

ORDINANCE #15-26

**ORDINANCE ESTABLISHING A TEMPORARY REZONING ON THE
DEVELOPMENT OF DATA CENTERS THROUGHOUT
THE BOROUGH OF SAYREVILLE**

WHEREAS, data center development has accelerated significantly throughout New Jersey and the broader Mid-Atlantic region, driven by increased demand for cloud computing, artificial intelligence infrastructure, and digital communications capacity; and

WHEREAS, data center facilities are characterized by extraordinarily high electrical power consumption, intensive cooling water demands, and significant stormwater and utility infrastructure impacts, and the Borough has not yet conducted the engineering analysis necessary to assess whether existing and planned electrical transmission infrastructure, water supply systems, and stormwater management capacity can accommodate such demands without adverse impact to existing Borough residents, businesses, and public facilities; and

WHEREAS, while data center facilities may generate substantial ratable value, they employ relatively few workers per square foot of developed area and may suppress surrounding property values or impose public service costs, and the Borough has not yet conducted the fiscal impact analysis necessary to determine whether data center development would produce a net fiscal benefit to the Borough, its taxpayers, and the long-term stability of the Borough's property tax base; and

WHEREAS, the Borough's Master Plan and Land Development Code do not permit data center development as a specific land use category, and the Borough Council and Planning Board have not yet had the opportunity to study and deliberate upon whether, and under what conditions, data center development may be consistent with the Borough's land use goals, community character, and long-term planning objectives; and

WHEREAS, data center operations may generate substantial noise from cooling equipment, emergency generators, and mechanical systems, consume significant quantities of water for thermal management, produce electromagnetic emissions, and require outdoor equipment installations and security infrastructure that may be incompatible with adjacent residential, commercial, and industrial zones if not subject to appropriate performance standards; and

WHEREAS, the Borough has an active redevelopment planning initiative in the Hercules Redevelopment Area, and it is necessary to ensure that any future data center land use standards are coordinated with and consistent with the goals and objectives of

that redevelopment plan, which requires study and deliberation that has not yet occurred; and

WHEREAS, absent a temporary rezoning, data center development applications may be filed and processed prior to the completion of the studies necessary to establish appropriate standards, potentially resulting in approvals that conflict with the Borough's planning objectives or create infrastructure demands the Borough is not prepared to accommodate; and

WHEREAS, the Borough Council finds that a temporary rezoning for a period of eighteen (18) months on the approval and development of data centers throughout the Borough, including within the Hercules Redevelopment Area, is reasonable, necessary, and in the public interest to allow the Borough sufficient time to: (i) commission and evaluate engineering studies regarding electrical grid, water supply, and stormwater infrastructure capacity; (ii) conduct a fiscal impact analysis of data center development; and (iii) develop appropriate permanent zoning and performance standards governing data center siting, design, and operation, if found appropriate; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Sayreville, County of Middlesex, State of New Jersey, that the Code of the Borough of Sayreville, is hereinafter supplemented and amended as follows:

SECTION ONE. Section 26-4 entitled "Prohibited Uses" of Article I entitled "General Provisions" of Chapter XXVI entitled "Land Development" of the Sayreville Borough Code of Ordinances is hereby supplemented and amended to read as follows: [New language in **bold and underlined**; deleted language in double strikethrough.]

CHAPTER XXVI – LAND DEVELOPMENT

ARTICLE I – GENERAL PROVISIONS

SECTION 26-4 – PROHIBITED USES

a. _____ Following the effective date of the ordinance codified in this chapter, the establishment of any use not expressly permitted by this chapter shall be prohibited.

b. _____ **For a period of eighteen (18) months, commencing as of the date of adoption of Ordinance #15-26, data centers shall be prohibited from being developed in all zones throughout the Borough.**

SECTION TWO. Section 26-4 entitled “Prohibited Uses” of Article I entitled “General Provisions” of Chapter XXVI entitled “Land Development” of the Sayreville Borough Code of Ordinances is hereby supplemented and amended to add a definition of “*data centers*” to read as follows: [New language in **bold and underlined**; deleted language in double strikethrough.]

CHAPTER XXVI – LAND DEVELOPMENT

ARTICLE I – GENERAL PROVISIONS

SECTION 26-6 – DEFINITIONS

Data centers means any facility used primarily for the storage, management, and processing of digital or electronic data, which houses computer and network systems, including associated components such as servers, network equipment and appliances, telecommunications, and data storage systems, systems for monitoring and managing infrastructure performance, internet-related equipment and services, data communications connections, environmental controls, fire protection systems, and security systems and services. A data center is not a warehouse. Any use with a power density of 2MW or more per acre shall be considered a data center. Ancillary uses of a data center may include environmental controls, fire suppression, generators, redundant power supplies and security facilities. Typical operations of a data center may include the need for separate transformers, electrical substations, and utility infrastructure that shall be considered separate uses.

SECTION THREE. Subsection B entitled “Land Use” of Section 2.1 entitled Land Use and Building Requirements” of the Hercules Redevelopment Plan is hereby supplemented and amended to read as follows: [New language in **bold and underlined**; deleted language in double strikethrough.]

2.1 Land Use and Building Requirements

B. Land Use

Section 1

Permitted Principal Uses

7. Datacenters. **Pursuant to Ordinance #15-26, for a period of eighteen (18) months, commencing as of the date of adoption thereof, data centers as defined in Section 26-6 of the Borough Code and datacenters as defined in this Redevelopment Plan shall be specifically prohibited from being developed in Section 1 of the Hercules Redevelopment Plan.**

Section 2 & 3

Permitted Principal Uses

3. All uses permitted in Section 1, except Warehouse Use, which is a permitted conditional use in Section 3 only, as provided below. **Additionally, the data centers (and datacenters) are temporary prohibited as set forth in Section 1 (7) and Ordinance #15-26.**

SECTION FOUR. Severability Clause.

If any article, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared severable.

SECTION FIVE. Repealer.

All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this Ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

SECTION SIX. Planning Board Review.

After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Sayreville for its review in accordance

with N.J.S.A. 40:55D-26, N.J.S.A. 40:55D-64 and N.J.S.A. 40A:12A-7(e). 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.

At least ten (10) days prior to the hearing on the adoption of this Ordinance, the Borough Clerk is directed to give notice to the Middlesex 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).

SECTION SEVEN. Mayor Approval.

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

SECTION EIGHT. Effective Date.

This Ordinance shall take effect upon final adoption and publication in accordance with law; and approval by the Mayor pursuant to N.J.S.A. 40A:60-5(d).

INTRODUCED/APPROVED ON FIRST READING

DATED: June 15, 2026

Jessica Morelos, R.M.C.
Clerk of the Borough of Sayreville

(Planning & Zoning Committee)

ADOPTED ON SECOND READING

DATED: July 20, 2026

Jessica Morelos, R.M.C.
Clerk of the Borough of Sayreville

(Planning & Zoning Committee)

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____, 2026.

Kennedy O'Brien, Mayor
Borough of Sayreville

APPROVED AS TO FORM:

Borough Attorney