

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD MARCH 3, 2026**

CALL TO ORDER

At 6:31 p.m. Mayor Devanney, called the meeting to order and the Township Clerk stated adequate notice of this meeting has been provided by forwarding a copy to the Courier News, Star Ledger and posting on the Township website, at least forty-eight hours prior to the meeting, all in accordance with the Open Public Meetings Act

ROLL CALL

The following Council members were present:

John Foster
Margaret Illis
Bill Machado
Alvaro Medeiros
Andrew Moran
Susan Poage
Angie Devanney - Mayor

Also present were:

Township Administrator: Liza Viana
Township Clerk: Angela Lazzari
Township Attorney: Scott Salmon

FLAG SALUTE

The Mayor asked everyone present to stand for the Flag Salute.

PROCLAMATION

The Mayor read a proclamation for resident Bernd Haase celebrating his milestone 100th birthday.

EXECUTIVE SESSION

Motion to enter Executive Session on the topic of Contract Negotiations and Pending Litigation

Mover: Mr. Foster
Seconder: Mr. Medeiros
Ayes: Mr. Foster, Mrs. Illis, Mr. Machado, Mr. Medeiros, Mr. Moran, Mrs. Poage
Nays: None
Abstain: None
Absent: None

Entered Session at 6:40pm

Returned from Executive Session at 7:05pm

APPROVAL OF MINUTES

Approval of Minutes – Regular Meeting February 17, 2026

Mover: Mr. Medeiros
Seconder: Mrs. Poage
Ayes: Mr. Foster, Mrs. Illis, Mr. Machado, Mr. Medeiros, Mr. Moran, Mrs. Poage
Nays: None

Abstain: None
Absent: None
Result: Approved

PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCES

Motion to open the public hearing on ordinances being considered for final adoption

Mover: Mr. Moran
Secunder: Mr. Foster
Ayes: Mr. Foster, Mrs. Illis, Mr. Machado, Mr. Medeiros, Mr. Moran, Mrs. Poage
Nays: None
Abstain: None
Absent: None

The Mayor opened the floor.

Joe Iadanza, 923 Mountain Ave., asked about affordable housing and the name of the Nokia developer. He also asked who wrote the ordinances. The Mayor and Attorney Scott Salmon responded.

Closing of the public hearing on the ordinances being considered for final adoption

Mover: Mr. Moran
Secunder: Mr. Foster
Ayes: Mr. Foster, Mrs. Illis, Mr. Machado, Mr. Medeiros, Mr. Moran, Mrs. Poage
Nays: None
Abstain: None
Absent: None

FINAL ADOPTION OF ORDINANCES

Ordinance 2026-01

AN ORDINANCE AMENDING ARTICLE 6.1 (“SCHEDULE OF GENERAL REGULATIONS”) OF APPENDIX A (“MUNICIPAL LAND USE PROCEDURES ORDINANCE”) OF THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS TO AMEND THE MAXIMUM PERMITTED BUILDING HEIGHT REQUIREMENTS IN THE R-10, R-15 AND R-15A ZONES

Motion to approve the final adoption of Ordinance 2026-01

Mover: Mrs. Poage
Secunder: Mr. Foster
Ayes: Mr. Foster, Mrs. Illis, Mr. Machado, Mr. Medeiros, Mr. Moran, Mrs. Poage
Nays: None
Abstain: None
Absent: None
Result: Approved

Ordinance 2026-03

AN ORDINANCE TO AMEND APPENDIX A (MUNICIPAL LAND USE PROCEDURES ORDINANCE) OF THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS TO INCREASE THE TOWNSHIP’S AFFORDABLE HOUSING SET-ASIDE FOR DEVELOPMENTS IN THE DOWNTOWN ZONE DISTRICTS (DOWNTOWN DEVELOPMENT (DD) AND HOME BUSINESS (HB) WITH RENTAL UNITS FROM FIFTEEN PERCENT (15%) TO TWENTY PERCENT (20%) TO ADDRESS THE TOWNSHIP’S AFFORDABLE HOUSING OBLIGATIONS

Motion to approve the final adoption of Ordinance 2026-03

Mover: Mr. Foster
Seconder: Mrs. Poage
Ayes: Mr. Foster, Mrs. Illis, Mr. Machado, Mr. Medeiros, Mr. Moran, Mrs. Poage,
Nays: None
Abstain: None
Absent: None
Result: *Approved*

Ordinance 2026-04

AN ORDINANCE REPEALING ARTICLE 4.7 (AFFORDABLE HOUSING DEVELOPMENT FEES) IN PART 4 (DEVELOPMENT PROCEDURES) AND PART 18A (AFFORDABLE HOUSING MANDATORY SET-ASIDE) IN APPENDIX A (MUNICIPAL LAND USE PROCEDURES ORDINANCE) AND AMENDING PART 18 (AFFORDABLE HOUSING) OF THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT (FHA) AS AMENDED, AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC), AS AMENDED, REGARDING COMPLIANCE WITH THE TOWNSHIP'S AFFORDABLE HOUSING OBLIGATIONS

Motion to approve the final adoption of Ordinance 2026-04

Mover: Mrs. Illis
Seconder: Mr. Foster
Ayes: Mr. Foster, Mrs. Illis, Mr. Machado, Mr. Medeiros, Mr. Moran, Mrs. Poage,
Nays: None
Abstain: None
Absent: None
Result: *Approved*

CITIZENS HEARING

Opening of the Citizens Hearing

Mover: Mr. Machado
Seconder: Mr. Foster
Ayes: Mr. Foster, Mrs. Illis, Mr. Machado, Mr. Medeiros, Mr. Moran, Mrs. Poage
Nays: None
Abstain: None
Absent: None

The Mayor read a statement regarding the procedures for public comment.

Richard Leister, 49 Summit Ave., had questions about the Environmental Commission as is pertains to Ordinance 2026-02 and the master plan. Mrs. Illis responded.

Mike Mistretta, Township Planner, spoke regarding Ordinance 2026-02.

Joe Iadanza, 923 Mountain Ave., had questions about invoices from Harbor Consultants and work on Plainfield Ave. Mike Mistretta and Liza responded.

After no one else wished to be heard, this portion of the agenda was closed.

Closing of the Citizens Hearing

Mover: Mr. Machado
Seconder: Mr. Foster
Ayes: Mr. Foster, Mrs. Illis, Mr. Machado, Mr. Medeiros, Mr. Moran, Mrs. Poage
Nays: None
Abstain: None
Absent: None

RESOLUTIONS

2026-96, Resolution authorizing payment of attorney fees and costs in the matter of John Migueis v. township of Berkeley Heights, et al.

Mrs. Poage made a statement about excessive and repetitious OPRA requests that cost the Township valuable time.

Mover: Mr. Medeiros
Seconder: Mrs. Illis
Ayes: Mr. Foster, Mrs. Illis, Mr. Machado, Mr. Medeiros, Mr. Moran
Nays: Mrs. Poage
Abstain: None
Absent: None
Result: Adopted

CONSENT AGENDA

All matters listed under Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

Resolution No. 2026-

- 121. Resolution approving Bill List dated March 3, 2026, in the amount of \$420,923.09.
- 122. Resolution awarding a professional services contract to Neglia Group for professional engineering services for the Hampton Drive Pumping Station Force Main project.
- 123. Resolution authorizing the release of a Road Opening Bond in the amount of \$2,000.00, in connection with work performed at 40 Old Farm Road.
- 124. Resolution authorizing the release of a Road Opening Bond in the amount of \$2,000.00, in connection with work performed at 26 Gallinson Drive.
- 125. Resolution authorizing the refund of tax overpayments for various properties within the Township.
- 126. Resolution awarding a contract to Regional Industries, LLC for the 2026 Residential Clean-Up Program for the amount not to exceed \$167,000.00.

127. Resolution amending Resolution 2025-296 which awarded a contract to Messercola Excavating Co., Inc. for 2025-2026 Snow Removal Services & Equipment.

Adoption of Consent Agenda Resolutions 2026-121 through 2026-127

Mover: Mr. Moran
Seconder: Mr. Foster
Ayes: Mr. Foster, Mrs. Illis, Mr. Machado, Mr. Medeiros, Mr. Moran, Mrs. Poage
Nays: None
Abstain: None
Absent: None
Result: Adopted

ORDINANCES FOR INTRODUCTION

Public Hearing and Final Adoption scheduled for March 16, 2026

The Clerk presented and read:

Ordinance 2026-02

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

Approval of Ordinance for Introduction

Mover: Mrs. Poage
Seconder: Mr. Foster
Ayes: Mr. Foster, Mrs. Illis, Mr. Machado, Mr. Medeiros, Mr. Moran, Mrs. Poage
Nays: None
Abstain: None
Absent: None
Result: Approved

Administrator and Mrs. Illis commented.

TOWNSHIP COUNCIL AND ADMINISTRATIVE REPORTS

Council members provided Council Reports and Committee updates.
Mayor Angie Devanney and Ms. Liza Viana provided the Administration reports.

ADJOURNMENT

Moved by Mr. Foster and all were in favor.
(7:56 p.m.)

Approved: March 16, 2026

**Angela Lazzari
Township Clerk**