

RESOLUTION #2025-198

**RESOLUTION AUTHORIZING A NON-BINDING REFERENDUM TO
BE SUBMITTED TO THE MIDDLESEX COUNTY CLERK
FOR PLACEMENT ON THE BALLOT FOR THE
NOVEMBER 4, 2025 ELECTION.**

WHEREAS, N.J.S.A. 19:37-1 authorizes a governing body of a municipality to ascertain the sentiment of the legal voters of the municipality on any question or policy pertaining to the government or internal affairs thereof, by adoption of an ordinance or resolution requesting the clerk of the county to print upon the official ballots to be used at the next ensuing general election a certain proposition formulated and expressed in the ordinance or resolution in concise form; and

WHEREAS, in compliance with the amended Fair Share Act (P.L. 2024, c.2), and the NJ Administrative Office of the Court's Administrative Directive #24-14, the Borough of Sayreville adopted Resolution No. 2025-39, on January 27, 2025, establishing its 4th Round affordable housing present need (rehabilitation) obligation of 197 units, and prospective need obligation of 210 units; and

WHEREAS, after participating in the Affordable Housing Dispute Resolution Program (the "Program"), the Borough entered into a Settlement Agreement with Fair Share Housing Center ("FSHC"), for a modified 4th Round prospective need of 240 units, which Settlement Agreement was reviewed and approved by the Program and the Superior Court; and

WHEREAS, the Court issued an Order, dated April 4, 2025, setting forth the Borough's 4th Round affordable housing present need obligation of 197 units, and prospective need obligation of 240 units;

WHEREAS, in further compliance with the amended Fair Share Act and Administrative Directive #24-14, after a duly noticed public hearing, on June 18, 2025, the Borough of Sayreville Planning Board adopted the Housing Element and Fair Share Plan to the Borough of Sayreville's Master Plan to establish the proposed zoning, developments and mechanisms for which the Borough is to satisfy its 4th Round affordable housing obligations; and

WHEREAS, by adoption of Resolution No. 2025-197, the Housing Element and Fair Share Plan was endorsed by the Borough Council at its July 21, 2025 meeting; and

WHEREAS, the Plan has been filed with the Program and is subject to objection, review and approval by the Program and the Court, which will occur throughout the remainder of 2025;

WHEREAS, the Housing Element and Fair Share Plan includes, among other things, the proposed rezoning of the property identified as Block 252, Lot 2, consisting of approximately 42.57 acres, identified therein as the Mocco site. The Plan proposes to rezone the Mocco site to allow for the development of up to two hundred and fifty (250) unit inclusionary age-restricted rental development, with a 15% set

aside to provide for 38 affordable housing units. The Plan does not set forth proposed zoning regulations, such as maximum height, story or set back standards, which are to be determined by the Borough Council upon adoption of the implementing zoning ordinances, which are required to be adopted by March 15, 2026 pursuant to the amended Fair Share Act.

WHEREAS, at the July 21, 2025 Borough Council meeting, the Council voted in favor of obtaining the sentiment of the legal voters of the Borough as whether the Mocco site (Block 252, Lot 2) should be removed from the Housing Element and Fair Share Plan adopted by the Sayreville Borough Planning Board, and replaced by other potential affordable housing projects and mechanisms to meet the Borough's affordable housing 4th Round obligation.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Sayreville, County of Middlesex, and State of New Jersey, as follows:

The Middlesex County Clerk is hereby requested to place the following non-binding public question on the Ballot at the next General Election to be held on Tuesday, November 4, 2025:

Public Question

Should the Housing Element & Fair Share Plan, adopted by the Sayreville Borough Planning Board on June 18, 2025, in connection with the Borough of Sayreville's 4th Round affordable housing compliance be amended to remove the property identified as Block 252, Lot 2 on the official tax map of the Borough of Sayreville (identified as the Mocco site in the Plan), keeping the property subject to the existing applicable zoning regulations, and replace same with other properties, projects and/or mechanisms to satisfy the Borough's 4th Round affordable housing obligation?

YES

NO

Interpretative Statement

In compliance with the amended Fair Share Act (P.L. 2024, c.2), and the NJ Administrative Office of the Court's Administrative Directive #24-14, the Borough of Sayreville adopted Resolution No. 2025-39, on January 27, 2025, establishing its 4th Round affordable housing present need (rehabilitation) obligation of 197 units, and prospective need obligation of 210 units. After participating in the Affordable Housing Dispute Resolution Program (the "Program"), the Borough entered into a Settlement Agreement with Fair Share Housing Center, for a modified 4th Round prospective need of 240 units. The Settlement Agreement was reviewed and approved by the Program and the Superior Court. The Court issued an Order, dated April 4, 2025, setting forth the Borough's 4th Round affordable housing present need obligation of 197 units, and prospective need obligation of 240 units.

Thereafter, in further compliance with the amended Fair Share Act and Administrative Directive #24-14, after a duly noticed public hearing, on June 18, 2025, the Borough of Sayreville Planning Board adopted the Housing Element and Fair Share Plan to establish the proposed zoning, developments and mechanisms for

which the Borough is to satisfy its 4th Round affordable housing obligations as established in the April 4, 2025 Court Order. By adoption of Resolution No. 2025-197, the Housing Element and Fair Share Plan was endorsed by the Borough Council at its July 21, 2025 meeting. The Plan has been filed with the Program and is subject to objection, review and approval by the Program and the Court, which will occur throughout the remainder of 2025.

The Housing Element and Fair Share Plan includes, among other things, the proposed rezoning of the property identified as Block 252, Lot 2, consisting of approximately 42.57 acres, identified therein as the Mocco site. The Plan proposes to rezone the Mocco site to allow for the development of up to two hundred and fifty (250) unit inclusionary age-restricted rental development, with a 15% set aside to provide for 38 affordable housing units. The Plan does not set forth proposed zoning regulations, such as maximum height, story or set back standards, which are to be determined by the Borough Council upon adoption of the implementing zoning ordinances, which are required to be adopted by March 15, 2026 pursuant to the amended Fair Share Act.

This is a non-binding Referendum. A YES vote on this non-binding Referendum would indicate to the Borough Council that you are IN favor of the Planning Board amending the Housing Element and Fair Share Plan to remove the Mocco site from the Plan and replacing it with other properties, projects and/or mechanisms to satisfy the Borough's 4th Round affordable housing obligation. A NO vote on this non-binding Referendum would indicate to the Borough Council that you are NOT IN favor of the removing the Mocco site from the Housing Element and Fair Share Plan, keeping the Plan as adopted, unless otherwise amended at the discretion of the Planning Board. Your vote may influence, but not bind the Borough Council and Planning Board on any future action on the subject.

BE IT FURTHER RESOLVED that all appropriate Borough officials and professionals are hereby authorized to take any necessary actions, to effectuate the authorizations set forth in this Resolution.

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

(Sponsor)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

Jessica Morelos, RMC
Municipal Clerk

Kennedy O'Brien
Mayor

	Balka	Colaci	Novak	Roberts	Synarski	Zebrowski
Ayes						
Nays						
Abstain						
Absent						