Minutes of the Special Meeting of the Township Council of the Township of East Hanover held on Monday, February 19, 2026, at 12:00 P.M. at the Township Municipal Building, Township Council Room, 411 Ridgedale Avenue, East Hanover, New Jersey.

Councilwoman Jandoli called the meeting to order.

Roll Call: Councilmembers DeMaio, Jandoli, Brokaw, Council President Martorelli

Absent: Mayor Pannullo

Also Present: Joseph Tempesta, Jr., Administrator
M. Murphy Durkin, Township Attorney
Darlene Green, Township Planner
Felicia A. McDonald, R.M.C. Deputy Township Clerk

Councilwoman Jandoli led the Pledge of Allegiance and gave the Invocation.

Councilwoman Jandoli read the Public Announcement in which he stated that the meeting had been advertised, the press notified, and the notice posted on the bulletin board in the Municipal Building and also on the Township Website www.easthanovertownship.com.

PRESENTATION: None

PROCLAMATION: None

OLD BUSINESS: None

PUBLIC INPUT:

Motion by Councilman Brokaw, seconded by Councilwoman Jandoli, to go into public input.

Ayes: : Councilmembers DeMaio, Jandoli, Brokaw, and Council President Martorelli

Motion by Councilwoman Jandoli, seconded by Councilman Martorelli, to close public input.

Ayes: : Councilmembers DeMaio, Jandoli, Brokaw, Council and President Martorelli

COUNCIL INPUT: None

CONSENT AGENDA: None

COMMUNICATIONS & DISCUSSION ITEMS:

- Affordable Housing
- Development Fee
- Route 10 Overlay (RMF-4)
- 130 Ferry (Eagle Rock) (RMF-5)

Township Administrator **Joseph Tempesta** requested that the Township Planner provide a brief synopsis of the four ordinances being introduced. The ordinances are required to meet state-mandated deadlines related to the Township's affordable housing obligations. The next compliance deadline is March 15, 2026, by which municipalities must adopt all effectuating ordinances necessary to implement their Housing Element and Fair Share Plan, including adoption of a spending plan, affirmative marketing plan, and other required documentation. The Administrator noted that these ordinances represent the first set of implementation documents and that additional items will appear on the regular March agenda.

The Township Planner explained that the first ordinance is an update to the Township's Affordable Housing Ordinance. The Township currently has an ordinance in place; however, revisions are required following the State's adoption of new Uniform Housing Affordability Control (UHAC) regulations and amendments to N.J.A.C. 5:99. The State released a model ordinance late the previous week, and the Township Planner worked with Mr. Edwards' office to prepare an updated ordinance consistent with those regulations.

The second ordinance is an update to the Township's Development Fee Ordinance. The Township already maintains such an ordinance; however, it required modification due to the changes in N.J.A.C. 5:99. The ordinance authorizes the Township to collect development fees from new residential and commercial construction. These funds are deposited into the Township's Affordable Housing Trust Fund and are used to support affordability assistance programs and cover professional costs associated with implementation of the housing plan.

The third ordinance establishes the Residential Multi-Family Four (RMF-4) Overlay Zone. The Planner explained that after submission of the Township's 2025 Housing Element and Fair Share Plan, several challenges were filed, requiring the Township to participate in mediation. As a result of those mediation agreements, the Township must adopt two new overlay zones. The RMF-4 Overlay will apply to approximately seven to eight properties located in the triangular area bounded by Route 10, Littell Road, and Ridgedale Avenue, which are currently located in the B-2 Zone. Property owners may continue to utilize the existing B-2 zoning or may elect to utilize the mixed-use inclusionary zoning permitted within the RMF-4 Overlay.

Councilman **Brokaw** raised concerns regarding the proposed ten-foot front yard setback along Route 10 under Ordinance No. 3-2026, noting that the existing B-2 Zone requires a forty-foot front yard setback and requesting that the setback remain consistent with the existing Route 10 corridor standard. He also expressed concerns regarding emergency access around multi-story buildings,

specifically whether ladder trucks and other emergency vehicles would have adequate access and inquired who would be responsible for maintaining the forty-foot frontage area.

Township Planner **Darlene Green** confirmed that the underlying B-2 Zone requires a forty-foot front yard setback and indicated she had no objection to increasing the minimum setback to forty feet. She noted that any development would be subject to site plan review and that police and fire officials would provide comments during the Development Review Committee process to address safety and emergency access considerations.

Councilman Brokaw requested confirmation that the ordinance would be revised prior to the public hearing to reflect the forty-foot setback.

Administrator Tempesta stated that any proposed development would still require review and approval by the appropriate board and that emergency services, including police, fire, and EMS, would review applications to ensure adequate access and turning radius for emergency vehicles.

The fourth ordinance establishes the Residential Multi-Family Five (RMF-5) Overlay Zone for the property located at one hundred Eagle Rock Avenue, adjacent to the existing Kushner multifamily development. The Planner explained that the property previously had the same overlay zoning as the Kushner development; however, following a challenge to the Township's housing plan, a settlement agreement was reached allowing the property owner to maintain the same permitted uses while increasing the allowable residential density from ten units per acre to sixteen units per acre.

Councilwoman **Jandoli** noted that while the Township is increasing residential density, the proposed density of sixteen units per acre remains lower than densities being required in many neighboring municipalities, some of which have been required to rezone for densities ranging from thirty to forty units per acre. She stated that the lower density reflects the results of the Township's negotiations during the mediation process.

Councilman Brokaw addressed **Ordinance No. 4-2026**, specifically the provisions on enforcement of affordable housing regulations (page 5). He noted that while the ordinance references very low-income housing, enforcement language for such units is not currently included. Councilman Brokaw stated that the ordinance should be revised to provide enforcement authority in cases where tenants need to be removed for repeated violations.

Additionally, Councilman Brokaw requested clarification in the final section of the ordinance regarding enforcement against owners, developers, or tenants who fail to comply with provisions of the affordable housing ordinance, including improper renting or subleasing. He recommended that "very low-income" be added wherever "low-income" and "moderate-income" are mentioned.

Township Planner Darleen Green agreed to incorporate the requested changes and prepare the revised ordinance for circulation to the Township Council in advance of the Council meeting scheduled for **March 2, 2026**, for introduction.

NEW BUSINESS:

Introduction: **Ordinance 02-2026**: "An Ordinance of the Township of East Hanover, in the County of Morris, State of New Jersey, Amending and Supplementing the Township Code Chapter 95 "Land Use and Zoning"' Article VII "Zoning" to add a New Subsection 53.11 "Residential Multi-Family 5 Overlay District Regulations" and to Set Forth the Standards and Criteria Applicable Thereto"

The Deputy Clerk read into record: **Ordinance 02-2026**: ***"AN ORDINANCE OF THE TOWNSHIP OF EAST HANOVER, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE CHAPTER 95 "LAND USE AND ZONING"' ARTICLE VII "ZONING" TO ADD A NEW SUBSECTION 53.11 "RESIDENTIAL MULTI-FAMILY 5 OVERLAY DISTRICT REGULATIONS" AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO"***

Motion by Council man Brokaw, seconded by Council President Martorelli, that Ordinance No. 02-2026 be introduced by title, adopted on first reading, placed on file in the Clerk's Office, and set down for public hearing on March 2, 2026.

Ayes: Councilmembers DeMaio, Jandoli, Brokaw, and Council President Martorelli

Councilwoman Jandoli stated the Ordinance would be published according to the law.

Introduction: **Ordinance 03-2026**: "An Ordinance of the Township of East Hanover, in the County of Morris, State of New Jersey, Amending and Supplementing the Township Code Chapter 95 "Land Use and Zoning"' Article VII "Zoning" to add a New Subsection 53.10 "Residential Multi-Family 4 Overlay District Regulations" and to Set Forth the Standards and Criteria Applicable Thereto"

The Deputy Clerk read into record: **Ordinance 03-2026:** ***"AN ORDINANCE OF THE TOWNSHIP OF EAST HANOVER, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE CHAPTER 95 "LAND USE AND ZONING"' ARTICLE***

VII "ZONING" TO ADD A NEW SUBSECTION 53.10 "RESIDENTIAL MULTI-FAMILY 4 OVERLAY DISTRICT REGULATIONS" AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO"

Motion by Councilman Brokaw, seconded by Council President Martorelli, that Ordinance No. 03-2026 be introduced by title, adopted on first reading, placed on file in the Clerk's Office, and set down for public hearing on March 2, 2026, with amendments.

Ayes: Councilmembers DeMaio, Jandoli, Brokaw, and Council President Martorelli

Councilwoman Jandoli stated the Ordinance would be published according to the law.

Introduction: **Ordinance 04-2026**: "An Ordinance of the Township of East Hanover, in the County of Morris, State of New Jersey, Deleting and Replacing Article XII Affordable Housing Regulations" of Chapter 95 "Land Use and Zoning" to update the Township's Affordable Housing Ordinance in Accordance with the December 2025 Uniform Housing Affordability Controls, December 2025 N.J.A.C. 5:99 Regulations, and the Amended Frair Housing Act"

The Deputy Clerk read into record: ***ORDINANCE 04-2026: "AN ORDINANCE OF THE TOWNSHIP OF EAST HANOVER, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, DELETING AND REPLACING ARTICLE XII AFFORDABLE HOUSING REGULATIONS" OF CHAPTER 95 "LAND USE AND ZONING" TO UPDATE THE TOWNSHIP'S AFFORDABLE HOUSING ORDINANCE IN ACCORDANCE WITH THE DECEMBER 2025 UNIFORM HOUSING AFFORDABILITY CONTROLS, DECEMBER 2025 N.J.A.C. 5:99 REGULATIONS, AND THE AMENDED FRAIR HOUSING ACT***"

Motion by Councilman Brokaw, seconded by Council President Martorelli, that Ordinance No. 04-2026 be introduced by title, adopted on first reading, placed on file in the Clerk's Office, and set down for public hearing on March 2, 2026, with revisions to page 4 as discussed.

Ayes: Councilmembers DeMaio, Jandoli, Brokaw, and Council President Martorelli

Councilwoman Jandoli stated the Ordinance would be published according to the law.

Introduction: **Ordinance 05-2026**: "An Ordinance of the Township of East Hanover, in the County of Morris, State of New Jersey, Deleting and Replacing Subsection 68.1 "Affordable Housing Development Fees" of Article V "Zoning", Chapter 95 "Land Use and Zoning", to update the Township's Development Fee Ordinance in Accordance with the December 2025 N.J.A.C 5:99 Regulations and the Amended Fair Housing Act"

The Deputy Clerk read into record: **ORDINANCE 05-2026**: ***"AN ORDINANCE OF THE TOWNSHIP OF EAST HANOVER, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, DELETING AND REPLACING SUBSECTION 68.1 "AFFORDABLE HOUSING DEVELOPMENT FEES" OF ARTICLE V "ZONING", CHAPTER 95 "LAND USE AND ZONING", TO UPDATE THE TOWNSHIP'S DEVELOPMENT FEE ORDINANCE IN ACCORDANCE WITH THE DECEMBER 2025 N.J.A.C 5:99 REGULATIONS AND THE AMENDED FAIR HOUSING ACT"***

Motion by Councilwoman Jandoli, seconded by Councilman Brokaw, that Ordinance No. 05-2026 be introduced by title, adopted on first reading, placed on file in the Clerk's Office, and set down for public hearing on March 2, 2026.

Ayes: Councilmembers DeMaio, Jandoli, Brokaw, and Council President Martorelli

Councilwoman Jandoli stated the Ordinance would be published according to the law.

PAYMENT OF BILLS: None

ADJOURNMENT:

Motion by Councilwoman Jandoli, seconded by Councilman Brokaw, to adjourn meeting at 12:25 P.M.

Ayes: Councilmembers DeMaio, Jandoli, Brokaw, and Council President Martorelli

Respectfully Submitted,

Felicia A. McDonald, RMC
Deputy Township Clerk

Adopted: April 6, 2026