

1. Agenda Packet 2-3-26

The agenda packet contains the agenda and supporting documentation.

Documents:

[AGENDA PACKET 2-3-26.PDF](#)

**Township of Berkeley Heights
Union County, New Jersey**

**Township Council Public Meeting
February 3, 2026
6:30 P.M.**

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.

COUNCIL MEMBERS:

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

AGENDA FOR PUBLIC MEETING

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. FLAG SALUTE**
- IV. CONFERENCE SESSION**
 - Board of Education Referendum
- V. REGULAR AGENDA**
- VI. CITIZENS HEARING - (3) minutes per resident**

Comments are welcome during the public comment period during this meeting on any matter over which the Township has jurisdiction. To make your comment, the speaker must come forward to the microphone and state his/her name and address for the record. Each speaker is limited to 3 minutes. The Mayor and/or Council will keep time. Please promptly yield the floor when time is called and return to your seat. Your cooperation in adherence to these rules of order will ensure an orderly and respectful meeting.
- VII. NEW BUSINESS – RESOLUTIONS OFFICIAL ACTION WILL BE TAKEN ON THE FOLLOWING:**

RESOLUTIONS
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-

95. Resolution approving Bill List dated February 3, 2026, in the amount of \$1,877,781.73.
96. Resolution amending Resolution 2025-296 which awarded a contract to Messercola Excavating Co., Inc., for 2025-2026 Snow Removal Services & Equipment, to increase the amount not to exceed.
97. Resolution amending Resolution 2025-42 which awarded a contract to De Block Environmental Services, LLC for Onsite Laboratory Support Services and Licensed Collection System Operations, to increase the amount not to exceed.
98. Resolution authorizing the release of a Road Opening Bond in the amount of \$2,000.00, in connection with work performed at 32 Ford Place.
99. Resolution authorizing the release of a Road Opening Bond in the amount of \$2,000.00, in connection with work performed at 863 Mountain Avenue (corner Lot /188 Yale Avenue).
100. Resolution rescinding Resolution 2026-83, which authorized a contract with Tree King, Inc. for tree removal and related services.
101. Resolution authorizing a contract with Downes Tree Service Co., Inc. for tree removal and related services, pursuant to Morris County Cooperative Pricing Contract #18, for an amount not to exceed \$140,000.00.
102. Resolution authorizing a shared services agreement with the Plainfield Area Regional Sewage Authority for sewer line services.
103. Resolution requesting permission for the dedication by rider for donations for 2026 World Cup celebrations.
104. Resolution authorizing and requesting that the Planning Board undertake a Preliminary Investigation to determine whether the Nokia Bell Labs site, identified on the official tax maps of the Township as block 3701, Lot 1, satisfies the criteria for designation as a Non-Condensation Area in Need of Redevelopment.
105. Resolution authorizing the adoption of temporary emergency appropriations.
106. Resolution awarding a professional services contract to Neglia Group for professional engineering services for 'HAPPY FEET' – SRS2024, Mountain Avenue Sidewalks Project (NJDOT – Safe Routes to Schools Grant).
107. Resolution authorizing a change order to the contract with Allied Construction Group, Inc, for the replacement of the existing Sand Filter No. (2) and the Main

Influent Pumps at the Wastewater Treatment Plant, to also include particle size testing for the disk filter.

108. Resolution approving the submission of a grant application and execution of a grant contract with the New Jersey Department of Community Affairs for the Local Recreation Improvement Grant FY2026.

VIII. ORDINANCES FOR INTRODUCTION

Public Hearing and Final Adoption scheduled for February 17, 2026.

Ordinance 2026-01

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, 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

IX. TOWNSHIP COUNCIL REPORTS

- A. John Foster - President
- B. Margaret Illis
- C. Bill Machado
- D. Alvaro Medeiros
- E. Andrew Moran
- F. Susan Poage – Vice President

ADMINISTRATION REPORTS

Mayor Devanney
Liza Viana

X. EXECUTIVE SESSION

XI. ADJOURNMENT

Angela Lazzari, Township Clerk

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

RESOLUTION

BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, in meeting assembled, authorizes and directs the Township Treasurer to make payment of vouchers listed on the Bill List dated **2/3/2026**, in the amount of **\$1,877,781.73** such vouchers having been received by the Township Council, having been satisfied that appropriate procedure has been followed in the processing of said vouchers.

Approved this 3rd day of February, 2026.

ATTEST:

Angela Lazzari, RMC
Township Clerk

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

TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY

RESOLUTION

RESOLUTION AMENDING RESOLUTION 2025-296 WHICH AWARDED A CONTRACT TO MESSERCOLA EXCAVATING CO., INC. FOR 2025-2026 SNOW REMOVAL SERVICES & EQUIPMENT

WHEREAS, on October 7, 2025, the Township of Berkeley Heights adopted Resolution 2025-296, accepting the bid submission and awarding a contract to Messercola Excavating Co., Inc., for 2025-2026 Snow Removal Services & Equipment; and

WHEREAS, the Township wishes to amend Resolution 2025-296 to reflect an increase of \$135,000.00 in the contract not to exceed amount, bringing the amended total amount not to exceed \$200,000.00.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Township of Berkeley Heights, County of Union, State of New Jersey that:

1. All of the above recitals are incorporated herein as if fully set forth at length.
2. The Township Council hereby authorizes the amending of the contract with Messercola Excavating Co., Inc. for 2025-2026 Snow Removal Services & Equipment at a total cost not to exceed **\$200,000.00**.
3. The Township Clerk is authorized to respectively execute, and attest to, all documents necessary to effectuate said agreement.
4. The Township Clerk shall publish a notice of this action pursuant to law.
5. This Resolution shall be ratified back to October 7, 2025.

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that sufficient uncommitted funds will be available in an amount **not to exceed \$135,000.00**, with the account number to be charged: **6-01-26-300-028, SNOW - Professional Services**.

Approved this 3rd day of February, 2026.

ATTEST:

Angela Lazzari, RMC
Township Clerk

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

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

RESOLUTION

**RESOLUTION AMENDING THE CONTRACT WITH DE BLOCK ENVIRONMENTAL SERVICES, LLC FOR
ONSITE LABORATORY SUPPORT SERVICES AND LICENSED COLLECTION SYSTEM OPERATIONS**

WHEREAS, on January 7, 2025, the Township of Berkeley Heights adopted Resolution 2025-42, awarding a professional services agreement to De Block Environmental Services, LLC for Onsite Laboratory Support Services and Licensed Collection System Operations for an amount not to exceed \$150,000.00; and

WHEREAS, on February 4, 2025, the Township adopted Resolution 2025-98, which amended Resolution 2025-42 to increase the contract not to exceed to \$158,000.00; and

WHEREAS, the Township wishes to further amend Resolution 2025-42 to reflect an additional increase of \$4,420.00 in the contract not to exceed amount, bringing the further amended total amount not to exceed \$162,420.00.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Township of Berkeley Heights, County of Union, State of New Jersey that:

1. All of the above recitals are incorporated herein as if fully set forth at length.
2. The Township Council hereby authorizes the amending of the contract with De Block Environmental Services, LLC for Onsite Laboratory Support Services and Licensed Collection System Operations at a total cost not to exceed **\$162,420.00**.
3. The Township Clerk is authorized to respectively execute, and attest to, all documents necessary to effectuate said agreement.
4. The Township Clerk shall publish a notice of this action pursuant to law.
5. This Resolution shall be ratified back to January 7, 2025.

BE IT FURTHER RESOLVED, that the Chief Financial Officer for the Township of Berkeley Heights has certified that sufficient uncommitted funds will be available in an amount **not to exceed \$4,420.00**, from account # 5-01-26-295-028, **Sewer - Professional Services**.

Approved this 3rd day of February, 2026.

ATTEST:

Angela Lazzari, RMC
Township Clerk

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

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

RESOLUTION

WHEREAS, Roger Gallagher was required to post a Road Opening Performance bond in the amount of \$2,000.00 in connection with work performed at 32 Ford Place; and

WHEREAS, in a letter dated January 27, 2026, the Township Engineer has recommended that the Cash Performance Bond in connection with work performed at 32 Ford Place, Edmunds Account RO-25-00080, in the amount of \$2,000.00 be released, together with any applicable interest.

NOW, THEREFORE BE IT RESOLVED, by the Township Council, Township of Berkeley Heights, County of Union, hereby authorizes the Township Treasurer to release and return the forementioned cash performance bond, together with any applicable interest, to: Roger Gallagher, 32 Ford Place, Berkeley Heights, NJ 07922.

BE IT FURTHER RESOLVED, that a copy of this Resolution is to be forwarded to the Township Engineer.

Approved this 3rd day of February, 2026.

ATTEST:

**Angela Lazzari, RMC
Township Clerk**

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

TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY

RESOLUTION

WHEREAS, Dean Katsoupas was required to post a Road Opening Performance bond in the amount of \$2,000.00 in connection with work performed at 863 Mountain Avenue (corner Lot /188 Yale Avenue); and

WHEREAS, in a letter dated January 27, 2026, the Township Engineer has recommended that the Cash Performance Bond in connection with work performed at 863 Mountain Avenue, Edmunds Account RO-25-00037, in the amount of \$2,000.00 be released, together with any applicable interest.

NOW, THEREFORE BE IT RESOLVED, by the Township Council, Township of Berkeley Heights, County of Union, hereby authorizes the Township Treasurer to release and return the forementioned cash performance bond, together with any applicable interest, to: Dean Katsoupas, 188 Yale Avenue, Berkeley Heights, NJ 07922.

BE IT FURTHER RESOLVED, that a copy of this Resolution is to be forwarded to the Township Engineer.

Approved this 3rd day of February, 2026.

ATTEST:

Angela Lazzari, RMC
Township Clerk

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

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

RESOLUTION

WHEREAS, Resolution 2026-83, adopted on January 20, 2026, authorized a contract award to Tree King, Inc., for the provision of tree removal and related services, in an amount not to exceed \$140,000.00 pursuant to the Morris County Cooperative Pricing Council (MCCPC) Contract #18; and

WHEREAS, the MCCPC Contract #18, was awarded to Tree King Inc. for tree removal related services for all MCCP Districts, but only to District 3 for tree removal services, specifically; and

WHEREAS, the Township of Berkeley Heights is a part of MCCPC District 1; and

WHEREAS, the MCCPC Contract #18 for tree removal services, specifically, was awarded to Downes Tree Service Co., Inc. for District 1.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Berkeley Heights, County of Union, State of New Jersey, that Resolution 2026-83 be rescinded.

Approved this 3rd day of February, 2026.

ATTEST:

**Angela Lazzari, RMC
Township Clerk**

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

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

RESOLUTION

WHEREAS, the Local Public Contracts Law 40A: 11-4 requires that certain contracts awarded by the contracting agent for the provision or performance of any goods or services, the cost of which in the aggregate exceeds the bid threshold, shall be awarded only by resolution of the governing body; and

WHEREAS, the Morris County Cooperative Pricing Council have awarded contracts to various vendors as lowest responsible, responsive bidders for Regional Cooperative Pricing contracts; and

WHEREAS, the Township is in need of needs tree removal and related services for various Township-owned properties; and

WHEREAS, in furtherance of such purchase, the Qualified Purchasing Agent has authorized the procurement of tree removal and related services from an authorized vendor under the Morris County Cooperative Pricing System; and

WHEREAS, the Township of Berkeley Heights is a member of Morris County Cooperative Purchasing System; and

WHEREAS, Downes Tree Service Co., Inc., 65 Royal Avenue, Hawthorne, NJ 07506, has been awarded Contract #18 for District 1 as part of the Morris County Cooperative Pricing System for the provision of Tree Removal Services, for a period expiring December 31, 2027; and

WHEREAS, through this Resolution and properly executed documents, and pursuant to the Morris County Cooperative Pricing Contract #18, the Township wishes to enter into an agreement with Downes Tree Service Co., Inc. for the provision of tree removal and related services for the time period January 20, 2026 through December 31, 2026.

NOW, THEREFORE BE IT RESOLVED that the Township Council, of the Township of Berkeley Heights, County of Union, authorize a contract award to Downes Tree Service Co., Inc., for the provision of tree removal and related services, in an amount not to exceed **\$140,000.00**.

BE IT FURTHER RESOLVED that the Purchasing Agent is hereby authorized to take whatever actions are necessary to implement the above-described purchase and installation and effectuate prompt payment to Downes Tree Service Co., Inc.

BE IT FURTHER RESOLVED that the Chief Finance Officer for the Township of Berkeley Heights has certified that sufficient uncommitted funds are available in an amount not to exceed **\$75,000.00 from account # 6-01-26-290-106, Streets and Roads - Trees**, and not to exceed **\$65,000.00 from account # 6-01-20-165-059, Engineering - Tree Removal** for a total not to exceed **\$140,000.00**, subject to the approval of the 2026 budget.

Approved this 20th day of January, 2026.

ATTEST:

**Angela Lazzari, RMC
Township Clerk**

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

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

RESOLUTION

RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE PLAINFIELD AREA REGIONAL SEWAGE AUTHORITY FOR SEWER LINE SERVICES

WHEREAS, the Plainfield Area Regional Sewage Authority (“Authority”) is a self-insured member of the New Jersey Utilities Authority Joint Insurance Fund that operates a regional sewage system serving municipalities in Middlesex, Somerset and Union Counties; and

WHEREAS, the Authority has proposed to undertake a one-year program under which it will clean, televise and GIS map 20,000 feet of the Township of Berkeley Heights' local sewerage lines; and

WHEREAS, the Township is desirous to allowing the Authority to undertake this program under which 20,000 feet of the Townships lines will be cleaned, televised and GIS mapped a one year period with inspection reports; and

WHEREAS, the Township is authorized to enter into this Shared Service Agreement 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 Township Council of the Township of Berkeley Heights, in the County of Union, and the State of New Jersey that the Shared Services Agreement with the Plainfield Area Regional Sewage Authority for the provision of cleaning, televising and GIS mapping 20,000 feet of the Township's local sewerage lines, for a one-year period, be and hereby is approved; and that the Mayor and Township Clerk are authorized and directed to execute the Agreement in substantially the form attached hereto.

BE IT FURTHER RESOLVED that in accordance with N.J.S.A. 40A:65-1 et seq., this Agreement shall be filed with the Department of Community Affairs, Division of Local Government Services.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

Approved this 3rd day of February, 2026.

ATTEST:

Angela Lazzari, RMC
Township Clerk

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

SHARED SERVICES AGREEMENT

THIS AGREEMENT, is made this _____ day of _____, 2026, by and between the **Township of Berkeley Heights**, having an address at 29 Park Avenue, Berkeley Heights, New Jersey 07922 (hereinafter the "Township") and the **Plainfield Area Regional Sewage Authority**, having an address of 200 Clay Avenue, Middlesex, New Jersey 08846 (hereinafter the "Authority"); and

WHEREAS, the Authority is a self-insured member of the New Jersey Utilities Authority Joint Insurance Fund that operates a regional sewage system serving municipalities in Middlesex, Somerset and Union Counties; and

WHEREAS, the Authority has proposed to undertake a one-year program under which it will clean, televise and GIS map 20,000 feet of the Township's local sewerage lines; and

WHEREAS, the Township is agreeable to allowing the Authority to undertake this program under which **20,000 feet of the Townships lines will be cleaned, televised and GIS mapped a year over a one year period with inspection reports**; and

WHEREAS, the governing bodies of the Township and the Authority have adopted resolutions pursuant to N.J.S.A. 40A:65-1 et seq., the Uniform Shared Services and Consolidation Act, authorizing the adoption of this agreement.

NOW, THEREFORE, the parties agree as follows:

1. The Township of Berkeley Heights shall pay to the Plainfield Area Regional Sewage Authority an annual fee in the amount of SIXTY FIVE THOUSAND DOLLARS AND ZERO CENTS (\$65,000.00) (the "Annual Fee") for the cleaning, televising, and GIS mapping services to be provided hereunder. The Annual Fee shall be paid annually upon completion of each year's cleaning services as outlined in this Agreement and in accordance with the schedule of payments set forth herein.
 - a. In exchange for the timely payment of the Annual Fees, the Authority shall undertake to provide cleaning services for the Township's local sewage system through the implementation of a one-year program under which 20,000 feet of the Township's local system shall be cleaned, televised and GIS mapped. Inspection reports will be provided upon completion.(the "Services"). Said Services shall include the disposal by the Authority of collected waste materials at no additional charge to the Township. The Authority shall also consult with the designated representative(s) of the Township as warranted concerning the cleaning and inspection of the section cleaned by the Authority. Upon each year's completion of Services, the Authority shall notify the Township of same and payment of the Annual Fee by the Township shall be received by the Authority within 45-days thereafter.
 - b. In the event the Authority identifies during the course of its work any condition of the Township's local system that may require maintenance or repair services that

fall outside the scope of cleaning Services described herein (including conditions giving rise to a present or imminent failure of the local system), the Authority shall immediately report such condition to the Township in writing in order for the latter to take such further action as may be warranted.

c. All Services provided hereunder by the Authority are services that are not otherwise be carried out by the Authority under any other Agreement the Authority may have with the Township.

2.
 - a. The Services to be carried out by the Authority shall commence upon execution of this Agreement by both parties hereto.
 - b. The Township's Annual Fee will be due upon completion of Services.
3. This agreement may be terminated with or without cause by either of the parties by giving one (1) year notice, in writing, to the other party. In the absence of such notice, the term of this agreement shall be one (1) year commencing on _____, 2026, and ending on _____, 2027.
4. Each party hereto agrees to indemnify the other for the former's negligent actions and/or omissions **of its employees, agents or assignees.**
5. The terms and conditions of this Agreement shall be construed in accordance with the laws of New Jersey and any and all disputes that may arise hereunder shall be subject to litigation in a court of competent jurisdiction venue in the County of Union, New Jersey. Nothing herein, however, shall be construed as barring the parties from agreeing to submit any such dispute to mediation and/or binding arbitration.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be signed by their respective officers as of the day and year first above written.

ATTEST:

TOWNSHIP OF BERKELEY HEIGHTS

By: _____

ATTEST:

PLAINFIELD AREA REGIONAL
SEWERGE AUTHORITY

By: _____

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

RESOLUTION

A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR DONATIONS FOR 2026 WORLD CUP CELEBRATIONS.

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:5-29 provides for receipt of donations by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from 2026 World Cup Celebrations Donations trust fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

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

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the 2026 World Cup Celebrations Donations.
2. The Chief Financial Officer of the Township of Berkeley Heights, County of Union shall electronically file a certified copy of this Resolution to the Director of the Division of Local Government Services via the Financial Automation Submission Tracking (FAST) system.

Approved this 3rd day of February, 2026.

ATTEST:

**Angela Lazzari, RMC
Township Clerk**

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

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

RESOLUTION

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

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

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

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

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

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

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

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

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

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

Approved this 3rd day of February, 2026.

ATTEST:

Angela Lazzari, RMC
Township Clerk

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

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

RESOLUTION

WHEREAS, N.J.S.A 40A:4-20 provides authorization for an emergency temporary appropriation after the first 30 days of the calendar year and before the adoption of the 2026 Current Fund budget; and

WHEREAS, this resolution authorizes appropriations designed to provide for the 2026 operating year with the exception of debt service, pensions and obligations associated with seasonal considerations and other operational needs; and

WHEREAS, the total emergency temporary resolution adopted in the Current Fund 2025 budget pursuant to the provisions of N.J.S.A 40A:4-20 total \$16,691,369.97 for the municipal budget; and

TEMPORARY APPROPRIATIONS – 2026

CURRENT FUND

ADMINISTRATIVE & EXECUTIVE:

Salary & Wages	\$106,330.00
Other Expenses	72,695.00

MAYOR:

Salary & Wages	1,575.00
Other Expenses	410.00

TOWNSHIP COUNCIL:

Salary & Wages	7,350.00
Other Expenses	1,490.00

MUNICIPAL CLERK:

Salary & Wages	76,895.00
Other Expenses	13,050.00

FINANCE ADMINISTRATION:

Salary & Wages	46,165.00
Other Expenses	67,370.00

AUDIT:

Other Expenses	47,850.00
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DATA PROCESSING:

Other Expenses	51,200.00
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TAX COLLECTION:

Salary & Wages	28,000.00
Other Expenses	6,000.00

TAX ASSESSMENT:

Salary & Wages	30,450.00
Other Expenses	139,060.00

LEGAL SERVICES & COSTS:

Other Expenses	365,000.00
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**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY**

RESOLUTION

ENGINEERING SERVICES & COSTS:	
Salary & Wages	58,695.00
Other Expenses	348,032.00
ENVIRONMENTAL COMMISSION:	
Other Expenses	1,695.00
PLANNING BOARD:	
Salary & Wages	25,900.00
Other Expenses	89,775.00
BOARD OF ADJUSTMENT:	
Other Expenses	12,635.00
UNIFORM CONSTRUCTION CODE:	
Salary & Wages	152,250.00
Other Expenses	53,080.00
INSURANCE - GENERAL LIABILITY	600,000.00
INSURANCE EMPLOYEE MEDICAL	1,024,625.00
EMPLOYEE HEALTH BENEFITS WAIVER	12,600.00
PUBLIC SAFETY	
POLICE:	
Salary & Wages	1,356,565.00
Other Expenses	102,165.00
CROSSING GUARDS:	
Salary & Wages	60,690.00
Other Expenses	2,530.00
FIRE HYDRANT SERVICES:	
Other Expenses	68,750.00
OFFICE OF EMERGENCY MANAGEMENT:	
Salary & Wages	7,785.00
Other Expenses	2,675.00
VOLUNTEER FIRE DEPARTMENT	
Other Expenses	63,210.00
AID TO VOLUNTEER AMBULANCE	35,000.00
FIRE PREVENTION:	
Salary & Wages	10,115.00
Other Expenses	3,710.00
MUNICIPAL PROSECUTOR	
Salary & Wages	5,712.00
Other Expenses	700.00
DEPARTMENT OF PUBLIC WORKS:	

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

RESOLUTION

Salary & Wages	96,650.00
Other Expenses	120,445.00
SEWER PLANT:	
Salary & Wages	227,185.00
Other Expenses	1,437,675.00
SNOW REMOVAL:	
Salary & Wages	50,000.00
Other Expenses	350,000.00
SOLID WASTE COLLECTION	192,500.00
BUILDINGS AND GROUNDS:	
Salary & Wages	32,550.00
Other Expenses	84,805.00
VEHICLE MAINTENANCE	
Salary & Wages	74,760.00
Other Expenses	61,950.00
MUNICIPAL SERVICES ACT	20,000.00
BOARD OF HEALTH:	
Other Expenses	10,000.00
WELFARE:	
Other Expenses	1,400.00
RECREATION SERVICES:	
Salary & Wages	43,715.00
Other Expenses	8,785.00
MAINTENANCE OF PARKS	
Salary & Wages	58,627.00
Other Expenses	3,000.00
MAINT OF FREE PUBLIC LIBRARY	515,300.00
TAX APPEAL REFUNDS	50,000.00
POSTAGE	5,250.00
ELECTRICITY	170,885.00
STREET LIGHTING	49,000.00
TELEPHONE	51,800.00
WATER	17,250.00
NATURAL GAS/PROPANE	41,250.00
GASOLINE	63,000.00
SOCIAL SECURITY	243,250.00
PFRS	1,211,061.00
PERS	416,328.00

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

RESOLUTION

DEFINED CONTRIBUTION PLAN	12,950.00
SHARED SERVICES – BOARD OF EDUCATION O/E	30,000.00
SHARED SERVICES – CFO/QPA	103,483.00
SHARED SERVICES – COURT	123,409.00
SHARED SERVICES – POLICE	25,500.00
SHARED SERVICES –DISPATCH	168,925.00
SHARED SERVICES – HEALTH SERVICE	87,949.00
SHARED SERVICES – SEWER	10,000.00
MUNICIPAL COURT:	
Salary & Wages	8,435.00
Other Expenses	1,820.00
PUBLIC DEFENDER:	
Salary & Wages	2,765.00
Total	<u>\$12,208,906.00</u>

DEBT SERVICE	
NJEIT LOAN	\$21,300.00
INTEREST ON BONDS	\$509,600.00
NOTE PRINCIPAL	2,300,000.00
CAPITAL IMPROVEMENT FUND	\$150,000.00

STATE AND FEDERAL GRANTS	
NJ Historic Trust	\$228,247.55
NJDOT Safe Routes to Schools	\$1,270,000.00
Body Armor Replacement	\$3,316.42
	<u>\$16,691,369.97</u>

Approved this 3rd day of February, 2026.

ATTEST:

Angela Lazzari, RMC
Township Clerk

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

TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY

RESOLUTION

RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT TO NEGLIA GROUP FOR PROFESSIONAL ENGINEERING SERVICES FOR 'HAPPY FEET' – SRS2024, MOUNTAIN AVENUE SIDEWALKS PROJECT (NJDOT – SAFE ROUTES TO SCHOOLS GRANT)

WHEREAS, the Township of Berkeley Heights is in need of contracting for professional engineering services, including surveying, engineering and permitting, for the 'Happy Feet' – SRS2024, Mountain Avenue Sidewalks Project (NJDOT – Safe Routes to Schools Grant) project; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires a resolution authorizing the award of the contract for professional services without competitive bid and that the contract itself must be available for inspection; and

WHEREAS, on January 7, 2026, Neglia Group was deemed qualified to provide professional general engineering services to the Township of Berkeley Heights as part of a Fair and Open process in accordance with the New Jersey Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.5; and

WHEREAS, Neglia Group has provided proposal dated January 13, 2026, to provide professional engineering services, including surveying, engineering and permitting for the 'Happy Feet' – SRS2024, Mountain Avenue Sidewalks Project (NJDOT – Safe Routes to Schools Grant).

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Berkeley Heights, County of Union, State of New Jersey that the Mayor is hereby authorized to execute to an agreement with Neglia Group for professional engineering services, including surveying, engineering and permitting for the 'Happy Feet' – SRS2024, Mountain Avenue Sidewalks Project (NJDOT – Safe Routes to Schools Grant), at a fee **not to exceed \$138,950.00**, pursuant to their proposal dated January 13, 2026.

BE IT FURTHER RESOLVED, that this contract is awarded without competitive bids as a "professional services contract" in accordance with N.J.S.A. 40A:11-5(1)(a)(l) of the Local Public Contracts Law and pursuant to a Fair and Open process in accordance with the New Jersey Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.5, et seq.

BE IT FURTHER RESOLVED, that the Chief Finance Officer of the Township of Berkeley Heights has certified that sufficient uncommitted funds are available in an amount not to exceed **\$138,950.00** from the NJDOT - Safe Routes to School Grant, subject to the adoption of Resolution 2026-105.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

Approved this 3rd day of February, 2026.

ATTEST:

Angela Lazzari
Township Clerk

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

TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY

RESOLUTION

WHEREAS, on May 7, 2024, the Township of Berkeley Heights adopted Resolution 130-2024 which authorized a contract with **Allied Construction Group, Inc**, to Replace the Existing Sand Filter No. (2) and the Main Influent Pumps at the Wastewater Treatment Plant, through the NJ I Bank Project No. S340385-05 in the amount not to exceed \$4,898,500.00; and

WHEREAS, Paulus, Sokolowski and Sartor, LLC, Township Engineer for the Wastewater Treatment Plant, has advised the Township that there is an additional \$6,034.00 needed for particle size testing for the disk filter, pursuant to Allied Construction Group’s proposal dated January 28, 2026.

NOW, THEREFORE, BE IT RESOLVED by the Township Council, of the Township of Berkeley Heights, County of Union, that it hereby approves Change Order No. 21, dated January 28, 2026, which increases the contract amount by **\$6,034.00**, a 0.12% increase, for a new contact total of **\$4,904,534.00**.

BE IT FURTHER RESOLVED, that the Chief Financial Officer for the Township of Berkeley Heights has certified that sufficient uncommitted funds will be available in an amount not to exceed **\$6,034.00**, from account # **C-04-23-011-101, Sewer Treatment Upgrade Plant Project**.

BE IT FURTHER RESOLVED, that this Resolution to take effect immediately.

Dated:

Approved: _____
Mayor

Approved this 3rd day of February, 2026.

ATTEST:

Angela Lazzari, RMC
Township Clerk

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

TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY

RESOLUTION

A RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION AND EXECUTION OF A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS FOR THE RECREATION IMPROVEMENT GRANT FY2026

WHEREAS the Township of Berkeley Heights desires to apply for and obtain a grant from the New Jersey Department of Community Affairs (DCA) for approximately \$150,000 to carry out a project to improve the Lower Columbia lower tennis and pickleball courts, in the Township of Berkeley Heights; and

WHEREAS, the grant, part of the Recreation Improvement Grant program for FY 2026, does not have a required Township match; and

WHEREAS, this is the third grant application the Township is submitting for this grant program; and

NOW, THEREFORE, BE IT RESOLVED, that the Township of Berkeley Heights does hereby authorize the application for such a grant.

BE IT FURTHER RESOLVED that the Township recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Berkeley Heights and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED that the Mayor or Township Administrator – the persons whose names, titles, and signatures appear below - are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

(signature)

Angie Devanney

(type or print name)

Mayor

(title)

(signature)

Liza Viana

(type or print name)

Business Administrator

(title)

CERTIFICATION:

I, Angela Lazzari, the Township Clerk of the Township of Berkeley Heights certify that at a meeting of the Township Council held on February 3, 2026, the above *RESOLUTION* was duly adopted.

Angela Lazzari, RMC
Township Clerk

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

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

ORDINANCE NO. 2026-01

An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, 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.

WHEREAS, on May 4, 2022, the Planning Board of the Township of Berkeley Heights adopted a Master Plan ("Master Plan"), dated April 2022, which guides the long-range growth and development of the Township for the next 10-15 years; and

WHEREAS, Goal #1 of the Recommendations of the Land Use Element of the Master Plan is to "Promote Smart Growth and encourage development patterns that complement the existing character of the Township;" and

WHEREAS, the Master Plan further finds that "the Township is a mature community with well-established neighborhoods, a rich history, and very limited vacant land. As such, one main land use goal is to ensure that future development is consistent with the existing character of the Township, does not overburden its existing resources or services and maximizes existing investments and assets through revitalization and redevelopment efforts;" and

WHEREAS, Objective #1 of Goal #1 of the Land Use Element of the Master Plan is to "Protect and enhance the character of existing neighborhoods, particularly single-family residential neighborhoods," which further specifies that "The Township has many single-family residential neighborhoods that characterize the family-oriented, suburban feel of the community that residents appreciate. Zoning and land use regulations should continue to protect these neighborhoods, enhance their aesthetic character, and discourage conversion;" and

WHEREAS, Action #1 of Objective #1 of Goal #1 of the Land Use Element of the Master Plan is to "Amend existing development standards to minimize detrimental impacts from development and eliminate unnecessary barriers for home improvement," which includes the recommendation that "The Township should reevaluate the current Municipal Land Use Procedures Ordinance to see if there are any sections that require revisions or if new standards should be established to enhance existing neighborhoods and diminish impacts of development;" and

WHEREAS, Action #2 of Objective #1 of Goal #1 of the Land Use Element of the Master Plan is to "Add a requirement for the maximum number of building stories allowed to encourage consistency in visual character within residential neighborhoods," which further specifies that "Current bulk standards for residential zones do not contain a limit on the number of building stories allowed. Adding such a requirement could help to achieve a more consistent aesthetic character across neighborhoods. It is recommended that the maximum height be set to 2.5 stories to be consistent with the existing character of residential neighborhoods;" and

WHEREAS, the Master Plan further finds that "the Municipal Land Use Procedures Ordinance contains inconsistencies, outdated standards, and a lack of regulations to address emerging development concerns;" and

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

WHEREAS, in consistency with the aforementioned goals, objectives, and action items of the Master Plan, the Township recognizes the importance of preserving the character and integrity of its residential neighborhoods and seeks to address the lack of regulations within its Municipal Land Use Procedures Ordinance to adequately ensure that future residential development is consistent with the existing character of the Township; and

WHEREAS, the Township therefore seeks to amend regulations within its Municipal Land Use Procedures Ordinance, specifically regarding the regulation of building height in the R-10, R-15 and R-15A Zones, to ensure that future residential development is consistent with the existing character of the Township;

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Berkeley Heights as follows:

Section 1. The Code of the Township of Berkeley Heights, Appendix A ("Municipal Land Use Procedures Ordinance") is hereby amended at Article 6.1 ("Schedule of General Regulations") as follows: [New language **bold and underlined**; deletions ~~stricken through~~.]

ARTICLE 6.1 - SCHEDULE OF GENERAL REGULATIONS

Section 6.1.1- General Regulations

- A. The schedule of regulations entitled "Schedule of General Regulations", as set forth below, applying to the uses of land and buildings, the yards, and other open spaces to be provided contiguous thereto, and all other matters contained therein, as indicated for the various zones established by this Ordinance, is hereby declared to be a part of this Ordinance. Said regulations listed for each zone as designated, reading from left to right across the schedule, are hereby prescribed for such zones, subject to the other provisions of this Ordinance, and shall be deemed to be the minimum requirements in every instance of their application.

B. Schedule of General Regulations

Dimensions in Feet (unless otherwise noted)												
Zoning District (Aeres or Sq.Ft.)	Minimum Lot Area	Lot Width	Lot Depth Front Yd.	Setback - Principal Building			Setback - Accessory Building			Max. Bldg. Height	Max. Permit	
				Front Yd.	Side Yd.	Rear Yd.	Front Yd.	Side Yd.	Rear Yd.		Bldg.	Other
R-20	20,000 sq. ft.	100 ft.	150 ft.	50 ft.	12 ft. (a)	40 ft.	50 ft.	12 ft. (a)(dd)	15 ft. (dd)	30 ft.	15%	10%
R-15	15,000 sq. ft.	100 ft.	130 ft.	50 ft.	12 ft. (a)	40 ft.	50 ft.	10 ft. (dd)	10 ft. (dd)	30 27 ft. & 2.5 stories (ee)	15%	10%
R-15A	15,000 sq. ft.	100 ft.	130 ft.	30 ft.	12 ft. (a)	40 ft.	50 ft.	10 ft. (dd)	10 ft. (dd)	30 27 ft. & 2.5 stories (ee)	20%	10%

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

R-10	10,000 <u>sq. ft.</u>	100 <u>ft.</u>	100 <u>ft.</u>	30 <u>ft.</u>	12 <u>ft.</u> (a)	30 <u>ft.</u>	30 <u>ft.</u>	5 <u>ft.</u> (dd)	5 <u>ft.</u> (dd)	30 <u>ft.</u> & 2.5 stories (ee)	20%	10%
DD	5,000 <u>sq. ft.</u>	40 <u>ft.</u>	—	(c)	(d)	(e)	(c)	(d)	(e)	36 <u>ft.</u> (f)(cc)	50%	35%
DMX	13 acres	400 <u>ft.</u>	300 <u>ft.</u>	50 <u>ft.</u>	15 <u>ft.</u>	25 <u>ft.</u>	50 <u>ft.</u>	15 <u>ft.</u>	10 <u>ft.</u>	40 <u>ft.</u>	35%	NA
HB-2	18,750 <u>sq. ft.</u>	125 <u>ft.</u>	—	(g)	(h)	60 <u>ft.</u>	(g)	(h)	60 <u>ft.</u>	36 <u>ft.</u> (cc)	35% _{res} 45% _{other}	25%
HB-3	7,500 <u>sq. ft.</u>	75 <u>ft.</u>	—	(i)	(i)	25 <u>ft.</u>	(i)	(i)	25 <u>ft.</u>	36 <u>ft.</u> (cc)	50%	35%
DH-12	1 acre	60 <u>ft.</u>	—	(k)	(l)	(l)	(k)	(m)	(n)	36 <u>ft.</u>	30%	30%
DH-18	.2 acre	60 <u>ft.</u>	—	14 <u>ft.</u>	10 <u>ft.</u>	(v)	(k)	(m)	(n)	48 <u>ft.</u>	35%	30%
DH-24	2 acres	100 <u>ft.</u>	—	(k)	(l)	(l)	(k)	(m)	(n)	48 <u>ft.</u> (o)	45%	30%
AH-1	6 acres	200 <u>ft.</u>	—	15 <u>ft.</u>	50 <u>ft.</u>	10 <u>ft.</u>	50 <u>ft.</u>	50 <u>ft.</u>	10 <u>ft.</u>	60 <u>ft.</u>	—	—
AH-3	2 acres	100 <u>ft.</u>	100 <u>ft.</u>	35 <u>ft.</u>	25 <u>ft.</u>	25 <u>ft.</u>	35 <u>ft.</u>	25 <u>ft.</u>	25 <u>ft.</u>	36 <u>ft.</u>	—	—
AH-4	4 acres	100 <u>ft.</u>	200 <u>ft.</u>	50 <u>ft.</u>	30 <u>ft.</u>	35 <u>ft.</u> (s)	50 <u>ft.</u>	30 <u>ft.</u>	35 <u>ft.</u> (s)	36 <u>ft.</u>	—	—
AH-5	3 acres	300 <u>ft.</u>	400 <u>ft.</u>	50 <u>ft.</u>	(r)	(r)	50 <u>ft.</u>	(r)	(r)	48 <u>ft.</u>	—	—
AH-6	8 acres	100 <u>ft.</u>	200 <u>ft.</u>	5 <u>ft.</u> (u)	10 <u>ft.</u>	15 <u>ft.</u> (u)	5 <u>ft.</u> (u)	10 <u>ft.</u>	15 <u>ft.</u>	36 <u>ft.</u>	25%	25%
AH-7	3 acres	100 <u>ft.</u>	200 <u>ft.</u>	50 <u>ft.</u>	15 <u>ft.</u>	15 <u>ft.</u>	50 <u>ft.</u>	15 <u>ft.</u>	15 <u>ft.</u>	36 <u>ft.</u>	—	—
OR	20 acres	600 <u>ft.</u>	800 <u>ft.</u>	200 <u>ft.</u>	150 <u>ft.</u>	150 <u>ft.</u>	175 <u>ft.</u>	100 <u>ft.</u>	100 <u>ft.</u>	50 <u>ft.</u> (b)	NA	NA
OR-B	11 acres (w)	400 <u>ft.</u>	800 <u>ft.</u>	125 <u>ft.</u>	100(x)	150 <u>ft.</u>	100 <u>ft.</u>	40 <u>ft.</u> (aa)	40 <u>ft.</u>	55 <u>ft.</u> (b)(y)(bb)	NA	NA
LI	60,000 <u>sq. ft.</u>	150 <u>ft.</u>	250 <u>ft.</u>	40 <u>ft.</u>	15 <u>ft.</u>	100 <u>ft.</u>	40 <u>ft.</u>	15 <u>ft.</u>	10 <u>ft.</u>	40 <u>ft.</u> (b)	35%	35%
MU	(See Section 6.3.5.1)											
OL	—	—	—	100 <u>ft.</u>	40 <u>ft.</u>	40 <u>ft.</u>	100 <u>ft.</u>	40 <u>ft.</u>	40 <u>ft.</u>	40 <u>ft.</u> (b)	NA	NA

- (a) Combined side yards must total thirty (30) feet.
- (b) May be seventy-five (75) feet with a three hundred (300) foot minimum setback in all yards.
- (c) For structures along Springfield, Plainfield, or Snyder Avenues: Twelve (12) feet from the right-of-way line to provide for sufficient area between the curb line and building line to create a tree planting and/or landscaping/lighting area of six (6) feet in width and a six (6) foot minimum width sidewalk. For all other structures - twenty (20) feet.
- (d) See Supplementary Table.
- (e) For buildings not exceeding two (2) stories (10) feet; for each additional story, an additional ten (10) feet.
- (f) Reserved.
- (g) From the Springfield Avenue Right-of-Way twenty (20) feet and fifteen (15) feet from all other rights-of-way.

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

- (h) For buildings up to one and one half (1½) stories, twenty (20) feet combined with one (1) minimum yard of twelve (12) feet; for buildings over one and one half (1½) half stories and not over two and one half (2½) stories, thirty (30) feet combined with one (1) minimum yard of fourteen (14) feet; for buildings over two and one half (2½) stories, forty (40) feet combined with one (1) minimum yard of twenty-four (24) feet.
- (i) From the Springfield Avenue Right-of-Way twenty (20) feet and ten (10) feet from all other rights-of-way.
- (j) For buildings up to one and one half (1½) stories fifteen (15) feet combined with one (1) minimum yard of ten (10) feet; for buildings over one and one half (1½) half stories and not over two and one half (2½) stories eighteen (18) feet combined with one (1) minimum yard of ten (10) feet; for buildings over two and one half (2½) stories twenty-five (25) feet combined with one (1) minimum yard of fifteen (15) feet.
- (k) From Springfield, Plainfield, or Snyder Avenues thirty-five (35) feet or the average setback of existing buildings on the same side of the street in the same block; twenty-five (25) feet in all other locations.
- (l) See Supplementary Table.
- (m) See Supplementary Table. The side yard dimensions in the Supplementary Table may be reduced by not more than twenty-five (25) percent of the stated dimension for principal buildings.
- (n) See Supplementary Table. The rear yard dimensions in the Supplementary Table may be reduced by not more than twenty-five (25) percent of the stated dimension for principal buildings.
- (o) Reserved.
- (p) Must be forty (40) feet if two and one-half (2½) stories or greater.
- (q) May be ten (10) feet if abutting non-residential use.
- (r) From OL Zone ten (10) feet. From all other zones eighteen (18) feet if one and one-half (1½) stories or less, twenty-five (25) feet if greater than one and one-half (1½) stories.
- (s) May be twenty (20) feet if abutting OL Zone.
- (t) May be five (5) feet from railroad right-of-way.
- (u) Measured from internal roadway setback.
- (v) See Supplementary Table. The rear yard shall be a common rear yard for all units with an area adequate for the number of units abutting same in a generally triangular shape. This area shall be maintained as a common open space for the benefit of all adjacent properties.
- (w) Within a group of OR-B zoned lots involving a total of seventy (70) acres or more, a maximum of one (1) lot may be as small as six (6) acres.
- (x) Sideyard setback shall be measured as the distance between the principal building and the closest principal building on any adjacent lot for lots within the OR-B Zone.
- (y) Reserved.
- (z) Reserved.
- (aa) Reserved.
- (bb) In addition to head houses, elevator shafts, elevated tanks, chimneys, dish antennae and the like, architectural elements, such as clock towers and skylights above atriums, shall not be included in the calculation of height, so long as such architectural element does not exceed twelve (12) percent of the total roof area and does not exceed the permitted height by more than fifteen (15') feet.
- (cc) All buildings and structures shall not exceed three (3) stories, with the third (3rd) story being built into the roof of the building or structure to give the appearance of a two and one-half (2½) story building or structure at the street level.
- (dd) The minimum required side yard and rear yard setback for an accessory building or structure shall be increased by one (1) foot for every one (1) foot of building height of the accessory building or structure greater than fifteen (15') feet in height, not to exceed the required setback for a Principal Building in the zone.

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

(ee) In the R-10, R-15, and R-15A Zone Districts, the building height shall be defined as the vertical dimension measured from the average elevation of the finished lot grade to the highest point of the roof.

Section 2. Should any clause, sentence, or paragraph of this Ordinance be declared invalid or unconstitutional for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and, to this end, the provisions of this Ordinance are hereby declared severable.

Section 3. All Township Ordinances or parts of Ordinances inconsistent with this enactment are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect after passage and publication in the manner provided by law.

Angie Devanney, Mayor

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

TOWNSHIP OF BERKELEY HEIGHTS

NOTICE OF INTRODUCTION

Ordinance 2026-01

An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, 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

I, Angela Lazzari, Township Clerk of the Township of Berkeley Heights, do hereby certify that the foregoing Ordinance was introduced on First Reading at a meeting of the Township Council of the Township of Berkeley Heights, County of Union and State of New Jersey, on **February 3, 2026** and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on **February 17, 2026** at **6:30** p.m. or as soon thereafter, as practical, same can be considered, at the Municipal Building, 29 Park Avenue, Berkeley Heights, NJ, at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same. During the week prior to and up to the time of Public Hearing, copies of said Ordinance will be available in the Municipal Clerk's office in said Municipal Building, to the members of the general public who shall request the same.

**Angela Lazzari
Township Clerk**