						
Strickland						

Adopted: March 9, 2026

Attest:

BOROUGH OF CHATHAM

\_\_\_\_\_  
Vanessa L. Nienhouse, RMC, CMC  
Borough Clerk

\_\_\_\_\_  
Carolyn Dempsey  
Mayor

#### CERTIFICATION

I, Vanessa L. Nienhouse, Borough Clerk for the Borough of Chatham, County of Morris, State of New Jersey, do hereby certify this is a true and correct copy of the resolution adopted by the Borough Council at its Regular Meeting held on March 9, 2026.

\_\_\_\_\_  
Vanessa L. Nienhouse, Borough Clerk



# Borough of Chatham

54 Fairmount Avenue • Chatham • NJ 07928  
973-635-0674 • ChathamBorough.org

## RESOLUTION #26-139

### RESOLUTION AUTHORIZING CONCESSION – MEMORIAL POOL SWIMMING LESSONS

**WHEREAS**, the Borough of Chatham, County of Morris, is desirous of using the process for a concession for an outside vendor to provide swimming lessons at Memorial Pool for the 2026 Pool Season.

**WHEREAS**, the Borough Council took into consideration the benefits and any risks of proceeding with the concession process; and

**WHEREAS**, the estimated value of the concession is below the Borough’s bid threshold, and the concession will incur no expenses to the Borough; and

**WHEREAS**, the Borough will provide access to the Memorial Park Pool Facility for the swimming lessons; and

**WHEREAS**, N.J.A.C. 5:34-9.4 et seq. authorizes the hiring of a for-profit entity or a not-for-profit entity incorporated under Title 15A of the New Jersey Statutes for the purpose of Concessions — Swimming Lessons; and

**WHEREAS**, the basis of award will be based upon informal quotes as the total estimated value of the concession is below the bid threshold;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Chatham, County of Morris, State of New Jersey, hereby authorizes the Qualified Purchasing Agent to solicit informal quotes to provide swimming lessons at Memorial Park Pool in accordance with N.J.A.C. 5:34-9.4 et seq.

Name	Motion	Second	Yes	No	Abstain	Absent
Hargrove						
Gilmore						
Hay						
Koronkiewicz						
Mathiasen						
Strickland						

Adopted: March 9, 2026

Attest:

BOROUGH OF CHATHAM

\_\_\_\_\_  
Vanessa L. Nienhouse, RMC, CMC  
Borough Clerk

\_\_\_\_\_  
Carolyn Dempsey  
Mayor

### CERTIFICATION

I, Vanessa L. Nienhouse, Borough Clerk for the Borough of Chatham, County of Morris, State of New Jersey, do hereby certify this is a true and correct copy of the resolution adopted by the Borough Council at its Regular Meeting held on March 9, 2026.

\_\_\_\_\_  
Vanessa L. Nienhouse, Borough Clerk



# Borough of Chatham

54 Fairmount Avenue ▪ Chatham ▪ NJ 07928  
973-635-0674 ▪ ChathamBorough.org

## RESOLUTION #26-140 RESOLUTION ADOPTING A SPENDING PLAN

**WHEREAS**, on February 12, 2026 the Superior Court issued an Order Approving the Borough’s Fair Share Plan (“HEFSP”) for the Fourth Round Housing Cycle, which included the compliance measures for the Borough’s Fourth Round affordable housing obligations; and

**WHEREAS**, on June 18, 2025, the Chatham Borough’s Planning Board adopted the Fourth Round Housing Element and Fair Share Plan that addresses the Borough’s Rehabilitation Need, Prior Round, Third Round and Fourth Round “fair share” obligations; and

**WHEREAS**, on June 23, 2025, the Borough Council held a properly-noticed public meeting to consider endorsing the Fourth Round Housing Element and Fair Share Plan adopted by the Planning Board on June 18, 2025 and, after consideration of any questions or concerns raised by members of the governing body or the public, the Borough Council determined that it is in the best interest of the Borough and the region’s low- and moderate-income households to endorse said Fourth Round Housing Element and Fair Share Plan and to direct the Borough’s professionals to file said Plan with the Court and to take any and all reasonable actions to secure a Certificate of Compliance approving said plan to protect the Borough from any Mount Laurel lawsuits; and

**WHEREAS**, the adopted and endorsed Plan includes a Spending Plan component, as required by N.J.A.C. 5:99 et seq., which projects anticipated revenues to the Borough’s Affordable Housing Trust Fund, and describes anticipated expenditures of funds to address its fair share obligation as set forth in the Fair Share Plan.

**NOW THEREFORE BE IT RESOLVED**, by the Governing Body of Chatham Borough in the County of Morris, and the State of New Jersey hereby adopts the Spending Plan component of the Fourth Round Housing Element and Fair Share Plan.

Name	Motion	Second	Yes	No	Abstain	Absent
Hargrove						
Gilmore						
Hay						
Koronkiewicz						
Mathiasen						
Strickland						

Adopted: March 9, 2026

Attest:

BOROUGH OF CHATHAM

\_\_\_\_\_  
Vanessa L. Nienhouse, RMC, CMC  
Borough Clerk

\_\_\_\_\_  
Carolyn Dempsey  
Mayor

### CERTIFICATION

I, Vanessa L. Nienhouse, Borough Clerk for the Borough of Chatham, County of Morris, State of New Jersey, do hereby certify this is a true and correct copy of the resolution adopted by the Borough Council at its regular Meeting held on March 9, 2026.

\_\_\_\_\_  
Vanessa L. Nienhouse, Borough Clerk

**BOROUGH OF CHATHAM**  
**AFFORDABLE HOUSING SPENDING PLAN: FOURTH ROUND**

**INTRODUCTION**

On June 3, 1998, the Borough adopted a mandatory development fee ordinance. The development fee ordinance included the establishment of residential development fees in the amount of 1.5% of the equalized assessed value of residential development and nonresidential development fees in the amount of 2.5% of the equalized assessed value of nonresidential development. As of May 31, 2025, the balance of the Affordable Housing Trust Fund was \$867,672.

All development fees, payments in lieu of constructing affordable units on site, “other” income, and interest generated by the fees are deposited in one (1) separate interest-bearing account dedicated toward the creation of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:99 et. seq., as described in the sections that follow.

In December of 2025, the New Jersey Department of Community Affairs (DCA) promulgated new regulations establishing new standards for how monies deposited into an affordable housing trust fund can be spent. This spending plan is submitted to the Superior Court of New Jersey for approval to expend Affordable Housing Trust Fund monies that will contribute to the rehabilitation program and the 100% affordable housing projects. In addition, the Borough will expend funds on affordability assistance (including infrastructure grants), including expenditures to create very-low income units or to render existing units more affordable, and toward administrative expenses.

## REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the period of Fourth Round, Chatham considered the following:

(a) **Development fees:** **\$400,000**

1. Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
3. Future development that is likely to occur based on historical rates of development.

(b) **Payment in lieu (PIL): \$63,000**

Actual and committed payments in lieu of construction from developers. This is the project in-lieu fee associates with the 311 Main Street project.

(c) **Other funding sources:** **\$0**

The Borough does not anticipate future funds from this category currently. Funds from other sources, include, but are not limited to the sale of units with extinguished controls, repayment of affordable housing program loans, rental income, and proceeds from the sale of affordable units. All monies in the Affordable Housing Trust fund are anticipated to come from development fees and interest.

(d) **Projected interest:** **\$ 40,000**

The development fees are deposited and this is the anticipated interest that will be earned on the full balance for the Fourth Round.

Chatham Borough projects a Total of \$503,000 to be collected between June 2025 and June 30, 2035, including interest, to be used for affordable housing purposes. All interest earned on the account shall accrue to the account to be used only for the purposes of affordable housing.

## **ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS**

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by Chatham Borough:

### **a) Collection of development fee revenues:**

All collection of development fee revenues will be consistent with local regulations which follow COAH administrative models for both residential and non-residential developments and in accordance with N.J.A.C. 5:99 et. seq.

### **(b) Distribution of development fee revenues:**

The governing body may hear and decide upon a request for development fee revenues for the purpose of creating affordable housing. The governing body reviews the request for consistency with the Spending Plan and adopts the recommendation by resolution.

The release of funds requires the adoption of the governing body resolution. Once a request is approved by resolution, the Chief Financial Officer releases the requested revenue from the trust fund for the specific use approved in the governing body's resolution.

## **DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS**

### **(c) Rehabilitation: \$80,000**

Chatham Borough has an 8-unit rehabilitation obligation and intends to satisfy that obligation through participation in the Morris County Rehabilitation Program. The Borough will devote the funds for rehabilitation assistance to the upgrade of a substandard unit for income-eligible homeowners qualified through the county program.

**(d) Affordability Assistance**

N.J.S.A. 52:27D-329.1 requires a municipality to set aside a portion of all development fees collected and interest earned for the purpose of providing affordability assistance to very-low-, low-, and moderate-income households in affordable units included in the municipality's fair share plan. In contrast to COAH's regulations, which required 30 percent of a trust fund to be devoted to affordability assistance, neither the Fair Housing Act, as amended in 2024, nor the DCA regulations adopted to implement the legislation imposed any minimum percentage of the trust fund that must be available for affordability assistance. Given the difficulty municipalities had in spending so much on affordability assistance and the value of having more money to spend on other worthy affordable housing projects, this change made sense.

Accordingly, consistent with the amended FHA and the 2025 DCA regulations, Chatham Borough will devote 10 percent of development fee revenue to render affordable units more affordable and at least one-third of that amount must be dedicated to very low-income households or to create very low-income units (i.e. households with incomes less than 30 percent of the regional median income). The actual affordability assistance minimums should be calculated based on actual revenues.

Projected Minimum Affordability Assistance Requirement		
Actual Development Fees Collected through 5/31/25		\$1,187,501
Development Fees Projected 2025-2035	+	\$400,000
Less Housing Activity Expenditures including new construction and rehabilitation	-	\$350,000
<b>Total</b>	<b>=</b>	<b>\$1,237,501</b>
	x 0.10 =	\$123,750
Less Affordability Assistance Expenditures through 5/31/25	-	0
<b>Projected Minimum Affordability Assistance Requirement</b>	<b>=</b>	<b>\$123,750</b>
<b>Projected Minimum Very Low-Income Requirement</b>	<b>÷ 3 =</b>	<b>\$41,250</b>

Based on fees and interest for projected revenues, Chatham Borough will dedicate at least \$123,750 from the affordable housing trust fund to render units more affordable, including \$41,250 to render units more affordable to households with income at 30 percent or less of median income by region. It may use a variety of vehicles to do this including, but not limited to the following:

- Emergency Repair Program;
- Down-payment assistance;
- Rental assistance;
- Security deposit assistance;
- Moving expenses;
- Low interest loans;
- Assistance with homeowners' association or condominium fees and special assessments; and/or
- Converting low-income units to very-low-income units or creating new very-low income units, etc.

The Borough will work with its affordable housing providers and administrator to expand outreach to ensure the existing and new households of very-low-, low- and moderate-income programs can take advantage of affordability assistance programs. Additionally, the Borough will work with affordable housing providers to convert low income units to very low-income units.

#### (e) Administrative Expenses

Chatham Borough may use Affordable Housing Trust Fund revenue for related administrative costs up to a 20 percent limitation. The actual administrative expense maximum is calculated on an ongoing basis based on actual revenues.

Projected Administrative Expenses		
Actual Development Fees Collected through 5/31/25		\$1,187,501
Actual Interest Earned through 5/31/25		\$150,472
Payments-in-lieu of construction or other deposits through 5/31/25		0
Development Fees Projected 2025-2035	+	\$400,000
Interest Projected 2021-2025	+	\$40,000
Payments-in-lieu of construction or other deposits Projected 2025-2035	+	\$63,000
<b>Total</b>	=	<b>\$1,840,973</b>
20 Percent Maximum Permitted Administrative Expenses	x 0.20 =	\$368,194
Less Administrative Expenditures through 5/31/25	-	\$120,301
<b>Projected Allowed Administrative Expenditures</b>	=	<b>\$247,893</b>

Although Chatham Borough projects that \$247,893 may be available from the affordable housing trust fund to be used for administrative purposes, the Borough anticipates expending \$150,000 between 2025 and 2035 on administrative services. Projected administrative expenditures, subject to the 20 percent cap, are as follows:

- Borough Attorney, Engineer, and Planner fees related to plan preparation and implementation, and to obtaining Judgment of Compliance and Repose;
- Administration fees related to rehabilitation, extension of expiring controls, affordability assistance programs, and municipally-sponsored construction programs;
- Affirmative Marketing;
- Income qualification of households; and
- Administration of Borough's Affordable Housing Units.

## EXPENDITURE SCHEDULE

Chatham Borough intends to use Affordable Housing Trust Fund revenues for its rehabilitation program, 100% affordable housing projects, affordability assistance including the creation of very-low income units and making existing units more affordable, and administration expenses. Additionally, this expenditure schedule meets the requirement that trust fund revenues are expended within four years of their collection.

Projected Expenditure Schedule 2025 Through 2035

Program	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total
Rehabilitation	\$10k	\$10k	\$10k	\$10k	\$10k	\$10k	\$10k	\$10k	-	-	\$80k
Affordability Assistance	\$12.3k	\$12.3k	\$12.3k	\$12.3k	\$12.3k	\$12.3k	\$12.3k	\$12.3k	\$12.3k	\$12.3k	\$123k
Administration	\$30k	\$5.7k	\$5.7k	\$5.7k	\$5.7k	\$5.7k	\$5.7k	\$5.7k	\$30k	\$20k	\$150k
100% Infill Projects	\$338k	\$338k	\$338k	-	-	-	-	-	-	-	\$1M
<b>TOTAL</b>	<b>\$390.3k</b>	<b>\$366k</b>	<b>\$366k</b>	<b>\$28k</b>	<b>\$28k</b>	<b>\$28k</b>	<b>\$28k</b>	<b>\$28k</b>	<b>\$42.3k</b>	<b>\$32.3k</b>	<b>\$1.3M</b>

## EXCESS OR SHORTFALL OF FUNDS

If a shortfall of anticipated revenues occurs, Chatham will fund the shortfall through bonding or other funding mechanisms to satisfy the gap in funding. The Borough reserves the opportunity to amend its Housing Element and Fair Share Plan, as well as this Spending Plan, to create additional affordable housing opportunities.

## SUMMARY

The Borough of Chatham intends to spend Affordable Housing Trust Fund revenues pursuant to the extant regulations governing such funds and consistent with the housing programs outlined in the 2025 Fourth Round Housing Plan Element and Fair Share Plan. Chatham anticipates \$503,000 in revenues before the expiration of a Fourth Round.

Spending Plan Summary	
Revenues	
Balance as of May 31, 2025	\$867,672
Projected Revenue from 2025 through 2035	\$503,000
1. Development Fees	+ \$400,000
2. Payments-In-Lieu of Construction	+ \$63,000
3. Other Funds	+ \$0.00
Interest	+ \$40,000
<b>Total Projected Balance</b>	<b>= \$1,370,672</b>
Expenditures	
Funds Used for Rehabilitation	- \$80,000
Affordability Assistance	- \$123,750
New Construction	- \$1,016,922
Administration	- \$150,000
<b>Total Projected Expenditures</b>	<b>= \$1,370,672</b>
<b>Remaining Balance</b>	<b>= \$0.00</b>



# Borough of Chatham

54 Fairmount Avenue ▪ Chatham ▪ NJ 07928  
973-635-0674 ▪ ChathamBorough.org

## RESOLUTION #26-141

### RESOLUTION OF THE COUNCIL OF THE BOROUGH OF CHATHAM ADOPTING AN “AFFIRMATIVE MARKETING PLAN” FOR THE BOROUGH OF CHATHAM

**WHEREAS**, in accordance with P.L. 2024, Chapter 2 and the New Jersey Uniform Housing Affordability Controls (“UHAC”)(N.J.A.C. 5:80-26.1 et seq.), the Borough of Chatham is required to adopt an Affirmative Marketing Plan to ensure that all affordable housing units created are affirmatively marketed to very low-, low- and moderate-income households, particularly those living and/or working within Housing Region 2, the Housing Region encompassing the *Borough of Chatham*.

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the Borough of Chatham, County of Morris, State of New Jersey, does hereby adopt the attached Affirmative Marketing Plan:

**BE IT FURTHER RESOLVED** that the appropriate municipal officials and professionals are authorized to take all actions required to implement the terms of this Resolution.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect pursuant to law.

Name	Motion	Second	Yes	No	Abstain	Absent
Hargrove						
Gilmore						
Hay						
Koronkiewicz						
Mathiasen						
Strickland						

Adopted: March 9, 2026

Attest:

BOROUGH OF CHATHAM

\_\_\_\_\_  
Vanessa L. Nienhouse, RMC, CMC  
Borough Clerk

\_\_\_\_\_  
Carolyn Dempsey  
Mayor

#### CERTIFICATION

I, Vanessa L. Nienhouse, Borough Clerk for the Borough of Chatham, County of Morris, State of New Jersey, do hereby certify this is a true and correct copy of the resolution adopted by the Borough Council at its Regular Meeting held on March 9, 2026.

\_\_\_\_\_  
Vanessa L. Nienhouse, Borough Clerk



established. A lottery may not take place prior to 60 days from the start of marketing. All **online** preliminary applications received by Piazza & Associates, on or before the initial deadline date, shall be deemed received on that date.

- B. Households that apply for very low-, low- and moderate-income housing will prescreen themselves for preliminary income eligibility by comparing their total income and household size to the very low-, low- and moderate-income limits pursuant to the Uniform Housing Affordability Controls, 5:80-26.1 et seq. ("UHAC"). Households will also prescreen themselves for all preferences pursuant to state regulations and local ordinance. All households are notified as to their preliminary status at the time an application is submitted.
- C. A drawing (using a web-based randomizer) will be held under the direction of Piazza & Associates to determine the priority order of the pre-qualified applications received on or before the initial deadline date. All preliminary applications received after the initial deadline will be processed on a "first come, first served" basis after the applicants who were in the initial random selection.
- D. In order to ensure an adequate supply of qualified applicants, the advertising phase will continue until there are at least ten (10) pre-qualified applicants for each very low-, low- and moderate-income unit available, or until all of the affordable units within the development have been rented.
- E. Final applications will be emailed by Piazza & Associates to an adequate number of pre-qualified applicants, in priority order, for each available very low-, low- and moderate- income unit. The final application will require the applicants to supply documents to verify their identity and household composition as well as their income and assets.
- F. Completed final applications will be forwarded to Piazza & Associates. Piazza & Associates will make a determination as to their eligibility for a very low-, low- or moderate-income unit. Applicants will receive a notification from Piazza & Associates with respect to the status of their application each time a review is performed.
- G. At the same time, applicants will also be subject to any criteria set forth by the Owner, such as credit worthiness, recommendations from former landlords, etc. The criteria shall comply with all fair housing standards and be set forth in a policy statement made available to all applicants in the leasing office. The Owner will be responsible for the assessment of all criteria beyond the income and household size criteria set forth by the Administrative Agent.
- H. Subsequent to initial rent-up period, a list of pre-qualified applicants will be maintained by Piazza & Associates on a rental waiting list.

#### NEW SALE PROCESS:

- A. An initial deadline date, no less than 45 days after the start of the marketing process, will be established. A lottery may not take place prior to 60 days from the start of marketing. All **online** preliminary applications received by Piazza & Associates, on or before the initial deadline date, shall be deemed received on that date.
- B. Households that apply for low- and moderate-income housing will be prescreen themselves for preliminary income eligibility by comparing their total income and household size to the low- and moderate- income limits adopted by NJDCA, pursuant to the Uniform Housing Affordability Controls, 5:80-26.1 et seq. ("UHAC"). All households will be notified as to their preliminary status at the time an application is submitted.
- C. No less than 15 days after the deadline, a drawing (using a web-based randomizer) will be held under the direction of Piazza & Associates to determine the priority order of the pre-qualified applications received on or before the initial deadline date. All preliminary applications received after the initial deadline will be processed on a "first come, first served" basis after the applicants who were in the initial random selection.
- D. In order to ensure an adequate supply of qualified applicants, the advertising phase will continue until there are at least ten (10) pre-qualified applicants for each low- and moderate-income unit available, or until all of the low- and moderate-income units within the development have been sold.
- E. Final applications will be emailed by Piazza & Associates to an adequate number of pre-qualified applicants, in priority order, for each available low- and moderate-income unit. The final application

will require the applicants to supply documents to verify their identity and household composition as well as their income and assets.

- F. Completed final applications will be forwarded to Piazza & Associates. Piazza & Associates will make a determination as to their eligibility for a low- or moderate-income unit. Applicants will receive a notification from Piazza & Associates with respect to the status of their application each time a review is performed.
- G. When submitting final applications, applicants will also be asked to provide a pre-qualification letter from a qualified lending institution.
- H. Certified applicants will be given 15 days to sign a sales agreement with the developer. Mortgage contingencies may not be an acceptable term of the agreement.
- I. The sales agreement may also limit closing to a reasonable time to be approved by Piazza & Associates in advance of the process.

#### RESALE PROCESS:

- A. The Seller submits a Preliminary Notice with a copy of their recorded deed in order to determine the maximum resale price.
- B. We will respond to the Seller in writing, explaining some of the details of the process and informing the Seller of the Maximum Sales Price (based on the change in median income as set forth by the New Jersey Dept. of Community Affairs) as well as the Maximum Income allowed for potential purchasers, as adjusted for family size.
- C. The Seller submits a final “Notice of Intent to Sell” to Piazza & Associates.
- D. We will email a “Notice of Availability” to households on our waiting list for an affordable home of the same size and income category. At the same time, we will email the seller a copy of a QR code, which directs applicants to an address-specific online application. The Notice will ask interested households to contact the Seller or their agent, directly, to make an appointment to see the affordable home within a two-week time frame. The Seller may want to prepare a flyer for us to distribute with our notice of availability. We reserve the right to limit the number of notices that are mailed, based on the chronological order in which the pre-qualified applications were received. If the notices are limited in this way, applicants receiving notices will have a priority over those who do not. Once the home is marketed, the price may not be increased unless a new marketing period is initiated.
- E. We automatically place a notification of the availability on NJHRC.gov. The Seller or their agent may also want to advertise. Ads should include the “Equal Housing Opportunity” logo and should be sent to our office for review prior to distribution.
- F. The Seller or their agent, upon showing the home, provides potential buyers with a copy of the QR code. All interested parties must submit the online Preliminary Application, whether or not they have already submitted an application to our office or are on our waiting list. Also, the Seller or their agent must keep a record of the name, address and telephone number of everyone who viewed the home.
- G. At the end of the two-week time period, our office reviews all of the Preliminary Applications submitted for a particular home. These applications are prioritized on the basis of a blind selection process or lottery. Preference may be given to households that can utilize all of the bedrooms, as well as handicap accommodations, when applicable.
- H. The first two applicants on the prioritized list are emailed a letter which requires them to complete a final application within fourteen days. When an applicant is approved as a buyer, a copy of the approval letter is sent to the Seller and their agent, as applicable.
- I. The Seller and the certified interested household (now Buyer) execute a “Contract of Sale”. Piazza & Associates ensures the Deed, Recapture Mortgage, Recapture Mortgage Note, and Disclosure Statement (Appendix J) are submitted as part of the closing packet to the attorney responsible for the closing or other closing agent.
- J. The remaining applicants are maintained on the waiting list for this home or other homes in the same size and income categories. In the event the potential buyer is not able and/or willing to purchase the

affordable home, the next applicant on the prioritized list is notified pursuant to the process described above.

- K. When an applicant is in second priority position to purchase an affordable home (the *original* home), and another home of the same size and type in the same municipality (the *next* home) becomes available within 90 days of the lottery date of the *original* home, the applicant will have the option to transfer priority from the *original* home to the *next* home. The following conditions will apply: This opportunity only applies to the *next* home of the same bedroom number and income category as the *original* home that becomes available within the 90-day period. This offer will be made only one time and only for the *next* home. It does not apply to other similar homes that become available. The applicant must have completed a final application and be pre-qualified for the *original* home in order to be considered. The applicant will be notified by phone that an alternate home is available. The applicant will then have 3 business days in which to view the *next* home and make the determination if he/she would like to pursue that purchase. If so, the applicant would relinquish the secondary priority position for the *original* home. Once the decision to transfer to the *next* home is made, the applicant cannot be reinstated to the secondary position for the *original* home if he/she is unable or unwilling to purchase the *next* home. Conversely, once the decision is made to remain in the secondary position for the *original* home, the applicant cannot then transfer to the *next* home if he/she is unable or unwilling to purchase the *original* home.
- L. The Seller must sell the affordable home with the same or comparable appliances and amenities that were in the home when it was first sold as an affordable home.
- M. The Seller may NOT charge more than the Maximum Selling Price for any reason, except the addition of a room, the installation of central air conditioning (where there was none before) or comparable upgrade, but ONLY with prior written approval from us. For the most part, condominiums in this program are NOT eligible for such upgrades and/or adjustments to the selling price. The cost of broker fees; municipal inspections and required repairs that may be necessary to receive a Certificate of Occupancy; new appliances, carpeting or other flooring upgrades; and decorating and remodeling projects are NOT eligible costs for an increase in the Maximum Sales Price.
- N. A copy of the Sales Contract must be submitted to our office prior to closing.
- O. During the final stages of the process, it will be necessary for the Buyer to make arrangement for the Affordable Housing Agreement and Mortgage Note to be satisfied with respect to the Seller and new documents filed with respect to the Buyer. The filing and recording of documents is the responsibility of the seller's or buyer's attorney. Once all documents are filed, recorded and returned to Piazza & Associates, we will process a release of the original documents.
- P. A copy of the HUD Closing Statement or Closing Disclosure form required by the TILA-RESPA Integrated Disclosure Rule, as appropriate, must be submitted to our office after the sale of the home.
- Q. Note: We do not guarantee that the Buyer can sell an affordable home for the Maximum Sales Price. An affordable home is also susceptible to market conditions, and the Fair Market Value of an affordable home may be lower than the Maximum Selling Price. In this case, the Seller may not be able to sell the home for more than its Fair Market Value
- R. Our office is available to both the Seller and the Buyer throughout the process to answer any questions they may have.

### III. MARKETING

Direction of Marketing Activity: Based on demographic data from the 2020 census, this table provides a comparison of race and ethnic origin between Housing Region 2 and the Borough of Chatham. The most significant negative differences point to the greatest need for affirmative marketing. In this case, African Americans (-20.0%) and Hispanic (-16.7%) represent the clearest differences between the municipality and the region at large.

The U. S. Census Data 2020:

Subject	RACE							HISPANIC OR LATINO	
	Total population	Race alone or in combination with one or more other races: [1]						Total population	
		White	Black or African American	American Indian and Alaska Native	Asian	Native Hawaiian and Other Pacific Islander	Some Other Race	Hispanic or Latino (of any race)	Not Hispanic or Latino
Essex	863,728	261,487	335,047	4,604	47,591	378	124,085	210,353	653,375
Morris	509,285	354,824	16,669	1,632	58,034	127	31,260	76,661	432,624
Union	575,345	236,589	117,306	4,022	32,434	200	105,583	195,519	379,826
Warren	109,632	86,875	5,899	217	2,934	35	4,554	12,225	97,407
Region 2	2,057,990	939,775	474,921	10,475	140,993	740	265,482	494,758	1,563,232
% Region 2	100%	45.0%	23.0%	0.5%	6.8%	0.0%	12.9%	24.0%	76.0%
Chatham Boro	9,212	7,281	90	4	848	0	193	675	8,537
% Chatham	100.00%	79.0%	1.0%	0.0%	9.2%	0.0%	2.1%	7.3%	92.7%

**Difference**

34.0%	-20.0%	-0.5%	2.4%	0.0%	-10.8%	-16.7%	16.7%
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[1] In combination with one or more of the other races listed. The six numbers may add to more than the total population, and the six percentages may add to more than 100 percent because individuals may report more than one race. Source: U.S. Census Bureau, 2020 Census of Population and Housing, Demographic Profile Summary File.

- White (non-Hispanic)   
 Black (non-Hispanic)   
 Hispanic   
 American Indian or Alaskan Native  
 Asian or Pacific Islander   
 Other group

**REQUIRED (Piazza & Associates)**

5:80-26.16(g)1 requires you to advertise your project on the New Jersey Housing Resource Center for at least sixty days before conducting the random selection.

**HOUSING RESOURCE CENTER** ([www.NJHRC.gov](http://www.NJHRC.gov)) A free, online listing of affordable housing

**Regional Newspapers (Developer)**

5:80-26.16(g)3 requires you to advertise your project in at least one regional newspaper (either online or in print). You may also select several papers with partial regional coverage, as long as all counties in the region are covered.

**TARGETS ENTIRE HOUSING REGION 2**

Daily Newspaper

<input checked="" type="checkbox"/>	Star-Ledger (online only)	<a href="https://www.nj.com/starledger/">https://www.nj.com/starledger/</a>	Essex, Morris, Union, Warren	<b>D-Digital or ND-Non-Digital</b>
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**TARGETS PARTIAL HOUSING REGION 2**

<input checked="" type="checkbox"/>	Daily Record	<a href="https://www.dailyrecord.com/">https://www.dailyrecord.com/</a>	Morris	
<input type="checkbox"/>	Lehigh Valley News	<a href="https://www.lehighvalleynews.com/">https://www.lehighvalleynews.com/</a>	Warren	
Weekly Newspaper				
<input type="checkbox"/>	Belleville Times	<a href="https://enewspaper.northjersey.com/ee/bellevilletimes/">https://enewspaper.northjersey.com/ee/bellevilletimes/</a>	Essex	
<input type="checkbox"/>	The Jersey Bee	<a href="https://jerseybee.org/">https://jerseybee.org/</a>	Essex	
<input type="checkbox"/>	Essex News Daily	<a href="https://essexnewsdaily.com/">https://essexnewsdaily.com/</a>	Essex, Union	

<input type="checkbox"/>	Morris News Bee	<a href="https://www.newjerseyhills.com/morris_news_bee/">https://www.newjerseyhills.com/morris_news_bee/</a>	Morris	
<input type="checkbox"/>	Hanover Eagle	<a href="https://www.newjerseyhills.com/hanover_eagle/">https://www.newjerseyhills.com/hanover_eagle/</a>	Morris	
<input checked="" type="checkbox"/>	Independent Press	<a href="https://www.nj.com/independentpress">https://www.nj.com/independentpress</a>	Morris, Union, Essex	
<input type="checkbox"/>	Cranford Monthly	<a href="https://rennamedia.com/publications/cranford-monthly/">https://rennamedia.com/publications/cranford-monthly/</a>	Union	
<input type="checkbox"/>	Union News Daily	<a href="https://unionnewsdaily.com/">https://unionnewsdaily.com/</a>	Union	
<input type="checkbox"/>	Spirit of Union	<a href="https://rennamedia.com/">https://rennamedia.com/</a>	Union	
<input type="checkbox"/>	Warren Monthly	<a href="https://rennamedia.com/publications/warren-monthly/">https://rennamedia.com/publications/warren-monthly/</a>	Warren	
<input checked="" type="checkbox"/>	Warren News	<a href="https://www.nj.com/warren/">https://www.nj.com/warren/</a>	Warren	
<input type="checkbox"/>	Warren Daily Voice	<a href="https://dailyvoice.com/nj/warren/">https://dailyvoice.com/nj/warren/</a>	Warren	

**Housing Search Websites – D – Digital (Piazza & Associates)**

5:80-26.16(g)4 requires you to advertise your project on at least one housing search website in addition to the NJHRC. **“Housing search website”** means any publicly accessible internet-based platform used to advertise residential dwelling units to the general public, including but not limited to:

- Online real estate sections of newspapers or news organizations;
- Internet websites operated or maintained by a municipal AA or affordable housing service provider that advertise affordable units in one or more municipalities;
- Commercial real estate listing platforms; and
- Other comparable online platforms customarily used to market rental or ownership housing.

List below all housing search websites to be used:

[www.housingquest.com](http://www.housingquest.com)

**ELECTIVES**

If you selected a print newspaper(s) as your regional paper above, select TWO additional strategies below with AT LEAST ONE NON-DIGITAL MARKETING STRATEGY.  
If you selected a digital newspaper(s) as your regional paper above, select AT LEAST TWO NON-DIGITAL MARKETING STRATEGIES below.

**Specific Radio and Television Stations – D – Digital**

5:80-26.16(e)1 lists specific radio stations, and television stations throughout the housing region as marketing opportunities. If choosing this option, make sure your proposed stations cover the entire region. You may add more if desired. List the selected publications below or attach a list from the Marketing Outreach Tool.

<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	

**AND Paid Targeted Digital Advertising (must be selected in addition to stations above) – D – Digital**

5:80-26.16(e)1 offers paid targeted digital advertising as an option. Some common platforms are listed below.

<input type="checkbox"/>	Google Ads
<input type="checkbox"/>	Microsoft Ads
<input type="checkbox"/>	Bing Ads
<input type="checkbox"/>	Other (please list)

<b>X Specific Newspapers and Other Publications (Developer)</b>		
5:80-26.16(e)2 lists “specific newspapers and other publications circulated within the housing region” as an option, including neighborhood-oriented weekly papers, religious publications, and organizational newsletters. If choosing this option, make sure your proposed publications cover the entire region. You may add more if desired. List the selected publications below or attach a list from the Marketing Outreach Tool.		
		<b>D-Digital or ND-Non-Digital</b>
X	El Especial/El Especialito   <a href="http://www.elespecialitomk.com">http://www.elespecialitomk.com</a> / <a href="http://elespecial.com">http://elespecial.com</a>	
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<b>X Employers Throughout the Housing Region – ND – Non-Digital (Piazza &amp; Associates)</b>		
5:80-26-16(e)3 offers outreach to regional employers as an option. A comprehensive and regularly updated list of employers is available in the Marketing Outreach Tool. Please reach out to each listed employer in the region; you may add more if desired. If an employer no longer exists or has moved, please inform DCA.		
<b>X Community Organizations Throughout the Housing Region – ND – Non-Digital (Piazza &amp; Associates)</b>		
5:80-26-16(e)4 offers community and regional organizations as an option, including nonprofit, religious, governmental, fraternal, civic, and other organizations. A comprehensive and regularly updated list of organizations is available in the Marketing Outreach Tool. Please reach out to each listed organization in the region. You may add more if desired. If an organization no longer exists or has moved, please inform DCA.		
<b>X Municipal and County Websites – D – Digital (Piazza &amp; Associates)</b>		
5:80-26-16(e)5 offers municipal and county website advertising as an option. Insert the URL for the municipality. To ensure regional outreach, advertise in all county websites listed below.		
Municipality: <a href="https://www.chathamborough.org/">https://www.chathamborough.org/</a>		
<a href="https://essexcountynj.org/">https://essexcountynj.org/</a>		
<a href="http://morriscountynj.gov/">http://morriscountynj.gov/</a>		
<a href="http://www.ucnj.org">www.ucnj.org</a>		
<a href="http://www.warrencountynj.gov">www.warrencountynj.gov</a>		
<b>X Social Media – D – Digital (Piazza &amp; Associates)</b>		
5:80-26.16(e)6 offers social media as an option. Some common platforms are listed below. You may place ads on these platforms or market for free on your own page.		
X	Facebook	
<input type="checkbox"/>	TikTok	
X	Instagram	
<input type="checkbox"/>	Reddit	
<input type="checkbox"/>	YouTube	
<input type="checkbox"/>	Snapchat	
X	HousingQuest.com Newsletter (email blast) -90,000+ Recipients	
<b><input type="checkbox"/> Public Transit Stops – ND – Non-Digital</b>		
A comprehensive and regularly updated list of NJ Transit stops is available at		

<https://www.nj.gov/dca/hmfa/about/has/>, or in map form at [njogis-newjersey.opendata.arcgis.com](http://njogis-newjersey.opendata.arcgis.com). Note that you **must** get permission from NJ Transit to post flyers.

**Other Advertising Efforts to Groups Least Likely to be Reached**

**IV. SUMMARY**

Non-Digital Outreach	Digital Outreach

**V. APPLICATIONS** (*Piazza & Associates*)

Applications for affordable housing or notices thereof, if offered online, for the above units will be available in all County Administration Buildings and Libraries for all counties in the housing region:	
BUILDING	LOCATION
X Morris County Administration	PO Box 900, Morristown, NJ 07963 (973)285-6000
X Morris County Library	30 East Hanover Avenue, Whippany, NJ 07981 (973)285-6930
X Warren County Administration	165 County Route 519 South, Belvidere, New Jersey 07823 (908)475-6200
X Warren County Library Administrative Offices	2 Shotwell Dr., Belvidere, NJ 07823 (908) 818-1280
X Essex County/Hall of Records	465 Dr. Martin Luther King, Jr. Blvd, Newark, NJ 07102 (973)621-4400
X Essex County Library	303 University Avenue, Newark, NJ 07102 (973) 877-3233
X Union County/Administration Building	10 Elizabethtown Plaza, Elizabeth, NJ 07202 (908)527-4100
X Union County Library	1980 Morris Avenue, Union, NJ 07083 (908) 851-5450
Municipality in which the units are located (list municipal building and municipal library, address, contact person)	
Borough of Chatham Municipal Building 54 Fairmount Avenue Chatham, NJ 07928 (973) 635-0674	
Library of the Chathams 214 Main St. Chatham, NJ 07928 (973) 635-0603	
Sales/Rental Office for units (if applicable)	

V. CERTIFICATIONS AND ENDORSEMENTS

I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the Municipality's compliance and/or any state funding.

Frank Piazza, Jr.  
Name (Type or Print)

Administrative Agent, Township of Chatham  
Title/Municipality



26 February 2026

Signature

Date

<b>EMPLOYER</b>	<b>ADDRESS</b>	<b>CITY</b>	<b>STATE</b>	<b>COUNTY</b>	<b>REGION</b>
Abbvie	5 Giralda Farms	Madison	07940	Morris	2
ABM	663 Dowd Ave	Elizabeth	07201	Union	2
ADP Roseland	1 Adp Blvd # 1	Roseland	07068	Essex	2
Air Group	1 Prince Rd	Whippany	07981	Morris	2
Anywhere Real Estate Inc	175 Park Ave	Madison	07940	Morris	2
Artech Information Systems LLC	360 Mount Kemble Ave # 5	Morristown	07960	Morris	2
Asco LP	160 Park Ave	Florham Park	07932	Morris	2
ASCO Power Technologies LP	160 Park Ave	Florham Park	07932	Morris	2
Automatic Data Processing Inc	1 Adp Blvd # 1	Roseland	07068	Essex	2
Avantor Performance Materials	600 Broad St	Phillipsburg	08865	Warren	2
Avis Rent A Car System LLC	379 Interpace Pkwy	Parsippany	07054	Morris	2
Baltusrol Upper Golf Course	201 Shunpike Rd	Springfield	07081	Union	2
BASF Corp	100 Park Ave	Florham Park	07932	Morris	2
Bayer Corp	100 Bayer Blvd	Whippany	07981	Morris	2
Budget Rent A Car System Inc	379 Interpace Pkwy	Parsippany	07054	Morris	2
Caldwell-West Caldwell Pubc	104 Gray St	West Caldwell	07006	Essex	2
Cedar Crest Senior Living	1 Cedar Crest Dr	Pompton Plains	07444	Morris	2
Celgene Corp	1 Kenvue Way	Summit	07901	Union	2
Century 21 Real Estate LLC	175 Park Ave	Madison	07940	Morris	2
Chemtrade Logistics Inc	90 E Halsey Rd	Parsippany	07054	Morris	2
Children's Specialized Hosp	150 New Providence Rd	Mountainside	07092	Union	2
Chilton Medical Ctr	97 W Parkway	Pompton Plains	07444	Morris	2
Clara Maass Medical Ctr	1 Clara Maass Dr	Belleville	07109	Essex	2
Cohnreznick	14 Sylvan Way # 3	Parsippany	07054	Morris	2
Coldwell Banker Coml Global Hq	175 Park Ave	Madison	07940	Morris	2
County College-Morris Events	214 Center Grove Rd	Randolph	07869	Morris	2
DCO Energy	354 Doremus Ave	Newark	07105	Essex	2
Deliotte	110 Morris St # 101	Morristown	07960	Morris	2
Dover Board Of Education	21 Belmont Ave	Dover	07801	Morris	2
Drew University	36 Madison Ave	Madison	07940	Morris	2
DSM Nutritional Products	45 Waterview Blvd	Parsippany	07054	Morris	2
East Orange City Hall	44 City Hall Plz	East Orange	07018	Essex	2

East Orange VA Medical Ctr	385 Tremont Ave	East Orange	07018	Essex	2
Edgewell Personal Care	240 Cedar Knolls Rd # 401	Cedar Knolls	07927	Morris	2
Elizabeth City Hall	50 Winfield Scott Plz	Elizabeth	07201	Union	2
Elizabethtown Gas Co	520 Green Ln	Union	07083	Union	2
Essex County Citizen Svc Dept	50 S Clinton St # 27	East Orange	07018	Essex	2
Essex County College	303 University Ave	Newark	07102	Essex	2
Essex County Crime Stopper	50 W Market St # 2	Newark	07102	Essex	2
Essex County Div-Employment	50 S Clinton St # 27	East Orange	07018	Essex	2
Formosa Plastics Corp USA	9 Peach Tree Hill Rd	Livingston	07039	Essex	2
GAF Materials Corp	1 Campus Dr	Parsippany	07054	Morris	2
Gallagher Insurance Risk Mgmt	200 Jefferson Park # 110	Whippany	07981	Morris	2
Gateway Group One	263 Lafayette St # 4	Newark	07105	Essex	2
Gerber Products Co	12 Vreeland Rd # 2	Florham Park	07932	Morris	2
Greystone Park Psych Hosp	59 Koch Ave	Morris Plains	07950	Morris	2
Hackettstown Community Hosp	651 Willow Grove St # A	Hackettstown	07840	Warren	2
Hackettstown Medical Ctr	651 Willow Grove St # A	Hackettstown	07840	Warren	2
Honeywell International Inc	115 Tabor Rd	Morris Plains	07950	Morris	2
Horizon Blue Cross Blue Shield	3 Penn Plz E # 1	Newark	07105	Essex	2
Howmet Aerospace	9 Roy St	Dover	07801	Morris	2
Kearny Bank	120 Passaic Avenue	Fairfield	07004	Essex	2
Jiaherb	1 Chapin Rd # 1	Pine Brook	07058	Morris	2
Legacy Healing Ctr Parsippany	300 Littleton Rd # 200	Parsippany	07054	Morris	2
Lincoln Park Nursing Ctr	521 Pine Brook Rd	Lincoln Park	07035	Morris	2
Lonza Inc	412 Mount Kemble Ave # 200s	Morristown	07960	Morris	2
Lowenstein Sandler LLP	1 Lowenstein Dr	Roseland	07068	Essex	2
Maersk Inc	180 Park Ave # 105	Florham Park	07932	Morris	2
Maher Terminals LLC	1210 Corbin St # 1	Elizabeth	07201	Union	2
Mars Wrigley	800 High St	Hackettstown	07840	Warren	2
Martindale-Hubbell	121 Chanlon Rd # 110	New Providence	07974	Union	2
Mccarter & English LLP	100 Mulberry St	Newark	07102	Essex	2
Merck & Co Inc	126 E Lincoln Ave	Rahway	07065	Union	2
Modern Facilities Svc	733 Ridgedale Ave # 103	East Hanover	07936	Morris	2
Morristown Medical Ctr	100 Madison Ave	Morristown	07960	Morris	2

Mt Carmel Guild-Mental Health	1160 Raymond Blvd	Newark	07102	Essex	2
Nabisco	100 Deforest Ave	East Hanover	07936	Morris	2
National Register Publishing	121 Chanlon Rd	New Providence	07974	Union	2
Nbimc Medical Staff Svc	201 Lyons Ave	Newark	07112	Essex	2
Nestle Nutrition	12 Vreeland Rd # 2	Florham Park	07932	Morris	2
New Community Corp	233 W Market St	Newark	07103	Essex	2
New Jersey Institute Of Tech	323 Mlk Blvd # B	Newark	07102	Essex	2
New Jersey Institute Of Tech	University Hts	Newark	07102	Essex	2
New Jersey Med Sch-Research	185 S Orange Ave	Newark	07103	Essex	2
New Jersey State-Superior Crt	2 Broad St	Elizabeth	07201	Union	2
Newark Beth Israel Medical Ctr	201 Lyons Ave	Newark	07112	Essex	2
Newark Liberty Intl Airport	3 Brewster Rd	Newark	07114	Essex	2
Newark Police Dept-2nd Prcnct	1 Lincoln Ave # 1	Newark	07104	Essex	2
NJ Transit	180 Boyden Ave	Maplewood	07040	Essex	2
NJ Transit	1 Penn Plz E # 1	Newark	07105	Essex	2
NJ Transit	1 Raymond Plaza West & Market	Newark	07102	Essex	2
Nokia US Headquarters	600 Mountain Ave	New Providence	07974	Union	2
Northern State Prison	168 Frontage Rd	Newark	07114	Essex	2
Novartis Pharmaceuticals Corp	1 Health Plz	East Hanover	07936	Morris	2
Ogilvy	400 Interpace Pkwy # 3	Parsippany	07054	Morris	2
Optimum Rehabilitation Ctr LLC	2810 Morris Ave	Union	07083	Union	2
Overlook Medical Ctr	99 Beauvoir Ave	Summit	07901	Union	2
Panasonic Corp	2 Riverfront Plz # 200	Newark	07102	Essex	2
Paper Mill Playhouse	22 Brookside Dr	Millburn	07041	Essex	2
Phillips 66 Bayway Refinery	1400 S Park Ave	Linden	07036	Union	2
Pillar High School	71 Okner Pkwy	Livingston	07039	Essex	2
Pny Technologies Inc	100 Jefferson Rd	Parsippany	07054	Morris	2
Prudential Financial Inc	751 Broad St	Newark	07102	Essex	2
PSEG Energy Holdings LLC	80 Park Plz # 3	Newark	07102	Essex	2
Public Service Ent Group Inc	80 Park Plz	Newark	07102	Essex	2
Reckitt Benckiser LLC	399 Interpace Pkwy # 101	Parsippany	07054	Morris	2
Ridge Summit	20 Summit St	West Orange	07052	Essex	2
Robert Wood Johnson Univ Hosp	865 Stone St	Rahway	07065	Union	2

Runnells Center For Rehab	40 Watchung Way	Berkeley Heights	07922	Union	2
Rutgers School-Dental Medicine	110 Bergen St	Newark	07103	Essex	2
Seton Hall Univ Freshmen Stds	400 S Orange Ave # 11	South Orange	07079	Essex	2
Sills Cummis & Gross PC	1 Riverfront Plz # 13	Newark	07102	Essex	2
Silver Lake Hospital	495 N 13th St	Newark	07107	Essex	2
Sports & Nutri Div Of Mars Inc	800 High St	Hackettstown	07840	Warren	2
St Barnabas Med Ctr Foundation	94 Old Short Hills Rd # 1	Livingston	07039	Essex	2
St Barnabas Medical Ctr	94 Old Short Hills Rd # 1	Livingston	07039	Essex	2
St Barnabas Medical Ctr FDN	94 Old Short Hills Rd # 1	Livingston	07039	Essex	2
St Clare's Behavioral Health	130 Powerville Rd	Boonton	07005	Morris	2
St Clare's Denville Hospital	25 Pocono Rd	Denville	07834	Morris	2
St Luke's Hosp-Warren Campus	185 Roseberry St	Phillipsburg	08865	Warren	2
St Michael's Medical Ctr	111 Central Ave	Newark	07102	Essex	2
Star-Ledger	1 Gateway Ctr # 1100	Newark	07102	Essex	2
Summit Health	1 Diamond Hill Rd	Berkeley Heights	07922	Union	2
Super 8 Motels Inc	22 Sylvan Way	Parsippany	07054	Morris	2
Technology Resource Management	30 Vreeland Rd	Florham Park	07932	Morris	2
Trader Joe's	155 Elm St	Westfield	07090	Union	2
Trinitas Regional Medical Ctr	225 Williamson St	Elizabeth	07202	Union	2
Underground PC	51 Hamburg Tpke	Riverdale	07457	Morris	2
Union County College	1033 Springfield Ave	Cranford	07016	Union	2
Union County Court House	2 Broad St	Elizabeth	07201	Union	2
Union County Employee Pensions	10 Elizabethtown Plz	Elizabeth	07202	Union	2
Union County Housing Rehab	10 Elizabethtown Plz	Elizabeth	07202	Union	2
University Hospital	150 Bergen St # 1	Newark	07103	Essex	2
Verizon Communications	540 Broad St	Newark	07102	Essex	2
Warren County Ostomy Assn	185 Roseberry St	Phillipsburg	08865	Warren	2
Way 2 Call Communications Inc	211 Warren St # 424	Newark	07103	Essex	2
Weichert Realtors	1625 State Route 10	Morris Plains	07950	Morris	2
Westfield Boe Payroll Dept	302 Elm St	Westfield	07090	Union	2
WSP	350 Mount Kemble Ave # 2	Morristown	07960	Morris	2
Wyndham Hotels & Resorts Inc	22 Sylvan Way	Parsippany	07054	Morris	2
Wyndham Vacation Rentals North	22 Sylvan Way	Parsippany	07054	Morris	2

Zoetis Inc

10 Silven Way

Parsippany

07054

Morris

2

<b>AGENCY</b>	<b>Address</b>	<b>City/STATE/ZIP</b>
Catholic Charities, Diocese of Paterson	24 De Grasse St.	Paterson, NJ 07505
Latino Action Network	P.O. Box 943	Freehold, NJ 07728
Fair Share Housing Center	510 Park Blvd.	Cherry Hill, NJ 08002
Morris County NAACP	PO Box 2256	Morristown, NJ 07962
Montclair State University NAACP	1 Normal Ave, Univ. Hall	Montclair, NJ 07042
Roselle NAACP	PO Box 391	Roselle, NJ 07203
Essex County Development	50 S. Clinton St	E. Orange, NJ 07018
NJCAR	910 Mt Kemble Ave.	Morristown, NJ 07960
Warren County Board Of Realtors	292 Route 46W.	Oxford Township, NJ 07863
Morris Cty. Office of Temporary Assistance	340 W. Hanover Ave	Morristown, NJ 07960
SEED Corp.	333 Dodd Street Ste. 3	East Orange, NJ 07017
Boonton Housing Authority	125 Chestnut Street	Boonton, NJ 07005
Union County Housing Authority	1 Elizabethtown Plaza 5th Floor	Elizabeth, NJ 07207
Madison Housing Authority	24 Central Avenue	Madison, NJ 07940
Lutheran Ministries of New Jersey (Trenton)	1056 Stuyvesant Ave	Trenton, NJ 08618
Plainfield Housing Authority	510 E Front Street	Plainfield, NJ 07060
Union Township Housing Authority	1976 Morris Avenue	Union, NJ 07083
New Jersey Community Development Corporation	32 Spruce Street	Paterson, NJ 07501
Essex County Office on Aging	900 Bloomfield Avenue	Verona, NJ 07044
Essex County Dept. of Citizen Services	50 South Clinton Street, Ste. 5400	East Orange, NJ 07018
ARC of Union County	70 Diamond Road	Springfield, NJ 07081
The Housing Partnership	2 East Blackwell St.	Dover, NJ 07801
Union County Div. of Social Services	342 Westminster Ave.	Elizabeth, NJ 07208
Central Jersey Legal Services-Union Cty. Div.	60 Prince St.	Elizabeth, NJ 07208
Jewish Federation of Greater Metrowest NJ	1391 Martine Avene	Scotch Plains, NJ 07076
Volunteers of America	204 Terrill Rd.	Fanwood, NJ 07023
Easter Seal Society of NJ	25 Kennedy Blvd., Suite 600	East Brunswick, NJ 08816
Union County Workforce Dev. Board	200 W. Second St.	Plainfield, NJ 07060
American Red Cross NJ Crossroads	695 Springfield Ave.	Summit, NJ 07901
Montclair NAACP	PO Box 353	Montclair, NJ 07042
Urban League of Morris County	300 Madison Ave, # A	Morristown, NJ 07960
NAACP (Warren County)	PO Box 229	Washington, NJ 07882

NAACP (Newark)	PO Box 1262	Newark, NJ 07101-1262
Irvington NAACP	PO Box 377	Irvington, NJ 07111
New Jersey Citizen Action	625 Broad St #270	Newark, NJ 07102
La Casa Don PEDRO	76 Clinton Ave	Newark, NJ 07114
Essex Land Trust	60 S. Fullerton Ave #202	Montclair, NJ 07042
West Essex Board of Realtors	10 Erie St.	Montclair, NJ 07042
Episcopal Community Development, Inc.	31 Mulberry St.	Newark, NJ 07102
Elizabeth NAACP	PO Box 6732	Elizabeth, NJ 07206
SERV Behavioral Health	20 Scotch Rd.	West Trenton, NJ 08628
The Urban League of Essex County	508 Central Avenue	Newark, NJ 07107
New Jersey Tenant Organization	389 Main Street	Hackensack, NJ 07601
Plainfield Area NAACP	1357 West 3rd St.	Plainfield, NJ 07060
Northwest NJ Community Action Program, Inc.	350 Marshall St	Phillipsburg, NJ 08865-3273
Asian Community Center	17 Schoolhouse Road	Somerset, NJ 08813
Hands, Inc	15 S. Essex Ave	Orange, NJ 07050
NJ NAACP State Office	13 East Front Street	Trenton, New Jersey 08608
Essex County Dept of Citizen Services-Welfare	18 Rector Street - 9th Floor	Newark, NJ 07102
Warren County Division of Social Services	1 Shotwell Dr.	Belvidere, NJ 07823
East Orange Housing Authority	160 Halsted Street	East Orange, NJ 07018
Irvington Housing Authority	101 Union Avenue	Irvington, NJ 07111
Millville Housing Authority	205 Claremont Avenue	Montclair, NJ 07042
Orange Housing Authority	340 Thomas Boulevard	Orange, NJ 07050
Rahway Housing Authority	165 E Grand Avenue	Rahway, NJ 07065
West Orange Housing Authority	66 Main Street	West Orange, NJ 07052
Morris County Housing Authority	PO Box 900	Morristown, NJ 07963
Morris County Office on Aging	PO Box 900	Morristown, NJ 07963
YWCA of Central NJ	232 E. Front St.	Plainfield, NJ 07060
Community Food Bank of NJ	321 Evans Terminal Rd.	Hillside, NJ 07205
The Salvation Army NJ Div. Headquarters	4 Gary Rd., PO Box 3170	Union, NJ 07083
Union County Workforce Dev. Board	10 Elizabethtown Plaza, 4th Floor	Elizabeth, NJ 07207
American Red Cross of Northern NJ	209 Fairfield Rd.	Fairfield, NJ 07004
Greater Union County Association of Realtors	767 Central Ave.	Westfield, NJ 07090
Warren County Housing Authority	415 Front Street	Belvidere, NJ 07823

Elizabeth Housing Authority  
Linden Housing Authority  
Morristown Housing Authority  
Phillipsburg Housing Authority  
Summit Housing Authority  
Housing Assistance Program of Essex County  
Union County Department of Hum Servcs.  
Warren County Office for the Aging  
Catholic Charities (Diocese of Newark)  
Community Access Unlimited  
Homeless Solutions  
Supportive Housing Assoc of NJ  
The NJ State Conference of the NAACP  
East Orange NAACP

688 Maple Avenue  
1601 Dill Avenue  
31 Early Street  
530 Heckman Street  
512 Springfield Avenue  
PO BOX 157  
10 Elizabethtown Plaza  
165 County Route 519 South  
321 Central Ave  
80 West Grand Street  
3 Wing Drive, Suite 245  
185 Valley Street  
4326 Harbor Beach Blvd, #775  
PO Box 1127

Elizabeth, NJ 07202  
Linden, NJ 07036  
Morristown, NJ 07960  
Phillipsburg, NJ 08865  
Summit, NJ 07901  
Elizabeth, NJ 12932  
Elizabeth, NJ 07207  
Belvidere, NJ 07823-1949  
Newark, NJ 07103  
Elizabeth, NJ 07202  
Cedar Knolls, NJ 07927  
South Orange, NJ 07079  
Brigantine, NJ 08203  
East Orange, NJ 07019

AGENCY	COUNTY	WEBSITE	EMAIL
All The Way Up Adult Education Center	Essex	<a href="https://www.allthewayupnj.org/">https://www.allthewayupnj.org/</a>	info@allthewayupnj.org
Alzheimer's New Jersey	Essex	<a href="https://www.alznj.org/">https://www.alznj.org/</a>	info@alznj.org
Beacon Hope and Equity Center	Union	<a href="https://www.beaconhopeequity.com/">https://www.beaconhopeequity.com/</a>	beaconhopeequitycenter@gmail.com
Bridges Outreach	Union	<a href="https://www.bridgesoutreach.org/">https://www.bridgesoutreach.org/</a>	help@bridgesoutreach.org
Cheshire Home, Inc.	Morris	<a href="https://cheshirehome.org/">https://cheshirehome.org/</a>	info@cheshirehome.org
Christ For The World, Inc.	Essex	<a href="http://www.cftworldwide.org/">http://www.cftworldwide.org/</a>	
Community Day Nursery	Essex	<a href="http://www.cdneo.org">http://www.cdneo.org</a>	info@cdneo.org
Community Health Law Project	Essex	<a href="https://chlp.org/">https://chlp.org/</a>	chlpinfo@chlp.org
Court Appointed Special Advocates of Morris & Sussex Counties, Inc.	Morris	<a href="https://www.casamsc.org/">https://www.casamsc.org/</a>	info@casamsc.org/
DAWN Center for Independent Living, Inc.	Morris	<a href="https://dawncl.org/">https://dawncl.org/</a>	info@dawncl.org
Eastern Environmental Law Center	Essex	<a href="https://easternenvironmental.org/">https://easternenvironmental.org/</a>	info@easternenvironmental.org
Family Promise of Essex County	Essex	<a href="https://www.fpsexnj.org/">https://www.fpsexnj.org/</a>	info@fpsexnj.org
Foundation for Local News	Union	<a href="https://foundationforlocalnews.org/">https://foundationforlocalnews.org/</a>	contact@foundationforlocalnews.org
Gem Project, Inc., The	Essex	<a href="http://thegemproject.org">http://thegemproject.org</a>	HQ@thegemproject.org
Girls Helping Girls. Period.	Essex	<a href="https://www.girlshelpinggirlsperiod.org/">https://www.girlshelpinggirlsperiod.org/</a>	info@girlshelpinggirlsperiod.org
Greater Newark Healthcare Coalition	Essex	<a href="https://www.greaternewarkhcc.org/">https://www.greaternewarkhcc.org/</a>	info@greaternewarkhcc.org
Greater Newark LISC	Essex	<a href="https://www.lisc.org/greater-newark/">https://www.lisc.org/greater-newark/</a>	info@lisc.org/nj/
Grow It Green Morristown	Morris	<a href="https://www.growitgreenmorristown.org/">https://www.growitgreenmorristown.org/</a>	info@growitgreenmorristown.org
Growing Stage, The	Morris	<a href="https://growingstage.com/">https://growingstage.com/</a>	info@growingstage.com/
Harmonium Choral Society	Morris	<a href="https://www.harmonium.org/">https://www.harmonium.org/</a>	info@harmonium.org
Healthcare Foundation of NJ	Essex	<a href="https://hfnj.org/">https://hfnj.org/</a>	info@HFNJ.org
JCC of Central NJ	Union	<a href="https://www.jccnj.org/">https://www.jccnj.org/</a>	info@jccnj.org
Jersey Cares	Essex	<a href="https://www.jerseycares.org/">https://www.jerseycares.org/</a>	info@jerseycares.org
Jewish Vocational Service of MetroWest	Essex	<a href="https://jvsnj.org/">https://jvsnj.org/</a>	info@jvsnj.org
Kean University Foundation	Union	<a href="https://www.keanfoundation.org/foundation">https://www.keanfoundation.org/foundation</a>	kuf@keanfoundation.org
KinderSmile Foundation, Inc.	Essex	<a href="https://www.kindersmile.org/">https://www.kindersmile.org/</a>	ksf@kindersmile.org
La Casa de Don Pedro	Essex	<a href="https://lacasadedonpedro.org/">https://lacasadedonpedro.org/</a>	info@lacasadedonpedro.org
LifeHikes Foundation Inc.	Essex	<a href="https://lifehikesfoundation.org/">https://lifehikesfoundation.org/</a>	inquiries@lifehikesfoundation.org
Macculloch Hall Historical Museum	Morris	<a href="https://maccullochhall.org/">https://maccullochhall.org/</a>	
More Than Bootstraps	Union	<a href="https://www.morethanbootstraps.org/">https://www.morethanbootstraps.org/</a>	info@morethanbootstraps.org
Musconetcong Watershed Association	Warren	<a href="https://www.musconetcong.org/">https://www.musconetcong.org/</a>	info@musconetcong.org
New Jersey 211 Partnership	Morris	<a href="https://nj211.org/">https://nj211.org/</a>	info@nj211.org
New Jersey Association of School Librarians	Union	<a href="https://www.njasl.org/">https://www.njasl.org/</a>	webmaster@njasl.org
New Jersey Children's Alliance	Union	<a href="https://njcainc.org/">https://njcainc.org/</a>	
New Jersey Children's Foundation	Essex	<a href="https://njchildren.org/">https://njchildren.org/</a>	info@njchildren.org
New Jersey Civic Information Consortium	Essex	<a href="https://njcivicinfo.org/#home">https://njcivicinfo.org/#home</a>	info@njcivicinfo.org/
New Jersey Institute for Social Justice	Essex	<a href="https://njisj.org/">https://njisj.org/</a>	justice@njisj.org
New Jersey School-Age Care Coalition NJSACC	Union	<a href="https://www.njsacc.org/">https://www.njsacc.org/</a>	sac@njsacc.org
Partners for Health Foundation	Essex	<a href="https://partnersfdn.org/">https://partnersfdn.org/</a>	info@partnersfdn.org
Partnership for a Drug-Free New Jersey	Essex	<a href="https://www.drugfreeenj.org/">https://www.drugfreeenj.org/</a>	angelo@drugfreeenj.org
Per Scholas	Essex	<a href="https://perscholas.org/">https://perscholas.org/</a>	info@perscholas.org/
Prevention Is Key, Inc.	Morris	<a href="https://www.preventioniskey.org/">https://www.preventioniskey.org/</a>	info@mcpik.org
Pro Bono Partnership	Morris	<a href="https://www.probonopartner.org">https://www.probonopartner.org</a>	info@probonopartner.org
Pushcart Players	Essex	<a href="https://pushcartplayers.org/">https://pushcartplayers.org/</a>	information@pushcartplayers.org
Reveal to Heal	Union	<a href="https://www.revealtohealconsultingfamilies.org/">https://www.revealtohealconsultingfamilies.org/</a>	revealtohealconsultinginc@gmail.com
Schumann Fund for New Jersey, The	Essex	<a href="https://schumannfund.org/">https://schumannfund.org/</a>	lnance@schumannfund.org
South Orange/Maplewood Community Coalition on Race	Essex	<a href="https://www.communitycoalitiononrace.org/">https://www.communitycoalitiononrace.org/</a>	SOMA@communitycoalitiononrace.org
South Ward Environmental Alliance	Essex	<a href="https://www.southwardea.com/">https://www.southwardea.com/</a>	SWEA@southwardea.com
Student/Partner Alliance	Union	<a href="https://studentpartneralliance.org/">https://studentpartneralliance.org/</a>	info@studentpartneralliance.org
Students 2 Science, Inc.	Morris	<a href="https://www.students2science.org/">https://www.students2science.org/</a>	info@students2science.org
Supportive Housing Association of New Jersey	Essex	<a href="https://www.shanj.org/">https://www.shanj.org/</a>	kate.kelly@shanj.org
Victoria Foundation	Essex	<a href="https://www.victoriafoundation.org/">https://www.victoriafoundation.org/</a>	info@victoriafoundation.org
Volunteer Lawyers for Justice	Essex	<a href="https://www.vljinj.org/">https://www.vljinj.org/</a>	ehughes@vljinj.org



# Borough of Chatham

54 Fairmount Avenue ▪ Chatham ▪ NJ 07928  
973-635-0674 ▪ ChathamBorough.org

## RESOLUTION #26-142

### A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF CHATHAM EXPRESSING ITS INTENT TO PROVIDE THE FUNDS NECESSARY TO SATISFY THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS

**WHEREAS**, on June 18, 2025, the Chatham Borough Planning Board adopted a Housing Element and Fair Share Plan, which addresses the Borough's Fourth Round "fair share" obligations; and

**WHEREAS**, on June 23, 2025, the Borough Council held a properly-noticed public meeting to consider endorsing the Housing Element and Fair Share Plan adopted by the Planning Board on June 18, 2025 and, after consideration of any questions or concerns raised by members of the governing body or the public, the Borough Council determined that it is in the best interest of the Borough and the region's low- and moderate-income households to endorse said Housing Element and Fair Share Plan and to direct the Borough's professionals to file said Plan with the Court and to take any and all reasonable actions to secure a Compliance Certificate approving said plan to protect the Borough from any unnecessary Mount Laurel lawsuits; and

**WHEREAS**, the Borough's Housing Element and Fair Share Plan includes a number of compliance mechanisms, such as an existing and a future 100% affordable housing project, rehabilitation program and the affordability assistance program; and

**WHEREAS**, pursuant to the State's affordable housing regulations and policies, to assure the creditworthiness of the various compliance techniques included in its Housing Element and Fair Share Plan, the Borough must demonstrate adequate and stable funding sources; and

**WHEREAS**, since the Borough is committed to securing judicial approval of its Affordable Housing Plan, to provide an adequate and stable funding source for the components of the Borough's Housing Element and Fair Share Plan, the Borough shall rely on the funds in its Affordable Housing Trust Fund, established by its Development Fee Ordinance; and

**WHEREAS**, if -- after exhausting every potential funding source and every valid compliance technique -- the Borough still cannot secure sufficient financing to completely satisfy its affordable housing obligations without being forced to raise or expend municipal revenues to provide low- and moderate-income housing, the Borough will cover such costs through bonding and/or other legal means; and

**WHEREAS**, the Court has provided conditional approval of the Borough's Housing Element and Fair Share Plan, and the Borough wishes to leave no question as to the Borough's intent to cover the cost of implementing its Housing Element and Fair Share Plan or any modification thereof that may be necessary because of the Court's review.

**NOW, THEREFORE, BE IT RESOLVED** by Council of the Borough of Chatham, County of Morris, State of New Jersey, as follows:

1. In order to provide adequate and stable funding for the affordable housing in its Housing Element and Fair Share Plan, Chatham Borough shall make a *bona fide*, diligent, and good faith effort to exhaust the potential funding sources;

2. The Borough shall also maximize use of the funds from its Development Fee Ordinance to facilitate the economic feasibility of the Borough’s Housing Element and Fair Share Plan; and
3. If, after exhausting every potential funding source and from the Development Fee Ordinance, the Borough still cannot secure sufficient financing to completely satisfy its affordable housing obligations, the Borough will fully fund any gaps in financing including by bonding if necessary, to assure the economic feasibility of the affordable compliance techniques included in the Borough’s 2025 Fourth Round Housing Element and Fair Share Plan.
4. The Borough reserves the right to recoup any subsidy provided through future collections of development fees as such funds become available.

<b>Name</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
<b>Hargrove</b>						
<b>Gilmore</b>						
<b>Hay</b>						
<b>Koronkiewicz</b>						
<b>Mathiasen</b>						
<b>Strickland</b>						

Adopted: March 9, 2026

Attest:

BOROUGH OF CHATHAM

\_\_\_\_\_  
 Vanessa L. Nienhouse, RMC, CMC  
 Borough Clerk

\_\_\_\_\_  
 Carolyn Dempsey  
 Mayor

CERTIFICATION

I, Vanessa L. Nienhouse, Borough Clerk for the Borough of Chatham, County of Morris, State of New Jersey, do hereby certify this is a true and correct copy of the resolution adopted by the Borough Council at its Regular Meeting held on March 9, 2026.

\_\_\_\_\_  
 Vanessa L. Nienhouse, Borough Clerk

**BOROUGH OF CHATHAM  
MORRIS COUNTY**

**ORDINANCE #26-02  
AN ORDINANCE OF THE BOROUGH OF CHATHAM TO AMEND  
CHAPTER 165 “LAND DEVELOPMENT”, TO ADD THE AH-1 AFFORDABLE  
HOUSING 1 ZONE**

**WHEREAS**, in consultation with the Borough’s legal and planning professionals, the Borough Council has determined that it is necessary and appropriate to amend Chapter 165 of the Code of the Borough of Chatham, “Land Development Regulations,” to add a new zoning district to be known as the Affordable Housing (AH-1) Zone; and,

**WHEREAS**, unless otherwise indicated, the regulations and standards contained in this Ordinance shall be the only standards that shall apply within the Affordable Housing (AH-1) Zone.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Chatham, in the County of Morris and State of New Jersey, that Chapter 165 of the Code of the Borough of Chatham is hereby amended and supplemented as follows:

**Section 1:**

A new Section 165-35.2, entitled “Affordable Housing-1 (AH-1) Zone,” shall be added to Chapter 165 of the Code of the Borough of Chatham, “Land Development Regulations,” and shall read as follows:

**§ 165-35.2 Affordable Housing-1 (AH-1) Zone.**

- a. Purpose. The AH-1 Zone is intended to provide for the development of 100% affordable dwelling units. The AH-1 Zone shall provide for four (4) non-age-restricted rental units.
- b. Location. The AH-1 Zone is applicable to Block 56, Lot 14 on the Tax Map of the Borough of Chatham.
- c. Permitted uses. The following principal uses shall be permitted:
  - 1. Multi-family rental housing within one or more buildings.
  - 2. Supportive and special needs housing.
- d. Accessory uses permitted. The following accessory uses and structures shall be permitted, provided they are located on the same premises as the principal use or structure to which they are accessory, and are located in the rear or side yard:
  - 1. Accessory uses on the same lot with and customarily incidental to, any of the above permitted uses.
  - 2. Surface parking area and garages.
  - 3. Active and passive recreational amenities.
- e. The following development standards shall apply in the AH-1 Zone:
  - 1. Minimum lot size: The lot size of Block 56, Lot 14.
  - 2. Maximum height: 2½ stories or 35 feet.
  - 3. Maximum building coverage: 40%.
  - 4. Maximum Lot Coverage: 80%.
  - 5. Minimum front yard setback: 25 feet.
  - 6. Minimum side yard setback: 6 feet.
  - 7. Minimum rear yard setback: 30 feet.
  - 8. Lighting for parking areas and driveways shall not exceed 12 feet in height.
  - 9. All refuse and recycling storage shall be fully enclosed and screened within a masonry refuse enclosure that is a minimum of six (6) feet in height on all sides and shall contain façade materials that are consistent with the materials used for the principal structures or stored in the principal structures.

10. Minimum parking: 1.5 parking spaces per unit.
11. Building standards.
  - a. Buildings shall be required to incorporate high-quality architectural features that are characteristic of and complimentary to significant buildings reflecting the traditional architecture in the residential zoning districts. The applicant for any development shall demonstrate such design by providing examples of and comparisons with existing high-quality architecturally significant buildings.
  - b. All HVAC and mechanical equipment shall be adequately screened from view from the public right-of-way or residential dwellings.
13. Affordable housing provisions.
  - a. The AH-1 Zone shall provide a minimum of four (4) rental units. Affordable units in any project within the AH-1 Zone must be affordable to very low, low- and moderate-income households in accordance with the Borough's Affordable Housing Ordinance; the Borough's Housing Element and Fair Share Plan; any applicable Court Order (including a Judgment of Compliance and Repose Order); the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. ("FHA"); Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. ("UHAC"); and applicable New Jersey Council on Affordable Housing ("COAH") Prior Round regulations, N.J.A.C. 5:93-1 et seq.
  - b. Rental affordable housing shall include standards for the split between very low, low and moderate income housing, providing a minimum of thirteen percent (13%) of the affordable units within each bedroom distribution as very low-income units at thirty percent (30%) of the median income, thirty-seven percent (37%) of the affordable units within each bedroom distribution as low-income units, with the fifty percent (50%) balance of units within each bedroom distribution allowed to be moderate-income units. Said affordable housing will also comply with respect to all legal requirements relating to the pricing and rent of units, the affirmative marketing of those units, and the at least 30-year minimum affordability controls set by deed restriction, in accordance with UHAC and the Borough's Affordable Housing Ordinances.
  - c. The Borough's designated Affordable Housing Administrative Agent, or a qualified Administrative Agent selected by the Developer, shall be responsible to affirmatively market, administer and certify the occupant of each on-site affordable unit, in accordance with the Borough's affirmative marketing plan and applicable law, including the posting of all affordable units on the online New Jersey Housing Resource Center website, with all administrative costs to be paid by the Developer.

**Section 2:**

All other provisions of Chapter 165 of the Code of the Borough of Chatham shall remain unchanged.

**Section 3:**

Pursuant to the New Jersey Municipal Land Use Law, N.J.S.A. 40A:55-1 et seq., after introduction of this Ordinance, it shall be referred to the Chatham Borough Planning Board for the review required by law prior to the hearing on adoption of this Ordinance.

**Section 4:**

*Repeal of Inconsistent Provisions.* All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

**Section 5:**

*Severability.* The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason is held to be invalid or unconstitutional by a court of

competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 6:**

*Codification.* This Ordinance shall be a part of the Code of the Borough of Chatham as though codified and fully set forth therein. The Borough Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Borough Clerk and the Borough Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the Borough of Chatham in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

**Section 7:**

This Ordinance shall take effect upon passage, adoption, and publication in the manner prescribed by law.

<b>Name</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
<b>Hargrove</b>						
<b>Gilmore</b>						
<b>Hay</b>						
<b>Koronkiewicz</b>						
<b>Mathiasen</b>						
<b>Strickland</b>						

Introduced: February 23, 2026  
 Passed and Approved: March 9, 2026

Attest:

BOROUGH OF CHATHAM

\_\_\_\_\_  
 Vanessa L. Nienhouse, RMC, CMC  
 Borough Clerk

\_\_\_\_\_  
 Carolyn Dempsey  
 Mayor

**CERTIFICATION**

I, Vanessa L. Nienhouse, Borough Clerk for the Borough of Chatham, County of Morris, State of New Jersey, do hereby certify this is a true and correct copy of an Ordinance that was read on second reading by the Borough Council at its Regular Meeting held on March 9, 2026.

\_\_\_\_\_  
 Vanessa L. Nienhouse, Borough Clerk

**BOROUGH OF CHATHAM  
MORRIS COUNTY  
ORDINANCE #26-03**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF  
CHATHAM BY AMENDING THE RESTATED POST OFFICE PLAZA  
REDEVELOPMENT ORDINANCE AND PLAN, AMENDING THE  
REQUIREMENTS FOR ACCESSORY USES**

**WHEREAS**, upon the recommendation of the Borough’s planning, land use and legal professionals, the Borough Council has determined to update regulations and standards governing the development on Block 121, Part of Lot 10 and Block 121, Lot 17 on the tax map of the Borough of Chatham, commonly known as “Post Office Plaza,” in order to promote the Borough’s compliance with its ongoing affordable housing regulations.

**NOW, THEREFORE BE IT ORDAINED** by the Mayor and Council of the Borough of Chatham, in the County of Morris, that it does hereby supplement and amend the Restated Post Office Plaza Redevelopment Plan of the Borough of Chatham as follows:

**Section 1:**

Section 5.2.2 of the Restated Post Office Plaza Redevelopment Plan of the Borough of Chatham shall be amended to add the following permitted accessory use as follows (addition by underline):

Permitted accessory uses, as follows:

6. Loading for uses permitted in the B-4 AH zoning district located on the adjacent Block 121, Lots 12 and 13.

**Section 2:**

All other provisions of the Restated Post Office Plaza Redevelopment Plan of the Borough of Chatham shall remain unchanged.

**Section 3:**

If required by the New Jersey Municipal Land Use Law, N.J.S.A. 40A:55-1 et seq., after introduction of this Ordinance, it shall be referred to the Chatham Borough Planning Board for the review required by law prior to the hearing on adoption of this Ordinance.

**Section 4:**

**Repeal of Inconsistent Provisions.** All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

**Section 5:**

**Severability.** The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall

remain in effect; it being the legislative intent this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 6:**

Codification. This Ordinance shall be a part of the Code of the Borough of Chatham as though codified and fully set forth therein. The Borough Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Borough Clerk and the Borough Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the Borough of Chatham in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

**Section 7:**

This Ordinance shall take effect upon passage, adoption, and publication in the manner prescribed by law. It shall further be filed with the Morris County Planning Board.

<b>Name</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
<b>Hargrove</b>						
<b>Gilmore</b>						
<b>Hay</b>						
<b>Koronkiewicz</b>						
<b>Mathiasen</b>						
<b>Strickland</b>						

Introduced: February 23, 2026  
 Passed and Approved: March 9, 2026  
 Attest:

BOROUGH OF CHATHAM

\_\_\_\_\_  
 Vanessa L. Nienhouse, RMC, CMC  
 Borough Clerk

\_\_\_\_\_  
 Carolyn Dempsey  
 Mayor

**CERTIFICATION**

I, Vanessa L. Nienhouse, Borough Clerk for the Borough of Chatham, County of Morris, State of New Jersey, do hereby certify this is a true and correct copy of an Ordinance that was read on second reading by the Borough Council at its Regular Meeting held on March 9, 2026.

\_\_\_\_\_  
 Vanessa L. Nienhouse, Borough Clerk

**BOROUGH OF CHATHAM  
MORRIS COUNTY**

**ORDINANCE #26-04  
AN ORDINANCE OF THE BOROUGH OF CHATHAM TO AMEND  
CHAPTER 165 “LAND DEVELOPMENT,” TO ADD THE AFD-6 AFFORDABLE  
HOUSING DISTRICT**

**WHEREAS**, in consultation with the Borough’s legal and planning professionals, the Borough Council has determined that it is necessary and appropriate to amend Chapter 165 of the Code of the Borough of Chatham, “Land Development Regulations,” to add a new zoning district to be known as the Affordable Housing 6 (AFD-6) Zoning District; and,

**WHEREAS**, unless otherwise indicated, the regulations and standards contained in this Ordinance shall be the only standards that shall apply within the Affordable Housing 6 (AFD-6) Zone.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Chatham, in the County of Morris and State of New Jersey, that Chapter 165 of the Code of the Borough of Chatham is hereby amended and supplemented as follows:

**Section 1:**

A new Section 165-35.4, entitled “Affordable Housing District 6 (AFD-6),” shall be added to Chapter 165 of the Code of the Borough of Chatham, “Land Development Regulations,” and shall read as follows:

**§ 165-35.4 Affordable Housing 6 (AFD-6) Zoning District.**

- A. The purpose of this Ordinance is to establish regulations and standards for Block 85, Lot 9 on the tax map of the Borough of Chatham (311 Main Street). Unless otherwise indicated, these regulations and standards are the only standards that shall apply in the Affordable Housing 6 (AFD-6) District. Any other sections of the Borough’s Land Development Regulations which are in conflict with the standards and requirements set forth herein shall not apply and are superseded by the standards and requirements set forth herein. The development layout shall be substantially consistent with the attached concept plans.
- B. Principal permitted uses. The following principal uses shall be permitted in the Affordable Housing 6 (AFD-6) District:
  - 1. Multi-family housing.
  - 2. Townhouses.
  - 3. Stacked townhouses.
- C. Accessory uses permitted. The following accessory uses and structures shall be permitted in the Affordable Housing 6 (AFD-6) District:
  - 1. Garages and off-street parking facilities.
  - 2. Common parking areas below a building.
  - 3. Home offices.
  - 4. Storage and maintenance buildings.
  - 5. Private recreation/amenity areas, including rooftop decks.
  - 6. Customary accessory structures approved as part of the site plan, including fences, walls, lampposts, trellises and the like.
- D. The maximum number of units permitted within the Affordable Housing 6 (AFD-6) District is as follows:  
Up to nine (9) residential units, with a requirement that a minimum of fifteen percent (15%) of the units

within any development shall be affordable. Based on the foregoing, the developer shall provide one (1) affordable housing unit to meet this obligation. In addition, a payment of \$63,000 will be made to the Borough's affordable housing trust fund for the remaining fractional unit in accordance with Chapter 69 of the Borough Code (35% of \$180,000.00).

E. Bulk requirements in the Affordable Housing 6 (AFD-6) District are as follows:

1. Building Coverage: 50%.
2. Impervious Coverage: 90%.
3. Principal Building Setbacks:
  - (a) Front Yard (Main Street, Railroad Avenue):10 feet. Porches and stoops attached to the principal structure shall be set back a minimum of three (3) feet.
  - (b) Side Yard – 15 feet/
4. Accessory uses and building setbacks are to be the same as those for principal buildings. Internal sidewalks are exempt from setback requirements.
5. Parking Setbacks:
  - (a) Front Yard: 15 feet.
  - (b) Side Yard: Five (5) feet.
6. Building height - Three (3) stories or 42 feet maximum. This excludes basement areas which are more than 50 percent below the surface grade adjacent to them.

F. Building design standards for the Affordable Housing 6 (AFD-6) District are as follows:

1. Rooftop appurtenances including architectural features such as spires, cupolas, domes, and belfries, are permitted to exceed the listed maximum height, as long as they are uninhabited, their highest points are no more than 15 feet above the maximum overall height of the building, and as long as the total area enclosed by the outer edges of the appurtenances, measured at the maximum overall height of the building, does not exceed 15% of the total horizontal roof area of the building.
2. Stairs and elevator penthouses that project above the maximum overall height of the building shall count toward the 15% allowance. Equipment screens which project above the maximum overall height of the building shall also count toward the above 15% allowance.
3. Mechanical equipment shall be set back from all building facades by at least five (5) feet and screened.
4. Parapet walls are permitted up to five (5) feet in height, as measured from the maximum height limit, or finished level of roof. A guardrail with a surface of at least 70% open or with opacity of not more than 30% (as viewed in elevation) shall be permitted above a parapet wall or within two (2) feet of a parapet wall, provided that such guardrail is not more than four (4) feet in height. Such restriction on guardrail height shall not apply when located beyond two (2) feet from a parapet wall, in which case the guardrail shall be exempt from parapet height requirements

G. Parking requirements for the Affordable Housing 6 (AFD-6) District shall be as provided in the Residential Site Improvement Standards.

H. Electric vehicle supply equipment is to be provided in accordance with N.J.S.A. 40:55D-1, et seq.

**Section 2:**

All other provisions of Chapter 165 of the Code of the Borough of Chatham shall remain unchanged.

**Section 3:**

Pursuant to the New Jersey Municipal Land Use Law, N.J.S.A. 40A:55-1 et seq., after introduction of this Ordinance, it shall be referred to the Chatham Borough Planning Board for the review required by law prior to the hearing on adoption of this Ordinance.

**Section 4:**

*Repeal of Inconsistent Provisions.* All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

**Section 5:**

*Severability.* The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 6:**

*Codification.* This Ordinance shall be a part of the Code of the Borough of Chatham as though codified and fully set forth therein. The Borough Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Borough Clerk and the Borough Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the Borough of Chatham in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

**Section 7:**

This Ordinance shall take effect upon passage, adoption, and publication in the manner prescribed by law.

<b>Name</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
<b>Hargrove</b>						
<b>Gilmore</b>						
<b>Hay</b>						
<b>Koronkiewicz</b>						
<b>Mathiasen</b>						
<b>Strickland</b>						

Introduced: February 23, 2026  
Passed and Approved: March 9, 2026

Attest:

BOROUGH OF CHATHAM

\_\_\_\_\_  
Vanessa L. Nienhouse, RMC, CMC  
Borough Clerk

\_\_\_\_\_  
Carolyn Dempsey  
Mayor

**CERTIFICATION**

I, Vanessa L. Nienhouse, Borough Clerk for the Borough of Chatham, County of Morris, State of New Jersey, do hereby certify this is a true and correct copy of an Ordinance that was read on second reading by the Borough Council at its Regular Meeting held on March 9, 2026.

\_\_\_\_\_  
Vanessa L. Nienhouse, Borough Clerk



**PERSPECTIVE**

Scale: NTS

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**S1**

**311 Main Street**  
Block 85, Lot 9  
**Chatham, NJ**

Project Number: 24028  
Client: Weichert Development Company  
Date: 2024.09.20

**9 du**  
(Townhome)

**BARTON PARTNERS**  
urban design + architecture

700 East Main Street, Suite 301, Norristown, Pa 19401  
www.bartonpartners.com | t:610.930.2800 | e:design@bartonpartners.com



**PERSPECTIVE**

Scale: NTS

(Existing Trees & Fence removed for clarity)

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**S2**

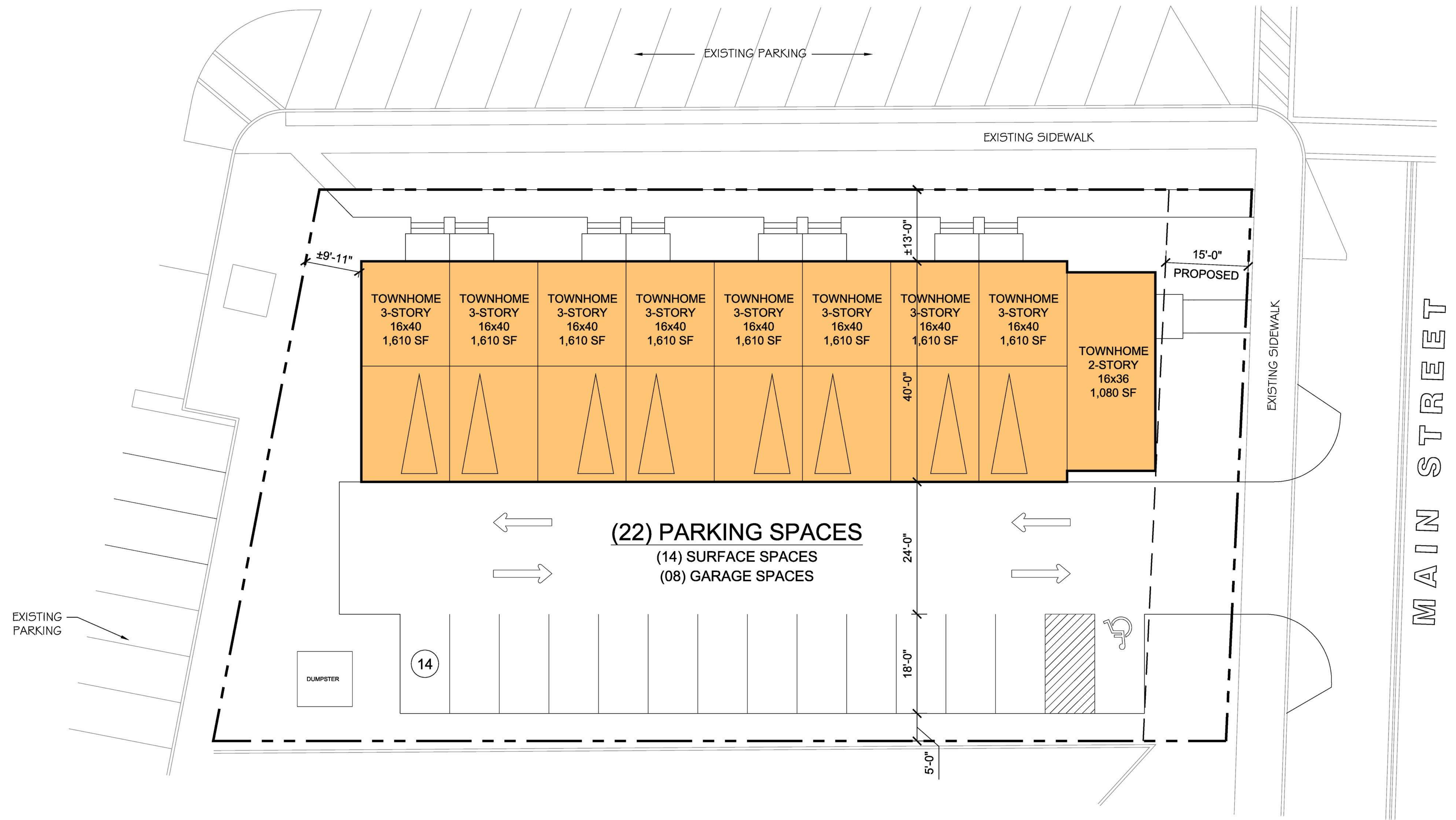
**311 Main Street**  
Block 85, Lot 9  
**Chatham, NJ**

Project Number: 24028  
Client: Weichert Development Company  
Date: 2024.09.20

**9 du**  
(Townhome)

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**REQUIRED PARKING**  
 (PER RSIS STANDARD)  
 (09) 3-BED X 2.4 = 21.6  
**TOTALING 21.6**



**SITE | GROUND FLOOR PLAN**  
 Scale: 1" = 10'-0"

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**S3**

**311 Main Street**  
 Block 85, Lot 9  
**Chatham, NJ**

Project Number: 24028  
 Client: Weichert Development Company  
 Date: 2024.09.20

**9 du**  
 (Townhome)

**BARTONPARTNERS**  
 urban design + architecture

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 www.bartonpartners.com | t:610.930.2800 | e:design@bartonpartners.com



**PERSPECTIVE**

Scale: NTS  
 (Double sidewalk removed)

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**S4**

**311 Main Street**  
 Block 85, Lot 9  
**Chatham, NJ**

Project Number: 24028  
 Client: Weichert Development Company  
 Date: 2024.09.20

**9 du**  
 (Townhome)

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 urban design + architecture

700 East Main Street, Suite 301, Norristown, Pa 19401  
 www.bartonpartners.com | t:610.930.2800 | e:design@bartonpartners.com

**ORDINANCE #26-05**  
**AN ORDINANCE OF THE BOROUGH OF CHATHAM TO AMEND**  
**CHAPTER 165 “LAND DEVELOPMENT,” TO ADD THE AFD-5 AFFORDABLE**  
**HOUSING DISTRICT**

**WHEREAS**, in consultation with the Borough’s legal and planning professionals, the Borough Council has determined that it is necessary and appropriate to amend Chapter 165 of the Code of the Borough of Chatham, “Land Development Regulations,” to add a new zoning district to be known as the Affordable Housing 5 (AFD-5) Zoning District; and,

**WHEREAS**, unless otherwise indicated, the regulations and standards contained in this Ordinance shall be the only standards that shall apply within the Affordable Housing 5 (AFD-5) Zone.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Chatham, in the County of Morris and State of New Jersey, that Chapter 165 of the Code of the Borough of Chatham is hereby amended and supplemented as follows:

**Section 1:**

A new Section 165-35.5, entitled “Affordable Housing District 5 (AFD-5),” shall be added to Chapter 165 of the Code of the Borough of Chatham, “Land Development Regulations,” and shall read as follows:

**§ 165-35.5 Affordable Housing 5 (AFD-5) Zoning District.**

- A. The purpose of this Ordinance is to establish regulations and standards for Block 29, Lot 2 on the tax map of the Borough of Chatham (589 Main Street). Unless otherwise indicated, these regulations and standards are the only standards that shall apply in the Affordable Housing 5 (AFD-5) District. Any other sections of the Borough’s Land Development Regulations which are in conflict with the standards and requirements set forth herein shall not apply and are superseded by the standards and requirements set forth herein. The development layout shall be substantially consistent with the attached concept plans.
- B. Principal permitted uses. The following principal uses shall be permitted in the Affordable Housing 5 (AFD-5) District:
  - 1. Multi-family residential inclusionary units
  - 2. Supportive and special needs housing.
- C. The maximum number of units permitted within the Affordable Housing 5 (AFD-5) District is as follows: Up to nine (9) family rental units, provided that two (2) of those units are set aside for low and moderate income households in accordance with the Borough’s Affordable Housing Ordinances.
- D. The maximum building coverage in the Affordable Housing 5 (AFD-5) District is 35%.
- E. The maximum impervious coverage in the Affordable Housing 5 (AFD-5) District is 90%

- F. The maximum gross floor area ratio in the Affordable Housing 5 (AFD-5) District is 0.85.
- G. The minimum setbacks within the Affordable Housing 5 (AFD-5) District are as follows:
  - 1. Any building face to front property line: 10 feet
  - 2. Any building face to street curb face or edge of pavement: 20 feet
  - 3. Any building face to any property side line: 3 feet
  - 4. Parking area or internal roadway to building face: 2 feet
  - 5. Any building face to any rear property line: 8 feet
- H. Building height: No building shall be more than three (3) stories, excluding basements used solely for parking, storage, utilities, landlord offices, common areas and related uses, or 42 feet.
- I. Parking requirements for the Affordable Housing 5 (AFD-5) District shall be in conformance with the Residential Site Improvement Standards, except that only one (1) parking space shall be required for each low- and moderate-income housing unit and visitor parking may take place on Borough parking lots located within 200 feet of the site, in accordance with Borough public parking requirements.
- J. No rooms intended for human habitation shall be located in a basement or attic, except for storage, utilities, landlord offices, common areas and related uses. However, all buildings should, where feasible, have basements and attics. Common recreational areas may be located in the basement of a building.

**Section 2:**

All other provisions of Chapter 165 of the Code of the Borough of Chatham shall remain unchanged.

**Section 3:**

Pursuant to the New Jersey Municipal Land Use Law, N.J.S.A. 40A:55-1 et seq., after introduction of this Ordinance, it shall be referred to the Chatham Borough Planning Board for the review required by law prior to the hearing on adoption of this Ordinance.

**Section 4:**

*Repeal of Inconsistent Provisions.* All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

**Section 5:**

*Severability.* The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 6:**

*Codification.* This Ordinance shall be a part of the Code of the Borough of Chatham as though codified and fully set forth therein. The Borough Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Borough Clerk and the Borough Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the Borough of Chatham in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

**Section 7:**

This Ordinance shall take effect upon passage, adoption, and publication in the manner prescribed by law.

<b>Name</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
<b>Hargrove</b>						
<b>Gilmore</b>						
<b>Hay</b>						
<b>Koronkiewicz</b>						
<b>Mathiasen</b>						
<b>Strickland</b>						

Introduced: February 23, 2026  
Passed and Approved: March 9, 2026

Attest:

BOROUGH OF CHATHAM

\_\_\_\_\_  
Vanessa L. Nienhouse, RMC, CMC  
Borough Clerk

\_\_\_\_\_  
Carolyn Dempsey  
Mayor

**CERTIFICATION**

I, Vanessa L. Nienhouse, Borough Clerk for the Borough of Chatham, County of Morris, State of New Jersey, do hereby certify this is a true and correct copy of an Ordinance that was read on second reading by the Borough Council at its Regular Meeting held on March 9, 2026.

\_\_\_\_\_  
Vanessa L. Nienhouse, Borough Clerk







**BOROUGH OF CHATHAM  
MORRIS COUNTY**

**ORDINANCE #26-06**

**AN ORDINANCE OF THE BOROUGH OF CHATHAM TO AMEND  
CHAPTER 165 “LAND DEVELOPMENT,” TO CREATE THE BUSINESS  
AFORDABLE HOUSING OVERLAY (B-AHO) ZONING DISTRICT**

**WHEREAS**, in consultation with the Borough’s legal and planning professionals, the Borough Council has determined that it is necessary and appropriate to amend Chapter 165 of the Code of the Borough of Chatham, “Land Development Regulations,” to add a new zoning overlay district to be known as the Business Affordable Housing Overlay (B-AHO) Zoning District; and,

**WHEREAS**, in any instance in which these regulations and standards do not address a particular land development control, or when specific reference to the Borough’s Land Development Ordinance is made, the standards of the Borough’s Land Development Ordinance shall apply.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Chatham, in the County of Morris and State of New Jersey, that Chapter 165 of the Code of the Borough of Chatham is hereby amended and supplemented as follows:

**Section 1:**

A new Section 165-35.6, entitled “Business Affordable Housing Overlay (B-AHO) Zoning District,” shall be added to Chapter 165 of the Code of the Borough of Chatham, “Land Development Regulations,” and shall read as follows:

**§ 165-35.6 Business Affordable Housing Overlay (B-AHO) District.**

A. The purpose of this Ordinance is as follows:

1. To find ways for a developed community to balance legitimate zoning and planning objectives with the need and constitutional obligation to provide affordable housing.
2. To attempt to channel affordable housing in the areas of the Borough that are best suited to accommodate affordable housing.
3. To address its affordable housing unmet need obligation, the Borough is establishing the Business Affordable Housing Overlay (B-AHO) Zoning District in order to create an opportunity for housing development in the Borough that is affordable to very low, low- and moderate-income households. This Ordinance permits the creation of multi-family housing within this zone, provided that such housing complies with a required inclusionary set-aside requirement and with all of the other the requirements of this Ordinance.

B. Location. The Business Affordable Housing Overlay (B-AHO) Zoning District is applicable to the following specific Blocks/Lots in the existing B-3 and B-5 Zoning Districts: (1) Block 49, Lots 1, 2 and 3 on the tax map of the Borough of Chatham; (2) Block 129, Lots 1, 3 and 4 on the tax map of the Borough of Chatham.

- C. Principal permitted uses. The following principal use shall be permitted in the Business Affordable Housing Overlay (B-AHO) Zoning District: Inclusionary multi-family dwellings, provided that (1) the minimum affordable housing set-aside is met; (2) all affordable housing units produced comply with the Borough's Affordable Housing Ordinance.
- D. Accessory uses permitted. The following accessory uses and structures shall be permitted in the Business Affordable Housing Overlay (B-AHO) Zoning District:
1. Accessory uses on the same lot, with and customarily incidental to, any of the above permitted uses.
  2. Surface parking and parking garages.
- E. Development standards in the Business Affordable Housing Overlay (B-AHO) Zoning District are as follows:
1. Maximum density: 21.1 du/acre.
  2. Minimum front yard setback: 30 feet.
  3. Maximum front yard setback: 50 feet.
  4. Minimum side yard setback: 10 feet.
  5. Minimum rear yard setback: 15 feet.
  6. Maximum height: 40 feet.
  7. Maximum stories: 3 stories.
  8. Maximum impervious coverage: 65%.
  9. Maximum building coverage: 30%.
  10. Minimum building setback from residential zone or use: 75 feet.
  11. Minimum buffer in accordance with Section 165-163D of the Borough Code to residential zone or use: 50 feet
  12. Minimum parking setback to residential zone or use: 50 feet
  13. Building design requirements include the following:
    - a. The third story shall be setback a minimum of 10 feet from any façade facing a public right-of-way or is adjacent to a single-family residence of the building.
    - b. Mechanical equipment shall be set back from all building facades by at least 10 feet and screened.

- c. Parapet walls are permitted up to five (5) feet in height, as measured from the maximum height limit, or finished level of roof. A guardrail with a surface of at least 70 percent open or with opacity of not more than 30 percent (as viewed in elevation) shall be permitted above a parapet wall or within two (2) feet of a parapet wall, provided that such guardrail is not more than four (4) feet in height. Such restriction on guardrail height shall not apply when located beyond two (2) feet from a parapet wall, in which case the guardrail shall be exempt from parapet height requirements.

F. The following affordable housing requirements shall apply to all developments with a residential component:

1. All developments with a residential component must include an on-site affordable housing set-aside of twenty percent (20%).
2. All affordable units created shall fully comply with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq. (“UHAC”), including but not limited to the required bedroom and income distribution, with the sole exception that thirteen percent (13%) of the affordable units within each bedroom distribution shall be required to be restricted for very-low-income households earning thirty percent (30%) or less of the median income pursuant to the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. (“FHA”).
3. At least fifty percent (50%) of the affordable units within each bedroom distribution shall be affordable to low-income households, inclusive of the at least thirteen percent (13%) of units affordable to very-low-income households.
4. The very-low-income affordable units shall be proportionately distributed within each bedroom distribution. In a family non-age-restricted development, at no time shall the number of one-bedroom very-low-income units exceed the number of three-bedroom very-low-income units.
5. Affordable units shall be integrated with the market-rate units, and the affordable units shall not be concentrated in separate building(s) or in separate area(s) or floor(s) from the market-rate units. In buildings with multiple dwelling units, this shall mean that the affordable units shall be generally distributed within each building with market-rate units. The affordable units shall also be of the same type as the market-rate units (e.g., if the market-rate units are non-age-restricted family units, the affordable units shall be non-age-restricted family units as well). The residents of the affordable units shall have full and equal access to all of the entryways, amenities, common areas, and recreation areas and facilities as the residents of the market-rate units.
6. Affordable units shall be subject to affordability controls as provided for by UHAC, with the sole exception that very low income shall be defined as at or below thirty percent (30%) of median income pursuant to the Fair Housing Act, and the affordability controls shall remain unless and until the Borough, in its sole discretion, takes action to extend or release the unit from such controls.
7. Construction of the affordable and market units shall be phased in compliance with UHAC.

8. Affordable units shall be affirmatively marketed in accordance with UHAC, the Borough’s affirmative marketing plan, and applicable law. The affirmative marketing shall include posting of all affordable units on the New Jersey Housing Resource Center website in accordance with applicable law.

**Section 2:**

All other provisions of Chapter 165 of the Code of the Borough of Chatham shall remain unchanged.

**Section 3:**

Pursuant to the New Jersey Municipal Land Use Law, N.J.S.A. 40A:55-1 et seq., after introduction of this Ordinance, it shall be referred to the Chatham Borough Planning Board for the review required by law prior to the hearing on adoption of this Ordinance.

**Section 4:**

*Repeal of Inconsistent Provisions.* All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

**Section 5:**

*Severability.* The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 6:**

*Codification.* This Ordinance shall be a part of the Code of the Borough of Chatham as though codified and fully set forth therein. The Borough Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Borough Clerk and the Borough Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the Borough of Chatham in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

**Section 7:**

This Ordinance shall take effect upon passage, adoption, and publication in the manner prescribed by law.

<b>Name</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
<b>Hargrove</b>						
<b>Gilmore</b>						
<b>Hay</b>						
<b>Koronkiewicz</b>						
<b>Mathiasen</b>						
<b>Strickland</b>						

Introduced: February 23, 2026

Passed and Approved: March 9, 2026

Attest:

BOROUGH OF CHATHAM

\_\_\_\_\_  
Vanessa L. Nienhouse, RMC, CMC  
Borough Clerk

\_\_\_\_\_  
Carolyn Dempsey  
Mayor

**CERTIFICATION**

I, Vanessa L. Nienhouse, Borough Clerk for the Borough of Chatham, County of Morris, State of New Jersey, do hereby certify this is a true and correct copy of an Ordinance that was read on second reading by the Borough Council at its Regular Meeting held on March 9, 2026.

\_\_\_\_\_  
Vanessa L. Nienhouse, Borough Clerk

**BOROUGH OF CHATHAM  
MORRIS COUNTY  
ORDINANCE #26-07**

**BOROUGH OF CHATHAM AFFORDABLE HOUSING ORDINANCE  
DEVELOPMENT FEE ORDINANCE TO REPLACE CHAPTERS 69 AND 119 FOR  
ONE NEW CHAPTER 69**

**WHEREAS**, in consultation with the Borough’s legal and planning professionals, the Borough Council has determined that it is necessary and appropriate to adopt new affordable housing regulations to replace those in Chapter 69, “Affordable Housing” and 119, “Development Fees” of the Code of the Borough of Chatham.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Chatham, in the County of Morris and State of New Jersey, that Chapters 69 and 119 of the Code of the Borough of Chatham are hereby replaced with a new Chapter 69, “Affordable Housing.”

**Section 1:**

The existing Chapters 69, “Affordable Housing” and 119, “Development Fees” of the Code of the Borough of Chatham, are hereby repealed and replaced with a revised and updated Chapter 69, to continue to be named “Affordable Housing,” and to read as follows:

**A. Introduction & Applicability**

1. This section of the Code sets forth regulations regarding the very low-, low- and moderate-income housing units in Chatham Borough consistent with the provisions outlined in P.L 2024, Chapter 2, including the amended Fair Housing Act (“FHA”) at N.J.S.A. 52:27D-301 et seq., as well as the Department of Community Affairs, Division of Local Planning Services (“LPS”) at N.J.A.C. 5:99 et seq., statutorily upheld existing regulations of the now-defunct Council on Affordable Housing (“COAH”) at N.J.A.C. 5:93 and 5:97, the Uniform Housing Affordability Controls (“UHAC”) at N.J.A.C. 5:80-26.1 et seq., and as reflected in the adopted municipal Fourth Round Housing Element and Fair Share Plan (“HEFSP”).
2. This Ordinance is intended to ensure that very-low-, low- and moderate-income units (“affordable units”) are created with controls on affordability over time and that very-low-, low- and moderate-income households shall occupy these units pursuant to statutory requirements. This Ordinance shall apply to all inclusionary developments, individual affordable units, and 100 percent affordable housing developments except where inconsistent with applicable law. Low-Income Housing Tax Credit financed developments shall adhere to affirmative marketing and random selection procedures set forth in UHAC.
3. The Chatham Borough Planning Board has adopted a HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan describes the ways the municipality shall address its fair share of very-low-, low- and moderate-income housing as approved by the Superior Court and documented in the Housing Element.
4. This Ordinance implements and incorporates the relevant provisions of the HEFSP and addresses the requirements of P.L 2024, Chapter 2, the FHA, N.J.A.C. 5:99, NJ Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and UHAC at N.J.A.C. 5:80-26.1, as may be amended and supplemented.
5. Applicability
  - a. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that are proposed to be created pursuant to the municipality’s most recently adopted HEFSP.

- b. This Ordinance shall apply to all developments that contain very-low-, low- and moderate-income housing units included in the Municipal HEFSP, including any unanticipated future developments that will provide very-low-, low- and moderate-income housing units.
- c. Projects receiving federal Low Income Housing Tax Credit financing and proposed for credit in the municipality's most recently adopted HEFSP shall comply with the affirmative fair marketing requirements of UHAC at N.J.A.C. 5:80-26.16 and the length of the affordability controls applicable to such projects shall be not less than a 30-year compliance period plus a 15-year extended-use period, for a total of not less than 45 years.

## B. Definitions

As used herein the following terms shall have the following meanings:

“Accessory apartments” means a residential dwelling unit that provides complete independent living facilities with a private entrance for one or more persons, consisting of provisions for living, sleeping, eating, sanitation, and cooking, including a stove and refrigerator, and is located within a proposed preexisting primary dwelling, within an existing or proposed structure that is an accessory to a dwelling on the same lot, constructed in whole or part as an extension to a proposed or existing primary dwelling, or constructed as a separate detached structure on the same lot as the existing or proposed primary dwelling. Accessory apartments are also referred to as “accessory dwelling units”.

“Act” means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

“Adaptable” means constructed in compliance with the technical design standards of the barrier free subcode adopted by the Commissioner of Community Affairs pursuant to the “State Uniform Construction Code Act,” P.L.1975, c. 217 (C.52:27D-119 et seq.) and in accordance with the provisions of section 5 of P.L.2005, c. 350 (C.52:27D-123.15).

“Administrative agent” means the entity approved by the Division responsible for the administration of affordable units, in accordance with N.J.A.C. 5:99-7, and UHAC at N.J.A.C. 5:80-26.15.

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

“Affirmative Marketing Plan” means the municipally adopted plan of strategies from which the administrative agent will choose to implement as part of the Affirmative Marketing requirements.

“Affirmative Marketing Process” or “Program” means the actual undertaking of Affirmative Marketing activities in furtherance of each project with very low-, low-, and moderate-income units.

“Affordability assistance” means the use of funds to render housing units more affordable to low- and moderate-income households and includes, but is not limited to, down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowner’s association or condominium fees and special assessments, common maintenance expenses, and assistance with emergency repairs and rehabilitation to bring deed-restricted units up to code, pursuant to N.J.A.C. 5:99-2.5.

“Affordability average” means an average of the percentage of regional median income at which restricted units in an affordable development are affordable to low- and moderate-income households.

“Affordable” means, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.7 and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.13.

“Affordable housing development” means a development included in a municipality’s housing element and fair share plan, and includes, but is not limited to, an inclusionary development, a municipally sponsored affordable housing project, or a 100 percent affordable development. This includes developments with affordable units on-site, off-site, or provided as a payment in-lieu of construction only if such a payment-in-lieu option has been previously approved by the Program or Superior Court as part of the HEFSP. Payments in lieu of construction were invalidated per P.L. 2024, c.2.

“Affordable Housing Dispute Resolution Program” or “the Program” refers to the dispute resolution program established pursuant to N.J.S.A. 52:27D-313.2.

“Affordable Housing Monitoring System” or “AHMS” means the Department’s cloud-based software application, which shall be the central repository for municipalities to use for reporting detailed information regarding affordable housing developments, affordable housing unit completions, and the collection and expenditures of funds deposited into the municipal affordable housing trust fund.

“Affordable Housing Trust Fund” or “AHTF” means that non-lapsing, revolving trust fund established in DCA pursuant to N.J.S.A. 52:27D-320 and N.J.A.C. 5:43 to be the repository of all State funds appropriated for affordable housing purposes. All references to the “Neighborhood Preservation Nonlapsing Revolving Fund” and “Balanced Housing” mean the AHTF.

“Affordable unit” means a housing unit proposed or developed pursuant to the Act, including units created with municipal affordable housing trust funds.

“Age-restricted housing” means a housing unit that is designed to meet the needs of, and is exclusively for, an age-restricted segment of the population such that: 1. All the residents of the development where the unit is situated are 62 years or older; 2. At least 80 percent of the units are occupied by one person that is 55 years or older; or 3. The development has been designated by the Secretary of HUD as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L.1983, c. 530 (C.55:14K-1 et seq.).

“Assisted living residence” means a facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to ensure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor. Apartment units must offer, at a minimum, one unfurnished room, a private bathroom, a kitchenette, and a lockable door on the unit entrance.

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

“Builder’s remedy” means court-imposed site-specific relief for a litigant who seeks to build affordable housing for which the court requires a municipality to utilize zoning techniques, such as mandatory set-asides or density bonuses, including techniques which provide for the economic viability of a residential development by including housing that is not for low- and moderate-income households.

“Certified household” means a household that has been certified by an administrative agent as a very-low-income household, a low-income household, or a moderate-income household.

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

“COAH” or the “Council” means the Council on Affordable Housing established in, but not of, DCA pursuant to the Act and that was abolished effective March 20, 2024, pursuant to section 3 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1).

“Commissioner” means the Commissioner of the Department of Community Affairs.

“Compliance certification” means the certification obtained by a municipality pursuant to section 3 of P.L.2024, c. 2 (C.52:27D-304.1), that protects the municipality from exclusionary zoning litigation during the current round of present and prospective need and through July 1 of the year the next round begins, which is also known as a “judgment of compliance” or “judgment of repose.” The term “compliance certification” shall include a judgment of repose granted in an action filed pursuant to section 13 of P.L.1985, c. 222 (C.52:27D-313).

“Construction” means new construction and additions, but does not include alterations, reconstruction, renovations, conversion, relocation, or repairs, as those terms are defined in the State Uniform Construction Code promulgated pursuant to the State Uniform Construction Code Act, P.L. 1975, c. 217(N.J.S.A. 52:27D-119 et seq.).

“County-level housing judge” means a judge appointed pursuant to section 5 at P.L. 2024, c. 2, to resolve disputes over the compliance of municipal fair share affordable housing obligations and municipal Fair Share plans and housing elements with the Act.

“DCA” and “Department” mean the State of New Jersey Department of Community Affairs.

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

“Department” means the New Jersey Department of Community Affairs.

“Developer” means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

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

“Development fee” means money paid by a developer for the improvement of residential and non-residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and 40:55D-8.1 through 40:55D-8.7 and N.J.A.C. 5:99-3.

“Dispute Resolution Program” means the Affordable Housing Dispute Resolution Program, established pursuant to section 5 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-313.2).

“Division” means the Division of Local Planning Services within the Department of Community Affairs.

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

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

“Equity share amount” means the product of the price differential and the equity share, with the equity share being the whole number of years that have elapsed since the last non-exempt sale of a restricted ownership unit, divided by 100, except that the equity share may not be less than five percent and may not exceed 30 percent.

“Exit sale” means the first authorized non-exempt sale of a restricted unit following the end of the control period, which sale terminates the affordability controls on the unit.

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

“Extension of expiring controls” means extending the deed restriction period on units where the controls will expire in the current round of a housing obligation, so that the total years of a deed restriction is at least 60 years.

“Fair share obligation” means the total of the present need and prospective need, including prior rounds, as determined by the Affordable Housing Dispute Resolution Program, or a court of competent jurisdiction.

“Fair share plan” means the plan or proposal, with accompanying ordinances and resolutions, by which a municipality proposes to satisfy its constitutional obligation to create a realistic opportunity to meet its fair share of low- and moderate-income housing needs of its region and which details the affirmative measures the municipality proposes to undertake to achieve its fair share of low- and moderate-income housing, as provided in the municipal housing element, and which addresses the development regulations necessary to implement the housing element, including, but not limited to, inclusionary requirements and development fees, and the elimination of unnecessary housing cost-generating features from the municipal land use ordinances and regulations.

“FHA” means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

“Green Building Strategies” means the strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

“HMFA” or “the Agency” means the New Jersey Housing and Mortgage Finance Agency established pursuant to P.L. 1983, c. 530 (N.J.S.A. 55:14K-1 et seq.).

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

“Housing element” means the portion of a municipality’s master plan adopted in accordance with the Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-28.b(3) and the Act consisting of reports, statements proposals, maps, diagrams, and text designed to meet the municipality’s fair share of its region’s present and prospective housing needs, particularly with regard to low- and moderate-income housing, which shall include the municipal present and prospective obligation for affordable housing, determined pursuant to subsection f. at N.J.S.A. 52:27D-304.1.

“Housing region” means a geographic area established pursuant to N.J.S.A. 52:27D-304.2b.

“Inclusionary development” means a residential housing development in which a substantial percentage of the housing units are provided for a reasonable income range of low- and moderate- income households.

“Judgment of compliance” or “judgment for repose” means a determination issued by the Superior Court approving a municipality’s fair share plan to satisfy its affordable housing obligation for a particular 10-year round.

“Low-income household” means a household with a household income equal to 50 percent or less of the regional median income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

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

“Mixed use development” means any development that includes both a non-residential development component and a residential development component, and shall include developments for which: (1) there is a common developer for both the residential development component and the non-residential development component, provided that for purposes of this definition, multiple persons and entities maybe considered a common developer if there is a contractual relationship among them obligating each entity to develop at least a portion of the residential or non-residential development, or both, or otherwise to contribute resources to the development; and (2) the residential and non-residential developments are located on the same lot or adjoining lots, including, but not limited to, lots separated by a street, a river, or another geographical feature.

“Moderate-income household” means a household with a household income in excess of 50 percent but less than 80 percent of the regional median income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“MONI” means the no-longer-active Market Oriented Neighborhood Investment Program, as it was authorized by the Agency.

“Municipal housing liaison” or “MHL” means an appointed municipal employee who is, pursuant to N.J.A.C. 5:99-6, responsible for oversight and/or administration of the affordable units created within the municipality.

“Municipal affordable housing trust fund” means a separate, interest-bearing account held by a municipality for the deposit of development fees, payments in lieu of constructing affordable units on sites zoned for affordable housing previously approved prior to March 20, 2024 (per P.L. 2024, c.2), barrier-free escrow funds, recapture funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, and any other funds collected by the municipality in connection with its affordable housing programs, which shall be used to address municipal low- and moderate-income housing obligations within the time frames established by the Legislature and this chapter.

“Municipal development fee ordinance” means an ordinance adopted by the governing body of a municipality that authorizes the collection of development fees.

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

“New Jersey Affordable Housing Trust Fund” means an account established pursuant to N.J.S.A. 52:27D-320.

“New Jersey Housing Resource Center” or “Housing Resource Center” means the online affordable housing listing portal, or its successor, overseen by the Agency pursuant to N.J.S.A. 52:27D-321.3 et seq.

“95/5 restriction” means a deed restriction governing a restricted ownership unit that is part of a housing element that received substantive certification from COAH pursuant to N.J.A.C. 5:93, as it was in effect at the time of the receipt of substantive certification, before October 1, 2001, or any other deed restriction governing a restricted ownership unit with a seller repayment option requiring 95 percent of the price differential to be paid to the municipality or an instrument of the municipality at the closing of a sale at market price.

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

“Nonprofit” means an organization granted nonprofit status in accordance with section 501(c)(3) of the Internal Revenue Code.

“Non-residential development” means:

Any building or structure, or portion thereof, including, but not limited to, any appurtenant improvements, which is designated to a use group other than a residential use group according to the State Uniform Construction Code, N.J.A.C. 5:23, promulgated to effectuate the State uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., including any subsequent amendments or revisions thereto;

Hotels, motels, vacation timeshares, and child-care facilities; and

The entirety of all continuing care facilities within a continuing care retirement community which is subject to the Continuing Care Retirement Community Regulation and Financial Disclosure Act, N.J.S.A.52:27D-330 et seq.

“Non-residential development fee” means the fee authorized to be imposed pursuant to N.J.S.A. 40:55D-8.1 through 40:55D-8.7.

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

“Payment in lieu of constructing affordable units” means the prior approval of the payment of funds to the municipality by a developer when affordable units were not produced on a site zoned for an inclusionary development. The statutory permission for payments in lieu of constructing affordable units was eliminated per P.L. 2024, c.2.

“Prospective need” means a projection of housing needs based on development and growth which is reasonably likely to occur in a region or a municipality, as the case may be, as a result of actual determination of public and private entities. Prospective need shall be determined by the methodology set forth pursuant to sections 6 and 7 of P.L.2024, c. 2 (C.52:27D-304.2 and C.52:27D-304.3) for the fourth round and all future rounds of housing obligations.

“Qualified Urban Aid Municipality” means a municipality that meets the criteria established pursuant to N.J.S.A. 52:27D-304.3.c(1).

“Person with a disability” means a person with a physical disability, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, aging, or illness including epilepsy and other seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impairment, deafness or hearing impairment, the inability to speak or a speech impairment, or physical reliance on a service animal, wheelchair, or other remedial appliance or device.

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

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

“Random selection process” means a lottery process by which currently income-eligible applicant-households are selected, at random, for placement in affordable housing units such that no preference is given to one applicant over another, except in the case of a veterans’ preference where such an agreement exists; for purposes of matching household income and size with an appropriately priced and sized affordable unit; or another purpose allowed pursuant to N.J.A.C. 5:80-26.7(k)3. This definition excludes

any practices that would allow affordable housing units to be leased or sold on a first-come, first-served basis.

“RCA administrator” means an appointed municipal employee who is responsible for oversight and/or administration of affordable units and associated revenues and expenditures within the municipality that were funded through regional contribution agreements.

“RCA project plan” means a past application, submitted by a receiving municipality in an RCA, delineating the manner in which the receiving municipality intended to create or rehabilitate low- and moderate-income housing.

“Receiving municipality” means, for the purposes of an RCA, a municipality that contractually agreed to assume a portion of another municipality’s fair share obligation.

“Reconstruction” means any project where the extent and nature of the work is such that the work area cannot be occupied while the work is in progress and where a new certificate of occupancy is required before the work area can be reoccupied, pursuant to the Rehabilitation Subcode of the uniform Construction Code, N.J.A.C. 5:23-6. Reconstruction shall not include projects comprised only of floor finish replacement, painting or wallpapering, or the replacement of equipment or furnishings. Asbestos hazard abatement and lead hazard abatement projects shall not be classified as reconstruction solely because occupancy of the work area is not permitted.

“Recreational facilities and community centers” means any indoor or outdoor buildings, spaces, structures, or improvements intended for active or passive recreation, including, but not limited to, ballfields, meeting halls, and classrooms, accommodating either organized or informal activity.

“Regional contribution agreement” or “RCA” means a contractual agreement, pursuant to the Act, into which two municipalities voluntarily entered into and was approved by COAH and/or Superior Court prior to July 18, 2008, to transfer a portion of a municipality’s affordable housing obligation to another municipality within its housing region.

“Regional median income” means the median income by household size for an applicable housing region, as calculated annually in accordance with N.J.A.C. 5:80-26.3.

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

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

“Residential development fee” means money paid by a developer for the improvement of residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and N.J.A.C. 5:99-3.2.

“Restricted unit” means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of this subchapter but does not include a market-rate unit that was financed pursuant to UHORP, MONI, or CHOICE.

“Spending plan” means a method of allocating funds contained in an affordable housing trust fund account, which includes, but is not limited to, development fees collected and to be collected pursuant to an approved municipal development fee ordinance, or pursuant to N.J.S.A. 52:27D-329.1 et seq., for the purpose of meeting the housing needs of low- and moderate-income individuals.

“State Development and Redevelopment Plan” or “State Plan” means the plan prepared pursuant to sections 1 through 12 of the “State Planning Act,” P.L.1985, c. 398 (C.52:18A-196 et al.), designed to represent a balance of development and conservation objectives best suited to meet the needs of the State, and for the purpose of coordinating planning activities and establishing Statewide planning objectives in the areas of land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination pursuant to subsection f. of section 5 of P.L.1985, c. 398 (C.52:18A-200).

“Supportive housing household” means a very low-, low- or moderate-income household certified as income eligible by an administrative agent in accordance with N.J.A.C. 5:80-26.14, in which at least one member is an individual who requires supportive services to maintain housing stability and independent living and who is part of a population identified by federal or state statute, regulation, or program guidance as eligible for supportive or special needs housing. Such populations include, but are not limited to: persons with intellectual or developmental disabilities, persons with serious mental illness, person with head injuries (as defined in Section 2 of P.L. 1977), persons with physical disabilities or chronic health conditions, persons who are homeless as defined by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 578, survivors of domestic violence, youth aging out of foster care, and other special needs populations recognized under programs administered by the U.S. Department of Housing and Urban Development, the Low-Income Housing Tax Credit Program, the McKinney–Vento Act, or the New Jersey Department of Human Services. A supportive housing household may include family members, unrelated individuals, or live-in aides, provided that the household meets the income eligibility requirements of this subchapter, except that in the case of unrelated individuals not operating as a family unit, income eligibility shall be tested on an individual basis rather than in the aggregate; the unit is leased or sold subject to the affordability controls established herein; and the supportive services available to the household are designed to promote housing stability, independent living, and community integration. The determination of whether unrelated individuals are operating as a family unit shall be made based on the applicant’s self-identification of household members on the affordable housing application.

“Supportive housing sponsoring program” means grant or loan program which provided financial assistance to the development of the unit.

“Supportive housing unit” means a restricted rental unit that is affordable to very low-, low- or moderate-income households and is reserved for occupancy by a supportive housing household. A supportive housing unit is intended to provide long-term, community-based housing for individuals with intellectual or developmental disabilities, as defined at N.J.S.A. 30:6D-25(b). Such units must be leased subject to the affordability controls established herein; remain subject to Affirmative Marketing requirements, household certification, and administrative agent oversight; and may, with the approval of the municipal housing liaison and the administrative agent, be leased either by the bedroom or to a single household in the case of multi-bedroom configurations, provided such arrangement is consistent with the Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968) and the project’s Affirmative Marketing Program. A supportive housing unit may, with the approval of the administrative agent, be subject to a master lease by an approved supportive housing operator, provided that all subleases are to be certified supportive housing households and remain fully subject to the affordability controls of this subchapter. Rents for supportive housing units shall not exceed the rent standards established and published by the New Jersey Department of Human Services. Supportive housing units are also referred to as permanent supportive housing units.

“Transitional housing” means temporary housing that: (1) includes, but is not limited to, single-room occupancy housing or shared living and supportive living arrangements; (2) provides access to on-site or off-site supportive services for very low-income households who have recently been homeless or lack stable housing; (3) is licensed by the department; and (4) allows households to remain for a minimum of six months.

“Treasurer” means the Treasurer of the State of New Jersey.

“UHAC” means the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26.

“UHORP” means the Agency’s Urban Homeownership Recovery Program, as it was authorized by the Agency Board.

“Unit type” means type of dwelling unit with various building standards including but not limited to single-family detached, single-family attached/townhouse, stacked townhouse (attached building containing 2 units each with separate entrances), duplex (detached building containing 2 units each with separate entrances), triplex (3 units each with separate entrance), quadplex (4 units each with separate entrance), multifamily / flat (2 or more units with a shared entrance). Inclusion of a garage, or not, shall not define the unit type.

“Very-low-income household” means a household with a household income less than or equal to 30 percent of the regional median income.

“Very-low-income housing” means housing affordable according to the Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 30 percent or less of the median gross household income for households of the same size within the housing region in which the housing is located.

“Very-low-income unit” means a restricted unit that is affordable to a very-low-income household. Very-low-income units are a subset of low-income units.

“Veteran” means a veteran as defined at N.J.S.A. 54:4-8.10.

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

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors and is considered a major system for rehabilitation.

### C. Monitoring and Reporting Requirements

1. The municipality shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its court-approved Housing Element and Fair Share Plan:
  - a. The municipality shall provide electronic monitoring data with the Department pursuant to P.L. 2024, Chapter 2 and N.J.A.C. 5:99 through the Affordable Housing Monitoring System (AHMS). All monitoring information required to be made public by the FHA shall be available to the public on the Department’s website at <https://www.nj.gov/dca/dlps/hss/MuniStatusReporting.shtml>.
  - b. On or before February 15 of each year, the municipality shall provide annual reporting of its municipal Affordable Housing Trust Fund activity to the Department on the AHMS portal. The reporting shall include an accounting of all municipal Affordable Housing Trust Fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended, for the previous year from January 1st to December 31st.
  - c. On or before February 15 of each year, the annual reporting of the status of all affordable housing activity shall be provided to the Department on the AHMS portal, for the previous year from January 1st to December 31st.

### D. Municipality-wide Mandatory Set-Aside

1. A development, other than single-family detached, providing a minimum of five new housing units created through any municipal rezoning or Zoning Board action, use or density variance, redevelopment plan, or rehabilitation plan that provides for densities at or above six units per acre, is required to include an affordable housing set-aside of 20 percent.
2. Any affordable units generated through such mandatory set-aside shall be subject to all other provisions of this ordinance.
3. All such affordable units shall be governed by this ordinance the controls on affordability, including bedroom distribution, and affirmatively marketed to the housing region in conformance with UHAC at N.J.A.C. 5:80-26.1 et seq., any successor regulation, and all other applicable laws.
4. No subdivision shall be permitted or approved for the purpose of avoiding compliance with this requirement. Developers cannot, for example, subdivide a project into two lots and then make each of them a number of units just below the threshold.
5. The mandatory set-aside requirements of this section do not give any developer the right to any rezoning, variance or other relief, or establish any obligation on the part of the municipality to grant such rezoning, variance or other relief.

6. This municipality-wide mandatory set-aside requirement does not apply to any sites or specific zones otherwise identified in the HEFSP, for which density and set-aside requirements shall be governed by the specific standards as set forth therein.
7. In the event that the inclusionary set-aside of 20 percent of the total number of residential units does not result in a full integer, the developer shall round the set-aside upward to construct a whole additional affordable unit.

E. Affordable Housing Programs

1. Pursuant to amended UHAC regulations at N.J.A.C. 5:80-26.1 et seq. and, in addition, pursuant to P.L. 2024, c.2 and specifically to the amended FHA at N.J.S.A. 52:27D-311.m, “All parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing unless those regulations are contradicted by statute, including but not limited to P.L. 2024, c.2, or binding court decisions.” The following are many of the main provisions of the COAH regulations at either N.J.A.C. 5:93 or 5:97 that have been upheld by the NJ Supreme Court. Municipalities should consult the cited full COAH regulations when preparing the HEFSP for required documentation, etc. Additional compliance details may also be included in the specific municipal program manual.
2. Rehabilitation Programs (per N.J.A.C. 5:93-5.2 with updated provisions herein per N.J.A.C. 5:97-6.2 related to credit towards a municipal present need obligation).
  - a. The rehabilitation program shall be designed to renovate deficient housing units occupied or intended to be occupied by very low-, low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28-1.1 et seq or the Rehabilitation Subcode, N.J.A.C. 5:23-6 to the extent applicable.
  - b. Both ownership and rental units shall be eligible for rehabilitation funds.
  - c. All rehabilitated units shall remain affordable to very low-, low- and moderate-income households for a period of 10 years (the control period). For owner-occupied units, the control period shall be enforced with a mortgage and note and for renter-occupied units the control period will be enforced with a deed restriction.
  - d. The municipality shall dedicate a minimum average hard cost of \$10,000 for each unit to be rehabilitated through this program and in addition shall dedicate associated rehabilitation program soft costs such as case management, inspection fees and work write-ups.
  - e. The municipality shall designate, subject to the approval of the Department, one or more Administrative Agents to administer the rehabilitation program in accordance with P.L 2024, Chapter 2. The Administrative Agent(s) shall provide rehabilitation manuals for ownership and rental rehabilitation programs. Manuals shall be adopted by resolution of the governing body. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and on the municipal affordable housing web page.
  - f. Households determined to be very low-, low-, or moderate-income may participate in a rehabilitation program. Rehabilitated units shall be exempt from the very low-income requirements, low/mod split, and bedroom distribution requirements of UHAC, but shall be administered in accordance with the following:
    - i. If a unit is vacant at the time of rehabilitation, or if a rehabilitated unit becomes vacant and is re-rented before the expiration of the affordability controls, the deed restriction shall require that the unit be rented to a low- or moderate-income household at an affordable rent.
    - ii. If a rental unit is occupied by a tenant at the time rehabilitation is completed, the rent charged after rehabilitation shall not exceed the lesser of the tenant’s current rent or the maximum rent permitted under UHAC.
    - iii. Rents in rehabilitated units may increase annually based on the standards in UHAC.
    - iv. At the time of application, applicant households and/or tenant households shall be subject to income eligibility determinations in accordance with UHAC.

F. New Construction Programs (per N.J.A.C. 5:93 as may be updated per various sections in N.J.A.C. 5:97 and N.J.S.A. 52:27D-301 et seq.).

1. The following requirements shall apply to all new or planned developments that contain very low-, low- and moderate-income housing units. To the extent possible, details related to the adherence to the requirements below shall be outlined in the resolution granting municipal subdivision or site plan approval of the project to assist municipal representatives, developers and Administrative Agents.
2. Completion Schedule (previously known as phasing). Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following completion schedule for very low-, low- and moderate-income units whether developed in a single-phase development, or in a multi-phase development:

Maximum Percentage of Market-Rate Units Issued a Temporary or Final Certificate of Occupancy	Minimum Percentage of Affordable Units Issued a Temporary or Final Certificate of Occupancy
25+1	10
50	50
75	75
90	100

3. Design. The following design requirements apply to affordable housing developments, excluding prior round units.
  - a. Design of 100 percent affordable developments:
    - i. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
    - ii. Each bedroom in each restricted unit must have at least one window.
    - iii. Restricted units must include adequate air conditioning and heating.
  - b. Design of developments comprising market-rate rental units and restricted rental units. The following does not apply to prior round units, unless stated otherwise.
    - i. Restricted units must use the same building materials and architectural design elements (for example, plumbing, insulation, or siding) as market-rate units of the same unit type (for example, flat or townhome) within the same development, except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.
    - ii. Restricted units and market-rate units within the same affordable development must be sited such that restricted units are not concentrated in less desirable locations.
    - iii. Restricted units may not be physically clustered so as to segregate restricted and market-rate units within the same development or within the same building, but must be interspersed throughout the development, except that age-restricted and supportive housing units may be physically clustered if the clustering facilitates the provision of on-site medical services or on-site social services. Prior round affordable units shall be integrated with market rate units to the extent feasible.
    - iv. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.

- v. Restricted units must include adequate air conditioning and heating and must use the same type of cooling and heating sources as market-rate units of the same unit type. This shall apply to prior round units.
  - vi. Each bedroom in each restricted unit must have at least one window.
  - vii. Restricted units must be of the same unit type as market-rate units within the same building.
  - viii. Restricted units and bedrooms must be no less than 90 percent of the minimum size prescribed by the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
- c. Design of developments containing for-sale units, including those with a mix of rental and for-sale units. Restricted rental units shall meet the requirements of section b above. Restricted sale units shall comply with the below:
- i. Restricted units must use the same building standards as market-rate units of the same unit type (for example, flat, townhome, or single-family home), except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.
  - ii. Restricted units may be clustered, provided that the buildings or housing product types containing the restricted units are integrated throughout the development and are not concentrated in an undesirable location or in undesirable locations. Prior round affordable units shall be integrated with market rate units to the extent feasible.
  - iii. Restricted units may be of different unit housing product types than market-rate units, provided that there is a restricted option available for each market rate housing type. Developments containing market-rate duplexes, townhomes, and/or single-family homes shall offer restricted housing options that also include duplexes, townhomes, and/or single-family homes. Penthouses and higher priced end townhouses *may* be exempt from this requirement. The proper ratio for restricted to market-rate unit type shall be subject to municipal ordinance or, if not specified, shall be determined at the time of site plan approval.
  - iv. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
  - v. Penthouse and end units may be reserved for market-rate sale, provided that the overall number, value, and distribution of affordable units across the development is not negatively impacted by such reservation(s).
  - vi. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.
  - vii. Each bedroom in each restricted unit must have at least one window; and
  - viii. Restricted units must include adequate air conditioning and heating.
4. Utilities.
- a. Affordable units shall utilize the same type of cooling and heating source as market-rate units within the affordable housing development.
  - b. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance in accordance with N.J.AC 5:80-26.13(e).
5. Low/moderate split and bedroom distribution.
- a. Affordable units shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.

- b. In each affordable housing development, at least 50 percent of the restricted units within each bedroom distribution rounded up to the nearest whole number shall be very low- or low-income units.
  - c. Within rental developments, of the total number of affordable rental units, at least 13 percent, rounded up to the nearest whole number, shall be affordable to very low-income households. The very low-income units shall be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count, and counted as part of the required number of low-income units within the development.
  - d. Affordable housing developments that are not age-restricted or supportive housing shall be structured such that:
    - i. At a minimum, the number of bedrooms within the restricted units equals twice the number of restricted units;
    - ii. Two-bedroom and/or three-bedroom units compose at least 50 percent of all restricted units;
    - iii. The combined number of efficiency and one-bedroom units shall be no greater than 20 percent, rounded down, of the total number of low- and moderate-income units.
    - iv. At least 30 percent of all low- and moderate-income units, rounded up shall be two-bedroom units.
    - v. At least 20 percent of all low- and moderate-income units, rounded up shall be three-bedroom units.
    - vi. The remaining units may be allocated among two- and three- bedroom units at the discretion of the developer.
  - e. Affordable housing developments that are age-restricted or supportive housing, except those supportive housing units whose sponsoring program determines the unit arrangements, shall be structured such that, at a minimum, the number of bedrooms shall equal the number of age-restricted or supportive housing low- and moderate-income units within the inclusionary development. Supportive housing units whose sponsoring program determines the unit arrangement shall comply with all requirements of the sponsoring program. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit. In affordable housing developments with 20 or more restricted units that are age-restricted or supportive housing, two-bedroom units must comprise at least five percent of those restricted units.
6. Accessibility requirements.
- a. Any new construction shall be adaptable; however, elevators shall not be required in any building or within any dwelling unit for the purpose of compliance with this section. In buildings without elevator service, only ground floor dwelling units shall be required to be constructed to conform with the technical design standards of the barrier free subcode. "Ground floor" means the first floor with a dwelling unit or portion of a dwelling unit, regardless of whether that floor is at grade. A building may have more than one ground floor.
  - b. Notwithstanding the exemption for townhouse dwelling units in the barrier free subcode, the first floor of all townhouse dwelling units and of all other multifloor dwelling units that are attached to at least one other dwelling unit shall be subject to the technical design standards of the barrier free subcode and shall include the following features:
    - i. An adaptable toilet and bathing facility on the first floor;
    - ii. An adaptable kitchen on the first floor;
    - iii. An interior accessible route of travel however an interior accessible route of travel shall not be required between stories;
    - iv. An adaptable room that can be used as a bedroom, with a door, or the casing for the installation of a door that is compliant with the Barrier Free Subcode, on the first floor;

- v. If not all of the foregoing requirements in b.i. through b.iv. can be satisfied, then an interior accessible route of travel shall be provided between stories within an individual unit; and
  - vi. An accessible entranceway as set forth in P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the municipality has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:
    - (a) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
    - (b) To this end, the builder of restricted units shall deposit funds within the Affordable Housing Trust Fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
    - (c) The funds deposited shall be expended for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
    - (d) The developer of the restricted units shall submit to the Construction Official a design plan and cost estimate for the conversion from adaptable to accessible entrances.
    - (e) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meets the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Affordable Housing Trust Fund and earmarked appropriately.
  - vii. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is “site-impracticable” to meet the requirements. If full compliance with this section would be site impracticable, compliance with this section for any portion of the dwelling shall be required to the extent that it is not site impracticable. Determinations of site impracticability shall comply with the Barrier Free Subcode at N.J.A.C. 5:23-7.
7. Market to Affordable program (per N.J.A.C. 5:97-6.9).
- a. A market to affordable program permits the purchase or subsidization of unrestricted units through a mortgage write-down provided to an income-certified buyer or through a sale or rental as a low- or moderate-income unit to an income-eligible household. The market to affordable program may produce both low- and moderate-income units.
  - b. At the time they are offered for sale or rental, eligible units may be new, pre-owned or vacant.
  - c. The units shall be certified to be in sound condition as a result of an inspection performed by a licensed building inspector.
  - d. A minimum subsidy of \$25,000 per moderate-income unit and/or \$30,000 per low-income unit shall be provided, with additional subsidy depending on the market prices or rents in a municipality.
  - e. The units shall comply with UHAC with the following exceptions:
    - i. Bedroom distribution (N.J.A.C. 5:80-26.4).
    - ii. Low/moderate income split (N.J.A.C. 5:80-26.4).
  - f. Affordability average (N.J.A.C. 5:80-26.4); however:
    - i. The maximum rent for a moderate-income unit shall be affordable to households earning no more than 60 percent of median income and the maximum rent for a low-income unit shall be affordable to households earning no more than 44 percent of median income; and
    - ii. The maximum sales price for a moderate-income unit shall be affordable to households earning no more than 70 percent of median income and the maximum sales price for a low-

income unit shall be affordable to households earning no more than 40 percent of median income.

8. Extension of Controls Program (for ownership units per N.J.A.C. 5:97-6.14 and UHAC at N.J.A.C. 5:80-26.6(h) through (k) and (m); and for rental units per N.J.A.C. 5:97-6.14 and N.J.A.C. 5:80-26.12(h) through (k)).
  - a. An extension of affordability controls program is established to maintain and extend the affordability of deed restricted units scheduled to come out of their affordability control period, subject to N.J.A.C. 5:97-6.14 and UHAC, including the following:
    - i. The affordable unit meets the criteria for prior cycle (April 1, 1980 - December 15, 1986) or post December 15, 1986 credits set forth in N.J.A.C. 5:97.
    - ii. The affordability controls for the unit are scheduled to expire in the current round; or in the next round of housing obligations if the municipal election to extend controls is made no earlier than one year before the end of the current round;
    - iii. The municipality shall obtain a continuing certificate of occupancy or a certified statement from the municipal building inspector stating that the restricted unit meets all code standards.
    - iv. If a unit requires repair and/or rehabilitation work in order to receive a continuing certificate of occupancy or certified statement from the municipal building inspector, the municipality shall fund and complete the work.
    - v. The municipality shall adhere to the process for extending controls pursuant to UHAC for extending ownership units and rental units, either inclusionary or 100 percent affordable developments.
    - vi. The deed restriction for the extended control period shall be filed with the County Clerk.
9. Assisted Living Residence (per N.J.A.C. 5:97-6.11).
  - a. An assisted living residence is a facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to assure that assisted living services are available. All or a designated number of apartments in the facility shall be restricted to low- and moderate-income households.
  - b. The unit of credit shall be the apartment. However, a two-bedroom apartment shall be eligible for two units of credit if it is restricted to two unrelated individuals.
  - c. A recipient of a Medicaid waiver shall automatically qualify as a low- or moderate-income household.
  - d. Assisted living units are considered age-restricted housing in a HEFSP and shall be included with the maximum number of units that may be age-restricted.
  - e. Low- and moderate-income residents cannot be charged any upfront fees.
  - f. The units shall comply with UHAC with the following exceptions:
    - i. Affirmative marketing (N.J.A.C. 5:80-26.16); provided that the units are restricted to recipients of Medicaid waivers;
    - ii. The deed restriction may be on the facility, rather than individual apartments or rooms;
    - iii. Low/moderate income split and affordability average (N.J.A.C. 5:80-26.4); only if all of the affordable units are affordable to households at a maximum of 60 percent of median income; and
  - g. Tenant income eligibility (N.J.A.C. 5:80-26.14); up to 80 percent of an applicant's gross income may be used for rent, food and services based on occupancy type and the affordable unit must receive the same basic services as required by the Agency's underwriting guidelines and financing policies. The cost of non-housing related services shall not exceed one and two-thirds times the rent established for each unit.

10. Supportive Housing and Group Homes (per N.J.A.C. 5:97-6.10).

- a. The following provisions shall apply to group homes, residential health care facilities, and supportive shared living housing:
  - i. The unit of credit shall be the bedroom. However, the unit of credit shall be the unit if occupied by a single person or household.
  - ii. Housing that is age-restricted shall be included with the maximum number of units that may be age-restricted pursuant to the Act.
  - iii. Occupancy shall not be restricted to youth under 18 years of age.
  - iv. In affordable developments with 20 or more restricted units that are supportive housing, two-bedroom units must compose at least five percent of those restricted units.
  - v. The bedrooms and/or units shall comply with UHAC with the following exceptions:
    - (a) Affirmative marketing; however, group homes, residential health care facilities, permanent supportive housing and supportive shared living housing shall be affirmatively marketed to broadest possible population of qualified individuals with special needs in accordance with a plan, if applicable, approved by the sponsoring program;
    - (b) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.4).
  - vi. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, group homes, residential health care facilities, supportive shared living housing and permanent supportive housing shall have the appropriate controls on affordability in accordance with the Act. In the event that a supportive housing provider is unable to record or execute a long-term deed restriction, the units shall be subject to annual recertification by the Municipal Housing Liaison to confirm continued occupancy and compliance with this Section.
  - vii. Objective standards shall be applied in the selection of tenants for supportive housing units and shall be designed to ensure that individuals are not excluded in an arbitrary or capricious manner.
  - viii. The following documentation shall be submitted by the sponsor to the municipality prior to marketing the completed units or facility:
    - (a) An Affirmative Marketing Plan in accordance with D1 above; and
    - (b) If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey Department of Human Services or another State agency in accordance with the requirements of this section, which includes validation of the number of bedrooms or units in which low- or moderate-income occupants reside.
  - ix. The sponsor/owner shall complete annual monitoring as directed by the MHL.

G. Regional Income Limits.

1. Administrative agents shall use the current regional income limits for the purpose of pricing affordable units and determining income eligibility of households.
2. Regional income limits are based on regional median income, which is established by a regional weighted average of the “median family incomes” published by HUD. The procedure for computing the regional median income is detailed in N.J.A.C. 5:80-26.3.
3. Updated regional income limits are effective as of the effective date of the regional Section 8 income limits for the year, as published by HUD, or 45 days after HUD publishes the regional Section 8 income limits for the year, whichever comes later. The new income limits may not be less than those of the previous year.

H. Maximum Initial Rents And Sales Prices.

1. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC N.J.A.C. 5:80-26.4.
2. The average rent for all restricted units within each affordable housing development shall be affordable to households earning no more than 52 percent of regional median income.
3. The maximum rent for restricted rental units within each affordable housing development shall be affordable to households earning no more than 60 percent of regional median income.
4. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units. Very low-income units, if required, should be distributed between each bedroom count as proportionally as possible to the total number of restricted units within each bedroom count, and shall be part of the low-income requirement.
5. The maximum sales price of restricted ownership units within each affordable housing development shall be affordable to households earning no more than 70 percent of median income, and each affordable housing development must achieve an affordability average that does not exceed 55 percent for all restricted ownership units. In achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type when the number of low- and moderate-income units permits.
6. The master deeds and declarations of covenants and restrictions for affordable developments may not distinguish between restricted units and market-rate units in the calculation of any condominium or homeowner association fees and special assessments to be paid by low- and moderate-income purchasers and those to be paid by market-rate purchasers. Notwithstanding the foregoing sentence, condominium units subject to a municipal ordinance adopted before December 20, 2004, which ordinance provides for condominium or homeowner association fees and/or assessments different from those provided for in this subsection are governed by the ordinance.
7. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted family units, the following standards shall be met:
  - a. A studio or efficiency unit shall be affordable to a one-person household;
  - b. A one-bedroom unit shall be affordable to a one and one-half person household;
  - c. A two-bedroom unit shall be affordable to a three-person household;
  - d. A three-bedroom unit shall be affordable to a four and one-half person household; and
  - e. A four-bedroom unit shall be affordable to a six-person household.
8. In determining the initial rents and sales prices for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted and special needs and supportive housing developments, the following standards shall be met:
  - a. A studio or efficiency unit shall be affordable to a one-person household;
  - b. A one-bedroom unit shall be affordable to a one and one-half person household; and
  - c. A two-bedroom unit shall be affordable to a two-person household or to two one-person households. Where pricing is based on two one-person households, the developer shall provide a list of units so priced to the Municipal Housing Liaison and the Administrative Agent.
9. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the FreddieMac 30-Year Fixed Rate-Mortgage rate of interest), property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 30 percent of the eligible monthly income of the appropriate size household as determined pursuant to N.J.A.C. 5:80-26.7, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented.

10. The initial rent for a restricted rental unit shall be calculated so that the total monthly housing expense, including an allowance for tenant-paid utilities, does not exceed 30 percent of the gross monthly income of a household of the appropriate size whose income is targeted to the applicable percentage of median income for the unit, as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented. The rent shall also comply with the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented.
11. At the anniversary date of the tenancy of the certified household occupying a restricted rental unit, following a minimum 90-day notice provided to the occupant household, the rent may be increased to an amount commensurate with the annual percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U), specifically U.S. Bureau of Labor Statistics Series CUUR0100SAH, titled "Housing in Northeast urban, all urban consumers, not seasonally adjusted." The maximum allowable rent increase for the year will be effective as of the same date as the regional median income limits determined pursuant to N.J.A.C. 5:80-26.3 and published by the Agency. This rent increase may not exceed five percent in any one year and notice thereof must be filed with the administrative agent. If the landlord has charged a tenant less than the initial maximum allowable rent for a restricted unit, the landlord may, with the approval of the administrative agent, use the maximum allowable rent instead of the current rent in performing this multiplication to establish the rent for the next tenant under a new lease. LIHTC units are not governed by the provisions of this section, but rather by the provisions of the State's Qualified Allocation Plan, N.J.A.C. 5:80-33.1 through 33.40.

I. Affirmative Marketing.

1. The municipality shall adopt, by resolution, an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with N.J.A.C. 5:80-26.16, as may be amended and supplemented.
2. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, English-speaking ability, marital or familial status, gender, affectional or sexual orientation, disability, age (except for "housing for older persons" as defined at N.J.S.A. 10:5-1 et seq., and age-restricted units as permitted pursuant to 42 U.S.C. §§ 3601 et seq.), number of children, source of lawful income, or any other characteristic described in the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 through 50, to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 2 and is required to be followed throughout the period of deed restriction.
3. The Affirmative Marketing Plan provides the following preferences, provided that units that remain unoccupied after these preferences are exhausted may be offered to households without regard to these preferences.
  - a. Where the municipality has entered into an agreement with a developer or residential development owner to provide a preference for very-low-, low-, and moderate-income veterans who served in time of war or other emergency, pursuant to N.J.S.A. 52:27D-311.j, there shall be a preference for veterans for up to 50 percent of the restricted rental units in a particular project.
  - b. There shall be a regional preference for all households that live and/or work in Housing Region 2 comprising *Morris, Essex, Union and Warren Counties*.
  - c. Subordinate to the regional preference, there shall be a preference for households that live and/or work in New Jersey.
  - d. With respect to existing restricted units undergoing approved rehabilitation for the purpose of preservation or to restricted units newly created to replace existing restricted units undergoing demolition, a preference for the very-low-, low-, and moderate-income households that are displaced by the rehabilitation or demolition and replacement.
4. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Process, including the marketing of initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the municipality shall

implement the Affirmative Marketing Process to ensure the Affirmative Marketing of all affordable units, with the exception of affordable programs that are exempt from Affirmative Marketing as noted herein.

5. The Affirmative Marketing Process shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Process, the Administrative Agent should consider the use of language translations where appropriate.
6. Applications for affordable housing or notices thereof, if offered online, shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and municipal library in the municipality in which the units are located; and the developer's rental or sales office. The developer shall mail applications to prospective applicants upon request and shall make applications available through a secure online website address.
7. In addition to other Affirmative Marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units on the New Jersey Housing Resource Center website. Any other entities, including developers or persons or companies retained to implement the Affirmative Marketing Process, shall comply with this paragraph.
8. In implementing the Affirmative Marketing Process, the Administrative Agent shall provide a list of HUD-certified housing counselors or otherwise experienced entities approved by the Division providing counseling services on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
9. The Affirmative Marketing Process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy and may begin before construction commences. For owner-occupied units, affirmative marketing advertising and outreach activities must continue until all of the marketed units have been sold, except that paid advertising may cease when the number of applications received is at least three times the number of units to be sold. For rental units, affirmative marketing advertising and outreach activities must continue, as long as applications are being accepted, except that paid advertising may cease when the number of applications received is at least three times the number of units to be filled.
10. Applications must be accepted for no less than 45 days following the initial advertisement on the New Jersey Housing Resource Center, except for the resale of owner-occupied units, in which case, applications must be accepted for no less than 30 days.
11. The cost to affirmatively market the affordable units shall be the responsibility of the developer, sponsor or owner, with the exception of Affirmative Marketing for resales.

#### J. Selection of Occupants of Affordable Housing Units.

1. The Administrative Agent shall use a random selection process to select occupants of very low-, low- and moderate-income housing.
2. A pool of interested households will be maintained in accordance with the provisions of N.J.A.C. 5:80-26.16.

#### K. Occupancy Standards.

1. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
  - a. Ensure each bedroom is occupied by at least one person, except for age-restricted and supportive and special needs housing units;
  - b. Provide a bedroom for every two adult occupants;
  - c. With regard to occupants under the age of 18, accommodate the household's requested arrangement, except that such arrangement may not result in more than two occupants under the age of 18 occupying any bedroom; and
  - d. Avoid placing a one-person household into a unit with more than one bedroom.

L. Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

1. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80- 26.6, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the controls on affordability for a period of at least 30 years subject to the requirements of N.J.A.C. 5:80-26.6, as may be amended and supplemented.
2. Rehabilitated housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years (crediting towards present need only).
3. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit. The date of commencement shall be identified in the deed restriction.
4. If existing affordability controls are being extended, the extended control period for a restricted ownership unit commences on the effective date of the extension, which is the end of the original control period.
5. After the end of any control period, the restricted ownership unit remains subject to the affordability controls set forth in this subchapter until the owner gives notice of their intent to make an exit sale, at which point:
  - a. If the municipality exercises the right to extend the affordability controls on the unit, no exit sale occurs and a new control period commences; or
  - b. If the municipality does not exercise the right to extend the affordability controls on the unit, the affordability controls terminate following the exit sale.
6. Prior to the issuance of any building permit for the construction/rehabilitation of restricted ownership units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.
7. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
8. At the time of the initial sale of the unit and upon each successive price-restricted sale, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obliging the purchaser, as well as the purchaser's heirs, successors, and assigns, to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
9. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to price-restricted ownership units.

M. Price Restrictions for Restricted Ownership Units and Resale Prices.

1. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.7, as may be amended and supplemented, including:
  - a. The initial purchase price and affordability percentage for a restricted ownership unit shall be set by the Administrative Agent.
  - b. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the standards set forth in N.J.A.C 5:80-26.7.
    - i. If the resale occurs prior to the one-year anniversary of the date on which title to the unit was transferred to a certified household, the maximum resale price for a is the most recent non-exempt purchase price.
    - ii. If the resale occurs on or after such anniversary date, the maximum resale price is the most recent non-exempt purchase price increased to reflect the cumulative annual percentage

increases to the regional median income, effective as of the same date as the regional median income calculated pursuant to N.J.A.C. 5:80-26.3

- c. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be:
    - i. those that render the unit suitable for a larger household or the addition of a bathroom.
    - ii. The maximum resale price may be further increased by an amount up to the cumulative dollar value of approved capital improvements made after the last non-exempt sale for improvements and/or upgrades to the unit, excluding capital improvements paid for by the entity favored on the recapture note and recapture lien described at N.J.A.C. 5:80-26.6(d);
  - d. No increase for capital improvements is permitted if the maximum resale price prior to adjusting for capital improvements already exceeds whatever initial purchase price the unit would have if it were being offered for purchase for the first time at the initial affordability percentage. All adjustments for capital improvements are subject to 10-year, straight-line depreciation.
2. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase but shall be separate and apart from any contract of sale for the underlying real estate. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price of the air conditioning equipment, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The seller and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

#### N. Buyer Income Eligibility.

1. Buyer income eligibility for restricted ownership units shall be established pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented, such that very low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 30 percent of median income, low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for occupancy by households with a gross household income less than 80 percent of median income.
2. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the municipality, and subject to the Division's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low-income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit. Similarly, the administrative agent may permit low-income purchasers to buy very-low-income units in housing markets where, as determined by the Division, units are reserved for very-low-income purchasers, but there is an insufficient number of very-low-income purchasers to permit prompt occupancy of the units. In such instances, the purchased unit must be maintained as a very-low-income unit and sold at a very-low-income price point such that on the next resale the unit will still be affordable to very-low-income households and able to be purchased by a very-low-income household. A very-low-income unit that is seeking bonus credit pursuant to N.J.S.A. 52:27D-311.k(9) must first be advertised exclusively as a very-low-income unit according to the Affirmative Marketing requirements at N.J.A.C. 5:80-26.16, then advertised as a very-low-income or low-income unit for at least 30 additional days prior to referring any low-income household to the unit.

3. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
4. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 35 percent of the household's eligible monthly income; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
  - a. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for housing expenses, and the proposed housing expenses will reduce its housing costs;
  - b. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for housing expenses in the past and has proven its ability to pay; or
  - c. The household is currently in substandard or overcrowded living conditions;
  - d. The household documents the existence of assets, within the asset limitation otherwise applicable, with which the household proposes to supplement the rent payments

O. Limitations on Indebtedness Secured by Ownership Unit; Subordination.

1. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.
2. With the exception of original purchase money mortgages, neither an owner nor a lender shall at any time during the control period cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of that unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C. 5:80-26.7(c).

P. Control Periods for Restricted Rental Units.

1. Control periods for units that meet the definition of prior round units shall be pursuant to the 2001 UHAC rules originally adopted October 1, 2001, 33 N.J.R. 3432 and shall remain subject to the requirements of this ordinance for a period of at least 30 years as applicable unless otherwise indicated.
2. Other than for prior round units, control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.12, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 40 years. Restricted rental units created as part of developments receiving 9 percent Low-Income Housing Tax Credits must comply with a control period of not less than a 30-year compliance period plus a 15-year extended use period for a total of 45 years.
3. The affordability control period for a restricted rental unit shall commence on the first date that a unit is issued a certificate of occupancy following the execution of the deed restriction or, if affordability controls are being extended, on the effective date of the extension, which is the end of the original control period.
4. Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years.
5. Prior to the issuance of any building permit for the construction/rehabilitation of restricted rental units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.

6. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property. The deed restriction shall be recorded by the developer with the county records office, and provided as filed and recorded, to the Administrative Agent within 30 days of the receipt of a certificate of occupancy.
7. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
  - a. Sublease or assignment of the lease of the unit;
  - b. Sale or other voluntary transfer of the ownership of the unit;
  - c. The entry and enforcement of any judgment of foreclosure on the property containing the unit; or
  - d. The end of the control period, until the occupant household vacates the unit, or is certified as over-income and the controls are released in accordance with UHAC.

**Q. Rent Restrictions for Rental Units; Leases and Fees.**

1. The initial rent for a restricted rental unit shall be set by the Administrative Agent.
2. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be retained on file by the Administrative Agent.
3. No additional fees, operating costs, or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
  - a. Operating costs, for the purposes of this section, include certificate of occupancy fees, move-in fees, move-out fees, mandatory internet fees, mandatory cable fees, mandatory utility submetering fees, and for developments with more than one and a half off-street parking spaces per unit, parking fees for one parking space per household.
4. Any fee structure that would remove or limit affordable unit occupant access to any amenities or services that are required or included for market-rate unit occupants is prohibited. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
5. Fees for unit-specific, non-communal items that are charged to market-rate unit tenants on an optional basis, such as pet fees for tenants with pets, storage spaces, bicycle-share programs, or one-time rentals of party or media rooms, may also be charged to affordable unit tenants, if applicable.
6. Pet fees may not exceed \$30.00 per month and associated one-time payments for optional fees pertaining to pets, such as a pet cleaning fee, are prohibited.
7. Fees charged to affordable unit tenants for other optional, unit-specific, non-communal items shall not exceed the amounts charged to market-rate tenants.
8. For any prior round rental unit leased before December 20, 2024, elements of the existing fee structure that are consistent with prior rules, but inconsistent with 5:80-26.13(c)1, may continue until the occupant household's current lease term expires or that occupant household vacates the unit, whichever occurs later.

**R. Tenant Income Eligibility.**

1. Tenant income eligibility shall be determined pursuant to N.J.A.C. 5:80-26.14, as may be amended and supplemented, and shall be determined as follows:
  - a. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of the regional median income by household size.
  - b. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of the regional median income by household size.

- c. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of the regional median income by household size.
2. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income or moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
  - a. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
  - b. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
  - c. The household is currently in substandard or overcrowded living conditions;
  - d. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
  - e. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
3. The applicant shall file documentation sufficient to establish the existence of any of the circumstances in 2.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

S. Municipal Housing Liaison.

1. The Municipal Housing Liaison shall be approved by municipal resolution.
2. The Municipal Housing Liaison shall be approved by the Division, or is in the process of getting approval, and fully or conditionally meets the requirements for qualifications, including initial and periodic training as set forth in in N.J.A.C. 5:99-1 et seq.
3. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program, including the following responsibilities, which may not be contracted out to the Administrative Agent:
  - a. Serving as the primary point of contact for all inquiries from the Affordable Housing Dispute Resolution Program, the State, affordable housing providers, administrative agents and interested households.
  - b. The oversight of the Affirmative Marketing Plan and affordability controls.
  - c. When applicable, overseeing and monitoring any contracting Administrative Agent.
  - d. Overseeing the monitoring of the status of all restricted units listed in the Fair Share Plan.
  - e. Verifying, certifying and providing annual information within AHMS at such time and in such form as required by the Division.
  - f. Coordinating meetings with affordable housing providers and administrative agents, as needed.
  - g. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division.
  - h. Overseeing the recording of a preliminary instrument in the form set forth at N.J.A.C. 5:80-26.1 for each affordable housing development.
  - i. Coordinating with the Administrative Agent, municipal attorney and municipal Construction Code Official to ensure that permits are not issued unless the document required in C.8. above has been duly recorded.

j. Listing on the municipal website contact information for the MHL and Administrative Agents.

T. Administrative Agent.

1. All municipalities that have created or will create affordable housing programs and/or affordable units shall designate or approve, for each project within its HEFSP, an administrative agent to administer the affordable housing program and/or affordable housing units in accordance with the requirements of the FHA, NJAC 5:99-1 et seq. and UHAC.
2. The fees for administrative agents shall be paid as follows:
  - a. Administrative agent fees related to rental units shall be paid by the developer/owner.
  - b. Administrative agent fees related to initial sale of units shall be paid by the developer.
  - c. Administrative agent fees related to resales shall be paid by the seller of the affordable home.
  - d. Administrative agent fees related to ongoing administration and enforcement shall be paid by the municipality.
3. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s). The Operating Manual(s) shall be available for public inspection in the Office of the Clerk and in the office(s) of the Administrative Agent(s). Operating manuals shall be adopted by resolution of the Governing Body.
4. Subject to the role of the Administrative Agent(s), the duties and responsibilities as are set forth in N.J.A.C. 5:99-7 and which are described in full detail in the Operating Manual, including those set forth in UHAC, include:
  - a. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division;
  - b. Affirmative marketing:
    - i. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the municipality and the provisions of N.J.A.C. 5:80-26.16.
    - ii. Providing counseling, or contracting to provide counseling services, to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements; and landlord/tenant law.
  - c. Household certification.
    - i. Soliciting, scheduling, conducting and following up on interviews with interested households.
    - ii. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
    - iii. Providing written notification to each applicant as to the determination of eligibility or non-eligibility within five (5) business days of the determination thereof.
    - iv. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in the Appendices J and K of N.J.A.C. 5:80-26.1 et seq.
    - v. Creating and maintaining a referral list of eligible applicant households living in the housing region, and eligible applicant households with members working in the housing region, where the units are located.
    - vi. Employing a random selection process as provided in the Affirmative Marketing Plan when referring households for certification to affordable units.
  - d. Affordability controls.
    - i. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for the recording at the time of conveyance of title of each restricted unit.

- ii. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and filed properly with the County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit in accordance with UHAC.
- iii. Communicating with lenders and the Municipal Housing Liaison regarding foreclosures.
- iv. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.11.
- e. Records retention.
  - i. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded recapture mortgage, and note, as appropriate.
  - ii. Records received, retained, retrieved, or transmitted in furtherance of crediting affordable units of a municipality constitute public records of the municipality as defined by N.J.S.A. 47:3-16, and are legal property of the municipality.
- f. Resales and re-rentals.
  - i. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental.
  - ii. Instituting and maintaining an effective means of communicating information to very low-, low-, or moderate-income households regarding the availability of restricted units for resale or re-rental.
- g. Processing requests from unit owners.
  - i. Reviewing and approving requests from owners of restricted units who wish to refinance or take out home equity loans during the term of their ownership to determine that the amount of indebtedness to be incurred will not violate the terms of this ordinance.
  - ii. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems.
  - iii. Notifying the municipality of an owner's intent to sell a restricted unit.
  - iv. Making determinations on requests by owners of restricted units for hardship waivers.
- h. Enforcement.
  - i. Securing annually from the municipality a list of all affordable ownership units for which property tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
  - ii. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
  - iii. Sending annual mailings to all owners of affordable dwelling units reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.19(d)4;
  - iv. Establishing a program for diverting unlawful rent payments to the municipal Affordable Housing Trust Fund; and
  - v. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent setting forth procedures for administering the affordability controls.

- i. The Administrative Agent(s) shall, as delegated by the municipality, have the authority to take all actions necessary and appropriate to carry out its/their responsibilities, herein.

U. Responsibilities of The Owner of a development containing affordable units.

1. The owner of all developments containing affordable units subject to this subchapter or the assigned management company thereof shall provide to the administrative agent:
  - a. Site plan, architectural plan, or other plan that identifies the location of each affordable unit, if subject to the site plan approval, settlement agreement, or other applicable document regulating the location of affordable units. The administrative agent shall determine the location of affordable units if not set forth in the site plan approval, settlement agreement, or other applicable document.
  - b. The total number of units in the project and the number of affordable units.
  - c. The breakdown of the affordable units by or identification of affordable unit locations by bedroom count and income level, including street addresses / unit numbers, if subject to the site plan approval, settlement agreement, or other applicable document regulating the breakdown of affordable units. The administrative agent shall determine the bedroom and income distribution if not set forth in the site plan approval, settlement agreement, or other applicable document.
  - d. Floor plans of all affordable units, including complete and accurate identification of all rooms and the dimensions thereof.
  - e. A projected construction schedule.
  - f. The location of any common areas and elevators.
  - g. The name of the person who will be responsible for official contact with the administrative agent for the duration of the project, which must be updated if the contact changes.
2. In addition to A above, the owner of rental developments containing affordable rental units subject to this subchapter or the assigned management company thereof shall:
  - a. Send to all current tenants in all restricted rental units an annual mailing containing a notice as to the maximum permitted rent and a reminder of the requirement that the unit must remain their principal place of residence, which is defined as residing in the unit at least 260 days out of each calendar year, together with the telephone number, mailing address, and email address of the administrative agent to whom complaints of excess rent can be issued.
  - b. Provide to the administrative agent a description of any applicable fees.
  - c. Provide to the administrative agent a description of the types of utilities and which utilities will be included in the rent.
  - d. Agree and ensure that the utility configuration established at the start of the rent-up process not be altered at any time throughout the restricted period.
  - e. Provide to the administrative agent a proposed form of lease for any rental units.
  - f. Ensure that the tenant selection criteria for the applicants for affordable units not be more restrictive than the tenant selection criteria for applicants for non-restricted units.
  - g. Strive to maintain the continued occupancy of the affordable units during the entire restricted period.
3. In addition to A, above, the owner of affordable for-sale developments containing affordable for-sale units subject to this subchapter or the assigned management company thereof shall provide the administrative agent:
  - a. Proposed pricing for all units, including any purchaser options and add-on items.
  - b. Realistic condominium or homeowner association fees and any other applicable fees.
  - c. Estimated real property taxes.

- d. Sewer, water, trash disposal, and any other utility assessments.
- e. Flood insurance requirement, if applicable.
- f. The State-approved planned real estate development public offering statement and/or master deed, where applicable, as well as the full build-out budget.

#### V. Enforcement of Affordable Housing Regulations

1. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
2. After providing written notice of a violation to an owner, developer or tenant of an affordable unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
  - a. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the Court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
    - i. A fine of not more than \$500 or imprisonment for a period not to exceed 90 days, or both, unless otherwise specified below, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
    - ii. In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Affordable Housing Trust Fund of the gross amount of rent illegally collected;
    - iii. In the case of an owner who has rented his or her affordable unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
3. The municipality shall have the authority to levy fines against the owner of the development for instances of noncompliance with NJHRC advertising requirements (N.J.S.A. 52:27D-321.6.e.(2)), following written notice to the owner. The fine for the first offense of noncompliance shall be \$5,000, the fine for the second offense of noncompliance shall be \$10,000, and the fine for each subsequent offense of noncompliance shall be \$15,000.
4. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- or moderate-income unit.
  - a. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the affordable unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
  - b. The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- or moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event

that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus shall be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the owner or forfeited to the municipality.

- c. Foreclosure due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as they apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
  - d. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the municipality may acquire title to the affordable unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the affordable unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess that would have been realized from an actual sale as previously described.
  - e. Failure of the low- or moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser that may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- or moderate-income unit as permitted by the regulations governing affordable housing units.
  - f. The affordable unit owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.
5. It is the responsibility of the municipal housing liaison and the administrative agent(s) to ensure that affordable housing units are administered properly. All affordable units must be occupied within a reasonable amount of time and be re-leased within a reasonable amount of time upon the vacating of the unit by a tenant. If an administrative agent or municipal housing liaison becomes aware of or suspects that a developer, landlord, or property manager has not complied with these regulations, it shall report this activity to the Division. The Division must notify the developer, landlord, or property manager, in writing, of any violation of these regulations and provide a 30-day cure period. If, after the 30-day cure period, the developer, landlord, or property manager remains in violation of any terms of this subchapter, including by keeping a unit vacant, the developer, landlord, or property manager may be fined up to the amount required to construct a comparable affordable unit of the same size and the deed-restricted control period will be extended for the length of the time the unit was out of compliance, in addition to the remedies provided for in this section. For the purposes of this subsection, a reasonable amount of time shall presumptively be 60 days, unless a longer period of time is required due to demonstrable market conditions and/or failure of the municipal housing liaison or the administrative agent to refer a certified tenant.
6. Banks and other lending institutions are prohibited from issuing any loan secured by owner occupied real property subject to the affordability controls set forth in this subchapter if such loan would be in excess of amounts permitted by the restriction documents recorded in the deed or mortgage book in the county in which the property is located. Any loan issued in violation of this subsection is void against public policy.

7. The Agency and the Department hereby reserve, for themselves and for each administrative agent appointed pursuant to this subchapter, all of the rights and remedies available at law and in equity for the enforcement of this subchapter, including, but not limited to, fines, evictions, and foreclosures as approved by a county-level housing judge.

8. Appeals

- a. Appeals from all decisions of an administrative agent appointed pursuant to this subchapter must be filed, in writing, with the municipal housing liaison. A decision by the municipal housing liaison may be appealed to the Division. A written decision of the Division Director upholding, modifying, or reversing an administrative agent’s decision is a final administrative action.

W. Development Fees.

1. Purpose

- a. This section establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with the amended Fair Housing Act (P.L.2024, c.2), N.J.A.C. 5:99, and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing very low-, low- and moderate-income housing in accordance with a Court-approved Spending Plan.

2. Basic Requirements

- a. The municipality previously adopted a development fee ordinance, which established the Municipal Affordable Housing Trust Fund.
- b. The municipality shall not spend development fees until the court has approved a plan for spending such fees.

3. Residential Development Fees

- a. Imposed fees

- i. Residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5 percent of the equalized assessed value for residential development, provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.
- ii. When an increase in residential density is permitted pursuant to a “d” variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a “bonus” development fee of 6.0 percent of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1.5 percent of the equalized assessed value on the first two units; and the specified higher percentage of 6 percent of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

- b. Eligible exactions, ineligible exactions and exemptions for residential development

- i. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made an eligible payment in lieu of on-site construction of affordable units, if permitted by ordinance, or by agreement with the municipality and if approved by a

municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2, shall be exempt from development fees.

- ii. Developments that have received preliminary or final site plan approval prior to the adoption of this ordinance and any preceding ordinance permitting the collection of development fees shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where a site plan approval does not apply, the issuance of a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the development fee ordinance in effect on the date that the construction permit is issued.
- iii. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
- iv. No development fee shall be collected for the demolition and replacement of a residential building resulting from a fire or natural disaster.
- v. Developers of developments with one or two owner-occupied dwelling units shall be exempt from paying a development fee.

#### 4. Non-Residential Development Fees

##### a. Imposition of fees

- i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5 percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
- ii. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5 percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
- iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5 percent shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure; i.e., land and improvements; and such calculation shall be made at the time a final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

##### b. Eligible exactions, ineligible exactions and exemptions for non-residential development

- i. The non-residential portion of a mixed-use inclusionary or market-rate development shall be subject to a 2.5 percent development fee, unless otherwise exempted below.
- ii. The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.

##### c. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption." Any exemption claimed by a developer shall be substantiated by that developer.

##### d. A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the non-

residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.

- e. If a property that was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the municipality as a lien against the real property of the owner.

#### 5. Collection Procedures

- a. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- b. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF, "State of New Jersey Non-Residential Development Certification/Exemption," to be completed by the developer as per the instructions provided in the Form N-RDF. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided on Form N-RDF. The tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- c. The construction official responsible for the issuance of a building permit shall notify the tax assessor of the issuance of the first construction permit for a development that is subject to a development fee.
- d. Within 90 days of receipt of that notice, the tax assessor shall provide an estimate, based on the plans filed, of the equalized assessed value of the development.
- e. The construction official responsible for the issuance of a final certificate of occupancy shall notify the tax assessor of any and all requests for the scheduling of a final inspection on property that is subject to a development fee.
- f. Within 10 business days of a request for the scheduling of a final inspection, the tax assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- g. Should the municipality fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of section 37 of P.L.2008, c.46 (N.J.S.A. 40:55D-8.6).
- h. Fifty percent (50 percent) of the development fee shall be collected at the time of issuance of the construction permit. The remaining portion shall be collected at the time of issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the construction permit and that determined at the time of issuance of certificate of occupancy.

#### 6. Appeal of development fees

- a. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by that board, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the board may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
- b. A developer may challenge non-residential development fees imposed by filing a challenge with the director of the Division of Taxation. Pending a review and determination by the director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the director

may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

## 7. Affordable Housing Trust Fund

- a. A separate, interest-bearing Municipal Affordable Housing Trust Fund shall be maintained by the chief financial officer of the municipality for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- b. The following additional funds shall be deposited in the Municipal Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
  - i. Payments in lieu of on-site construction of an affordable unit, where previously permitted by ordinance or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2;
  - ii. Funds contributed by developers to make 10 percent of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;
  - iii. Rental income from municipally operated units;
  - iv. Repayments from affordable housing program loans;
  - v. Recapture funds;
  - vi. Proceeds from the sale of affordable units; and
  - vii. Any other funds collected in connection with the municipal affordable housing program including but not limited to interest earned on fund deposits.
- c. The municipality shall provide the Division with written authorization, in the form of a tri-party escrow agreement(s) between the municipality, the Division and the financial institution in which the municipal affordable housing trust fund has been established to permit the Division to direct the disbursement of the funds as provided for in N.J.A.C. 5:99-2.1 et seq.
- d. Occurrence of any of the following deficiencies may result in the Division requiring the forfeiture of all or a portion of the funds in the municipal Affordable Housing Trust Fund:
  - i. Failure to meet deadlines for information required by the Division in its review of a development fee ordinance;
  - ii. Failure to commit or expend development fees within four years of the date of collection in accordance with N.J.A.C. 5:99-5.5;
  - iii. Failure to comply with the requirements of the Non-Residential Development Fee Act and N.J.A.C. 5:99-3;
  - iv. Failure to submit accurate monitoring reports pursuant to this subchapter within the time limits imposed by the Act, this chapter, and/or the Division;
  - v. Expenditure of funds on activities not approved by the Superior Court or otherwise permitted by law;
  - vi. Revocation of compliance certification or a judgment of compliance and repose;
  - vii. Failure of a municipal housing liaison or administrative agent to comply with the requirements set forth at N.J.A.C. 5:99-6, 7, and 8;
  - viii. Other good cause demonstrating that municipal affordable housing funds are not being used for an approved purpose.
- e. All interest accrued in the housing trust fund shall only be used on eligible affordable housing purposes approved by the Court.

## 8. Use of Funds

- a. The expenditure of all funds shall conform to a Spending Plan approved by Superior Court. Funds deposited in the municipal Affordable Housing Trust Fund may be used for any activity approved by the Court to address the fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market-to-affordable program; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost-saving and in accordance with accepted national or state standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by Superior Court and specified in the approved Spending Plan.
  - b. Funds shall not be expended to reimburse the municipality or activities that occurred prior to the authorization of a municipality to collect development fees.
  - c. At least a portion of all development fees collected and interest earned shall be used to provide affordability assistance to very low-, low- and moderate-income households in affordable units included in the municipal Fair Share Plan. A portion of the development fees which provide affordability assistance shall be used to provide affordability assistance to very low-income households.
    - i. Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, infrastructure assistance, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.
    - ii. Affordability assistance for very low-income households may include producing very low-income units or buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income.
  - d. No more than 20 percent of all affordable housing trust funds, exclusive of those collected to fund an RCA prior to July 17, 2008, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultants' fees necessary to develop or implement a new construction program, prepare and implement a Housing Element and Fair Share Plan, administer an Affirmative Marketing Program and for compliance with the Superior Court and the Program including the costs to the municipality of resolving a challenge.
9. Monitoring
- a. On or before February 15 of each year, the municipality shall provide annual electronic data reporting of trust fund activity for the previous year from January 1st to December 31st through the AHMS Reporting System. This reporting shall include an accounting of all Municipal Affordable Housing Trust Fund activity, including the sources and amounts of all funds collected and the amounts and purposes for which any funds have been expended. Such reporting shall include an accounting of development fees collected from residential and non-residential developers, previously eligible payments in lieu of constructing affordable units on site (if permitted by ordinance or by agreement with the municipality prior to the March 20, 2024 statutory elimination per P.L. 2024, c.4), funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income from municipally-owned affordable housing units, repayments from affordable housing program loans, interest and any other funds collected in connection with municipal housing programs, as well as an accounting of the expenditures of revenues and implementation of the Spending Plan approved by the Court.

10. Ongoing Collection of Fees

- a. The ability to impose, collect and expend development fees shall continue so long as the municipality retains authorization from the Court in the form of Compliance Certification or the good faith effort to obtain it.
  - b. If the municipality fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to section 20 of P.L.1985, c.222 (C. 52:27D-320).
11. Emergent Affordable Housing Opportunities. Requests to expend affordable housing trust funds on emergent affordable housing opportunities not included in the municipal fair share plan shall be made to the Division and shall be in the form of a governing body resolution. Any request shall be consistent with N.J.A.C. 5:99-4.1.

**Section 2:**

If required by the New Jersey Municipal Land Use Law, N.J.S.A. 40A:55-1 et seq., after introduction of this Ordinance, it shall be referred to the Chatham Borough Planning Board for the review required by law prior to the hearing on adoption of this Ordinance.

**Section 3:**

Repeal of Inconsistent Provisions. All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

**Section 4:**

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 5:**

Codification. This Ordinance shall be a part of the Code of the Borough of Chatham as though codified and fully set forth therein. The Borough Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Borough Clerk and the Borough Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the Borough of Chatham in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

**Section 6:**

This Ordinance shall take effect upon passage, adoption, and publication in the manner prescribed by law.

<b>Name</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
<b>Hargrove</b>						
<b>Gilmore</b>						
<b>Hay</b>						
<b>Koronkiewicz</b>						
<b>Mathiasen</b>						
<b>Strickland</b>						

Introduced: February 23, 2026  
Passed and Approved: March 9, 2026

Attest:

BOROUGH OF CHATHAM

\_\_\_\_\_  
Vanessa L. Nienhouse, RMC, CMC  
Borough Clerk

\_\_\_\_\_  
Carolyn Dempsey  
Mayor

**CERTIFICATION**

I, Vanessa L. Nienhouse, Borough Clerk for the Borough of Chatham, County of Morris, State of New Jersey, do hereby certify this is a true and correct copy of an Ordinance that was read on second reading by the Borough Council at its Regular Meeting held on March 9, 2026.

\_\_\_\_\_  
Vanessa L. Nienhouse, Borough Clerk

**BOROUGH OF CHATHAM  
MORRIS COUNTY**

**ORDINANCE #26-08**

**AN ORDINANCE OF THE BOROUGH OF CHATHAM TO AMEND  
CHAPTER 165 “LAND DEVELOPMENT,” TO ADD THE INCLUSIONARY  
MULTIFAMILY AND COMMUNITY BUSINESS DISTRICT**

**WHEREAS**, in consultation with the Borough’s legal and planning professionals, the Borough Council has determined that it is necessary and appropriate to amend Chapter 165 of the Code of the Borough of Chatham, “Land Development Regulations,” to add a new zoning district to be known as the B-4 (AH) Inclusionary Multifamily and Community Business District; and,

**WHEREAS**, this Ordinance is further intended to comply with the terms of a settlement agreement between 23 S. Passaic Owner, LLC and 33 S. Passaic Owner, LLC, their respective successors or affiliate companies and the Borough of Chatham.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Chatham, in the County of Morris and State of New Jersey, that Chapter 165 of the Code of the Borough of Chatham is hereby amended and supplemented as follows:

**Section 1:**

A new Section 165-35.3, entitled “B-4 (AH) Inclusionary Multifamily and Community Business District,” shall be added to Chapter 165 of the Code of the Borough of Chatham, “Land Development Regulations,” and shall read as follows:

§ 165-35.3 **B-4 (AH) Inclusionary Multifamily and Community Business District.**

A. The purpose of this Ordinance is as follows:

1. The B-4 (AH) Inclusionary Multifamily and Community Business District (the “B-4 (AH) District”) is intended to provide inclusionary, non-age restricted housing to aid the Borough in meeting its affordable housing obligations under New Jersey law. Additionally, the B-4 (AH) District may provide in a limited space an opportunity for retail trade, office or personal services on the ground level of any development, in order to provide residents and customers from the local community with goods and services for their own personal and household use.
2. The B-4(AH) District is intended to be consistent with the terms of a settlement agreement to resolve pending litigation between 23 S. Passaic Owner LLC, 33 S. Passaic Owner LLC and the Borough of Chatham. This settlement agreement requires that the subject area will include a 15% set aside of all residential units, which will be deed restricted affordable to very-low-, low- and moderate-income households.
3. This Ordinance shall re-zone Block 121, Lots 12 and 13 on the tax map of the Borough of Chatham to be within the B-4 (AH) District, consistent with the aforementioned settlement agreement.

B. Principal permitted uses. The following principal uses shall be permitted in the B-4 (AH) District:

1. Multifamily residential development.
2. Mixed use residential development with any permitted use listed herein.
3. Retail trade.
4. Co-working space.
5. Medical office.
6. Professional office.
7. Personal service.

8. Retail service.
9. Eating and drinking establishments, sale of food and beverages.
10. Art galleries.

C. Accessory uses permitted. The following accessory uses and structures shall be permitted in the B-4 (AH) District:

1. Private parking, including structured parking.
2. Private customer and employee parking and parking for residents of the adjacent Block 121, Lot 10.
3. Signs and business signs.
4. Awnings, which shall not be subject to front yard setbacks, and attached canopies.
5. Loading. This Ordinance authorizes the use of the dedicated portion of adjacent Block 121, Lot 10 for loading specifically associated with Block 121, Lots 12 and 13.
6. Rooftop amenity space, including roof top deck, grill stations, seating, pergolas, and fire pits.

D. Area, yard and building requirements for the B-4 (AH) District:

1. The provisions specified in this Ordinance shall supersede any area, yard and building requirements of §165-22, §165-24, and §165-25.
2. Maximum Units: 29 residential units plus one unit for the superintendent's occupancy, in the event there is no commercial space, for a maximum of 30 units if a superintendent's unit is included. The inclusion of a Superintendent unit will not require an additional affordable housing contribution, consistent with New Jersey Department of Community Affairs treatment of such unit designation.
3. If the building contains ground floor commercial space, the Borough shall not require more than 1,500 square feet, but a larger space shall be permitted at the applicant's discretion.
4. Building height: Three (3) stories and 42 feet, measured to the mid-point of pitched roof. The building height shall be measured from the grade at the mid-point of the property line on South Passaic Avenue. Measurement of building height shall exclude the height of rooftop mechanical equipment, parapets, rooftop appurtenances, elevator shafts, rooftop elevator lobby, stair bulkheads, and/or rooftop pergola and/or rooftop open-air space. The building shall have the appearance of a three-story building, and mezzanines shall not have full size exterior facing windows or patio doors along the pitched exterior of the roof system facing South Passaic Avenue, Bowers Lane and Post Office Plaza, above the third floor. Pursuant to the International Building Code (the "IBC"), any "mezzanines" (e.g. space consisting of no more than 1/3 of the square footage of the living space below) and an elevator lobby consisting of 100 square feet, shall not be considered as a story. Decorative windows, including dormers, may be accepted within limited portions of the pitched roof at the discretion of the Borough Planning Board, in keeping with the architectural style of the surrounding neighborhoods.
5. Parking: 1.5 spaces per unit inclusive of any electrical vehicle (EV) credit. No on-site parking requirement for commercial uses.
6. Maximum Lot Coverage: 100%.
7. Maximum Building Coverage: 100%
8. Minimum Yard Buffer: 0 feet.
9. Minimum Front Yard Setback: none.
10. Minimum Rear Yard Setback: none.
11. Minimum Side Yard Setback: none.
12. Minimum Garage Aisle Width: 24 feet.
13. Maximum Driveway Width: 24 feet.
14. Standard Parking Stall Width: 9 feet.
15. Standard Parking Stall Length: 18 feet.
16. Maximum Compact Parking Stalls: 10%.
17. Compact Parking Stall Width: 8 feet.
18. Compact Parking Stall Length: 16 feet.
19. Minimum Bicycle Parking (Garage): per §165-25(J).
20. Minimum loading space per building: 1

21. Loading space width: 12 feet.
22. Loading space length: 40 feet.
23. Signage: Per Article XXIII of Chapter 165 of the Borough Code (§ 165-95 through -109).

E. Supplemental Zoning and Design Standards for the B-4 (AH) District:

1. Mezzanines (i.e. space consisting of no more than one-third of the square footage of the living space below) shall be permitted in market rate units, but there shall be no exterior facing windows or patio doors along the pitched exterior of the roof system facing South Passaic Avenue, Bowers Lane and Post Office Plaza, above the third floor. Decorative windows, including dormers, may be permitted within limited portions of the pitched roof at the discretion of the Borough Planning Board, in keeping with the architectural style of the surrounding neighborhoods.
2. Bay windows may cantilever up to two (2) feet over the right of way line above the first floor.
3. Rooftop open space and second floor open space may be utilized for an amenity deck and private outdoor space for residential units.
4. Streetscape Improvements: The proposed development shall include a minimum of 2,000 square feet, but no more than 2,300 square feet, of streetscape enhancement and a parklet between the existing Post Office Plaza parking lot and the proposed building. The Enhancement area shall include portions of the Post Office Plaza site adjacent to the subject property and an easement shall be granted to the owners to allow these improvements to be constructed. The design of the streetscape improvements shall include landscaping and street trees, hardscape sidewalk, lighting, benches, and an approximately 15 foot by 15 foot landscaped parklet (located closest to South Passaic Avenue) that are complimentary to the streetscape design along South Passaic Avenue. The streetscape enhancement area shall not encroach on any existing parking spaces nor shall it result in the loss of any parking spaces.
5. The building shall be designed to meet the LEED Silver level but is not required or obligated to obtain a LEED certification. LEED Silver will be demonstrated by way of a LEED score card.

F. Affordable Housing Requirements for the B-4 (AH) District:

1. Fifteen percent (15%) of the maximum 29 units shall be set aside for low and moderate income housing. A payment of \$63,000 will be made to the Borough's affordable housing trust fund for the remaining 0.35 fractional unit in accordance with Chapter 69 of the Borough Code (35% of \$180,000.00).
2. The affordable units shall consist of one (1) one-bedroom unit (very low income), two (2) two-bedroom units (1 low income and 1 moderate income), and one (1) three-bedroom unit (moderate income).
3. The size of the affordable units shall be pursuant to Borough Ordinance 165-44 (i.e. studio – 450 square feet; one bedroom - 600 square feet; two bedroom - 750 square feet; three bedroom - 900 SF). If any relief from the DCA or the county Mount Laurel judge is required for these unit sizes, the Borough shall apply for or support an application for such relief regarding affordable unit sizes.

**Section 2:**

All other provisions of Chapter 165 of the Code of the Borough of Chatham shall remain unchanged.

**Section 3:**

Pursuant to the New Jersey Municipal Land Use Law, N.J.S.A. 40A:55-1 et seq., after introduction of this Ordinance, it shall be referred to the Chatham Borough Planning Board for the review required by law prior to the hearing on adoption of this Ordinance.

**Section 4:**

*Repeal of Inconsistent Provisions.* All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the

legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

**Section 5:**

*Severability.* The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 6:**

*Codification.* This Ordinance shall be a part of the Code of the Borough of Chatham as though codified and fully set forth therein. The Borough Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Borough Clerk and the Borough Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the Borough of Chatham in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

**Section 7:**

This Ordinance shall take effect upon passage, adoption, and publication in the manner prescribed by law.

<b>Name</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
<b>Hargrove</b>						
<b>Gilmore</b>						
<b>Hay</b>						
<b>Koronkiewicz</b>						
<b>Mathiasen</b>						
<b>Strickland</b>						

Introduced: February 23, 2026  
 Passed and Approved: March 9, 2026

Attest:

BOROUGH OF CHATHAM

\_\_\_\_\_  
 Vanessa L. Nienhouse, RMC, CMC  
 Borough Clerk

\_\_\_\_\_  
 Carolyn Dempsey  
 Mayor

**CERTIFICATION**

I, Vanessa L. Nienhouse, Borough Clerk for the Borough of Chatham, County of Morris, State of New Jersey, do hereby certify this is a true and correct copy of an Ordinance that was read on second reading by the Borough Council at its Regular Meeting held on March 9, 2026.

\_\_\_\_\_  
 Vanessa L. Nienhouse, Borough Clerk



# Borough of Chatham

54 Fairmount Avenue ▪ Chatham ▪ NJ 07928  
973-635-0674 ▪ ChathamBorough.org

## RESOLUTION #26-143

### RESOLUTION TO APPROVE PAYMENT OF VOUCHERS

**WHEREAS**, vouchers for payment have been submitted to the Borough Council by the various municipal departments.

**BE IT RESOLVED**, by the Council of the Borough of Chatham that all vouchers approved by the Finance Chairman be paid subject to the certification of the availability of funds by the Chief Financial Officer.

Adopted: March 9, 2026

Attest:

BOROUGH OF CHATHAM

\_\_\_\_\_  
Vanessa L. Nienhouse, RMC, CMC  
Borough Clerk

\_\_\_\_\_  
Carolyn Dempsey  
Mayor

### CERTIFICATION

I, Vanessa L. Nienhouse, Borough Clerk for the Borough of Chatham, County of Morris, State of New Jersey, do hereby certify this is a true and correct copy of the resolution adopted by the Borough Council at its Regular Meeting held on March 9, 2026.

\_\_\_\_\_  
Vanessa L. Nienhouse, Borough Clerk

**BOROUGH OF CHATHAM**  
Purchase Order Listing By Vendor Name

Ranges	Item Status	Purchase Types	Misc
<b>Range:</b> First to Last <b>Rcvd Batch Id Range:</b> First to Last <b>Received Date Range:</b> 02/26/26 to 12/31/26	<b>Open:</b> N <b>Void:</b> N <b>Paid:</b> Y <b>Held:</b> N <b>Aprv:</b> Y <b>Rcvd:</b> Y	<b>Bid:</b> Y <b>State:</b> Y <b>Other:</b> Y <b>Exempt:</b> Y	<b>P.O. Type:</b> All <b>Include Project Line Items:</b> Yes <b>Format:</b> Detail without Line Item Notes <b>Include Non-Budgeted:</b> Y <b>Vendors:</b> All

Vendor #	Name	Description	Contract	PO Type	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
AERIA500	AERIAL-RISE LLC									
26000002	01/14/26									
1	INSPECTION FOR BUCKET TRUCK	\$3,594.33	6-01-26-315-201	B	VEHICLE MAINTENANCE	Public WorkR	01/14/26	03/06/26	21192	N
<b>Vendor Total:</b>		<b>\$3,594.33</b>								
AIRBR500	AIR BRAKE & EQUIPMENT									
26000005	01/14/26	AUTOMOTIVE SUPPLIES 2026		B						
2	AUTOMOTIVE SUPPLIES 2026	\$271.90	6-01-26-315-201	B	VEHICLE MAINTENANCE	Public WorkR	01/14/26	03/06/26	317938	N
<b>Vendor Total:</b>		<b>\$271.90</b>								
MIDAT500	ALLEGIANCE TRUCK CENTER INC									
26000138	01/14/26	PARTS AND SERVICE 2026		B						
3	PARTS AND SERVICE 2026	\$630.11	6-01-26-315-201	B	VEHICLE MAINTENANCE	Public WorkR	01/14/26	03/06/26	X403269919:01	N
4	PARTS AND SERVICE 2026- T#41	\$286.67	6-01-26-315-201	B	VEHICLE MAINTENANCE	Public WorkR	02/24/26	03/06/26	X403269919:02	N
		<b>\$916.78</b>								
<b>Vendor Total:</b>		<b>\$916.78</b>								
AMANJ500	AMANJ									
26000405	03/06/26	ANNUAL DUES 2025								
1	ANNUAL DUES 2025	\$195.00	6-01-20-150-203	B	CONFERENCES, DUES & TRAINING	R	03/06/26	03/06/26		N
<b>Vendor Total:</b>		<b>\$195.00</b>								
AMERI250	AMERICAN ALARM SYSTEMS									
26000016	01/14/26	ALARM SYSTEM SERVICES 2026		B						
3	ALARM SYSTEM SERVICES 2026	\$155.00	6-01-26-310-240	B	FACILITY REPAIRS & MAINTANCE	R	01/14/26	03/06/26	10690	N
4	ALARM SYSTEM SERVICES 2026	\$14,400.00	6-01-26-290-213	B	EQUIPMENT REPAIRS & MAINTENANR		01/14/26	03/06/26	10989	N
		<b>\$14,555.00</b>								
<b>Vendor Total:</b>		<b>\$14,555.00</b>								
AMERI700	AMERICAN WEAR									
26000017	01/14/26	2026 UNIFORMS		B						

**BOROUGH OF CHATHAM**  
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Vendor #	Name	Description		Contract	PO Type	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
P.O. #	PO Date	Amount	Charge Account	Acct Description Type							
AMERI700	AMERICAN WEAR	Account Continued									
5 2026 UNIFORMS	02-17-26	\$26.00	6-01-26-290-225	B UNIFORMS - WORK CLOTHING	R		02/19/26	03/06/26		10417139-0101	N
<b>Vendor Total:</b>		<b>\$26.00</b>									
ANIMA500	ANIMAL CONTROL SOLUTIONS LLC										
26000019	01/14/26	2026 ANIMAL SERVICES			B						
4 2026 ANIMAL SERVICES		\$200.00	T-20-56-501-010	B ANIMAL CONTROL EXPENSES/PAYRR			02/05/26	03/06/26		6485	N
5 2026 ANIMAL SERVICES		\$1,650.00	T-20-56-501-010	B ANIMAL CONTROL EXPENSES/PAYRR			02/05/26	03/06/26		6648	N
		<b>\$1,850.00</b>									
<b>Vendor Total:</b>		<b>\$1,850.00</b>									
ATLAN500	ATLANTIC SALT										
26000401	03/05/26	WINTER SALT SERVICES 2026			B						
2 WINTER SALT SERVICES 2026		\$8,519.49	T-17-56-000-216	B STORM RECOVERY TRUST	R		03/05/26	03/06/26		INV109358	N
3 WINTER SALT SERVICES 2026		\$6,445.62	T-17-56-000-216	B STORM RECOVERY TRUST	R		03/05/26	03/06/26		INV109359	N
4 WINTER SALT SERVICES 2026		\$4,418.57	T-17-56-000-216	B STORM RECOVERY TRUST	R		03/05/26	03/06/26		INV109360	N
5 WINTER SALT SERVICES 2026		\$10,869.22	T-17-56-000-216	B STORM RECOVERY TRUST	R		03/05/26	03/06/26		INV109361	N
6 WINTER SALT SERVICES 2026		\$8,451.78	T-17-56-000-216	B STORM RECOVERY TRUST	R		03/05/26	03/06/26		INV109362	N
7 WINTER SALT SERVICES 2026		\$2,183.37	T-17-56-000-216	B STORM RECOVERY TRUST	R		03/05/26	03/06/26		INV109153	N
8 WINTER SALT SERVICES 2026		\$10,911.00	T-17-56-000-216	B STORM RECOVERY TRUST	R		03/05/26	03/06/26		INV110640	N
		<b>\$51,799.05</b>									
<b>Vendor Total:</b>		<b>\$51,799.05</b>									
AWISC500	AWISCO NY CORP LLC										
26000028	01/14/26	MECHANIC SERVICES 2026			B						
3 MECHANIC SERVICES 2026		\$37.52	6-01-26-315-204	B WELDING SUPPLIES	R		01/14/26	03/06/26		0080326059	N
<b>Vendor Total:</b>		<b>\$37.52</b>									
BESTC505	BEST CLEANING BUILDING SERVICE										
26000030	01/14/26	2026 CLEANING SERVICES			B						
3 2026 CLEANING SERVICES		\$2,360.00	6-01-26-310-240	B FACILITY REPAIRS & MAINTANCE	R		01/22/26	03/06/26		SPL2602	N
<b>Vendor Total:</b>		<b>\$2,360.00</b>									
BOSWE005	BOSWELL ENGINEERING										
26000034	01/14/26	ZB SERVICES			B						
2 ZB SERVICES		\$46.27	6-01-21-185-223	B PROFESSIONAL/LEGAL SERVICES	R		01/14/26	03/06/26		0000211749	N
3 ZB SERVICES		\$975.00	6-01-21-185-223	B PROFESSIONAL/LEGAL SERVICES	R		03/06/26	03/06/26		0000211760	N
4 ZB SERVICES		\$699.00	6-01-21-185-223	B PROFESSIONAL/LEGAL SERVICES	R		03/06/26	03/06/26		198629	N



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P.O. #	PO Date	Amount	Charge Account	Acct Description Type							
CUSTO500	CUSTOM BANDAG INC	Account Continued									
1	Front Tires- Truck 1	\$2,461.52	5-01-25-265-219	B	VEHICLE REPAIR & MAINTENANCE	R	02/24/26	03/06/26		WO # 70239006	N
<b>Vendor Total:</b>		<b>\$2,461.52</b>									
DEPTH500	DEPT OF HEALTH & HUMAN SERVICE										
26000060	01/14/26				ANIMAL LICENESE	B					
3	ANIMAL LICENESE	\$62.40	T-20-56-501-010	B	ANIMAL CONTROL EXPENSES/PAYRR		02/05/26	03/06/26		FEB 2026	N
<b>Vendor Total:</b>		<b>\$62.40</b>									
DORSE500	DORSEY & SEMRAU										
26000064	01/14/26				APPRAISAL & LEGAL SERVICES	B					
3	APPRAISAL & LEGAL SERVICES	\$2,610.00	6-01-20-150-223	B	APPRAISAL SERVICES & LEGAL	R	01/14/26	03/06/26		23151	N
<b>Vendor Total:</b>		<b>\$2,610.00</b>									
DREYE500	DREYER'S LUMBER & HARDWARE										
26000068	01/14/26				2026 SUPPLIES	B					
24	2026 SUPPLIES	\$6.49	6-01-26-310-240	B	FACILITY REPAIRS & MAINTANCE	R	01/14/26	03/06/26		791791	N
25	2026 SUPPLIES	\$6.97	6-05-55-502-202	B	SUPPLIES AND TOOLS	R	01/14/26	03/06/26		791850	N
26	2026 SUPPLIES- FIRE DEPT	\$89.98	6-01-26-310-240	B	FACILITY REPAIRS & MAINTANCE	R	01/14/26	03/06/26		791901	N
27	2026 SUPPLIES- FIRE DEPT	\$7.90	6-01-26-310-240	B	FACILITY REPAIRS & MAINTANCE	R	01/14/26	03/06/26		791902	N
28	2026 SUPPLIES- POLICE DEPT	\$98.56	6-01-26-310-240	B	FACILITY REPAIRS & MAINTANCE	R	01/14/26	03/06/26		792106	N
		<b>\$209.90</b>									
<b>Vendor Total:</b>		<b>\$209.90</b>									
DWYER500	DWYER, PATRICK J ESQ										
26000070	01/14/26				ZONING BOARD LEGAL SERVICES	B					
2	ZONING BOARD LEGAL SERVICES	\$450.00	6-01-21-185-223	B	PROFESSIONAL/LEGAL SERVICES	R	01/14/26	03/06/26		1491	N
<b>Vendor Total:</b>		<b>\$450.00</b>									
ESIE500	ESI EQUIPMENT INC										
26000391	02/24/26				Power unit and Ram repairs						
1	Power unit and Ram repairs	\$375.00	6-01-25-265-213	B	EQUIPMENT REPAIRS & MAINTENANA		02/24/26	03/06/26		26-72	N
<b>Vendor Total:</b>		<b>\$375.00</b>									
FIRST965	FIRST ENERGY										
26000389	02/20/26				TAX OVERPAYMENT REFUND						
1	TAX OVERPAYMENT REFUND	\$10,824.87	6-01-55-950-004	B	CURRENT YEAR TAX OVERPAYMEN	P 28561	02/20/26	03/05/26	03/06/26		N
<b>Vendor Total:</b>		<b>\$10,824.87</b>									

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Vendor #	Name	Description		Contract	PO Type	Stat/Chk		First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
P.O. #	PO Date	Amount	Charge Account	Acct Description Type								
FLEMI500	FLEMINGTON DEPARTMENT STOR											
25000097	01/13/25	2025 UNIFORMS			B							
19		\$1,050.00	5-01-26-290-225	B	UNIFORMS - WORK CLOTHING	R	03/05/26	03/06/26			INV76574	N
20		\$1,048.30	5-01-26-290-225	B	UNIFORMS - WORK CLOTHING	R	03/05/26	03/06/26			INV76577	N
		<b>\$2,098.30</b>										
26000085	01/14/26	2026 UNIFORMS			B							
4		\$1,050.00	6-01-26-290-225	B	UNIFORMS - WORK CLOTHING	R	02/26/26	03/06/26			INV76579	N
	<b>Vendor Total:</b>	<b>\$3,148.30</b>										
GENER500	GENERAL CODE PUBLISHERS CORP.											
26000096	01/14/26	2026 CODE BOOK UPDATES			B							
2		\$2,490.00	6-01-20-120-205	B	CODE UPDATE, PUBLS.	R	01/14/26	03/06/26			PG000045517	N
	<b>Vendor Total:</b>	<b>\$2,490.00</b>										
GREEN900	GREENBAUM, ROWE, SMITH & DAVIS											
26000102	01/14/26	2026 Special Legal Planning			B							
2		\$29.00	6-01-20-100-300	B	COAH RELATED	R	01/14/26	03/06/26			4373989	N
3		\$2,929.00	6-01-20-100-300	B	COAH RELATED	R	01/14/26	03/06/26				N
		<b>\$2,958.00</b>										
	<b>Vendor Total:</b>	<b>\$2,958.00</b>										
H2MAR500	H 2 M ARCHITECT & ENGINEERS											
23001340	11/21/23	ENGINEERING SER.FOR LEAD SERV.			B							
37		\$3,291.60	W-06-55-923-007	B	SECTION 20 COSTS	R	03/19/25	03/06/26			290830	N
24000836	08/08/24	LEAD SERVICE LINE REPLACEMENT			B							
31		\$3,660.48	W-06-55-924-101	B	LEAD LINE REPLACEMENTS - MAIN	R	02/05/26	03/06/26			290829	N
	<b>Vendor Total:</b>	<b>\$6,952.08</b>										
HESSD005	HESSE, DANIEL											
26000404	03/05/26	CLASS REIMBURSEMENT										
1		\$99.00	6-01-20-115-203	B	CONFERENCES, EDUCATION & TRAIR		03/05/26	03/06/26				N
	<b>Vendor Total:</b>	<b>\$99.00</b>										
HOMED500	HOME DEPOT											
26000109	01/14/26	BUILDING EQUIPMENT AND TOOLS			B							
16		\$189.23	6-01-26-310-201	B	BULGS & GROUNDS-MISC	R	02/19/26	03/06/26			6031086	N
17		\$96.94	6-01-26-310-201	B	BULGS & GROUNDS-MISC	R	02/25/26	03/06/26			5502596	N

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Vendor #	Name	Description		Contract	PO Type	Stat/Chk		First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
P.O. #	PO Date	Amount	Charge Account	Acct Description Type								
<b>HOMED500 HOME DEPOT Account Continued</b>												
		18 BUILDING EQUIPMENT AND TOOLS	\$27.71	6-01-26-310-201	B	BULGS & GROUNDS-MISC	R	02/25/26	03/06/26		3822843	N
		21 BUILDING EQUIPMENT AND TOOLS	\$144.18	6-01-26-315-205	B	OILS AND LUBRICANTS	R	02/25/26	03/06/26		8080067	N
		22 BUILDING EQUIPMENT AND TOOLS	\$134.55	6-01-26-310-201	B	BULGS & GROUNDS-MISC	R	02/25/26	03/06/26		7094728	N
		23 BUILDING EQUIPMENT AND TOOLS	\$44.97	6-01-26-310-201	B	BULGS & GROUNDS-MISC	R	03/04/26	03/06/26		6074742	N
		<b>\$637.58</b>										
	<b>Vendor Total:</b>	<b>\$637.58</b>										
<b>INTER600 INTERNATION INST OF MUN CLERKS</b>												
26000407	03/06/26	VANESSA IIMC DUES										
		1 VANESSA IIMC DUES 2026	\$235.00	6-01-20-100-203	B	CONFERENCES, DUES & TRAINING	R	03/06/26	03/06/26			N
	<b>Vendor Total:</b>	<b>\$235.00</b>										
<b>Z13450 J &amp; M PLANT &amp; WICKER INC</b>												
26000337	02/03/26	2026 PLANT SERVICES					B					
		2 2026 PLANT SERVICES	\$134.95	6-01-20-100-201	B	ADMIN.MISCELLANEOUS	R	02/03/26	03/06/26		03237039	N
	<b>Vendor Total:</b>	<b>\$134.95</b>										
<b>JERSE500 JERSEY CENTRAL POWER &amp; LIGHT</b>												
26000119	01/14/26	ELECTRIC SERVICE 2026					B					
		4 ELECTRIC SERVICE 2026	\$9,086.35	6-05-55-502-309	B	ELECTRIC SERVICE	R	01/14/26	03/06/26			N
		5 ELECTRIC SERVICE 2026	\$9,716.12	6-01-31-430-200	B	ELECTRICITY	R	01/14/26	03/06/26			N
		6 ELECTRIC SERVICE 2026	\$2,717.81	6-01-31-435-200	B	STREET LIGHTING	R	01/14/26	03/06/26			N
		<b>\$21,520.28</b>										
	<b>Vendor Total:</b>	<b>\$21,520.28</b>										
<b>KBSIN005 KBS INTERNATIONAL LLC</b>												
26000184	01/14/26	DPW CAMERAS										
		1 DPW CAMERAS	\$343.00	6-01-26-290-212	B	EQUIPMENT PURHCASE	R	01/14/26	03/06/26		4896	N
	<b>Vendor Total:</b>	<b>\$343.00</b>										
<b>LIBRA400 LIBRARY OF THE CHATHAMS</b>												
26000126	01/14/26	2026 LIBRARY FUNDS					B					
		4 2026 LIBRARY FUNDS	\$117,243.36	6-01-29-390-201	B	LIBRARY	R	01/14/26	03/06/26		MAR 2026	N
	<b>Vendor Total:</b>	<b>\$117,243.36</b>										
<b>MADIN540 MADISON BOROUGH</b>												
25000132	01/13/25	2025 IT SERVICES					B					

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Vendor #	Name	Description		Contract	PO Type	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
P.O. #	PO Date	Amount	Charge Account	Acct Description Type							
MADIN540	MADISON BOROUGH	Account Continued									
15 2025 IT SERVICES		\$145.62	5-01-25-240-201	B	POLICE MISCELLANEOUS	R	03/05/26	03/06/26		CHA-DEC 25	N
26000129	01/14/26		2026 COURT SERVICES			B					
3 2026 COURT SERVICES		\$24,408.03	6-01-43-490-299	B	INTERLOCAL AGREEMENT-JOINT CCR		01/23/26	03/06/26		1ST QTR 2026	N
<b>Vendor Total:</b>		<b>\$24,553.65</b>									
MADIS600	MADISON CHATHAM JOINT MEETING										
26000132	01/14/26		JOINT MEETING 2026			B					
4 JOINT MEETING 2026		\$77,955.54	6-01-31-455-251	B	MADISON-CHATHAM JOINT MEETING	R	02/05/26	03/06/26		MAR 2026	N
<b>Vendor Total:</b>		<b>\$77,955.54</b>									
MCAMC500	MCAMC										
26000406	03/06/26		2026 DUES MCAMC								
1 2026 DUES MCAMC		\$60.00	6-01-20-100-203	B	CONFERENCES, DUES & TRAINING	R	03/06/26	03/06/26			N
<b>Vendor Total:</b>		<b>\$60.00</b>									
MIRAC500	MIRACLE CHEMICAL CO										
26000141	01/14/26		2026 CHEMICAL SUPPLIES			B					
9 2026 CHEMICAL SUPPLIES		\$312.06	6-05-55-502-324	B	FACILITY REPAIRS & MAINT.	R	02/18/26	03/06/26		64510	N
10 2026 CHEMICAL SUPPLIES		\$269.40	6-05-55-502-324	B	FACILITY REPAIRS & MAINT.	R	02/25/26	03/06/26		64564	N
11 2026 CHEMICAL SUPPLIES		\$233.48	6-05-55-502-324	B	FACILITY REPAIRS & MAINT.	R	03/04/26	03/06/26		64620	N
		<b>\$814.94</b>									
<b>Vendor Total:</b>		<b>\$814.94</b>									
MORRI350	MORRIS COUNTY MUA										
26000143	01/14/26		RECYCLING SERVICES 2026			B					
5 RECYCLING SERVICES 2026		\$9,718.97	6-07-55-502-233	B	GARBAGE REMOVAL	R	01/14/26	03/06/26		26-00076	N
6 RECYCLING SERVICES 2026		\$20,114.40	6-07-55-502-232	B	CURBSIDE RECYCLING	R	01/14/26	03/06/26		FEB 2026	N
		<b>\$29,833.37</b>									
<b>Vendor Total:</b>		<b>\$29,833.37</b>									
NBINV005	NB INVESTMENTS										
26000398	02/27/26		DEVELOPMENT FEE ADJ. REFUND								
1 DEVELOPMENT FEE ADJ. REFUND		\$6,973.50	6-05-55-950-601	B	NON BUDGET MISCELLANEOUS	P 28542	02/27/26	02/27/26	03/02/26		N
<b>Vendor Total:</b>		<b>\$6,973.50</b>									
NEWJE500	NEW JERSEY FIRE EQUIPMENT CO										
26000151	01/14/26		EQUIPMENT AND TURNOUT GEAR			B					

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P.O. #	PO Date	Amount	Charge Account	Acct Description Type							
NEWJE500	NEW JERSEY FIRE EQUIPMENT CO	Account Continued									
5	EQUIPMENT AND TURNOUT GEAR	\$244.80	6-01-25-265-213	B	EQUIPMENT REPAIRS & MAINTENANR		01/14/26	03/06/26		2032416	N
<b>Vendor Total:</b>		<b>\$244.80</b>									
PARKE500	NEW JERSEY HILL MEDIA GROUP										
26000177	01/14/26	2026 LEGAL ADS				B					
9	2026 LEGAL ADS	\$16.74	6-01-20-120-202	B	ADVERTISING	R	02/05/26	03/06/26		90338	N
10	2026 LEGAL ADS	\$24.18	6-01-21-185-247	B	ADVERTISING	R	01/14/26	03/06/26		97446	N
11	2026 LEGAL ADS	\$1,003.94	6-01-20-120-202	B	ADVERTISING	R	02/05/26	03/06/26			N
		<b>\$1,044.86</b>									
<b>Vendor Total:</b>		<b>\$1,044.86</b>									
NISIV500	NISIVOCCIA LLP										
26000152	01/14/26	AUDTING SERVICES				B					
5	AUDTING SERVICES	\$18,500.00	6-01-20-135-201	B	AUDITOR OTHER SERVICES	R	01/14/26	03/06/26		107715	N
<b>Vendor Total:</b>		<b>\$18,500.00</b>									
NJTRA600	NJ TRANSIT CORP										
26000158	01/14/26	2026 LEASE EXPENSES				B					
2	2026 LEASE EXPENSES	\$350.61	6-05-55-502-295	B	FEES AND PERMITS	R	01/14/26	03/06/26		INV0297083	N
<b>Vendor Total:</b>		<b>\$350.61</b>									
PARKM500	PARKMOBILE USA INC										
26000178	01/14/26	PARKING APPLICATION SERVICES				B					
2	PARKING APPLICATION SERVICES	\$1,377.90	6-01-25-245-203	B	CREDIT CARD COSTS - PARKING	R	01/14/26	03/06/26		US0322026000695N	
<b>Vendor Total:</b>		<b>\$1,377.90</b>									
PASSA905	PASSAIC COUNTY POLICE ACADEMY										
26000278	02/03/26	EXCEL I&II 4 OFFICERS									
1	EXCEL I&II 4 OFFICERS	\$300.00	6-01-25-240-205	B	TRAINING/COMMUNITY SERVICE	R	02/03/26	03/06/26		PASSAIC	N
<b>Vendor Total:</b>		<b>\$300.00</b>									
POSTM700	POSTMASTER - UNION										
26000163	01/14/26	2026 METER SERVICES				B					
2	2026 METER SERVICES	\$2,500.00	6-05-55-502-206	B	POSTAGE	R	01/14/26	03/06/26			N
4	2026 METER SERVICES	\$2,500.00	6-07-55-502-206	B	POSTAGE	R	03/06/26	03/06/26			N
		<b>\$5,000.00</b>									
<b>Vendor Total:</b>		<b>\$5,000.00</b>									

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POSTM700	POSTMASTER - UNION	<i>Account Continued</i>								
PRIME500	PRIMEPOINT LLC									
25000167	01/13/25	PAYROLL SERVICES 2025		B						
17	PAYROLL SERVICES Oct/Nov 2025	\$934.74	5-01-20-130-201	B	PAYROLL EXPENSE	R	03/05/26	03/06/26	694639	N
18	PAYROLL SERVICES 2025	\$455.31	5-01-20-145-201	B	TAX COLLECTION MISCELLENOUS	R	03/05/26	03/06/26	694639	N
		<b>\$1,390.05</b>								
	<b>Vendor Total:</b>	<b>\$1,390.05</b>								
REDIC500	REDICARE LLC									
26000171	01/14/26	FIRST AID KITS		B						
5	FIRST AID KITS-3/3 TO 5/2 2026	\$300.00	6-01-26-290-202	B	SUPPLIES AND TOOLS	R	02/18/26	03/06/26	4203999	N
	<b>Vendor Total:</b>	<b>\$300.00</b>								
RIOSU500	RIO SUPPLY INC									
26000283	02/03/26	METERS 2026		B						
4	METERS 2026	\$267.81	W-06-55-923-004	B	WATER METERS & TRANSMITTERS	R	02/03/26	03/06/26	80120	N
5	METERS 2026	\$18,539.69	W-06-55-924-004	B	WATER METERS & TRANSMITTERS	R	02/11/26	03/06/26	80120	N
		<b>\$18,807.50</b>								
	<b>Vendor Total:</b>	<b>\$18,807.50</b>								
SALER600	SALERNO DUANE FORD LLC									
26000294	02/03/26	PARTS 2026		B						
5	PARTS 2026 - PD#21	\$273.34	6-01-26-315-201	B	VEHICLE MAINTENANCE Public WorkR		02/04/26	03/06/26	4031790	N
6	PARTS 2026 - PD#21	\$487.20	6-01-26-315-201	B	VEHICLE MAINTENANCE Public WorkR		02/26/26	03/06/26	4031800	N
7	PARTS 2026 - PD#26/STOCK	\$21.60	6-01-26-315-201	B	VEHICLE MAINTENANCE Public WorkR		02/26/26	03/06/26	4031814	N
8	PARTS 2026- NEW PD EXPLR/STOCI	\$103.90	6-01-26-315-201	B	VEHICLE MAINTENANCE Public WorkR		02/26/26	03/06/26	4031826	N
		<b>\$886.04</b>								
	<b>Vendor Total:</b>	<b>\$886.04</b>								
SCHOO600	SCHOOL DISTRICT OF THE CHATHAM									
26000255	01/23/26	2026 APPROPRIATION DEBT SER.		B						
4	2026 APPROPRIATION DEBT SER.	\$2,661,708.00	6-01-55-950-002	B	REGIONAL SCHOOL TAXES	R	01/23/26	03/06/26	MAR 2026	N
	<b>Vendor Total:</b>	<b>\$2,661,708.00</b>								
STATE550	STATE OF NEW JERSEY - PWT									
26000225	01/23/26	WATER TAXES 2026		B						

**BOROUGH OF CHATHAM**  
Purchase Order Listing By Vendor Name

Vendor #	Name	Description		Contract	PO Type	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
P.O. #	PO Date	Amount	Charge Account	Acct Description Type							
Item Description											
STATE550	STATE OF NEW JERSEY - PWT			Account Continued							
3 WATER TAXES 2026		\$51.65	6-05-55-502-295	B FEES AND PERMITS		R	01/23/26	03/06/26		021	N
<b>Vendor Total:</b>		<b>\$51.65</b>									
SUBUR500	SUBURBAN DISPOSAL INC										
26000308	02/03/26			SOLID WASTE SERVICES 2026		B					
3 SOLID WASTE SERVICES 2026		\$40,333.33	6-07-55-502-233	B GARBAGE REMOVAL		R	02/03/26	03/06/26		FEB 2026	N
<b>Vendor Total:</b>		<b>\$40,333.33</b>									
SUMMI400	SUMMIT ELECTRICAL SUPPLY										
26000309	02/03/26			ELECTRICAL SUPPLIES 2026		B					
12 ELECTRICAL SUPPLIES 2026		\$11.80	6-01-26-310-240	B FACILITY REPAIRS & MAINTANCE		R	02/05/26	03/06/26		171087-1	N
<b>Vendor Total:</b>		<b>\$11.80</b>									
TASKF005	TASK FORCE TIPS										
25001112	12/31/25			Ball Intake Valve Repair							
1 Ball Intake Valve Repair		\$785.00	5-01-25-265-213	B EQUIPMENT REPAIRS & MAINTENANR			12/31/25	03/06/26		Q-964924	N
2 Ball Intake Valve Repair		\$47.75	5-01-25-265-213	B EQUIPMENT REPAIRS & MAINTENANR			03/05/26	03/06/26		Q-964924	N
		<b>\$832.75</b>									
<b>Vendor Total:</b>		<b>\$832.75</b>									
TRUCK010	TRUCK AUTO 1 DIAGNOSTICS TOOLS										
26000399	03/02/26			AUTEL SOFTWARE UPDATES 2025							
1 AUTEL SOFTWARE UPDATES 2026		\$4,780.00	5-01-26-315-208	B COMPUTER SOFTWARE		R	03/02/26	03/06/26		TA1-308	N
<b>Vendor Total:</b>		<b>\$4,780.00</b>									
TURN500	TURN OUT UNIFORMS										
26000322	02/03/26			POLICE DEPARTMENT UNIFORMS		B					
3 CHASE UNIFORM		\$465.98	6-01-25-240-225	B UNIFORMS - WORK CLOTHING		R	02/03/26	03/06/26		280651	N
<b>Vendor Total:</b>		<b>\$465.98</b>									
RU006	ULINE										
25001110	12/31/25			Cube Lockers							
1 CUBE LOCKERS 12X12X12		\$540.78	5-01-25-240-212	B EQUIPMENT PURCHASE		R	12/31/25	03/06/26		PRA1575191	N
<b>Vendor Total:</b>		<b>\$540.78</b>									
MRJOH500	UNITED SITE SERVICES										
26000147	01/14/26			PORTABLE UNITS SERVICES 2026		B					
5 PORTABLE UNITS SERVICES 2026		\$142.29	R-15-56-852-501	B JOINT FACILITIES' MAINT. & SUPPLIER			02/06/26	03/06/26		INV-5836651	N

**BOROUGH OF CHATHAM**  
Purchase Order Listing By Vendor Name

Vendor #	Name	Description		Contract	PO Type	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl		
P.O. #	PO Date	Amount	Charge Account	Acct Description Type	Stat/Chk							
MRJOH500	UNITED SITE SERVICES			Account Continued								
6	PORTABLE UNITS SERVICES 2026	\$142.29	R-15-56-852-501	B	JOINT FACILITIES' MAINT. & SUPPLIER	02/06/26	03/06/26		INV-5865793	N		
7	PORTABLE UNITS SERVICES 2026	\$142.29	R-15-56-852-501	B	JOINT FACILITIES' MAINT. & SUPPLIER	03/05/26	03/06/26		INV-5835400	N		
8	PORTABLE UNITS SERVICES 2026	\$142.29	R-15-56-852-501	B	JOINT FACILITIES' MAINT. & SUPPLIER	03/05/26	03/06/26		INV-5942590	N		
9	PORTABLE UNITS SERVICES 2026	\$142.29	R-15-56-852-501	B	JOINT FACILITIES' MAINT. & SUPPLIER	03/05/26	03/06/26		INV-5941732	N		
		<b>\$711.45</b>										
	<b>Vendor Total:</b>	<b>\$711.45</b>										
VERDA005	VERDANT COMMERCIAL CAPITAL											
26000226	01/23/26		PRINTERS 2026									
5	PRINTER 2025	\$275.17	6-01-20-165-201	B	ENGINEERING MISCELLANEOUS	01/23/26	03/06/26		905995596	N		
6	PRINTER 2025	\$2,096.06	6-01-20-100-294	B	PRINTING	01/23/26	03/06/26		905995595	N		
		<b>\$2,371.23</b>										
	<b>Vendor Total:</b>	<b>\$2,371.23</b>										
VERIZ705	VERIZON											
26000327	02/03/26		FIOS SERVICES 2026									
5	FIOS SERVICES 2026	\$477.27	6-01-25-240-246	B	TECHNOLOGY	02/03/26	03/06/26			N		
6	FIOS SERVICES 2026	\$39.98	6-01-25-265-215	B	CABLE	02/03/26	03/06/26			N		
7	FIOS SERVICES 2026	\$477.27	6-01-31-440-200	B	TELEPHONE	02/03/26	03/06/26			N		
8	FIOS SERVICES 2026	\$437.29	6-01-26-290-201	B	PUBLIC WORKS MISCELLANEOUS	03/05/26	03/06/26			N		
		<b>\$1,431.81</b>										
	<b>Vendor Total:</b>	<b>\$1,431.81</b>										
VERIZ400	VERIZON WIRELESS,LLC-C											
26000325	02/03/26		2026 BUSINESS WIRELESS									
4	2026 BUSINESS WIRELESS	\$3,057.10	6-01-31-440-200	B	TELEPHONE	02/03/26	03/06/26		2026	N		
	<b>Vendor Total:</b>	<b>\$3,057.10</b>										
VERIZ700	VERIZON WIRELESS,LLC-C SERV.											
26000326	02/03/26		2026 LAND TELEPHONE SERVICES									
3	2026 LAND TELEPHONE SERVICES	\$684.82	6-01-31-440-200	B	TELEPHONE	02/03/26	03/06/26		6134879894	N		
5	2026 LAND TELEPHONE SERVICES	\$860.71	6-01-25-240-246	B	TECHNOLOGY	03/05/26	03/06/26		6134910307	N		
6	2026 LAND TELEPHONE SERVICES	\$384.58	6-05-55-502-204	B	TELEPHONE	02/03/26	03/06/26		6134982482	N		
		<b>\$1,930.11</b>										
	<b>Vendor Total:</b>	<b>\$1,930.11</b>										

**BOROUGH OF CHATHAM**  
Purchase Order Listing By Vendor Name

Vendor #	Name	Description		Contract	PO Type	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl	
P.O. #	PO Date	Amount	Charge Account	Acct Description Type								
Item Description												
WESTF605	WESTFIELD REGIONAL HEALTH DEPT											
26000333	02/03/26		BH SERVICES 2026		B							
2 BH SERVICES 2026		\$29,027.75	6-01-27-330-223	B	PROF.SERVICES - HEALTH OFFICERR		02/03/26	03/06/26		2026	N	
	<b>Vendor Total:</b>	<b>\$29,027.75</b>										
WILLI860	WILLIAMS, LESLIE											
26000403	03/05/26		SUPPLIES REFUND									
1 SUPPLIES REFUND		\$97.96	6-01-20-100-201	B	ADMIN.MISCELLANEOUS	R	03/05/26	03/06/26			N	
	<b>Vendor Total:</b>	<b>\$97.96</b>										
WORLD005	WORLD INSURANCE ASSOCIATES LLC											
26000335	02/03/26		CONSULTANT FEES		B							
2 CONSULTANT FEES		\$3,825.00	6-01-23-210-000	B	LIABILITY INSURANCE	R	02/03/26	03/06/26		1ST QTR 2026	N	
	<b>Vendor Total:</b>	<b>\$3,825.00</b>										
<hr/>												
<b>Total Purchase Orders:</b>	<b>69</b>	<b>Total P.O. Line Items:</b>	<b>126</b>	<b>Total List Amount:</b>	<b>\$3,197,849.23</b>	<b>Total Void Amount:</b>	<b>\$0.00</b>					

**BOROUGH OF CHATHAM**  
Purchase Order Listing By Vendor Name

**Totals by Year-Fund**

<b>Fund Description</b>	<b>Fund</b>	<b>Budget Total</b>	<b>Revenue Total</b>	<b>G/L Total</b>	<b>Total</b>
GENERAL CURRENT FUND	5-01	\$12,249.02	\$0.00	\$0.00	\$12,249.02
GENERAL CURRENT FUND	6-01	\$3,012,207.43	\$0.00	\$0.00	\$3,012,207.43
WATER OPERATING FUND	6-05	\$20,543.60	\$0.00	\$0.00	\$20,543.60
SOLID WASTE OPERATING FU	6-07	\$72,666.70	\$0.00	\$0.00	\$72,666.70
	<b>Year Total:</b>	<b>\$3,105,417.73</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$3,105,417.73</b>
RECREATION TRUST FUND	R-15	\$711.45	\$0.00	\$0.00	\$711.45
GENERAL TRUST FUNDS	T-17	\$51,799.05	\$0.00	\$0.00	\$51,799.05
ANIMAL (DOG/CAT) TRUST FU	T-20	\$1,912.40	\$0.00	\$0.00	\$1,912.40
	<b>Year Total:</b>	<b>\$53,711.45</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$53,711.45</b>
WATER CAPITAL FUND	W-06	\$25,759.58	\$0.00	\$0.00	\$25,759.58
<b>Total Of All Funds:</b>		<b>\$3,197,849.23</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$3,197,849.23</b>



# Borough of Chatham

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## RESOLUTION #26-145

**RESOLUTION OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONTRACT TO D’ONOFRIO & SON INC.**

**WHEREAS**, The Borough of Chatham publicly opened bids on February 24, 2026, for a two-year contract with the optional one-time two-year renewal to provide grass and property maintenance at various locations throughout the Borough of Chatham; and

**WHEREAS**, three bids were received, and base bids are as follow; and

Vendor	Base Bid
D’Onofrio & Son Inc.	\$118,230.00
Custom Care Services, Inc	\$159,690.00
LTI, Inc.	\$190,828.00

**WHEREAS**, D’Onofrio & Son, Inc. is the lowest responsive and responsible bidder and has been duly reviewed and analyzed by the Qualified Purchasing Agent; and

**WHEREAS**, the bid received by D’Onofrio & Son, Inc. has been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written; and

**WHEREAS**, the Chief Financial Officer has certified that encumbrances for these services shall come from account number 6-01-28-375-258 and will be appropriated in future years’ budgets.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Committee of the Borough of Chatham, County of Morris, State of New Jersey, as follows:

1. The Borough Council hereby awards a contract to D’Onofrio & Son, Inc. in the amount not to exceed \$118,230.00 for a two-year grass and property maintenance contract with an optional one-time two-year renewal.
2. The Mayor and Borough Clerk are hereby authorized and directed to execute a contract with D’Onofrio & Son, Inc. in accordance with its bid for grass and property maintenance.
3. This resolution and contract shall be available for public inspection in the office of the Borough Clerk.

Adopted: March 9, 2026

Attest:

BOROUGH OF CHATHAM

\_\_\_\_\_  
Vanessa L. Nienhouse, RMC, CMC  
Borough Clerk

\_\_\_\_\_  
Carolyn Dempsey  
Mayor

### CERTIFICATION

I, Vanessa Nienhouse Borough Clerk for the Borough of Chatham, County of Morris, State of New Jersey, do hereby certify this is a true and correct copy of the resolution adopted by the Borough Council at its Regular Meeting held on March 9, 2026.

\_\_\_\_\_  
Vanessa L. Nienhouse, Borough Clerk



# Borough of Chatham

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## RESOLUTION #26-144

### RESOLUTION OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONTRACT TO GARDEN STATE TREE MANAGEMENT

**WHEREAS**, The Borough of Chatham publicly opened bids on February 25, 2026, for a two-year contract with the option to extend for two additional one-year periods to provide Tree Pruning and Tree Removal Services at various locations throughout the Borough of Chatham; and

**WHEREAS**, five bids were received, and base bids are as follow; and

Vendor	Base Bid
Honor Tree Services, Inc.	\$58,275.00
Garden State Tree Management	\$72,500.00
CrestView Tree Services	\$82,260.00
Joseph McIlvaine Tree and Lawn	\$85,500.00
Weland Incorporated	\$210,100.00

**WHEREAS**, per N.J.S.A. 40A:23.2, when required by a municipality, a Bid Guarantee and Consent of Surety are mandatory items to be submitted at the time specified by the contracting unit for the receipt of bids and failure to submit any one of the mandatory items shall be deemed a fatal defect that shall render the bid proposal unresponsive and that cannot be cured by the governing body; and

**WHEREAS** the bid submitted by Honor Tree Services, Inc. did not include the required Bid Guarantee and Consent of Surety, resulting in the bid proposal being deemed unresponsive and therefore rejected; and

**WHEREAS**, Garden State Tree Management is the second lowest bid which has been duly reviewed and analyzed by the Qualified Purchasing Agent and is deemed to be a responsive and responsible bidder; and

**WHEREAS**, the bid received by Garden State Tree Management has been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written; and

**WHEREAS**, the Chief Financial Officer has certified that encumbrance for these services shall come from account number 6-01-26-290-256 and will be appropriated in future years' budgets.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Committee of the Borough of Chatham, County of Morris, State of New Jersey, as follows:

1. The Borough Council hereby awards a contract to Garden State Tree Management in an amount not to exceed \$72,500.00 annually for a two-year grass and property maintenance contract with an option to extend for two additional one-year periods.
2. The Mayor and Borough Clerk are hereby authorized and directed to execute a contract with Garden State tree Management in accordance with its bid for Tree Pruning and tree Removal Services bid.
3. This resolution and contract shall be available for public inspection in the office of the Borough Clerk.

Adopted: March 9, 2026

Attest:

BOROUGH OF CHATHAM

\_\_\_\_\_  
Vanessa L. Nienhouse, RMC, CMC  
Borough Clerk

\_\_\_\_\_  
Carolyn Dempsey  
Mayor

#### CERTIFICATION

I, Vanessa Nienhouse Borough Clerk for the Borough of Chatham, County of Morris, State of New Jersey, do hereby certify this is a true and correct copy of the resolution adopted by the Borough Council at its Regular Meeting held on March 9, 2026.

\_\_\_\_\_  
Vanessa L. Nienhouse, Borough Clerk



# Borough of Chatham

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## RESOLUTION #26-146

### RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF CHATHAM AND SAINT PATRICK SCHOOL

**WHEREAS**, the Borough of Chatham and Saint Patrick School desire to enter into a shared services agreement for the purpose of sharing the services of a Special Law Enforcement Officer (“Officer”); and

**WHEREAS**, municipalities are permitted to enter into such agreements pursuant to the Uniform Shared services and Consolidation Act, N.J.S.A 40A:65-1 et seq.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham, in the County of Morris and the State of New Jersey, as follows:

1. That the Mayor and Municipal Clerk are hereby authorized to execute the shared services agreement entitled “Shared Services Agreement By and Between St. Patrick School and the Borough of Chatham.
2. A copy of the shared services agreement is on file in the office of the Municipal Clerk for inspection by the public.
3. A copy of the shared services agreement shall be filed, for information purposes, with the Department of Community Affairs, Division of Local Government services, pursuant to rules and regulation promulgated by the Director.

This resolution shall take effect immediately.

Adopted: March 9, 2026

Attest:

BOROUGH OF CHATHAM

\_\_\_\_\_  
Vanessa L. Nienhouse, RMC, CMC  
Borough Clerk

\_\_\_\_\_  
Carolyn Dempsey  
Mayor

### CERTIFICATION

I, Vanessa L. Nienhouse, Borough Clerk for the Borough of Chatham, County of Morris, State of New Jersey, do hereby certify this is a true and correct copy of the resolution adopted by the Borough Council at its Regular Meeting held on March 9, 2026.

\_\_\_\_\_  
Vanessa L. Nienhouse, Borough Clerk



# Borough of Chatham

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## RESOLUTION #26-147

### RESOLUTION AUTHORIZING THE DEPARTMENT OF COMMUNITY SERVICES TO SOLICIT SPONSORSHIPS, PLAN AND ORGANIZE THE 2026 FISHAWACK FESTIVAL ON JUNE 6, 2026

**WHEREAS**, the Fishawack Festival is an annual community event held on the second Saturday in the month of June that has been enjoyed by the community for over 50 years; and

**WHEREAS**, the Borough’s Department of Community Services has planned, organized, and conducted the Fishawack Festival for the past ten years; and

**WHEREAS**, the Mayor and Council wish to continue the Fishawack Festival as a public event in 2026 and encourage residents and consumers to Shop Chatham First.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Chatham that the Department of Community Services is hereby authorized to begin to plan and organize the 2026 Fishawack Festival; and

**BE IT FURTHER RESOLVED** that all other Borough officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution

Adopted: March 9, 2026

Attest:

BOROUGH OF CHATHAM

\_\_\_\_\_  
Vanessa L. Nienhouse, RMC, CMC  
Borough Clerk

\_\_\_\_\_  
Carolyn Dempsey  
Mayor

#### CERTIFICATION

I, Vanessa L. Nienhouse, Borough Clerk for the Borough of Chatham, County of Morris, State of New Jersey, do hereby certify this is a true and correct copy of the resolution adopted by the Borough Council at its Regular Meeting held on March 9, 2026.

\_\_\_\_\_  
Vanessa L. Nienhouse, Borough Clerk



# Borough of Chatham

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## RESOLUTION #26-148

### **AUTHORIZING THE APPLICATION OF AN ASSOCIATION OF NEW JERSEY ENVIRONMENTAL COMMISSIONS (ANJEC) GRANT AGREEMENT FOR OPEN SPACE STEWARDSHIP PROJECTS**

**WHEREAS**, the Borough of Chatham’s Environmental Commission would like to apply for a \$1,500 Open Space Stewardship Grant from the Association of New Jersey Environmental Commissions (“ANJEC”) for a proposed project, known as Borough Biodiversity Garden; and

**WHEREAS**, ANJEC provides small grants of \$1,500 to advance local open space stewardship and raise the profile of community environmental commissions through public participation and collaboration of local groups working together on projects; and

**WHEREAS**, a grant award would support funding for the educational aims of the Borough Biodiversity Garden, namely; to encourage homeowners to consider native plants in their landscaping beds, to demonstrate sustainable landscaping practices (including water and energy saving, and the reduction in use of chemicals and pesticides), and the establishment of a wildlife habitat where none currently exists; and

**WHEREAS**, the Mayor and Council of the Borough of Chatham have determined that Chatham Borough through its Environmental Commission should apply for the ANJEC Grant in the 2026 grant cycle.

**THEREFORE BE IT RESOLVED**, that the Mayor and Council of the Borough of Chatham, in the State of New Jersey, authorizes the submission of the Association of New Jersey Environmental Commissions (ANJEC) Open Space Grant Application; and

**BE IT FURTHER RESOLVED**, that the Mayor or Borough Administrator is hereby authorized to execute the Grant Application with ANJEC; and

**BE IT FINALLY RESOLVED**, that the Mayor or Borough Administrator is authorized to sign any supplemental grant funding and project changes agreements.

Adopted: March 9, 2026

Attest:

BOROUGH OF CHATHAM

\_\_\_\_\_  
Vanessa L. Nienhouse, RMC, CMC  
Borough Clerk

\_\_\_\_\_  
Carolyn Dempsey  
Mayor

#### CERTIFICATION

I, Vanessa L. Nienhouse, Borough Clerk for the Borough of Chatham, County of Morris, State of New Jersey, do hereby certify this is a true and correct copy of the resolution adopted by the Borough Council at its Regular Meeting held on March 9, 2026.

\_\_\_\_\_  
Vanessa L. Nienhouse, Borough Clerk



# Borough of Chatham

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**RESOLUTION #26-149**  
**AUTHORIZING THE CHIEF OF POLICE TO CLOSE BOROUGH ROADS TO CONTROL AND TO REGULATE TRAFFIC CONDITIONS CONSEQUENT THERETO AS NEEDED**

**WHEREAS**, the Borough Mayor and Council approve Social Affair Permits via resolution throughout the year; and

**WHEREAS**, the Borough Administrator approves Facility Use Applications throughout the year; and

**WHEREAS**, the Chief of Police will review the traffic conditions created by these events and may recommend to the Borough Administrator that certain roads be closed to facilitate public activity created by these events and to control and to regulate traffic conditions consequent thereto; and

**WHEREAS**, the required documentation including completed Hold Harmless Agreements, Certificates of Insurance and Facilities Use Forms will be appropriately distributed and placed on file in the Department of Community Services.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby authorize the Chief of Police to close Borough Roads as needed for the approved special events.

**BE IT FURTHER RESOLVED**, the Chief of Police is hereby authorized to establish appropriate detour routes and to undertake such traffic measures to control and to regulate traffic conditions created by closure of the predetermined roads; and

**BE IT FINALLY RESOLVED**, all other Borough officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

Adopted: March 9, 2026

Attest:

BOROUGH OF CHATHAM

\_\_\_\_\_  
Vanessa L. Nienhouse, RMC, CMC  
Borough Clerk

\_\_\_\_\_  
Carolyn Dempsey  
Mayor

CERTIFICATION

I, Vanessa L. Nienhouse, Borough Clerk for the Borough of Chatham, County of Morris, State of New Jersey, do hereby certify this is a true and correct copy of the resolution adopted by the Borough Council at its Regular Meeting held on March 9, 2026.

\_\_\_\_\_  
Vanessa L. Nienhouse, Borough Clerk



# Borough of Chatham

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## RESOLUTION #26-150

### **AUTHORIZING THE HIRING OF RYAN VASQUEZ AS A FULL-TIME SERVICEPERSON IN THE DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, there exists a need for a full-time Serviceperson in the Department of Public Works; and

**WHEREAS**, the full-time Serviceperson position was publicly advertised, applications and resumes were received and reviewed, and candidates were interviewed for the position; and

**WHEREAS**, Ryan Vasquez applied for the position and was interviewed to determine his qualifications to fill the position; and

**WHEREAS**, Administrator Williams and DPW Director Torello agreed that Ryan Vasquez exhibits the knowledge, experience, and qualifications to perform the duties of a Serviceperson in the Department of Public Works and recommends he be hired; and

**WHEREAS**, the starting salary for Ryan Vasquez shall be \$51,672.25, step 4, with an effective date of March 16<sup>th</sup>, pro-rated for the remainder of the 2026 calendar year.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they concur with the recommendation of the Borough Administrator and the Director of Public Works and hereby authorize the hiring of Ryan Vasquez as a full-time Serviceperson for the Department of Public Works; and

**BE IT FURTHER RESOLVED**, that all Borough Officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

Adopted: March 9, 2026

Attest:

BOROUGH OF CHATHAM

\_\_\_\_\_  
Vanessa L. Nienhouse, RMC, CMC  
Borough Clerk

\_\_\_\_\_  
Carolyn Dempsey  
Mayor

### CERTIFICATION

I, Vanessa L. Nienhouse, Borough Clerk for the Borough of Chatham, County of Morris, State of New Jersey, do hereby certify this is a true and correct copy of the resolution adopted by the Borough Council at its Regular Meeting held on March 9, 2026.

\_\_\_\_\_  
Vanessa L. Nienhouse, Borough Clerk



**Borough of Chatham**

54 Fairmount Avenue ▪ Chatham ▪ NJ 07928  
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**RESOLUTION #26-151  
NORTH JERSEY MUNICIPAL EMPLOYEE BENEFITS FUND  
RESOLUTION TO RENEW**

**WHEREAS**, a number of public entities in the State of New Jersey have joined together to form the **North Jersey Municipal Employee Benefits Fund**, hereafter referred to as "FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1, and 40A:10-36 *et seq.*; and

**WHEREAS**, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since that date; and

**WHEREAS**, the statutes and regulations governing the creation and operation of a joint insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a FUND; and

**WHEREAS**, the governing body of Chatham Borough hereinafter referred to as "LOCAL UNIT" has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the LOCAL UNIT hereby agrees as follows:

- i. Become a member of the FUND for the period outlined in the LOCAL UNIT's Indemnity and Trust Agreements.
- ii. Will participate in the following type (s) of coverage (s):
  - a.) Health Insurance and/or Dental and/or Prescription as defined pursuant to N.J.S.A. 17B:17-4, the FUND's Bylaws, and Plan of Risk Management.
- iii. Adopts and approves the FUND's Bylaws.
- iv. Execute an application for membership and any accompanying certifications.

**BE IT FURTHER RESOLVED** that the governing body of the LOCAL UNIT is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon:

- i. Approval of the LOCAL UNIT by the FUND.
- ii. Receipt from the LOCAL UNIT of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

Adopted: March 9, 2026

Attest:

BOROUGH OF CHATHAM

\_\_\_\_\_  
Vanessa Nienhouse, RMC, CMC  
Borough Clerk

\_\_\_\_\_  
Carolyn Dempsey  
Mayor

**CERTIFICATION**

I, Vanessa L. Nienhouse, Borough Clerk for the Borough of Chatham, County of Morris, State of New Jersey, do hereby certify this is a true and correct copy of the resolution adopted by the Borough Council at its Regular Meeting held on March 9, 2026.

\_\_\_\_\_  
Vanessa L. Nienhouse, Borough Clerk



# Borough of Chatham

54 Fairmount Avenue ▪ Chatham ▪ NJ 07928  
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## RESOLUTION #26-152

### **AUTHORIZING THE BOROUGH ADMINISTRATOR TO SIGN AN ACCESS PERMIT AGREEMENT WITH NEW JERSEY TRANSIT FOR THE USE OF THE CHATHAM TRAIN STATION BUILDING RESTROOMS FOR THE 2026 FARMERS’ MARKET SEASON**

**WHEREAS**, the Borough of Chatham desires to enter into an agreement with New Jersey Transit for the use of the Chatham Train Station building restrooms (the “Permit Area”) for its 2026 Farmers’ Market Season; and

**WHEREAS**, New Jersey Transit requires an Access Permit Agreement setting forth the terms and conditions for use of the Permit Area.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Chatham that it hereby authorizes the Borough Administrator to sign an Access Permit Agreement with New Jersey Transit for use of the Chatham Train Station building restrooms for the 2026 Farmers’ Market Season, May 16th through November 14<sup>th</sup> from 10am to 2pm Saturdays; and

**BE IT FURTHER RESOLVED**, that all other Borough officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this resolution.

Adopted: March 9, 2026

Attest:

BOROUGH OF CHATHAM

\_\_\_\_\_  
Vanessa Nienhouse, RMC, CMC  
Borough Clerk

\_\_\_\_\_  
Carolyn Dempsey  
Mayor

### CERTIFICATION

I, Vanessa L. Nienhouse, Borough Clerk for the Borough of Chatham, County of Morris, State of New Jersey, do hereby certify this is a true and correct copy of the resolution adopted by the Borough Council at its Regular Meeting held on March 9, 2026.

\_\_\_\_\_  
Vanessa L. Nienhouse, Borough Clerk



# Borough of Chatham

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## RESOLUTION #26-153

### **RESOLUTION OF THE BOROUGH OF CHATHAM IN SUPPORT OF A 2026 FEDERAL FUNDING APPLICATION TO MITIGATE PASSAIC RIVER FLOODING THROUGH DESNAGGING AND DEBRIS REMOVAL FROM THE PASSAIC RIVER AND MAJOR TRIBUTARIES, AND AUTHORIZING BERKELEY HEIGHTS TO SERVE AS LEAD AGENCY FOR THE PASSAIC RIVER MAYORS' FLOODING COALITION**

**WHEREAS**, the Borough of Chatham and numerous municipalities within the Passaic River Basin have experienced repeated and severe flooding events in recent years, resulting in significant public safety hazards, damage to public infrastructure, damage to private property, roadway closures, emergency response impacts, and disruption to residents and businesses; and

**WHEREAS**, ongoing flooding conditions throughout the Passaic River Basin have increased in frequency and severity due to changing storm patterns, aging drainage infrastructure, and reduced stormwater conveyance capacity caused in part by accumulated debris, fallen trees, and other obstructions within the Passaic River and its major tributaries; and

**WHEREAS**, the accumulation of woody debris, sediment, and other obstructions in the Passaic River and its tributaries restricts water flow, reduces channel capacity, impedes stormwater conveyance, increases localized flood elevations, and contributes to upstream and downstream flooding impacts across multiple municipalities; and

**WHEREAS**, strategic, environmentally responsible desnagging and debris removal activities, including the clearing of downed trees, logjams, and other conveyance-blocking obstructions, represent an important flood mitigation strategy to improve the hydraulic capacity of the Passaic River and its tributaries and reduce flood risk for impacted communities; and

**WHEREAS**, after the historic storm of July 14, 2025, which caused millions of dollars in damage to some of our area municipalities, the Passaic River Mayors' Flooding Coalition was formed as a regional partnership of local governments to help develop a short- and long-term strategy to help reduce flooding and increase resilience of our member communities; and

**WHEREAS**, this Coalition consists of elected and appointed officials, engineers and related professionals of heavily affected municipalities and Counties across Union and Morris counties; and

**WHEREAS**, these member entities continue to collaborate through the Passaic River Mayors' Flooding Coalition to advance multi-jurisdictional flood mitigation initiatives and secure state and federal resources for basin-wide solutions; and

**WHEREAS**, the Passaic River Mayors' Flooding Coalition intends to submit an application in 2026 for available federal funding programs and/or federal appropriations to support basin-wide flood mitigation efforts, including but not limited to debris removal, river clearing, and related stormwater conveyance improvements; and

**WHEREAS**, the Township of Berkeley Heights has the administrative capacity, intergovernmental experience, and demonstrated commitment to regional collaboration necessary to support the Coalition's efforts and coordinate grant administration and project implementation; and

**WHEREAS**, the Township of Berkeley Heights is willing and prepared to serve as the Lead Agency for the Passaic River Mayors’ Flooding Coalition for purposes of the 2026 federal funding application and related intergovernmental coordination; and

**WHEREAS**, the Township recognizes that flood mitigation activities must be undertaken in compliance with all applicable federal and state requirements, including but not limited to environmental permitting, NJDEP regulations, and any applicable U.S. Army Corps of Engineers requirements; and

**WHEREAS**, the Borough of Chatham supports the pursuit of federal funding to advance coordinated, regional flood mitigation measures that will protect residents, critical infrastructure, public safety services, and economic stability throughout the Passaic River Basin.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Chatham, County of Morris, State of New Jersey, as follows:

**1. Support of Federal Funding Application.** The Mayor and Council hereby expresses its formal support for the Passaic River Mayors’ Flooding Coalition’s 2026 application for federal funding to mitigate flooding impacts within the Passaic River Basin.

**2. Project Purpose and Scope.** The Mayor and Council specifically supports funding for desnagging and debris removal activities in the Passaic River and its major tributaries, including the removal of downed trees, logjams, and other conveyance-blocking obstructions, for the purpose of reducing flood risk and improving stormwater conveyance.

**3. Lead Agency Designation.** The Mayor and Council hereby authorizes and affirms that the Township of Berkeley Heights will serve as the Lead Agency for the Passaic River Mayors’ Flooding Coalition in connection with the 2026 federal funding application, including coordination among participating municipalities and communication with state and federal partners.

**4. Authorization of Township Administrator.** The Mayor and Council hereby authorizes the Borough Administrator and/or appropriate Borough officials to execute and submit any supporting documentation, certifications, and related materials required for the federal funding application, including intergovernmental coordination documents as may be required.

**5. Regional Collaboration.** The Mayor and Council reaffirms its commitment to continued regional collaboration with Coalition member municipalities and partner agencies to advance flood mitigation solutions throughout the Passaic River Basin.

**6. Effective Date.** This Resolution shall take effect immediately upon adoption according to law.

**BE IT FURTHER RESOLVED**, that a certified copy of this Resolution shall be transmitted to the Passaic River Mayors’ Flooding Coalition, appropriate federal and state agencies, and other entities as may be required for the funding application.

Adopted: March 9, 2026

Attest:

BOROUGH OF CHATHAM

\_\_\_\_\_  
Vanessa L. Nienhouse, RMC, CMC  
Borough Clerk

\_\_\_\_\_  
Carolyn Dempsey  
Mayor

CERTIFICATION

I, Vanessa L. Nienhouse, Borough Clerk for the Borough of Chatham, County of Morris, State of New Jersey, do hereby certify this is a true and correct copy of the resolution adopted by the Borough Council at its Regular Meeting held on March 9, 2026.

\_\_\_\_\_  
Vanessa L. Nienhouse, Borough Clerk



# Borough of Chatham

54 Fairmount Avenue ▪ Chatham ▪ NJ 07928  
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## RESOLUTION #26-154

### RESOLUTION SUPPORTING THE LIBRARY OF THE CHATHAMS FUNDING REQUEST FOR THE RENOVATION & BUILDING INFRASTRUCTURE UPGRADE

**WHEREAS**, since becoming a joint library in 1975, Library of the Chathams has provided services to the residents of Chatham Township and Chatham Borough; and

**WHEREAS**, the Library has conducted consumer research to ensure that the current services satisfy present needs as well as to identify emerging needs of the community including a Local History Room, study rooms, a Business Center, and a combination STEAM/Meeting Room; and

**WHEREAS**, the Library Board of Trustees has developed a Strategic Plan to respond to existing and emerging patron needs and changes in technology and resources used by our residents; and

**WHEREAS**, the present configuration of building layout limits the library’s ability to accommodate the increasing usage of current services and facilities, and impedes the introduction of new services in response to needs identified in the consumer research; and

**WHEREAS**, an engineering study in 2014 identified structural, operational, and environmental deficiencies related to HVAC and aging electrical equipment the present building requiring correction; and

**WHEREAS**, the Library Board of Trustees has engaged architects to develop a plan to address these deficiencies; and

**WHEREAS**, the Library of the Chathams would like to apply for an Economic Development Initiative Funding from the Department of Housing and Urban Development to aid in the funding of this project.

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Council of Chatham Borough support the Library of the Chathams in their grant application..

Adopted: March 9, 2026  
Attest:

BOROUGH OF CHATHAM

\_\_\_\_\_  
Vanessa L. Nienhouse, RMC, CMC  
Borough Clerk

\_\_\_\_\_  
Carolyn Dempsey  
Mayor

#### CERTIFICATION

I, Vanessa L. Nienhouse, Borough Clerk for the Borough of Chatham, County of Morris, State of New Jersey, do hereby certify this is a true and correct copy of the resolution adopted by the Borough Council at its regular Meeting held on March 9, 2026

\_\_\_\_\_  
Vanessa L. Nienhouse, Borough Clerk

**BOROUGH OF CHATHAM  
ORDINANCE #26-09**

**AN ORDINANCE COMPREHENSIVELY REVISING AND UPDATING CHAPTER 131 OF  
THE CODE OF THE BOROUGH OF CHATHAM, "FILMING," TO BE CONSISTENT WITH  
NEW JERSEY "FILM-READY" REQUIREMENTS**

**WHEREAS**, the Borough of Chatham wishes to promote itself as an attractive location for the filming of motion pictures and television shows; and,

**WHEREAS**, the New Jersey Motion Picture and Television Commission has developed a certification known as "Film Ready New Jersey" to advise the film and television industry of those municipalities that seek to be a welcoming destination for film and television production, subject to appropriate regulation; and,

**WHEREAS**, the Borough will be seeking "Film-Ready" certification, and one of the requirements is an adoption of legislation governing filming within the Borough that is mutually beneficial for both residents as well as film and television industry professionals;

**WHEREAS**, in 2009, the Borough adopted legislation governing the rules and regulations to be enforced with respect to film and television production in the Borough via Ordinance Number 09-12, currently codified in Chapter 131 of the Borough Code, which contains various regulatory requirements that the Borough's Governing Body believes should be replaced with a revised and simplified ordinance as recommended by the New Jersey Motion Picture and Television Commission and required for "Film-Ready" certification.

**NOW, THEREFORE, BE IT ORDAINED** BY THE BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, as follows:

Section 1:

The existing Chapter 131 of the Code of the Borough of Chatham, "Filming," is hereby replaced in its entirety, to now read as follows:

§131-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**FILMING**

The taking of still or motion pictures either on film or videotape or similar recording medium, for commercial or educational purposes intended for viewing on television, in theaters, major linear broadcast network or streaming platforms, or for institutional uses. The provisions of this chapter shall not be deemed to include the "filming" of news stories within the Borough.

**FILM PERMIT REPRESENTATIVE**

A full-time employee of the Borough responsible for managing the approval of film applications and permits. The Film Permit Representative shall be the Borough Administrator or his or her designee.

**MAJOR MOTION PICTURE**

Any film financed and/or distributed by a major motion picture studio, including but not limited to the following:

- A. NBCUniversal, including Peacock.
- B. Warner Bros. Discovery, including New Line Cinema, HBO, DC Studios and Castle Rock Entertainment.
- C. Paramount Pictures, including Miramax, MTV Films, Showtime, Skydance, Dreamworks and Nickelodeon Movies.

- D. Walt Disney Studios, including 20<sup>th</sup> Century Studios, Searchlight Pictures, Hulu and Marvel Studios.
- E. Sony Pictures, including Columbia Pictures, Screen Gems and Tristar Pictures.
- F. Amazon MGM Studios.
- G. Netflix Studios.
- H. A24.
- I. Any film for which the budget is at least \$20,000,000.
- J. Recurrent weekly television series programming.

**PUBLIC LANDS**

Any and every public street, highway, sidewalk, square, public park or playground or any other public place within the Borough which is within the jurisdiction and control of the Borough.

§ 131-2 Permit required.

- A. No person or organization shall film or permit filming on public or on private property where such filming involves the use of public property for the operation, placement or temporary storage of vehicles or equipment utilized in such filming, including, but not limited to, any temporary structure, barricade or device intended to restrict or block off pedestrian or vehicular traffic, without first having obtained a permit from the Film Permit Representative, which permit shall set forth the approved location of such filming and the approved duration of such filming by specific reference to day or dates. Said permit must be readily available for inspection by Borough officials at all times at the site of the filming.
- B. All permits shall be applied for and obtained from the Film Permit Representative during normal business hours. Applications for such permits shall be in a form approved by the Film Permit Representative and be accompanied by a permit fee in the amount established by this chapter in § 131-10 herein.
- C. If a permit is issued and, due to inclement weather or other good cause, filming does not in fact take place on the dates specified, the Film Permit Representative may, at the request of the applicant, issue a new permit for filming on other dates subject to full compliance with all other provisions of this chapter. No additional fee shall be paid for this permit.

§ 131-3 Issuance of Permits.

- A. No permits will be issued by the Film Permit Representative unless applied for at least four (4) business days before the requested shooting date; provided, however, that the Film Permit Representative may waive the four-day period if, in his or her judgment, the applicant has obtained all related approvals and adjacent property owners or tenants do not need to be notified.
- B. No permit shall be issued for filming upon public lands unless the applicant shall provide the Borough with satisfactory proof of the following:
  - (1) Proof of insurance coverage as follows:
    - (a) For bodily injury to any one person in the amount of \$500,000 and any occurrence in the aggregate amount of \$1,000,000.
    - (b) For property damage for each occurrence in the aggregate amount of \$300,000.

- (2) A written agreement approved by the Borough Attorney whereby the applicant agrees to indemnify and save harmless the Borough from any and all liability, expense, claim or damages resulting from the use of public lands.
  - (3) The hiring of one or more off-duty law enforcement officers for the times indicated on the permit, as determined by the Police Department and contained in an agreed upon public safety plan to be developed between the Borough and the holder of the permit.
- C. The holder of the permit shall take all reasonable steps to minimize interference with the free passage of pedestrians and traffic over public lands and shall comply with all lawful directives issued by the Police Department with respect thereto.

§ 131-4 Enforcement.

- A. The holder of a permit shall conduct filming in such a manner as to minimize the inconvenience or discomfort to adjoining property owners attributable to such filming and shall, to the extent practicable, abate noise and park vehicles associated with such filming off the public streets.
- B. The holder shall avoid any interference with previously scheduled activities upon public lands and limit, to the extent possible, any interference with normal public activity on such public lands. Where the applicant's production activity, by reason of location or otherwise, will directly involve and/or affect any businesses, merchants or residents, these parties shall be given written notice of the filming at least three days prior to the requested shooting date and be informed that objections may be filed with the Film Permit Representative, said objections to form a part of applicant's application and be considered in the review of the same. Proof of service of notification to adjacent owners shall be submitted to the Film Permit Representative within two days of the requested shooting date.

§ 131-5 Violations and Penalties.

- A. The Film Permit Representative may refuse to issue a permit whenever he or she determines, on the basis of objective facts and after a review of the application and a report thereon by the Police Department and by other Borough agencies involved with the proposed filming site, that filming at the location and/or the time set forth in the application would violate any law or ordinance or would unreasonably interfere with the use and enjoyment of adjoining properties, unreasonably impede the free flow of vehicular or pedestrian traffic or otherwise endanger the public's health, safety or welfare.
- B. Further, the Chief of Police or Police Department, and according to agreed upon public safety plan, reserves the right to require one or more on-site law enforcement officers in situations where the proposed production may impede the proper flow of traffic or constitute any other public safety concern. The cost of said personnel to be borne by the applicant as a cost of production. Where existing electrical power lines are to be utilized by the production, an on-site licensed electrician may be similarly required if the production company does not have a licensed electrician on staff.

§ 131-6 Appeals.

- A. Any person aggrieved by a decision of the Borough Administrator denying or revoking a permit or a person requesting relief may appeal to the Borough Council. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Borough Administrator.
- B. An appeal from the decision of the Borough Administrator shall be filed within 10 days of the challenged decision. The Borough Council shall set the matter down for a hearing within 30 days of the day on which the notice of appeal was filed. The decision of the Borough Council shall be in the form of a resolution supporting the decision of the Borough Administrator at the first regularly scheduled public meeting of the Borough Council after the hearing on the appeal, unless the appellant agrees in writing to a later date for the decision. If such a resolution is not adopted within the time required, the initial decision of the Borough Administrator shall be deemed to be upheld.

§ 131-7 Waiver of requirements of chapter by Film Permit Representative.

The Film Permit Representative may authorize a waiver of any of the requirements, provisions or restrictions of this chapter if he or she determines that a waiver thereof may be granted without endangering the public health, safety and welfare. In determining whether to issue a waiver, the Film Permit Representative shall consider the following factors:

- (1) Potential traffic congestion at the location.
- (2) The applicant's ability to remove the applicant's vehicles and equipment from the public streets or other public property.
- (3) The extent to which the applicant is requesting restrictions on the use of public streets or public parking facilities during filming.
- (4) The nature of the filming, including whether filming will take place indoors or outdoors, and the proposed hours for filming.
- (5) The extent to which the filming may affect adjoining and nearby property owners and occupants.
- (6) The Borough's prior experience with the applicant, if any.

§ 131-8 Copies of permit; inspections.

Copies of the approved permit will be sent to the Police and Fire Departments before filming takes place and to the New Jersey Motion Picture and Television Commission at [njfilm@njeda.gov](mailto:njfilm@njeda.gov). The applicant shall permit the Fire Prevention Bureau or other Borough inspectors to inspect the site and the equipment to be used, if deemed necessary. The applicant shall comply with all safety instruction issued by the Fire Prevention Bureau or other Borough inspectors.

§ 131-9 Reimbursement of certain costs.

In addition to any other fees or costs mentioned in this chapter, the applicant shall reimburse the Borough for any lost revenue, such as parking meter revenue, repairs to public property or other revenues that the Borough was prevented from earning because of filming.

§ 131-10 Fees.

The schedule of fees for the issuance of permits authorized by this chapter are included in the Borough Fee Schedule and the conditions of each fee are as follows:

- A.** Where an applicant requests a waiver of the provision in § 131-3A requiring a filming permit application to be submitted at least three (3) days before the requested shooting date, thus requiring expedited processing of a permit application, the basic filming permit fee for processing the application on an expedited basis shall be increased, and is noted in the fee schedule as an "expedited filming permit".
- B.** Daily filming fee (payable in addition to the basic filming permit) when filming on public property.
- C.** Daily filming fee (payable in addition to the basic filming permit) for productions with a budget of at least \$20 million when filming on public property.
- D.** Filming permit for non-profit applicants, including student films (one-time fee, no daily rate required).
- E.** Filming on private property: no fee.

§ 131-11 Violations and penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to the penalties established in §1-14 of the Code of the Borough of Chatham. Each day on which a violation of this chapter exists

shall be considered a separate and distinct violation, and shall be subject to imposition of a separate penalty for each day of the violation as the Municipal Court may determine.

Section 2:

*Repeal of Inconsistent Provisions.* All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

Section 3:

*Severability.* The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4:

*Codification.* This Ordinance shall be a part of the Code of the Borough of Chatham as though codified and fully set forth therein. The Film Permit Representative shall have this ordinance codified and incorporated in the official copies of the Code. The Film Permit Representative and the Borough Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the Borough of Chatham in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

Section 5:

This Ordinance shall take effect upon passage, adoption, and publication in the manner prescribed by law.

<b>Name</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
<b>Hargrove</b>						
<b>Gilmore</b>						
<b>Hay</b>						
<b>Koronkiewicz</b>						
<b>Mathiasen</b>						
<b>Strickland</b>						

Introduced: March 9, 2026

Adopted:

Attest:

BOROUGH OF CHATHAM

\_\_\_\_\_  
Vanessa L. Nienhouse, RMC, CMC  
Borough Clerk

\_\_\_\_\_  
Carolyn Dempsey  
Mayor

**CERTIFICATION**

I, Vanessa L. Nienhouse, Borough Clerk for the Borough of Chatham, County of Morris, State of New Jersey, do hereby certify this is a true and correct copy of an Ordinance that was read on first reading by the Borough Council at its Regular Meeting held on March 9, 2026.

\_\_\_\_\_  
Vanessa L. Nienhouse, Borough Clerk