

ORDINANCE #15-26

**ORDINANCE ESTABLISHING AN EIGHTEEN (18) MONTH
MORATORIUM ON THE DEVELOPMENT OF DATA CENTERS
THROUGHOUT THE BOROUGH OF SAYREVILLE**

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 2 to 4MW 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