

**BOROUGH OF WATCHUNG
ORDINANCE 26/03**

AN ORDINANCE AMENDING CHAPTER 28, LAND DEVELOPMENT, TO REVISE THE S-W SOMERSET STREET / WATCHUNG AVENUE AFFORDABLE HOUSING OVERLAY ZONE DISTRICT IN COMPLIANCE WITH THE BOROUGH'S AMENDED HOUSING ELEMENT AND FAIR SHARE PLAN AND ITS 4TH ROUND AFFORDABLE HOUSING OBLIGATIONS.

WHEREAS, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act (N.J.S.A. 52:27D-301 *et seq.*) (hereinafter "Amended FHA"); and

WHEREAS, the Amended FHA requires the New Jersey Department of Community Affairs ("DCA") to produce non-binding estimates of fair share obligations for municipalities throughout the State on or before October 20, 2024, and provides for municipalities to demonstrate that the Amended FHA would support modified or corrected calculations of the Round 4 affordable housing obligations; and

WHEREAS, through the adoption of adopted Resolution No. R2 on January 30, 2025, the Borough determined its fair share of 35 units present need and 92 units prospective need, subject to any vacant land and/or durational adjustments it may seek as part of the Housing Element and Fair Share Plan ("HE&FSP") it subsequently submits in accordance with the Amended FHA; and

WHEREAS, the Borough filed its Resolution of participation before the Affordable Housing Dispute Resolution Program (the "Program") on January 31, 2025, in accordance with the requirements of N.J.S.A. 52:27D-301, *et seq.*, and the timeframes set forth in Administrative Directive #14-24, bearing Docket No. SOM-L-183-25; and

**BOROUGH OF WATCHUNG
ORDINANCE 26/03**

WHEREAS, the New Jersey Builders Association (“NJBA”) filed a timely objection to Watchung’s Resolution establishing is 4th Round obligations; and

WHEREAS, through the mediation process provided by the Program, the Borough and NJBA entered into a Mediation Agreement settling the dispute over the Borough’s prospective need obligation, agreeing to a Prospective Need obligation of 111 units for the Borough’s 4th Round affordable housing compliance; and

WHEREAS, the Court entered an order on April 8, 2025 setting the Borough’s Fourth Round fair share obligations as a Present Need of thirty-five (35) units and a Prospective Need of one hundred eleven (111) units, which no party appealed, and ordering the Borough to file a HE&FSP by June 30, 2025, as required pursuant to the Amended FHA and Administrative Directive #14-24; and

WHEREAS, the Watchung Borough Planning Board held the public hearing on the HE&FSP on June 9, 2025, with a memorializing Resolution adopting the HE&FSP on June 17, 2025, and the HE&FSP having been filed with the Program on June 18, 2025; and

WHEREAS, the Borough Council adopted Resolution No. R7 on June 19, 2025, endorsing the adopted HE&FSP, with same being filed with the Program on June 23, 2025; and

WHEREAS, on August 31, 2025, Fair Share Housing Center (“FSHC”) filed a challenge to the Borough’s HE&FSP pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b); and

WHEREAS, through the mediation process provided by the Program, the Borough and FSHC entered into a Mediation Agreement settling the dispute over the Borough’s HE&FSP, which resulted in amendments to the HE&FSP for the Borough’s satisfaction of its 4th Round affordable housing obligations, inclusive of the Borough’s vacant land

**BOROUGH OF WATCHUNG
ORDINANCE 26/03**

adjustment identified therein, which was presented to the Program for review and approval, and referral to the Mount Laurel Judge; and

WHEREAS, the Court entered an order on February 3, 2026, confirming the terms and conditions of the Mediation Agreement between the Borough and FSHC with regard to the Borough's amended HE&FSP, which amended HE&FSP is to be adopted by the Borough Planning Board by March 15, 2026, as required pursuant to the Amended FHA and Administrative Directive #14-24; and

WHEREAS, in expectation of the Planning Board's adoption of the amended HE&FSP, certain amendments are to be made to the Borough's existing affordable housing overlay zone districts, as well as the establishment of new affordable housing overlay zone districts throughout the Borough; and

WHEREAS, in light of the above, the Mayor and Borough Council of the Borough of Watchung find that it is in the best interest of the Borough to amend the provisions of the S-W Somerset Street / Watchung Avenue Affordable Housing Overlay District in compliance with the amended HE&FSP pursuant to the Mediation Agreement with FSHC and the Court's February 3, 2026 Order; and

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

Section 1. Section 28-419 entitled "S-W Somerset Street / Watchung Avenue Affordable Housing Overlay District" of Article 28-400 entitled "Zoning District Regulations" of Chapter 28 entitled "Land Development" of The Code of the Borough of

**BOROUGH OF WATCHUNG
ORDINANCE 26/03**

Watchung is hereby supplemented and amended to read as follows: [Note to codifier: New language in **bold and underlined**; deleted language in ~~double-strikethrough~~.]

Chapter 28. Land Development

Article 28-400 Zoning District Regulations

§28-419. S-W Somerset Street / Watchung Avenue Affordable Housing Overlay District.

A. Purpose and Application.

1. Purpose. The purpose of the Somerset Street/Watchung Avenue Affordable Housing Overlay District is to create a realistic opportunity for the development of affordable housing in accordance with the June 7, 2018, Settlement Agreement between the Borough of Watchung and the Fair Share Housing Center ("**FSHC**")~~, Inc.~~, and the September 19, 2018, Order on Fairness and Preliminary Compliance Hearing by the Superior Court of New Jersey Law Division Somerset County, Docket No. SOM-L-902-15; **and amended in compliance with the December 19, 2025 Mediation Agreement between the Borough and FSHC, and the February 3, 2026 Order issued in the Docket No. SOM-L-183-25.**
2. Application of Requirements. The Somerset Street/Watchung Avenue Affordable Housing Overlay District permits mixed-use redevelopment consisting of first-floor commercial uses and residential units above within the "Triangle" area bounded by Watchung Avenue, Somerset Street and Johnston Drive. Consistent with the purpose of the district, such mixed-use development shall only be permitted in conjunction with the provision of affordable housing pursuant to § 28-419D, Affordable Housing Requirements. The requirements of the underlying Neighborhood Business (B-A) Zoning District shall remain in full effect in the area encompassed by this overlay district unless an application is proposed consistent with the requirements of this overlay district. The requirements of this overlay district shall only be applicable to the lands involved in such a mixed-use development application. Lands not included in such a mixed-use development application shall continue to be subject to the requirements of the underlying zoning district.

B. Permitted Uses.

1. Principal Permitted Uses. Mixed-use development consisting of commercial development on the first floor and residential units above. Permitted commercial uses on the first floor shall consist of the permitted uses specified in § 28-406.A with respect to the B-A District.

**BOROUGH OF WATCHUNG
ORDINANCE 26/03**

- a. Such mixed-use development shall only be permitted in conjunction with the provision of affordable housing pursuant to § 28-419D.
2. Accessory Uses Permitted.
 - a. Off-street loading and parking and private nonresidential garages, either attached or detached.
 - b. Storage buildings not exceeding 200 square feet in size and 15 feet in height.
 - c. Fences and walls in accordance with § 28-502.
 - d. Signs in accordance with § 28-504, generally, and the requirements of § 28-504G specifically with respect to sign height, sign area, setback and other such bulk and dimensional requirements.
- C. Maximum Gross Density. Residential use is permitted at a maximum gross density of **ten (10)** ~~six~~ units per acre for for-sale units and **ten (10)** units per acre for rental units.
- D. Affordable Housing Requirements.
 1. For-Sale Units. Where for-sale units are provided, a minimum of **twenty (20%) percent** of the total number of units shall be affordable to low-and moderate-income households, with at least 50% of the affordable units available for households earning 30% or less of the applicable median income limit and 13% of the affordable units available for households earning 30% or less of the applicable median income limit. For the purpose of this section, fractional results shall be rounded to the nearest whole number (e.g., 2.4 would equal a requirement for two affordable units, while 2.5 would result in a requirement for three affordable units).
 2. For-Rent Units. Where rental units are provided, a minimum of **twenty (20%) percent** ~~15%~~ of the total number of units shall be affordable to low-and moderate-income households, with at least 50% of the affordable units available for households earning 30% or less of the applicable median income limit and 13% of the affordable units available for households earning 30% or less of the applicable median income limit. For the purpose of this section, fractional results shall be rounded to the nearest whole number (e.g., 2.4 would equal a requirement for two affordable units, while 2.5 would result in a requirement for three affordable units).
 3. The low- and moderate-income units shall be distributed throughout the development, not concentrated in any one building.

**BOROUGH OF WATCHUNG
ORDINANCE 26/03**

4. Section 28-1000, Affordable Housing, shall apply.

E. Maximum Building Height.

1. No principal building shall exceed 35 feet in height and 2 1/2 stories.
2. No accessory building located within the principal building envelope shall exceed 25 feet in height and two stories.
3. No accessory building located outside the principal building envelope shall exceed 15 feet in height and one story.

F. Area and Yard Requirements for the S-W District.

Principal Building	Requirement
Minimum	
Lot area	10,000 square feet
Lot frontage	100 feet
Lot width	100 feet
Principal Building	
Lot Depth	75 feet
Front yard	30 feet
Side yard - one (both)	5 feet (15 feet)
Rear yard	25 feet
Accessory Building	
Minimum	
Distance to side line	5 feet
Distance to rear line	10 feet
Distance to other building	20 feet
Maximum	
Building coverage	30%
Lot coverage	70%

G. General Requirements.

1. Unless otherwise specifically approved by the Board as part of a site plan application, no merchandise, product, equipment or similar material or objects shall be displayed or stored outside. Where merchandise, products, equipment or similar material or objects are approved by the Board to be displayed or stored outside, the materials shall be suitably screened to be

**BOROUGH OF WATCHUNG
ORDINANCE 26/03**

obscured from view from adjacent residential uses and must be situated within the property lines of the principal use.

2. All areas not utilized for buildings, parking, loading, access aisles and driveways or pedestrian walkways shall be suitably landscaped with shrubs, ground cover, seeding or plantings and maintained in good condition.
 3. All buildings shall be compatibly designed whether constructed all at one time or in stages over a period of time. All building walls facing any street or residential use or district shall be suitably finished for aesthetic purposes and shall be compatible in design and scale to the surrounding residential areas.
 4. At least the first five feet adjacent to any lot line shall not be used for parking and loading and shall be planted and maintained in lawn areas or ground cover and landscaped with evergreen shrubbery.
- H. Off-Street Parking and Loading. Parking spaces and loading areas shall be provided for each use in accordance with the requirements of § 28-503 and the design standards in Article 28-600.

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

BE IT FURTHER ORDAINED by the Council of the Borough of Watchung that in the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Watchung, the provisions hereof shall be determined to govern, and the inconsistencies of the prior ordinance are hereby repealed. All other parts,

**BOROUGH OF WATCHUNG
ORDINANCE 26/03**

portions and provisions of the Ordinances of the Borough of Watchung are hereby ratified and confirmed, except where inconsistent with the terms hereof; and

BE IT FURTHER ORDAINED that the Borough Clerk is directed to give notice at least ten days prior to a hearing on the adoption of this ordinance to the Somerset County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required); and

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

BE IT FURTHER ORDAINED by the Council of the Borough of Watchung that within five (5) days after its adoption by the Council, this Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40A:60-5(d). If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved; and

**BOROUGH OF WATCHUNG
ORDINANCE 26/03**

BE IT FURTHER ORDAINED by the Council of the Borough of Watchung that this Ordinance shall take effect upon final passage and publication according to law; and approval by the Mayor pursuant to N.J.S.A. 40A:60-5(d).

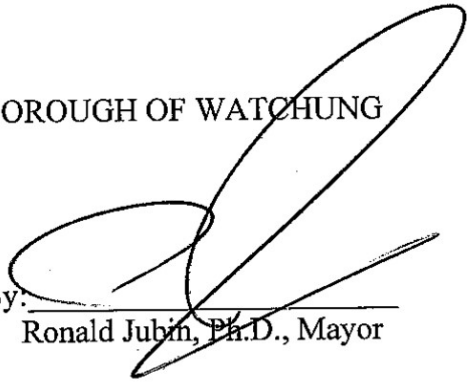
INTRODUCED BY: GIBBS
PASSED: FEBRUARY 19, 2026
PUBLISHED: FEBRUARY 20, 2026
ADOPTED: MARCH 5, 2026
C: GENERAL CODE, ZONING OFFICER,
BOARD CLERK, ENGINEERING,
TAX ASSESSOR,

ATTEST:

BOROUGH OF WATCHUNG



Edith G. Gil, Borough Clerk

By: 

Ronald Jubin, Ph.D., Mayor

NOTICE OF ORDINANCE ADOPTED ON FIRST READING



Credits: Borough of Watchung

Submitted At: February 20, 2026 - 08:01 AM
Publication date: February 20, 2026 - 08:48 AM

BOROUGH OF WATCHUNG NOTICE OF ORDINANCE ADOPTED ON FIRST READING Notice is hereby given that OR:26/03 entitled AN ORDINANCE AMENDING CHAPTER 28, LAND DEVELOPMENT, TO REVISE THE S-W SOMERSET STREET / WATCHUNG AVENUE AFFORDABLE HOUSING OVERLAY ZONE DISTRICT IN COMPLIANCE WITH THE BOROUGH'S AMENDED HOUSING ELEMENT AND FAIR SHARE PLAN AND ITS 4TH ROUND AFFORDABLE HOUSING OBLIGATIONS was introduced at the February 19, 2026 council meeting. This Ordinance, will be further considered for final passage after a public hearing is held at a meeting of the Council scheduled for March 5, 2026 at 7:30 P.M. All persons interested shall be given an opportunity to be heard concerning said ordinance. Copies of Ordinance OR:26/03 may be obtained without cost by any member of the general public between the hours of 8 AM and 4 PM, with the exception of holidays and weekends, in the Municipal Clerk's office at 15 Mountain Boulevard, Watchung, NJ, by calling (908) 756-0080 or from the Borough's website at www.watchungnj.gov Published by direction of: Edith G. Gil
Borough Clerk Date: February 21, 2026

Entity Name: Borough of Watchung
15 Mountain Blvd, Watchung, NJ, 07069