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LAWRENCE ADAM WOLF and
MICHELLE FUERST,

Plaintiffs,

vs.

MUNICIPALITY OF PRINCETON MAYOR
& COUNCIL, MUNICIPALITY OF
PRINCETON PLANNING BOARD,
BARSKY ENTERPRISES, L.L.C., and 94-92
SPRUCE LLC,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MERCER COUNTY

DOCKET NO.: MER-L-

CIVIL ACTION

**COMPLAINT IN LIEU OF
PREROGATIVE WRITS**

Plaintiffs, LAWRENCE ADAM WOLF and MICHELLE FUERST (“Plaintiffs”), by way of Complaint against Defendants, MUNICIPALITY OF PRINCETON MAYOR & COUNCIL (“Municipality” or “Council”), the MUNICIPALITY OF PRINCETON PLANNING BOARD (“Board”), BARSKY ENTERPRISES, L.L.C. (“Barsky”), and 94-92 SPRUCE, LLC (“94-92 Spruce”, together with Barsky, “Owners”) (collectively, “Defendants”), says:

NATURE OF ACTION

1. This action in lieu of prerogative writs challenges the Council’s February 23, 2026 arbitrary, capricious, unreasonable, and unlawful adoption of Ordinance #2026-07, entitled: “An Ordinance of the Municipality of Princeton Amending Chapter B17A entitled ‘Land Use and Zoning’ of the Municipality of Princeton to Create the Affordable Housing District-12 (AH-12) In Furtherance of the Fair Housing Act” (“Ord. 2026-07”), a true and accurate copy of which is

attached hereto as **Exhibit “A”**, which was inappropriately promulgated as a compliance mechanism to address the Municipality’s obligation to provide affordable housing to households of low- and moderate-income for the Fourth Round.

2. To the extent that the Council relied upon the February 20, 2026 Memorandum (“2/20 Memo”) prepared by Justin Lesko, AICP, PP, the Municipality’s Planning Director, and Nathan Foote, AICP, PP, the Municipality’s Assistant Planning Director, which encloses a copy of the February 10, 2026 Memorandum (“2/10 Memo”) prepared by Mr. Lesko and Mr. Foote, a true and accurate copy of which is attached hereto as **Exhibit “B”**, this action also challenges the determination that Ord. 2026-07 is substantially consistent with the Municipality’s Master Plan.

3. Upon information and belief, the intent of Ord. 2026-07 is to re-zone the real property currently owned by the Owners, commonly known as 86-88 Spruce Street, Block 30.03, Lot 100, and 92-94 Spruce Street, Block 30.03, Lot 64 (collectively, “Subject Property”), consisting of approximately 0.66 acres, from the Municipality’s R-4B Residential District (“R-4B District”) to the newly created Affordable Housing District-12 (“AH-12 District”).

4. Ord. 2026-07 was introduced by the Council on February 9, 2026, with notice of its introduction published on or around February 13, 2026 (“Notice of Introduction”), and was adopted on February 23, 2026, with notice of its adoption published on or around February 27, 2026 (“Notice of Adoption”), true and accurate copies of the Notice of Introduction and Notice of Adoption are attached hereto as **Exhibit “C”** and **Exhibit “D”**, respectively.

5. Upon information and belief, despite the intent of Ord. 2026-07 to re-zone the Subject Property, the Municipality failed to comply with the requirements of N.J.S.A. 40:55D-62.1 to provide notice of the hearing on the adoption of Ord. 2026-07 to the owners of all real

property located within 200 feet of the boundaries of the proposed AH-12 District, which renders Ord. 2026-07 *void ab initio*.

6. The Board conducted its Master Plan consistency review of Ord. 2026-07 on February 19, 2026.

7. The adoption of Ord. 2026-07 was accomplished without due consideration of the general welfare of the Municipality and its property owners, does not advance the health safety, or welfare of the Municipality's residents and property owners, is not in the best interest of good zoning and planning, is inconsistent with the Municipality's Master Plan, and was contrary to law.

8. Plaintiffs seek, *inter alia*, judgment declaring Ord. 2026-07 invalid, void and contrary to law.

JURISDICTION

9. This Court has subject matter jurisdiction over Plaintiffs' claims in this Complaint, as all real property at issue is located wholly within the State of New Jersey, County of Mercer, and pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 to -163 ("MLUL"), Open Public Meetings Act, N.J.S.A. 10:4-6 *et seq.* ("OPMA"), and New Jersey Court Rule 4:69.

THE PARTIES

10. Plaintiffs are residents and owners of the real property identified as Block 30.03, Lot 61 on the Official Tax Maps of the Municipality of Princeton, County of Mercer, New Jersey, and commonly known as 82 Spruce Street, Princeton, County of Mercer, New Jersey ("Plaintiffs' Property").

11. Defendant Council, including the Council Members and other municipal officials thereof, is a duly constituted municipal corporation of the State of New Jersey, having offices at 400 Witherspoon Street, Princeton, New Jersey.

12. Defendant Board is a municipal agency created pursuant to ordinance under the authority of the MLUL, with offices located at 400 Witherspoon Street, Princeton, New Jersey.

13. Upon information and belief, Defendant Barsky, a limited liability company of the State of New Jersey, with a business address of 11 Seminary Avenue, Hopewell, New Jersey, is the owner of one of the parcels that is subject to Ord. 2026-07, identified as Block 30.03, Lot 100 on the Official Tax Maps of the Municipality of Princeton, County of Mercer, New Jersey, and commonly known as 86-88 Spruce Street, Princeton, County of Mercer, New Jersey (“Lot 100”).

14. Upon information and belief, Defendant 94-92 Spruce, a limited liability company of the State of New Jersey, with a business address of 11 Seminary Avenue, Hopewell, New Jersey, is the owner of one of the parcels that is subject to Ord. 2026-07, identified as Block 30.03, Lot 64 on the Official Tax Maps of the Municipality of Princeton, County of Mercer, New Jersey, and commonly known as 92-94 Spruce Street, Princeton, County of Mercer, New Jersey (“Lot 64”)

RELEVANT FACTS

The Subject Property and the Surrounding Area

15. The Subject Property consists of two side-by-side lots, Lot 100 and Lot 64, located between Spruce Street and Hamilton Avenue.

16. Upon information and belief, Lot 100, consisting of approximately 0.43 acres, currently contains a multi-family apartment building with ten (10) studio, one-bedroom, and two-bedroom units, along with off-street parking, with at least one parking space per apartment available for prospective tenants.¹

¹ See Barsky Property Management, 86 Spruce Street, <https://www.barskymanagement.com/property/86-spruce-st#details> (last accessed April 9, 2026).

17. Upon information and belief, Lot 64, consisting of approximately 0.23 acres, currently contains a residential duplex building with a one-car garage, and shares a common driveway with Lot 100.²

18. Upon information and belief, prior development of the Subject Property in or around 2019 to 2020 was approved subject to certain conditions, including the installation of rain gardens on Lot 64 to manage increased impervious surface runoff.

19. Along the lot lines closest to Hamilton Avenue, the Subject Property is adjacent to what is commonly known as Barbara Boggs Sigmund Park, Block 30.03, Lot 99 (“Sigmund Park”), which contains a playground, toddler swings, sandbox, and picnic tables.

20. Plaintiff’s Property is located to the west of adjacent to Lot 100, sharing an entire lot line with same, and is located within 200 feet of the Subject Property.

The R-4B District

21. Prior to the adoption of Ord. 2026-07, the Subject Property was located in the R-4B District, which permits residential uses (e.g. one-family dwellings, two-family dwellings, attached dwellings, and multiple dwellings), as well as public parks and playgrounds.

22. In the R-4B District, the minimum lot area required for one-family dwellings is 6,000 square feet, for two-family dwellings is 3,300 square feet, for attached dwellings is 3,000 square feet.

23. Multiple dwellings in the R-4B District require a minimum lot area that differs based on the number of habitable rooms in each dwelling unit, with 2,600 square feet required for one or two rooms, 3,000 square feet for three rooms, 3,300 square feet for four rooms, and 200 square feet for each additional room.

² See Barsky Property Management, 92-94 Spruce Street, <https://www.barskymanagement.com/property/92-94-spruce-st#details> (last accessed April 9, 2026).

24. Further, the R-4 B District limits the maximum permitted height of all residential buildings to three (3) stories, with a maximum height of 35 feet for one-family dwellings and 40 feet for all other residential buildings.

25. Additionally, attached dwellings and multiple dwellings in the R-4B District are limited to a maximum of three (3) units per structure.

26. Notably, the number of required parking spaces for residential uses in the R-4B District are as follows: (i) one (1) parking space per dwelling unit for one-family dwellings and attached dwellings; and (ii) one and one-half (1 ½) parking spaces per dwelling unit for two-family dwellings and multiple dwellings.

Municipality's Master Plan

27. Upon information and belief, the Regional Planning Board of Princeton was organized in January 1970 and vested with the responsibility of preparing a regional master plan for both Princeton Township ("Township") and Princeton Borough ("Borough"), two individual municipal entities which eventually merged to become the municipality involved in this action.

28. On or around December 12, 1996, the Princeton Regional Planning Board adopted the 1996 Princeton Community Master Plan ("1996 Master Plan").

29. Although the Township and Borough did not merge until 2013, the 1996 Master Plan contained goals and objectives that applied to both municipalities.

30. One of the overarching goals of the 1996 Master Plan was to preserve and protect the character of established neighborhoods, noting "the scale and integrity of existing neighborhoods should be protected from incursions by incompatible land uses or changes in density."

31. On or around October 18, 2001, the Regional Planning Board of Princeton adopted the Princeton Community Master Plan Reexamination Report (“2001 REX”).

32. The 2001 REX reiterated the objectives of the 1996 Master Plan, recognizing that one of the housing objectives included protecting the scale and integrity of existing neighborhoods from incompatible land uses or changes in density.

33. Further, the 2001 REX specifically recommended discouraging large homes that are out of scale with their neighborhood, and that the existing character of neighborhoods be maintained through the development of additional zoning controls on the height, setback, and bulk of homes.

34. On or around October 18, 2007, the Regional Planning Board of Princeton adopted the Princeton Community Master Plan 2007 Reexamination Report (“2007 REX”).

35. The 2007 REX recognized that there was pressure to redevelop the downtown area and that any additional redevelopment will need to pay particular attention to circulation, parking, building height, and building scale.

36. Effective January 1, 2013, the Township and the Borough merged to create the Municipality of Princeton, and the Board was created to replace the Regional Planning Board of Princeton.

37. Shortly after its creation, the Board readopted the 1996 Master Plan.

38. Upon information and belief, the Board adopted the Princeton Community Master Plan 2017 Reexamination Report on or around November 2, 2017 (“2017 REX”).

39. The 2017 REX identified the following elements of the 1996 Master Plan that had been amended and updated since the 2007 REX: (i) 2008 Housing Element; (ii) 2009 Land Use

Element; (iii) 2011 Open Space and Recreation element; (iv) 2013 Circulation Element; and (v) 2013 Historic Element.

40. The 2020 Third Round Housing Element and Fair Share Plan, adopted by the Board on July 9, 2020 and endorsed by the Council on July 13, 2020 (“2020 HEFSP”), addressed the Municipality’s constitutional affordable housing obligations at that time, including, *inter alia*, its rehabilitation, prior round, and third round obligations.

41. Neither the Subject Property nor the AH-12 District were included as part of the Municipality’s affordable housing compliance mechanisms as set forth in the 2020 HEFSP.

42. In 2021, the Municipality sought to update the 1996 Master Plan, which culminated in the Board’s adoption of the 2023 Master Plan and Reexamination Report (“2023 Master Plan”) on November 30, 2023.

43. The 2023 Master Plan identified the following elements of the Municipality’s Master Plan that had been “added or amended and updated” since the 2017 REX: (1) the 2017 Circulation Element, to place greater emphasis on transit and greater focus on pedestrian and bicycle mobility; (2) the 2020 HEFSP, to reflect the Municipality’s settlement of its affordable housing obligations at that time; and (3) the 2020 Green Building and Environmental Sustainability Element.

44. As set forth in the “Generalized Existing Land Use Downtown” map on page 31 of the 2023 Master Plan, Lot 100 is identified as “Multi-Family Residential (5+ Units)” and Lot 64 is identified as “Residential (1-4 Family)”.

45. The 2023 Master Plan includes a proposed land use plan (“Proposed Land Use Plan”) that is purportedly based on the general characteristics of the underlying districts in terms of land use and lot sizes, and provides “a series of land use categories where individual zoning

districts may be delineated according to the existing characteristics of the area and the intended use, intensity, and spatial standards.”

46. The Proposed Land Use Plan identifies the Subject Property, and many of the surrounding properties, as part of the “Central Neighborhood (4-20 Units/Acre)”, which is described as including “single-family dwellings on small lots, two-family dwellings, townhouses, and multi-family housing at densities between four and 20 units per acre”, noting that these areas are “most appropriate for infill and transit-oriented redevelopment”.

47. However, the 2023 Master Plan does not identify or otherwise recommend that the Subject Property be rezoned to effectuate an inclusionary housing development.

48. The 2025 Fourth Round Housing Element and Fair Share Plan, adopted by the Board on June 25, 2025 and endorsed by the Council on June 26, 2025 (“2025 HEFSP”), seeks to address the Municipality’s current constitutional affordable housing obligations, including, *inter alia*, its Present Need (Rehabilitation share) and Prospective Need.

The Municipality’s Affordable Housing Obligations

49. Pursuant to the New Jersey Supreme Court’s decision in In re N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015), the Municipality, on or about July 7, 2015, filed an action with the Superior Court of New Jersey, Mercer County, Law Division, titled In the Matter of the Application of the Borough of Franklin Lakes, County of Bergen, Docket No. MER-L-1550-15 (“Third Round DJ Action”), seeking, *inter alia*, a Judgment of Compliance and Repose approving the Municipality’s 2020 HEFSP and whether same satisfied the Municipality’s constitutional obligation to provide a realistic opportunity for the development of its “fair share” of the regional need for low- and moderate-income housing pursuant to the “Mount Laurel Doctrine”.

50. The 2020 HEFSP was approved by the Court *via* the issuance of a Conditional Judgement of Compliance and Repose (“CJOR”) on or around December 10, 2020, and a Final Judgment of Compliance and Repose (“FJOR”) on or around February 7, 2025, or the judicial equivalent of substantive certification and accompanying protection as provided under the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (“FHA”).

51. On or around March 20, 2024, Governor Murphy signed P.L. 2024, c.2. into law, amending the FHA to establish a new framework for determining and enforcing affordable housing obligations under the Mount Laurel Doctrine and the FHA, starting with the fourth round (2025-2035).

52. In accordance with the FHA, as amended, and Administrative Directive #14-24 issued by the Administrative Office of the Courts on or around December 13, 2024 (“Directive”), the Municipality filed a Complaint for Declaratory Judgment entitled In the Matter of the Application of the Municipality of Princeton, The County of Mercer, Docket No. MER-L-207-25, on or around January 28, 2025 (“Fourth Round DJ Action”).

53. As identified by the Municipality via Council Resolution No. 25-51, adopted on or around January 27, 2025, the Municipality’s present and prospective need affordable housing obligations for the Fourth Round are as follows: (i) Present Need- 60 units; and (ii) Prospective Need- 276 units.

54. Upon information and belief, a draft 2025 HEFSP was provided to Fair Share Housing Center (“FSHC”) on or around June 16, 2025.

55. On or around June 25, 2025, the Board adopted the 2025 HEFSP, which was endorsed by the Council on June 26, 2025 via Council Resolution No. 25-230.

56. Also on June 26, 2025, the Municipality entered into a Fourth Round Affordable Housing Agreement (“Settlement Agreement”) with FSHC to purportedly summarize the material terms and conditions of the Municipality’s 2025 HEFSP, which is intended to fully satisfy the Municipality’s Present Need obligation, Prior Round obligation (1987-1999), Third Round obligations (1999-2025), and Fourth Round obligation (2025-2035).

57. Upon information and belief, the Municipality and FSHC worked collaboratively during the formulation of the 2025 HEFSP to address the Municipality’s affordable housing obligations.

58. Notably, as part of the Settlement Agreement, the Municipality agreed to address its remaining Prior Round unmet need (88 units) as part of its Fourth Round Prospective Need (276 units) compliance mechanisms.

59. The Subject Property is identified in the Settlement Agreement as one of the “Inclusionary Development-Proposed” compliance mechanisms to address this combined 364-unit obligation, proposing a minimum of eight (8) affordable family rental units.

60. It is noted in the Settlement Agreement that the “new developments proposed and listed in the chart are further detailed and explained in the [2025 HEFSP]”, and is incorporated into the Settlement Agreement by reference.

61. The Settlement Agreement also recognizes that all of the proposed compliance mechanisms to be satisfied in the Fourth Round would likely lead to twenty (20) potential excess credits.

62. The Settlement Agreement further indicated that the Municipality would prepare and provide FSHC with a draft of all proposed implementing ordinances on or about June 30, 2025, and that zoning ordinances, applicable developer’s agreements, and any other items

demonstrating site suitability for unbuilt inclusionary sites would be provided to FSHC by March 31, 2026.

63. The 2025 HEFSP erroneously identifies the current use of the Subject Property, noting, “[o]ne lot includes a duplex and the other contains a mostly unused surface parking lot and a multi-family structure with 10 studio apartment units.”

64. Upon information and belief, the multi-family apartment building on Lot 100 currently contains a multi-family apartment building with ten (10) studio, one-bedroom, and two-bedroom units, and offers at least one parking space per apartment for prospective tenants.³

65. The 2025 HEFSP indicates that the existing structures will remain on the Subject Property, and that the “owner” will construct 30 new units, including eight affordable units, in six (6) townhomes to front along Hamilton Avenue, and one (1) multi-family structure to be constructed over the surface parking lot, with parking located underneath (“2025 Project”).

66. The 2025 HEFSP also indicates that the proposed townhomes would be “similar in size and shape to the already-existing adjacent affordable townhome units,” and that the “property owner” would provide a multi-use bike and pedestrian path through the middle of the Subject Property “granted in perpetuity as an easement” to the Municipality.

67. When addressing the site suitability under N.J.A.C. 5:93-5, the 2025 HEFSP erroneously indicates that Lot 100 and Lot 64 are in common ownership, whereas, upon information and belief, the Subject Property is currently owned by separate entities.

68. Further, the 2025 HEFSP indicates that the Subject Property will be rezoned “to enable the proposed development to be constructed consistent with zoning, Residential Site Improvement Standards (RSIS) and all other applicable regulations.”

³ See Barsky Property Management, 86 Spruce Street, <https://www.barskymanagement.com/property/86-spruce-st#details> (last accessed April 9, 2026).

69. As set forth in Council Resolution No. 25-230, the Municipality's Affordable Housing Council was authorized and directed to take all actions required by the FHA and the Directive, including, but not limited to, filing certain items in the Fourth Round DJ Action like "proposed draft ordinances, resolutions, and other compliance submissions."

70. Appendix K to the 2025 HEFSP includes a Concept Plan prepared by Marina Rubina, Architect, dated May 30, 2025 ("Concept Plan"), depicting the existing duplex and multi-family structures, the proposed additional 30 residential units, and 17 parking spaces.

71. The 2025 HEFSP also includes a footnote that indicates that "proposed draft ordinances will be filed with the Court in conjunction with this adopted [2025 HEFSP], not included in the Appendix as part of this [2025 HEFSP]."

72. Consistent with the representation made in the 2025 HEFSP, the Municipality filed copies of the draft ordinances implementing the 2025 HEFSP's proposed compliance mechanisms in the Fourth Round DJ Action on June 27, 2025.

73. Included in this filing is a copy of a draft ordinance related to the AH-12 District ("Draft Ord."), a true and accurate copy of which is attached hereto as **Exhibit "E"**.

74. The Draft Ord. permits multiple dwellings, townhouses, one, single family detached dwelling, and municipal use, and requires a minimum building separation of 15 feet.

75. Further, the Draft Ord. limits the maximum building height to three (3) stories, not to exceed 45 feet.

76. Although the 2025 HEFSP indicates that the Subject Property would be rezoned in compliance with the RSIS, the Draft Ord. requires only 0.55 off-street parking spaces per dwelling, and provides for an on-street parking credit to further reduce the required number of off-street parking spaces.

77. On or around February 13, 2026, Judge Robert Lougy, A.J.S.C. entered a Decision and Order Approving Municipal Housing Element and Fair Share Plan for the Fourth Round Housing Cycle, which required the Municipality to notice and adopt the proposed implementing ordinances and resolutions in furtherance of the 2025 HEFSP on or before March 15, 2026.

78. Upon information and belief, a Fairness and/or Compliance Hearing is anticipated to be scheduled to consider the issuance of a Certification of Compliance and Repose for the Fourth Round.

Ord. 2026-07

79. On February 9, 2026, the Municipality introduced Ord. 2026-07 to rezone the Subject Property to the AH-12 District.

80. Ord. 2026-07 permits multiple dwellings, townhouses, at most, one single family detached dwelling, supportive housing, and the existing 2-unit residential structure.

81. Despite adding additional permitted uses beyond those proposed in the Draft Ord., which may be used in combination with each other on the same tract, Ord. 2026-07 also reduces the required minimum building separation to five (5) feet.

82. Further, Ord. 2026-07 only limits the maximum building height to forty-five feet, and does not address the permitted number of stories.

83. Inexplicably, Ord. 2026-07 also reduces the off-street parking space requirement to 0.425 parking spaces per dwelling, and allows for up to 25% of these spaces to be compact spaces.

84. Additionally, Ord. 2026-07 requires a five (5) foot landscaped buffer along any common property line in a side yard, where a side yard is required, while the Draft Ord. also included a landscaped buffer for required rear yards.

85. Prior to the February 23, 2026 Council meeting, the Municipality failed to serve and publish adequate public notice pursuant to N.J.S.A. 40:55D-62.1 and N.J.S.A. 40:49-2(a) with regard to Ord. 2026-07.

86. N.J.S.A. 40:55D-62.1 requires personal notice of a hearing on an amendment to the zoning ordinance proposing a change to the classification or boundaries of a zoning district to be provided to certain property owners within 200 feet of the proposed change, with an exception for “classification or boundary changes recommended in a periodic general reexamination of the master plan by the planning board pursuant to [N.J.S.A. 40:55D-89].”

87. The underlying proposed rezoning of the Subject Property from R-4B District to AH-12 District was not recommended in a periodic reexamination of the master plan by the Board pursuant to N.J.S.A. 40:55D-89.

88. Pursuant to the terms of N.J.S.A. 40:55D-62.1, “[a] notice pursuant to this section shall state...the nature of the matter to be considered and an identification of the affected zoning districts and proposed boundary changes, if any, by street names, common names or other identifiable landmarks, and by reference to lot and block numbers...”

89. N.J.S.A. 40:49-2(a) similarly requires that the published notice include “a clear and concise statement prepared by the clerk of the governing body setting forth the purpose of the ordinance...”

90. The public notice of the introduction of Ord. 2026-07, published by the Municipality on February 13, 2026 (“2/13 Notice”), indicates that the purpose of Ord. 2026-07 is “to amend Princeton’s zoning ordinance by creating a new affordable housing zoning district in furtherance of [the 2025 HEFSP].”

91. The 2/13 Notice fails to identify the Subject Property by street address and the prior zoning of the Subject Property that is impacted by the proposed rezoning, and, therefore, fails to contain “a clear and concise statement prepared by the clerk of the governing body setting forth the purpose of the ordinance...”

92. Upon information and belief, on or around February 19, 2026, the Board conducted a master plan consistency review of the proposed Ord. 2026-07, and it erroneously determined that same was consistent with the Municipality’s master plan, specifically, the 2025 HEFSP.

93. According to the 2/10 Memo, which was prepared by Mr. Lesko and Mr. Foote and directed to the Board, describes the current uses of the Subject Property as follows: (i) Lot 100- contains a three-story multi-family apartment building and associated parking lot; and (ii) Lot 64- contains a two-story one-family dwelling and an ADU.

94. The 2/10 Memo references the Concept Plan included in the 2025 HEFSP, and notes that the layout has slightly changed from the initial concept; however, no revised concept plan was provided to the Board or attached to Ord. 2026-07.

95. Referencing the 2025 HEFSP, the 2/10 Memo indicates that Ord. 2026-07 establishes an AH-12 District that “would allow for up to 30 new multi-family residential apartment units,” with a minimum number of eight (8) creditable affordable housing units.

96. Yet, despite indicating that the purpose of the AH-12 District was to effectuate the creation of up to 30 new multi-family residential apartment units, Ord. 2026-07 also permits supportive housing, which is not defined in the ordinance.

97. Although there were discrepancies with the proposed Ord. 2026-07, as compared to the 2025 Project (as described in the 2025 HEFSP and shown on the Concept Plan) and the

Draft Ord., the 2/10 Memo erroneously concludes that Ord. 2026-07 was “directly called for in the Municipality’s adopted [2025 HEFSP].”

98. The 2/10 Memo also concludes that Ord. 2026-07 is substantially consistent with the Municipality’s Master Plan, mostly relying on general goals related to the creation of affordable housing.

99. Without any evidentiary support, the 2/10 Memo indicates that Utility Goals and Natural Resource Conservation Goals “such as accommodating future growth while minimizing adverse impacts to the natural environment are supported by repurposing an already developed parcel.”

100. However, upon information and belief, the prior development of the Subject Property in or around 2019-2020 required the installation of rain gardens on Lot 64 to manage impervious surface runoff.

101. Upon information and belief, not only does Ord. 2026-07 permit up to 75% impervious coverage at the Subject Property, it also contemplates the removal of the required rain gardens to accommodate the 2025 Project, without any stormwater analysis to support the suitability of the Subject Property for this development.

102. As indicated by the 2/20 Memo, without any comments or recommendations, the Board found Ord. 2026-07 to be substantially consistent with the Municipality’s Master Plan.

103. Despite the failure to comply with the MLUL requirements for adequate notice of the proposed rezoning of the Subject Property, the Municipality conducted a second reading and public hearing on the adoption of Ord. 2026-07 at its February 23, 2026 Council meeting.

104. Upon information and belief, no members of the public commented on Ord. 2026-07 during the public hearing on its adoption.

105. The Council ultimately adopted Ord. 2026-07 at its February 23, 2026 meeting.

COUNT I

THE MUNICIPALITY FAILED TO PROVIDE ALL REQUIRED NOTICES OF ORD. 2026-07, DEPRIVING PROPERTY OWNERS OF DUE PROCESS, AND THEREFORE LACKED JURISDICTION TO HOLD HEARINGS OR VOTE ON THE ADOPTION OF ORD. 2026-07

106. Plaintiffs repeat and re-allege the allegations of the preceding paragraphs of the Complaint as if set forth at length herein.

107. The Municipality failed to provide all required notices pursuant to N.J.S.A. 40:55D-62.1 prior to holding hearings on Ord. 2026-07.

108. Pursuant to N.J.S.A. 40:55D-62.1, the notice of a hearing on an amendment to the zoning ordinance proposing a change to the classification or boundaries of a zoning district shall be given at least ten (10) days prior to the hearing to property owners within the district that is subject to the potential rezoning, and property owners within 200 feet of the district subject to the classification or boundary change.

109. Failure to provide individual notice deprives the property owner of their constitutional right to due process.

110. The notice is required to

state the date, time and place of the hearing, the nature of the matter to be considered, and an identification of the affected zoning districts and proposed boundary changes, if any, by street names, common names, or other identifiable landmarks, and by reference to lot and block numbers...

[N.J.S.A. 40:55D-62.1]

111. N.J.S.A. 40:49-2(a) also requires that the published notice include “a clear and concise statement prepared by the clerk of the governing body setting forth the purpose of the ordinance...”

112. Ord. 2026-07 proposed a change to the boundaries of a zoning district because it purported to create a new zoning district out of a portion of the R-4B District.

113. Creation of the proposed AH-12 District results in new zone boundaries, thereby requiring individual mailed notices pursuant to N.J.S.A. 40:55D-62.1.

114. Additionally, Ord. 2026-07 purports to rezone the Subject Property from the R-4B District to the AH-12 District, which is a change to the classification of the zone, as the new AH-12 District creates a higher density residential zone, effectively permitting up to 64 density units per acre at the Subject Property.

115. Therefore, individual notices to property owners under N.J.S.A. 40:55D-62.1 are required.

116. The 2/13 Notice indicates that the purpose of Ord. 2026-07 is “to amend Princeton’s zoning ordinance by creating a new affordable housing zoning district in furtherance of [the 2025 HEFSP].”

117. The 2/13 Notice fails to identify the Subject Property by street address and the prior zoning of the Subject Property that is impacted by the proposed rezoning, and, therefore, fails to contain “a clear and concise statement prepared by the clerk of the governing body setting forth the purpose of the ordinance...” as is required by N.J.S.A. 40:55D-62.1 and N.J.S.A. 40:49-2.

118. The 2/13 Notice also fails to accurately inform the public of the “full nature of the matter to be considered,” as there is no reference to the Municipality’s Fourth Round DJ Action, the anticipated Fairness/Compliance hearing process, the 2025 Project, nor a description of the changes to the layout from the initial Concept Plan.

119. The purpose of the statutory notice requirements is to provide wide dissemination of the notice throughout the municipality so that citizens and interested parties may have an

opportunity to become informed and be heard. City of Plainfield v. Courier-News, 72 N.J. 171 (1976).

120. This notice requirement must be strictly construed and failure to comply with these statutory requirements requiring publication renders Ord. 2026-07 invalid. Gober v. Township Committee of Pemberton Tp., 185 N.J. Super 323 (Law Div. 1982); Wolf v. Mayor and Borough Council of the Borough of Shrewsbury, 182 N. J. Super. 289 (App. Div. 1981), cert. denied 89 N.J. 440.

121. Upon information and belief, the public notices published by the Municipality upon First and Second Readings were improperly and illegally vague.

122. Upon information and belief, the public notices published by the Municipality upon First and Second Readings were materially defective because they failed to inform the public of the nature of the matters to be considered.

123. Upon information and belief, the public notices published by the Municipality upon First and Second Readings failed to meet the minimum requirements for public notice as set forth under the MLUL.

124. Given the Council failed to provide all required notices under the MLUL, it was deprived of jurisdiction to hold hearings on Ord. 2026-07.

125. The failure to provide all statutorily required notices to property owners is an issue of constitutional magnitude, because this failure was a violation of the property owners' constitutional rights to due process.

126. As such, the adoption of Ord. 2026-07 should be voided by this Court.

WHEREFORE, Plaintiffs demand judgment against the Defendants as follows:

- a. Finding that the Council's actions concerning the adoption of Ord. 2026-07 were arbitrary, capricious, unreasonable, and unlawful;

- b. Invalidating Ord. 2026-07 as *ultra vires* and without effect;
- c. Finding that the Board's actions concerning the consistency of Ord. 2026-07 with the Master Plan were arbitrary, capricious, unreasonable, and unlawful;
- d. Enjoining and restraining Defendants from taking any further action with regard to the development of the Subject Property in furtherance of Ord. 2026-07;
- e. For attorneys' fees, costs of suit and interest; and
- f. For any and all such other relief as this Court deems equitable and just.

COUNT II

THE ADOPTION OF ORD. 2026-07 WAS ARBITRARY, CAPRICIOUS, AND UNREASONABLE

127. Plaintiffs repeat and re-allege the allegations of the preceding paragraphs of the Complaint as if set forth at length herein.

128. Upon information and belief, the Municipality's most recently adopted Master Plan was the 2023 Master Plan, adopted November 30, 2023.

129. The Board subsequently adopted the 2025 HEFSP on or around June 25, 2025.

130. Prior to adoption of the Ord. 2026-07, the Subject Property was a part of the R-4B District, where only one principal building is permitted on a lot.

131. Further, the R-4B District has separate minimum lot area requirements for each permitted residential use, and limits multiple dwellings to a maximum of three units per structure.

132. Upon information and belief, the current use of Lot 100 (i.e. ten (10) multi-family dwelling units in one (1) principal building, is not a permitted use in the R-4B District.

133. Under the R-4B District zoning regulations, to develop Lot 100 as shown on the Concept Plan (i.e. a new 23 unit multi-family apartment building and a new one unit single-family dwelling), a developer would be required to obtain, at a minimum, a "d(1)" use variance for the proposed multiple principal buildings and a new multi-family building that exceeds three (3)

dwelling units, and a “d(2)” for the expansion or intensification of the pre-existing nonconforming multi-family use, consistent with the MLUL.

134. Further, Lot 100 would likely require additional variances related to the proposed density and/or minimum required lot area, as the Concept Plan proposes 34 dwelling units on 0.43 acres, which is effectively 79 du/ac.

135. Under the R-4B District zoning regulations, to develop Lot 64 as shown on the Concept Plan (i.e. a new six (6) unit multi-family apartment building), a developer would be required to obtain, at a minimum, a “d(1)” use variance for the proposed multiple principal buildings and for a multi-family building that exceeds three (3) dwelling units.

136. Further, Lot 64 would also likely require additional variances related to the proposed density and minimum required lot area, as the Concept Plan proposes eight (8) dwelling units on 0.23 acres, which is effectively 35 du/ac.

137. Ord. 2026-07, permitting multiple principal buildings, separated a paltry five (5) feet, and such excessive density on the Subject Property (consisting of approximately 0.66 acres), was improperly predetermined to comply with the 2025 HEFSP, and was not based on a proper, independent investigation or deliberations in accordance with law, including the MLUL, Municipality ordinances, and the Municipality’s Master Plan.

138. Ord. 2026-07 was improperly adopted without evidence that the Subject Property, the sole property in question, which is also adjacent to low-density residential developments, was appropriate for this excessively dense development, especially in light of the 2025 HEFSP containing sufficient compliance mechanisms to still result in an excess of 12 affordable housing unit credits even without the Subject Property.

139. There was no zoning or planning justification to adopt Ord. 2026-07 to permit multiple principal buildings and such dense development at the Subject Property, with relaxed bulk requirements that fail to adequately protect neighboring property owners from the detrimental impacts of the development.

140. Ord. 2026-07 was not consistent with the existing Land Use Element and Housing Element of the Municipality's Master Plan.

141. The Board improperly failed to acknowledge that Ord. 2026-07 is inconsistent with the Municipality's Master Plan.

142. Notwithstanding the alleged finding of "not inconsistent", the 2/10 Memo clearly set forth inconsistencies between Ord. 2026-07 and the 2025 HEFSP.

143. As such, the Board's recommendation, as set forth in the 2/20 Memo, that Ord. 2026-07 was substantially consistent with the Municipality's Master Plan was arbitrary, capricious, unreasonable, inaccurate, and unlawful.

144. In adopting Ord. 2026-07, the Council failed to provide adequate reasons for acting inconsistent with, and not designed to, effectuate the Land Use Element and Housing Element of the Municipality's Master Plan.

145. Ord. 2026-07 does not advance the health, safety and welfare of the Municipality's residents and property owners.

146. The adoption of Ord. 2026-07 violates N.J.S.A. 40:55D-62, which requires zoning ordinances to be consistent with or designed to effectuate a comprehensive plan for development of land within a municipality.

147. Ord. 2026-07 is not compatible with, and does not further, a legitimate comprehensive plan for the zoning of the Municipality, and is not rationally related to legitimate municipal concerns.

148. N.J.S.A. 40:55D-62 also states, “A zoning ordinance shall be drawn with reasonable consideration to the character of each district and its peculiar suitability for particular uses and to encourage the most appropriate use of land.”

149. The introduction of Ord. 2026-07 did not include a concept plan for any proposed development, a traffic impact report, a shadow impact report, or any other analysis related to site suitability.

150. The stated purposes of Ord. 2026-07 are inconsistent with the actual contents of Ord. 2026-07, as it provides for additional uses not contemplated in the 2025 HEFSP, changes to the anticipated site layout, and materially differs from the Draft Ord. that was submitted to the Court regarding the applicable bulk regulations.

151. Ord. 2026-07 does not maintain a relationship of mutual benefit among different land uses.

152. Ord. 2026-07 does not serve the purposes of zoning set forth in the MLUL.

153. Ord. 2026-07 is inconsistent with the Municipality’s Master Plan, failed to comply with the MLUL, was arbitrary, capricious, unreasonable, and is thus, illegal.

154. As such, the adoption of Ord. 2026-07 was arbitrary, capricious, unreasonable, contrary to law, *ultra vires*, and invalid.

155. Ord. 2026-07 should be voided by this Court.

WHEREFORE, Plaintiffs demand judgment against the Defendants as follows:

- a. Finding that the Council’s actions concerning the adoption of Ord. 2026-07 were arbitrary, capricious, unreasonable, and unlawful;

- b. Invalidating Ord. 2026-07 as *ultra vires* and without effect;
- c. Finding that the Board's actions concerning the consistency of Ord. 2026-07 with the Master Plan were arbitrary, capricious, unreasonable, and unlawful;
- d. Enjoining and restraining Defendants from taking any further action with regard to the development of the Subject Property in furtherance of Ord. 2026-07;
- e. For attorneys' fees, costs of suit and interest; and
- f. For any and all such other relief as this Court deems equitable and just.

COUNT III

DEFENDANTS' IMPROPER PROCEDURE AND LACK OF SUBSTANTIVE INVESTIGATION AND DISCUSSION IN THE ADOPTION OF ORD. 2026-07 CONSTITUTES AN ILLEGAL GOVERNMENTAL ACTION

156. Plaintiffs repeat and re-allege the allegations of the preceding paragraphs of the Complaint as if set forth at length herein.

157. On February 23, 2026, Ord. 2026-07 was transparently and reactively rushed through and adopted without comprehensive research and planning, nor any public discussion regarding the material changes between the Draft Ord. submitted to the Court and the proposed Ord. 2026-07.

158. Upon information and belief, neither the Board nor the Municipality undertook any study to assess, or otherwise justify, the creation of the AH-12 District at the Subject Property, including, but not limited to, the proposed uses and bulk regulations as set forth in Ord. 2026-07.

159. Upon information and belief, neither the Board nor the Municipality conducted any market or traffic study to assess roadways, employment, traffic, accidents, or related impacts related to the proposed development at the Subject Property, including how the Subject Property is particularly suitable for development pursuant to the development standards set forth in Ord.

2026-07, especially in light of the existing uses that are to remain on the site, and how they will be impacted by the proposed development.

160. The Municipality improperly demonstrated favoritism toward Owners in adopting Ord. 2026-07, without any substantive investigation or justification to support the proposed rezoning, all to the detriment of neighboring property owners.

161. Ord. 2026-07, and the process by which it was adopted, are contrary to law, including, but not limited to, the provisions and requirements of the MLUL and the OPMA.

162. Ordinance 2026-07 is therefore void, of no effect, and invalid.

WHEREFORE, Plaintiffs demand judgment against the Defendants as follows:

- a. Finding that the Council's actions concerning the adoption of Ord. 2026-07 were arbitrary, capricious, unreasonable, and unlawful;
- b. Invalidating Ord. 2026-07 as *ultra vires* and without effect;
- c. Finding that the Board's actions concerning the consistency of Ord. 2026-07 with the Master Plan were arbitrary, capricious, unreasonable, and unlawful;
- d. Enjoining and restraining Defendants from taking any further action with regard to the development of the Subject Property in furtherance of Ord. 2026-07;
- e. For attorneys' fees, costs of suit and interest; and
- f. For any and all such other relief as this Court deems equitable and just.

COUNT IV

THE ADOPTION OF ORD. 2026-07 DEPRIVES PLAINTIFFS OF THEIR CONSTITUTIONALLY PROTECTED PROPERTY RIGHTS PURSUANT TO THE NEW JERSEY CONSTITUTION, N.J.S.A. 10:6-1, *ET SEQ.*

163. Plaintiffs repeat and re-allege the allegations of the preceding paragraphs of the Complaint as if set forth at length herein.

164. Plaintiffs' rights were established under the New Jersey Constitution and were violated by Defendants.

165. Plaintiffs' rights were established under the New Jersey Civil Rights Act, N.J.S.A. 10:6-1, *et seq.* (the "NJCRA").

166. Plaintiffs' rights were established under the MLUL.

167. All actions taken by the Municipality and the Board were done under color of law.

168. The actions of both the Board and the Municipality constitute final decisions by the respective government agencies.

169. Plaintiffs reasonably expected to have the Municipality, the Board, and its officials, employees and agents, as government officials, exercise its duty to properly act when introducing, analyzing and adopting Ord. 2026-07 to protect Plaintiffs' constitutionally protected property rights.

170. The actions of the Municipality and the Board, and its respective officials, officers, employees, and agents, were not logically or legally supportable, were arbitrary, capricious and unreasonable, were an abuse of discretion, constituted a deprivation of Plaintiffs' due process and property rights under color of state law, contrary to the Constitution of New Jersey, the NJCRA, and the MLUL, and demonstrates egregious government misconduct that shocks the conscience as not conducted in good faith.

171. The Municipality failed to provide adequate notice to the public, including the Plaintiffs, prior to the final passage of Ord. 2026-07, thereby violating Plaintiffs' constitutionally protected property rights.

172. Ord. 2026-07 improperly treats certain property owners in the Municipality more favorably than Plaintiffs, violating Plaintiffs' constitutional equal protection rights.

173. Having acted without lawful warrant under color of state laws to deprive Plaintiffs of their Constitutional rights, the Board and Municipality are liable to Plaintiffs under the MLUL, NJCRA, and the New Jersey Constitution.

174. Plaintiffs are without alternative relief, administrative or otherwise, and therefore resorts to intervention by the Court.

175. Said actions of Defendants rendered the findings of the Board and the Municipality as to Ord. 2026-07 as invalid, arbitrary, capricious, and contrary to law.

WHEREFORE, Plaintiffs demand judgment against the Defendants as follows:

- a. Finding that the Council's actions concerning the adoption of Ord. 2026-07 were arbitrary, capricious, unreasonable, and unlawful;
- b. Invalidating Ord. 2026-07 as *ultra vires* and without effect;
- c. Finding that the Board's actions concerning the consistency of Ord. 2026-07 with the Master Plan were arbitrary, capricious, unreasonable, and unlawful;
- d. Enjoining and restraining Defendants from taking any further action with regard to the development of the Subject Property in furtherance of Ord. 2026-07;
- e. Damages pursuant to N.J.S.A. 10:6-1, *et seq.*;
- f. For reasonable attorney's fees and expert fees pursuant to N.J.S.A. 10:6-2(f);
- g. For attorneys' fees, costs of suit and interest; and
- h. For any and all such other relief as this Court deems equitable and just.

HEROLD LAW, P.A.
Attorneys for Plaintiffs

By: /s/ Robert F. Simon
Robert F. Simon

Dated: April 9, 2026

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Robert F. Simon, Esq. is hereby designated as trial counsel for Plaintiffs.

HEROLD LAW, P.A.
Attorneys for Plaintiffs

By: /s/ Robert F. Simon
Robert F. Simon

Dated: April 9, 2026

CERTIFICATION PURSUANT TO RULE 4:5-1

I hereby certify that, upon information and belief, In the Matter of the Application of the Municipality of Princeton, The County of Mercer, Docket No. MER-L-207-25, is currently pending before the New Jersey Superior Court, Mercer County. I further certify that I know of no other parties who should be joined in this matter at the present time.

HEROLD LAW, P.A.
Attorneys for Plaintiffs

By: /s/ Robert F. Simon
Robert F. Simon

Dated: April 9, 2026

CERTIFICATION PURSUANT TO RULE 4:69-4

I hereby certify that all necessary transcripts of local agency proceedings in this case have been ordered.

HEROLD LAW, P.A.
Attorneys for Plaintiffs

By: /s/ Robert F. Simon
Robert F. Simon

Dated: April 9, 2026

EXHIBIT A

ORDINANCE #2026-07

AN ORDINANCE OF THE MUNICIPALITY OF PRINCETON AMENDING CHAPTER B17A ENTITLED “LAND USE AND ZONING” OF THE MUNICIPALITY OF PRINCETON TO CREATE THE AFFORDABLE HOUSING DISTRICT-12 (AH-12) IN FURTHERANCE OF THE FAIR HOUSING ACT

WHEREAS, the New Jersey Supreme Court, through its rulings in Southern Burlington County NAACP vs. Mount Laurel, 67 N.J. 151 (1975) (“Mount Laurel I”) and Southern Burlington County NAACP vs. Mount Laurel, 92 N.J. 158 (1983) (“Mount Laurel II”), has determined that every municipality in New Jersey has a constitutional obligation to provide, through its land use regulations, a realistic opportunity for its fair share of the regional need for housing for low- and moderate-income households and families; and

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, amending the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, *et seq.*, to establish a new framework for determining and enforcing municipalities’ affordable housing obligations under the New Jersey Supreme Court’s Mount Laurel doctrine and the Act (the “FHA”), starting with fourth round (2025-2035) affordable housing obligations; and

WHEREAS, in accordance with the FHA and Administrative Directive #14-24 issued by the Administrative Office of the Courts on December 13, 2024 (“Administrative Directive #14-24”), Princeton filed a Complaint for Declaratory Judgment entitled *In the Matter of the Application of the Municipality of Princeton in Mercer County*, Docket No. MER-L-000207-25 on January 28, 2025 (the “Fourth Round DJ Action”), identifying Princeton’s present and prospective fair share obligations for the Fourth Round, and committing to adopting and submitting a Fourth Round Housing Plan Element and Fair Share Plan (“HEFSP”) as required by the FHA; and

WHEREAS, on June 25, 2025, the Princeton Planning Board (“Board”) adopted a Fourth Round HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, *et seq.*, as required by and in conformance with the FHA; and

WHEREAS, on June 26, 2025, by Resolution No. 25-230, the Mayor and Council endorsed Princeton’s Fourth Round HEFSP, which was filed with the court in the Fourth Round DJ Action on June 27, 2025; and

WHEREAS, Princeton’s Fourth Round HEFSP addresses Princeton’s affordable housing obligations in a manner which will promote the public health and general welfare, and sets forth a plan which fully satisfies Princeton’s Fourth Round affordable housing obligations; and

WHEREAS, as contemplated by and in conformity with P.L.2024, c.2, Princeton now looks forward to implementing the goals, objectives and housing opportunities contemplated by its HEFSP by creating a new Affordable Housing District-12 (“AH-12”) zoning district; and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-1 (“MLUL”) at N.J.S.A. 40:55D-62.a requires that the provisions of a zoning ordinance be substantially consistent with the land use plan element and the housing plan element of the master plan or designed to effectuate such plan elements; and

WHEREAS, Princeton finds and declares that, pursuant to the purposes of the MLUL, the within ordinance promotes the public health, safety, morals, and general welfare and advances the municipality’s efforts to meet its constitutional obligation to provide for its fair share of very low, low and moderate income housing; and

WHEREAS, the Mayor and Council formally refers this Ordinance to the Board for review, examination, discussion and recommendations in accordance with N.J.S.A. 40:55D-26; and

WHEREAS, the adoption of this Ordinance was appropriately noticed pursuant to the requirements of the MLUL.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Municipality of Princeton as follows:

Section 1. Affordable Housing Districts. Section §B17A-202(i), “Affordable Housing Districts”, of Chapter B17A of the “Code of the Borough of Princeton, New Jersey, 1974” (the “Code”), entitled “Land Use and Zoning”, is amended to add the following new zoning district:

- (12) AH-12 Affordable Housing – 12.

Section 2. Zoning Map. Section §B17A-203, “District Map”, of Chapter B17A of the Code, is hereby supplemented and amended to modify the “Official Zoning Map of Princeton, Mercer County, New Jersey” by designating the following lands identified by block(s) and lot(s) on the official Tax Map of Princeton as follows:

<u>Block(s)</u>	<u>Lot(s)</u>	<u>Street Address</u>	<u>Existing District</u>	<u>New District</u>
30.03	64, 100	86-88, 92-94 Spruce Street	R-4B	AH-12

Section 3. Affordable Housing District Provisions. Division 10 “Affordable Housing Zones” of Chapter B17A of the Code is hereby supplemented and amended to add the following new Affordable Housing Zone to Subdivision II “Affordable Housing (AH) Zones” as follows:

§B17A-492. Affordable Housing - 12 (AH-12)

- A. Purpose. The purpose of the AH-12 zoning district is to provide an additional opportunity for underutilized land where affordable multi-family housing may be developed in furtherance of the Municipality's goals and objectives for affordable housing as set forth in the Master Plan.

- B. Permitted Uses. In Affordable Housing District-12, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following (these uses may be in combination with each other on the same tract):
 - (1) Multiple dwellings.
 - (2) Townhouses.
 - (3) At most, one single family detached dwelling.
 - (4) Supportive housing.
 - (5) The existing 2-unit residential structure.

- C. Accessory Uses Permitted. Any of the following uses shall be permitted when used in conjunction with a principal use:
 - (1) Residential management office.
 - (2) Common rooms/areas, including for meetings, recreation, laundry and storage.
 - (3) Communications infrastructure.
 - (4) Maintenance and storage.
 - (5) Off-street parking and loading.
 - (6) Street/site furnishings.
 - (7) Home occupations.
 - (8) Fences and walls.
 - (9) Signs.
 - (10) Storm water management facilities and other utilities.

- (11) Other customary uses which are clearly incidental and subordinate to a permitted principal use on the same lot.

- D. Required Income Restriction. In any AH-12 district, at least twenty percent (20%) of the total number of new dwellings shall be affordable to very low, low and moderate income households, but in no instance shall the number of such affordable dwellings or affordable housing credited units be less than eight (8). Affordable units shall be restricted, regulated and administered consistent with the Municipality's affordable housing regulations, the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), including the Fair Housing Act's definition of very low-income households and all other provisions of the Municipality's Affordable Housing Ordinance (§T10B-332).

- E. AH-12 Site Development Regulations. The following site development regulations shall apply to all lots and buildings:
 - (1) Minimum yard requirements:
 - (a) Front yard: Any building constructed between the two existing buildings fronting on Spruce Street shall have a front yard depth that is the average of the two other buildings' setbacks from the right-of-way line, as measured from the mid-point of the front facade.
 - (b) Side yard: ten (10) feet for the new construction of a building; otherwise the existing yards of existing buildings. This requirement shall apply to the tract perimeter only.
 - (c) Rear yard: five (5) feet.
 - (2) Maximum impervious coverage: 75%.
 - (3) Minimum building separation: five (5) feet.
 - (4) Building height: Maximum building height shall not exceed forty-five (45) feet.
 - (5) Maximum density. No more than thirty (30) new dwelling units shall be permitted within the AH-12 district as of the date of adoption of this ordinance.

- F. Maximum number of buildings: Multiple buildings per lot are permitted.

- G. Off-street parking.
 - (1) 0.425 off-street parking spaces shall be provided for each dwelling.

- (2) Parking garage drive aisle shall be a minimum of 22 feet in width.
 - (3) Up to 25% of spaces may be compact spaces.
- H. Landscaping. A landscaped buffer of not less than five (5) feet in width shall be provided along any common property line in a side yard where a side yard is required. Buffers may be comprised of fences and landscaping, which shall be of a sufficient quantity and size to provide a visual separation from adjacent property.
- I. Lighting. Illumination of sites and buildings shall be regulated pursuant to §B17A-365.1 Lighting.
- J. Signs. Signs shall be regulated pursuant to §B17A-367, Accessory Signs-Permitted in all districts. In addition, the following signs are also permitted:
- (1) Pathway wayfinding signs: signs are required to mark both entries to the new publicly accessible pathway described in Section K below. Each of the two signs shall be no more than ten (10) square feet in area. These signs shall provide wayfinding and shall not be commercial in nature.
 - (2) Two façade signs are permitted on a multi-family building of over 20 units for building identification. Each shall be no more than six (6) square feet in area.
 - (3) Address numbers are permitted for each entrance on multi-unit buildings.
- K. Additional development requirement. Any property with a designation of AH-12 shall provide a public access easement for a pathway utilized by the general public through the property from the right-of-way to any municipal open space. The public access easement shall be improved with an all-weather path a minimum width of six (6) feet. The second floor of a building shall be permitted to encroach upon the casement provided that a vertical height of nine (9) feet is available.

Section 4. Conflicts. If the terms of this Ordinance shall be in conflict with those of another Ordinance, the provisions of this Ordinance shall control.

Section 5. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 6. Referral. After introduction, the Municipal Clerk is hereby directed to submit a copy of this ordinance to the Princeton Planning Board for its review and report in accordance with N.J.S.A. 40:55D-64.

Section 7. Notice. The Municipal Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the Mercer County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-62.1.

Section 8. Effective Date. This ordinance shall take effect immediately upon final passage and publication, filing with the Mercer County Planning Board, and as otherwise provided for by law.


Dawn M. Mount, Clerk



Hon. Mark Freda, Mayor

STATEMENT OF PURPOSE: The purpose of this ordinance is to amend Princeton’s zoning ordinance by creating a new affordable housing zoning district in furtherance of Princeton’s Fourth Round Housing Plan Element and Fair Share Plan.

Ordinance Introduced: February 9, 2026
Ordinance Adopted: February 23, 2026

NEWSPAPER PUBLICATIONS:

First Insertion: February 13, 2026
Final Insertion: February 27, 2026

NOTICE

NOTICE IS HEREBY GIVEN that the above Ordinance was introduced and passed on first reading at the Council Meeting of the Mayor and Council of the Municipality of Princeton in the County of Mercer, State of New Jersey, held on February 9, 2026 and will be considered for final passage and adoption at the Council Meeting scheduled for February 23, 2026 at 7:00 p.m. at the Princeton Municipal Building, 400 Witherspoon Street, Princeton, New Jersey. Any person interested in this matter will be given an opportunity to be heard at that meeting. A copy of this Ordinance may be obtained at no cost by any member of the general public upon request at the Municipal Building during business hours.

EXHIBIT B



MUNICIPALITY OF PRINCETON

Planning Department
400 Witherspoon Street
Princeton, NJ 08540
(609) 924-5366
planning@princetonnj.gov

MEMORANDUM

To: Princeton Mayor and Council
From: Justin Lesko, AICP, PP – Planning Director *JL*
Nathan Foote, AICP, PP – Assistant Planning Director
Date: February 20th, 2026
Subject: **Ordinance #2026-07: An Ordinance of the Municipality of Princeton Amending Chapter B17A Entitled “Land Use and Zoning” of the Municipality of Princeton to Create the Affordable Housing District-12 (AH-12) in Furtherance of the Fair Housing Act**
Council Introduction – February 9th, 2026
Planning Board Review – February 19th, 2026

The Princeton Council has referred Ordinance #2026-07 to the Planning Board for master plan consistency review pursuant to N.J.S.A. 40A:55D-26a. The ordinance establishes the Affordable Housing District 12 (AH-12) at the properties of 86-88 Spruce Street and 92-94 Spruce Street, which allows for up to 30 new residential units, with a minimum requirement of eight affordable housing units. The ordinance was introduced on February 9th. The Planning Board reviewed the ordinance at their regular meeting open to the public on February 19th.

By a unanimous vote, the Board found Ordinance #2026-07 to be substantially consistent with the Princeton Master Plan and recommended approval of the Ordinance. The Board did not have any comments or recommendations.

See the memo from us to the Board for more information on the ordinance, the Affordable Housing District 12 (AH-12) it would establish, and its relation to the Princeton Master Plan, including the Fourth Round Housing Plan Element and Fair Share Plan. The memo is attached.

Please reach out if there are any questions or concerns regarding the ordinance or the Planning Board’s review.



MUNICIPALITY OF PRINCETON

Planning Department
400 Witherspoon Street
Princeton, NJ 08540
(609) 924-5366
planning@princetonnj.gov

MEMORANDUM

To: Princeton Planning Board
From: Justin Lesko, AICP, PP – Planning Director *JL*
 Nathan Foote, AICP, PP – Assistant Planning Director
Date: February 10th, 2026
Subject: **Ordinance #2026-07: An Ordinance of the Municipality of Princeton Amending Chapter B17A Entitled “Land Use and Zoning” of the Municipality of Princeton to Create the Affordable Housing District-12 (AH-12) in Furtherance of the Fair Housing Act**
 Council Introduction – February 9th, 2026

The Princeton Council has referred Ordinance #2026-07 to the Planning Board for master plan consistency review pursuant to N.J.S.A. 40A:55D-26a. The ordinance was introduced on February 9th and is scheduled for a public hearing on February 23rd. Ordinance 2026-07 is attached to this memo for reference.

The ordinance establishes the Affordable Housing District 12 (AH-12), comprised of two lots: 86-88 Spruce Street (Block 30.03, Lot 100) and 92-94 Spruce Street (Block 30.03, Lot 64). Both properties are located in the R-4 Residential zone of the former Borough. Lot 100 currently contains a three-story multi-family apartment building and associated parking lot. Lot 64 is currently developed with a two-story one-family dwelling and an ADU. The properties are surrounded by a mix of residential uses to the east, west, and south. The properties are bordered to the north by a property encumbered by the Green Acres program (that property is triangular shaped, with the wider portion along Chestnut Street containing a playground that is part of the Barbara Boggs Sigmund Park). The grounds of Westminster Choir College are located to the north, across Hamilton Avenue. The R-4 B zone extends to the south, east and west, and the R-3 Residential zone of the former Borough is located further east and west.

The AH-12 district is intended to provide a realistic opportunity for the construction of affordable housing pursuant to the New Jersey Fair Housing Act and to comply with the Municipality’s constitutional obligation to provide housing for low-and moderate-income households. The site is included in the Municipality’s Fourth Round Housing Plan Element and Fair Share Plan (“Fourth Round HEFSP”) as adopted by the Planning Board on June 25, 2025, and endorsed by Council on June 26, 2025. Page 67-68 of the Fourth Round HEFSP includes how the future development meets the criteria of site availability, suitability, approvability and developability as required by state law. Appendix K of the Fourth Round Plan includes a map of site constraints and an initial conceptual plan of the development. We note that the layout has slightly changed from the initial concept. Appendix K is attached to this memo.

As called for in the Fourth Round Plan, Ordinance 2026-07 establishes an AH-12 zone that would allow for up to 30 new multi-family residential apartment units. At least 20% of the new residential creditable units are required to be designated as affordable with a minimum number of 8 creditable affordable units. The affordable units would be regulated consistent with the Uniform Housing Affordability Controls (UHAC) and the New Jersey Fair Housing Act.

The proposed ordinance allows for multiple buildings, with a minimum separation of five feet, and

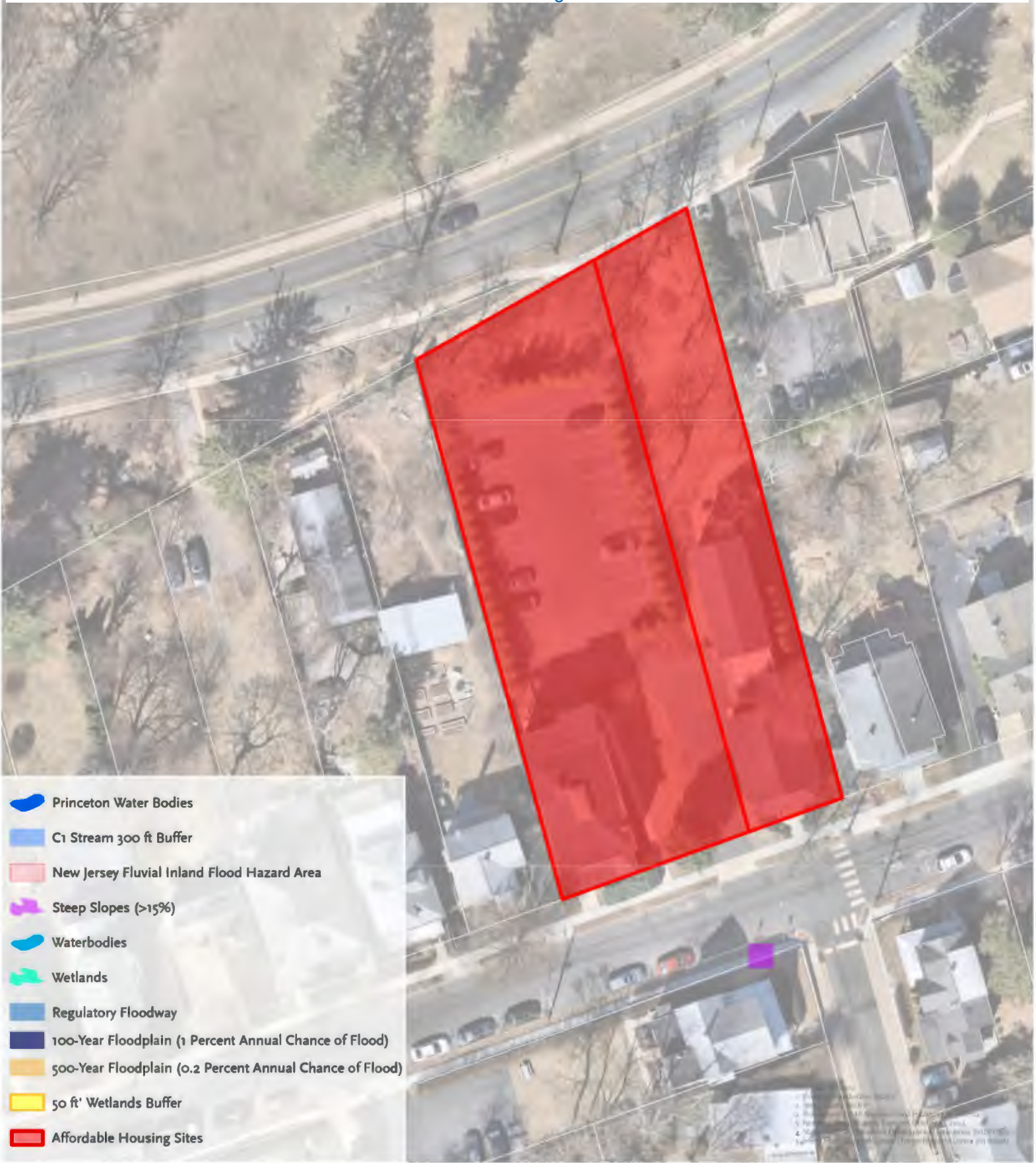
permits the residential uses that exist on the site. A public access easement for a pathway of minimum six feet width open to the general public from the Spruce Street right-of-way to the municipal open space is required by the ordinance. The ordinance permits a maximum height of 45 feet and a maximum impervious coverage of 75%. Per the proposed ordinance, 0.425 parking space is required for each dwelling. Up to 25% of parking spaces may be compact spaces. The required spaces can be on surface lots or in enclosed garages. A landscaped buffer of five feet wide is required where a side yard is required. Signs are regulated by §B17A-367, with additional permitted signs including two pathway wayfinding signs, two façade signs on a building with over 20 units, and address numbers.












Aside from being directly called for in the Municipality's adopted Fourth Round HEFSP, Ordinance 2026-07 is substantially consistent with many other goals of the Princeton Master Plan. One of the key findings from community input in the Introduction section of the plan is that Princeton needs more housing, especially at lower price points. The Vision statement includes that Princeton will have "housing ample and diverse enough to accommodate all who want to live here" and the Princeton of the future will be "affordable to households of all income levels." It is expected that both the market-rate and affordable units in the future development of the site will be rental units. A Land Use goal of the plan is to enhance the existing pattern of land use, particularly by strengthening mixed-use centers in town. The Mobility goals of the plan include reducing inbound commuting through the development of additional housing in areas where jobs are located and encouraging shifts from single-occupancy vehicle travel to low- or zero-emissions mobility options such as walking, cycling, and transit. Utility Goals and Natural Resource Conservation Goals such as accommodating future growth while minimizing adverse impacts to the natural environment are supported by repurposing an already developed parcel.

The Board shall determine if they find the Ordinance consistent with the Master Plan and provide any comments to Council. If Council approves the Ordinance, any future development would require site plan approval by the Board.



Appendix K. 86-94 Spruce Street Documentation



-  Princeton Water Bodies
-  C1 Stream 300 ft Buffer
-  New Jersey Fluvial Inland Flood Hazard Area
-  Steep Slopes (>15%)
-  Waterbodies
-  Wetlands
-  Regulatory Floodway
-  100-Year Floodplain (1 Percent Annual Chance of Flood)
-  500-Year Floodplain (0.2 Percent Annual Chance of Flood)
-  50 ft' Wetlands Buffer
-  Affordable Housing Sites



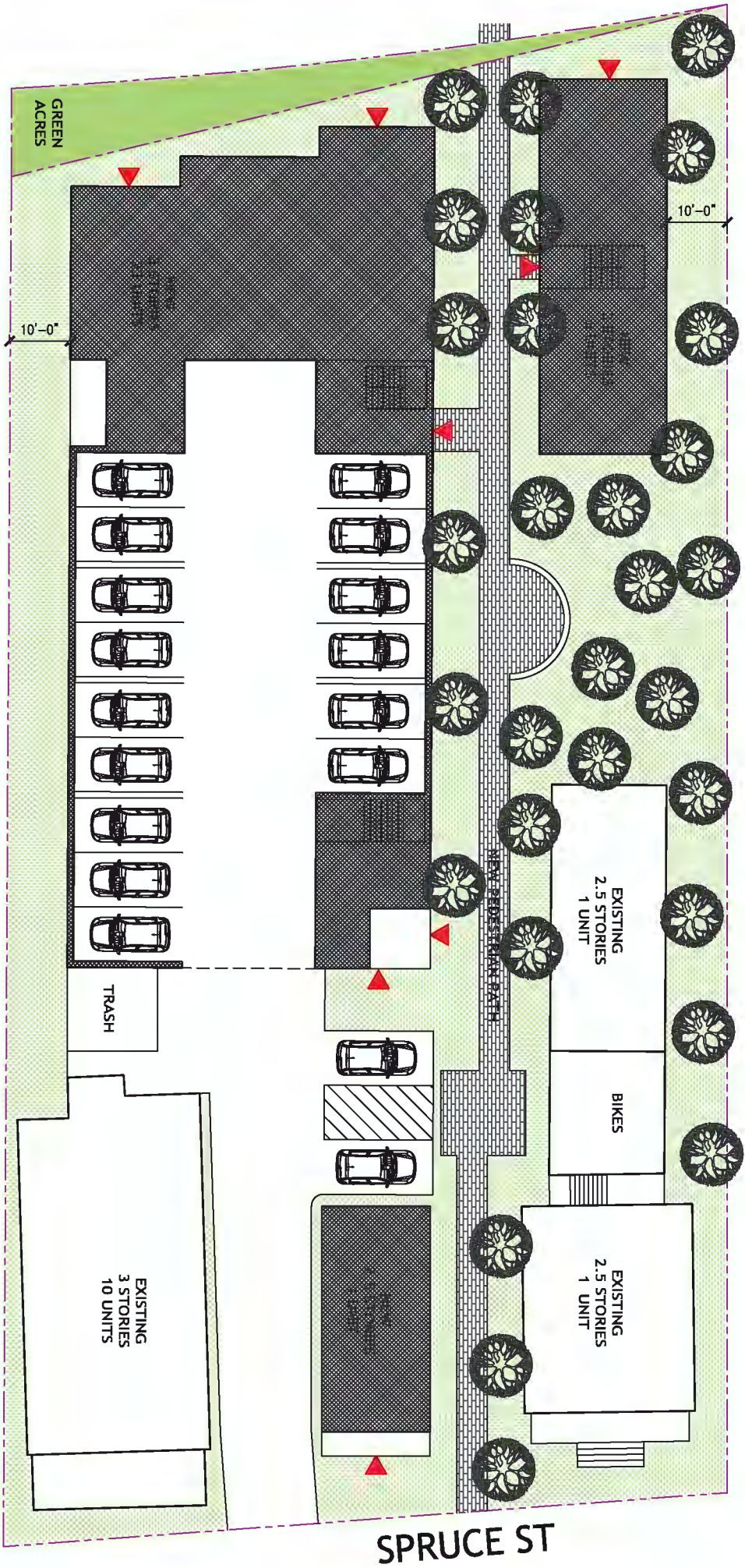
Site #	Block	Lot	Site Address
3	30.03	64, 100	86 - 88, 92-94 Spruce Street

Clarke Caton Hintz
 Architecture
 Planning
 Landscape Architecture

Potential Sites for Affordable Housing Development Site 3: Spruce Street

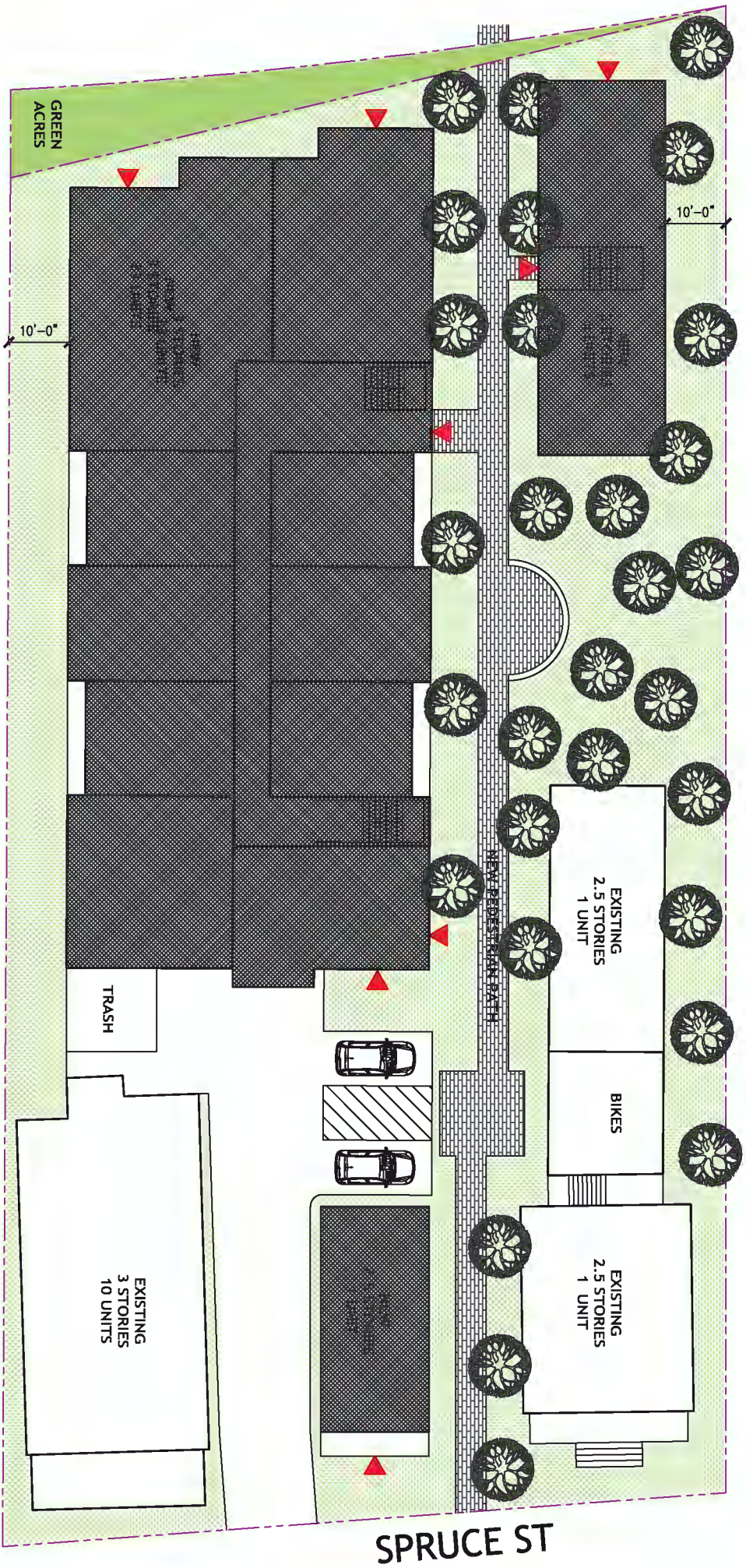
LOCATION:
 Princeton, Mercer County, NJ

DATE:
 June 2025



SPRUCE PATH
 Ground Floor Plan
 30 RESIDENTIAL UNITS
 17 PARKING SPACES

05.30.2025
 MARINA RUBINA, ARCHITECT
 WWW.MRUBINA.COM



SPRUCE PATH
Upper Residential Floor Plan
30 RESIDENTIAL UNITS
17 PARKING SPACES

05.30.2025
MARINA RUBINA, ARCHITECT
WWW.MRUBINA.COM



MUNICIPALITY OF PRINCETON

Office of the Municipal Clerk

400 Witherspoon Street

Princeton, NJ 08540

(609) 924-5704

dmount@princetonnj.gov

MEMORANDUM

To: Planning Board
From: Dawn M. Mount, *Municipal Clerk*
CC: Justin Lesko, *Planning Director*
Subject: Planning Board Review of Ordinance 2026-7 upon Introduction
Date: February 10, 2026

On behalf of the Mayor and Council, and in accordance with the provisions of N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64, the attached ordinance, introduced at the Regular Meeting of February 9, 2026, is being directed to the Planning Board for its review and consideration. Please transmit the report of findings and recommendations from the Planning Board no later than thirty-five (35) days from this referral. It should be noted that the tentative date of the public hearing and final adoption of this ordinance is scheduled to take place at the Mayor and Council Regular Meeting of February 23, 2026.

Thank you in advance for your cooperation. Please contact me should you have any questions or concerns.

ORDINANCE #2026-07

AN ORDINANCE OF THE MUNICIPALITY OF PRINCETON AMENDING CHAPTER B17A ENTITLED “LAND USE AND ZONING” OF THE MUNICIPALITY OF PRINCETON TO CREATE THE AFFORDABLE HOUSING DISTRICT-12 (AH-12) IN FURTHERANCE OF THE FAIR HOUSING ACT

WHEREAS, the New Jersey Supreme Court, through its rulings in Southern Burlington County NAACP vs. Mount Laurel, 67 N.J. 151 (1975) (“Mount Laurel I”) and Southern Burlington County NAACP vs. Mount Laurel, 92 N.J. 158 (1983) (“Mount Laurel II”), has determined that every municipality in New Jersey has a constitutional obligation to provide, through its land use regulations, a realistic opportunity for its fair share of the regional need for housing for low- and moderate-income households and families; and

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, amending the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, *et seq.*, to establish a new framework for determining and enforcing municipalities’ affordable housing obligations under the New Jersey Supreme Court’s Mount Laurel doctrine and the Act (the “FHA”), starting with fourth round (2025-2035) affordable housing obligations; and

WHEREAS, in accordance with the FHA and Administrative Directive #14-24 issued by the Administrative Office of the Courts on December 13, 2024 (“Administrative Directive #14-24”), Princeton filed a Complaint for Declaratory Judgment entitled *In the Matter of the Application of the Municipality of Princeton in Mercer County*, Docket No. MER-L-000207-25 on January 28, 2025 (the “Fourth Round DJ Action”), identifying Princeton’s present and prospective fair share obligations for the Fourth Round, and committing to adopting and submitting a Fourth Round Housing Plan Element and Fair Share Plan (“HEFSP”) as required by the FHA; and

WHEREAS, on June 25, 2025, the Princeton Planning Board (“Board”) adopted a Fourth Round HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, *et seq.*, as required by and in conformance with the FHA; and

WHEREAS, on June 26, 2025, by Resolution No. 25-230, the Mayor and Council endorsed Princeton’s Fourth Round HEFSP, which was filed with the court in the Fourth Round DJ Action on June 27, 2025; and

WHEREAS, Princeton’s Fourth Round HEFSP addresses Princeton’s affordable housing obligations in a manner which will promote the public health and general welfare, and sets forth a plan which fully satisfies Princeton’s Fourth Round affordable housing obligations; and

WHEREAS, as contemplated by and in conformity with P.L.2024, c.2, Princeton now looks forward to implementing the goals, objectives and housing opportunities contemplated by its HEFSP by creating a new Affordable Housing District-12 (“AH-12”) zoning district; and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-1 (“MLUL”) at N.J.S.A. 40:55D-62.a requires that the provisions of a zoning ordinance be substantially consistent with the land use plan element and the housing plan element of the master plan or designed to effectuate such plan elements; and

WHEREAS, Princeton finds and declares that, pursuant to the purposes of the MLUL, the within ordinance promotes the public health, safety, morals, and general welfare and advances the municipality’s efforts to meet its constitutional obligation to provide for its fair share of very low, low and moderate income housing; and

WHEREAS, the Mayor and Council formally refers this Ordinance to the Board for review, examination, discussion and recommendations in accordance with N.J.S.A. 40:55D-26; and

WHEREAS, the adoption of this Ordinance was appropriately noticed pursuant to the requirements of the MLUL.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Municipality of Princeton as follows:

Section 1. Affordable Housing Districts. Section §B17A-202(i), “Affordable Housing Districts”, of Chapter B17A of the “Code of the Borough of Princeton, New Jersey, 1974” (the “Code”), entitled “Land Use and Zoning”, is amended to add the following new zoning district:

- (12) AH-12 Affordable Housing – 12.

Section 2. Zoning Map. Section §B17A-203, “District Map”, of Chapter B17A of the Code, is hereby supplemented and amended to modify the “Official Zoning Map of Princeton, Mercer County, New Jersey” by designating the following lands identified by block(s) and lot(s) on the official Tax Map of Princeton as follows:

<u>Block(s)</u>	<u>Lot(s)</u>	<u>Street Address</u>	<u>Existing District</u>	<u>New District</u>
30.03	64, 100	86-88, 92-94 Spruce Street	R-4B	AH-12

Section 3. Affordable Housing District Provisions. Division 10 “Affordable Housing Zones” of Chapter B17A of the Code is hereby supplemented and amended to add the following new Affordable Housing Zone to Subdivision II “Affordable Housing (AH) Zones” as follows:

§B17A-492. Affordable Housing - 12 (AH-12)

- A. Purpose. The purpose of the AH-12 zoning district is to provide an additional opportunity for underutilized land where affordable multi-family housing may be developed in furtherance of the Municipality's goals and objectives for affordable housing as set forth in the Master Plan.

- B. Permitted Uses. In Affordable Housing District-12, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following (these uses may be in combination with each other on the same tract):
 - (1) Multiple dwellings.
 - (2) Townhouses.
 - (3) At most, one single family detached dwelling.
 - (4) Supportive housing.
 - (5) The existing 2-unit residential structure.

- C. Accessory Uses Permitted. Any of the following uses shall be permitted when used in conjunction with a principal use:
 - (1) Residential management office.
 - (2) Common rooms/areas, including for meetings, recreation, laundry and storage.
 - (3) Communications infrastructure.
 - (4) Maintenance and storage.
 - (5) Off-street parking and loading.
 - (6) Street/site furnishings.
 - (7) Home occupations.
 - (8) Fences and walls.
 - (9) Signs.
 - (10) Storm water management facilities and other utilities.

- (11) Other customary uses which are clearly incidental and subordinate to a permitted principal use on the same lot.

- D. Required Income Restriction. In any AH-12 district, at least twenty percent (20%) of the total number of new dwellings shall be affordable to very low, low and moderate income households, but in no instance shall the number of such affordable dwellings or affordable housing credited units be less than eight (8). Affordable units shall be restricted, regulated and administered consistent with the Municipality's affordable housing regulations, the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), including the Fair Housing Act's definition of very low-income households and all other provisions of the Municipality's Affordable Housing Ordinance (§T10B-332).

- E. AH-12 Site Development Regulations. The following site development regulations shall apply to all lots and buildings:
 - (1) Minimum yard requirements:
 - (a) Front yard: Any building constructed between the two existing buildings fronting on Spruce Street shall have a front yard depth that is the average of the two other buildings' setbacks from the right-of-way line, as measured from the mid-point of the front facade.
 - (b) Side yard: ten (10) feet for the new construction of a building; otherwise the existing yards of existing buildings. This requirement shall apply to the tract perimeter only.
 - (c) Rear yard: five (5) feet.
 - (2) Maximum impervious coverage: 75%.
 - (3) Minimum building separation: five (5) feet.
 - (4) Building height: Maximum building height shall not exceed forty-five (45) feet.
 - (5) Maximum density. No more than thirty (30) new dwelling units shall be permitted within the AH-12 district as of the date of adoption of this ordinance.

- F. Maximum number of buildings: Multiple buildings per lot are permitted.

- G. Off-street parking.
 - (1) 0.425 off-street parking spaces shall be provided for each dwelling.

- (2) Parking garage drive aisle shall be a minimum of 22 feet in width.
- (3) Up to 25% of spaces may be compact spaces.
- H. Landscaping. A landscaped buffer of not less than five (5) feet in width shall be provided along any common property line in a side yard where a side yard is required. Buffers may be comprised of fences and landscaping, which shall be of a sufficient quantity and size to provide a visual separation from adjacent property.
- I. Lighting. Illumination of sites and buildings shall be regulated pursuant to §B17A-365.1 Lighting.
- J. Signs. Signs shall be regulated pursuant to §B17A-367, Accessory Signs-Permitted in all districts. In addition, the following signs are also permitted:
 - (1) Pathway wayfinding signs: signs are required to mark both entries to the new publicly accessible pathway described in Section K below. Each of the two signs shall be no more than ten (10) square feet in area. These signs shall provide wayfinding and shall not be commercial in nature.
 - (2) Two façade signs are permitted on a multi-family building of over 20 units for building identification. Each shall be no more than six (6) square feet in area.
 - (3) Address numbers are permitted for each entrance on multi-unit buildings.
- K. Additional development requirement. Any property with a designation of AH-12 shall provide a public access easement for a pathway utilized by the general public through the property from the right-of-way to any municipal open space. The public access easement shall be improved with an all-weather path a minimum width of six (6) feet. The second floor of a building shall be permitted to encroach upon the easement provided that a vertical height of nine (9) feet is available.

Section 4. Conflicts. If the terms of this Ordinance shall be in conflict with those of another Ordinance, the provisions of this Ordinance shall control.

Section 5. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 6. Referral. After introduction, the Municipal Clerk is hereby directed to submit a copy of this ordinance to the Princeton Planning Board for its review and report in accordance with N.J.S.A. 40:55D-64.

Section 7. Notice. The Municipal Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the Mercer County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-62.1.

Section 8. Effective Date. This ordinance shall take effect immediately upon final passage and publication, filing with the Mercer County Planning Board, and as otherwise provided for by law.

Dawn M. Mount, Clerk

Hon. Mark Freda, Mayor

STATEMENT OF PURPOSE: The purpose of this ordinance is to amend Princeton’s zoning ordinance by creating a new affordable housing zoning district in furtherance of Princeton’s Fourth Round Housing Plan Element and Fair Share Plan.

NOTICE

NOTICE IS HEREBY GIVEN that the above Ordinance was introduced and passed on first reading at the Council Meeting of the Mayor and Council of the Municipality of Princeton in the County of Mercer, State of New Jersey, held on February 9, 2026 and will be considered for final passage and adoption at the Council Meeting scheduled for February 23, 2026 at 7:00 p.m. at the Princeton Municipal Building, 400 Witherspoon Street, Princeton, New Jersey. Any person interested in this matter will be given an opportunity to be heard at that meeting. A copy of this Ordinance may be obtained at no cost by any member of the general public upon request at the Municipal Building during business hours.

EXHIBIT C

Affidavit of Publication

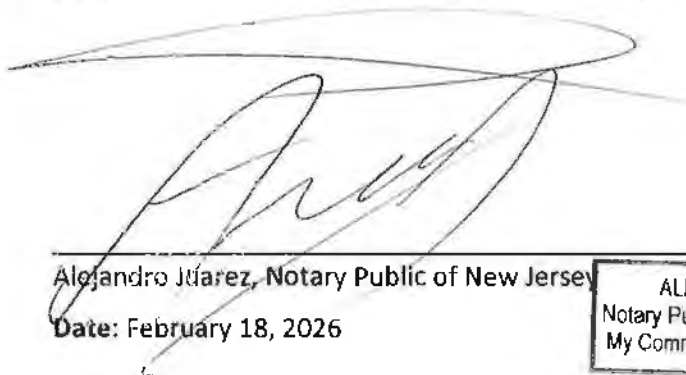
State of New Jersey
County of Mercer

I, Dawn M. Mount, Municipal Clerk of the Municipality of Princeton, being duly sworn according to law, state an oath that the notice annexed hereto is a true copy which has been published in the following newspaper in the County of Mercer and circulated in Princeton within the State of New Jersey:

Newspaper: The Princeton Packet

Number of Times: One Time

Date of Publication: On the 13th of February 2026



Alejandro Juárez, Notary Public of New Jersey

Date: February 18, 2026


Dawn M. Mount, Municipal Clerk

ALEJANDRO JUAREZ
Notary Public, State of New Jersey
My Commission Expires 1/25/2027

LEGAL NOTICES

MAYOR AND COUNCIL OF PRINCETON

NOTICE is hereby given that Ordinance #2026-07 entitled "An Ordinance of the Municipality of Princeton Amending Chapter B17A Entitled "Land Use and Zoning" of the Municipality of Princeton to Create the Affordable Housing District-12 (AH-12) in Furtherance of the Fair Housing Act" was introduced on first reading at a meeting of the Mayor and Council of Princeton held on February 9, 2026.

STATEMENT OF PURPOSE: The purpose of this ordinance is to amend Princeton's zoning ordinance by creating a new affordable housing zoning district in furtherance of Princeton's Fourth Round Housing Plan Element and Fair Share Plan.

Said ordinance is available to the public, free of charge, in the Office of the Clerk, 400 Witherspoon Street, Princeton, New Jersey and on the Princeton Municipal Website at <https://www.princetonnj.gov/ordinance-pages/2026-ordinances>

NOTICE IS FURTHER GIVEN that said ordinance will be further considered for final passage after a public hearing thereon on **February 23, 2026** at a meeting beginning at 7:00 p.m. at which time and place any person interested may be heard.

Dawn M. Mount
Municipal Clerk
1x, PP, 2/13/26, Fee:\$25.17

EXHIBIT D

Affidavit of Publication

State of New Jersey
County of Mercer


I, Dawn M. Mount, Municipal Clerk of the Municipality of Princeton, being duly sworn according to law, state an oath that the notice annexed hereto is a true copy which has been published in the following newspaper in the County of Mercer and circulated in Princeton within the State of New Jersey:

Newspaper: The Princeton Packet

Number of Times: One Time

Date of Publication: On the 27th of February 2026


Dawn M. Mount, Municipal Clerk


ALEJANDRO JUAREZ
Notary Public, State of New Jersey
My Commission Expires 1/25/2027

Alejandro Juárez, Notary Public of New Jersey

Date: March 2, 2026

MAYOR AND COUNCIL OF PRINCETON
NOTICE is hereby given that at a meeting of the Mayor and Council of Princeton held February 23, 2026, Ordinance #2026-07 entitled "An Ordinance of the Municipality of Princeton Amending Chapter B17A Entitled "Land Use and Zoning" of the Municipality of Princeton to Create the Affordable Housing District-12 (AH-12) in Furtherance of the Fair Housing Act was passed on second and final reading and adopted.
Dawn M. Mount
Municipal Clerk
1x, PP, 2/27/26, Fee:\$8.89

EXHIBIT E

DRAFT

ORDINANCE NO. 2025-___

AN ORDINANCE OF THE MUNICIPALITY OF PRINCETON AMENDING CHAPTER B17A ENTITLED “LAND USE AND ZONING” OF THE MUNICIPALITY OF PRINCETON BY CREATING THE AFFORDABLE HOUSING DISTRICT 12 (AH-12) IN FURTHERANCE OF THE FAIR HOUSING ACT

BE IT ORDAINED by the Mayor and Council of the Municipality of Princeton as follows:

WHEREAS, the Planning Board of the Municipality of Princeton adopted a Housing Element and Fair Share Plan of the Master Plan on June 25, 2025, that addresses the municipality’s affordable housing obligations in a manner which will promote the public, health and general welfare; and

WHEREAS, the Municipal Land Use Law at N.J.S.A. 40:55D-62a requires substantial consistency of the provisions regulating zoning and land use with the adopted Land Use Plan Element; and

WHEREAS, the Municipality of Princeton, as a municipality in the State of New Jersey, hereby declares that, pursuant to the purposes of the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-2, the Ordinance promotes the public health, safety, morals, and general welfare and advances the Municipality’s efforts to meet its constitutional obligation to provide its fair share of very low, low and moderate income housing; and

WHEREAS, the Mayor and Council of Princeton formally refers this Ordinance to the Planning Board for examination, discussion, and recommendations in accordance with N.J.S.A. 40:55D-26; and

WHEREAS, the adoption of this Ordinance was appropriately noticed pursuant to Municipal Land Use Law at N.J.S.A. 40:55D-15 and in accordance with N.J.S.A.40:55D-62.1.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of Princeton of the Municipality of Princeton, County of Mercer, and State of New Jersey, as follows:

Section 1. §B17A-202(i), Affordable Housing Districts, is hereby revised by adding the following zoning district:

- (13) AH-12 Affordable Housing District 12.

Section 2. §B17A-4, District Map, is hereby modified to apply the following zoning district to the block and lots as indicated on the tax assessment maps of the Municipality of Princeton, as follows:

Block(s)	Lot(s)	Address	Existing District	New District
30.03	64, 100	86-88, 92-94Spruce St.	R-4B	AH-12

Section 3. §B17A-463, Affordable Housing District 12 (AH-12) District, hereby replaces §B17A-463, Reserved, as follows:

§ B17A-463. Affordable Housing District 12 (AH-12)

- A. Purpose. The purpose of the AH-12 zoning district is to provide an additional opportunity for underutilized land where affordable multi-family housing may be developed in furtherance of the Municipality’s goals and objectives for affordable housing as set forth in the Master Plan.
- B. Permitted Uses. In Affordable Housing District 12, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:
 - (1) Multiple dwellings.
 - (2) Townhouses.
 - (3) One, single family detached dwelling.
 - (4) Municipal use.
- C. Accessory Uses Permitted. Any of the following uses shall be permitted when used in conjunction with a principal use:

- (1) Residential management office.
- (2) Common rooms/areas, including for meetings, recreation, laundry and storage.
- (3) Communications infrastructure.
- (4) Maintenance and storage.
- (5) Off-street parking and loading.
- (6) Street/site furnishings.
- (7) Home occupations.
- (8) Off-street surface parking.
- (9) Fences and walls.
- (10) Landscape amenities and open space.
- (11) Pedestrian circulation elements.
- (12) Signs.
- (13) Storm water management facilities and other utilities
- (14) Other customary uses which are clearly incidental and subordinate to a permitted principal use on the same lot.

D. Required Income Restriction. In any AH-12 district, at least twenty percent (20%) of the total number of new dwellings shall be affordable to very low, low and moderate income households, but in no instance shall the number of such affordable dwellings be less than eight (8). Affordable units shall be restricted, regulated and administered consistent with the Municipality's affordable housing regulations, the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), including the Fair Housing Act's definition of very low-income households and all other provisions of the Municipality's Affordable Housing Ordinance (§T10B-332).

E. AH-12 Site Development Regulations. The following site development regulations shall apply to all lots and buildings:

- (1) Minimum yard requirements:
 - (a) Front yard: Any building constructed between the two existing buildings fronting on a public street shall have a front yard depth that is the average of the two other buildings' setbacks from the right-of-way line, as measured from the mid-point of the front facade.

- (b) Side yard: ten (10) feet for the new construction of a building; otherwise the existing yards of existing buildings. This requirement shall apply to the tract perimeter, only.
 - (c) Rear yard: five (5) feet.
 - (2) Maximum impervious coverage: 75%.
 - (3) Minimum building separation: fifteen (15) feet.
 - (4) Building height: Maximum building height shall be three (3) stories, not to exceed forty-five (45) feet.
 - (5) Maximum density. No more than thirty new dwelling units shall be permitted within the AH-12 district as of the date of adoption of this ordinance.
- F. Maximum number of buildings: Multiple buildings per lot are permitted.
- G. Off-street parking.
- (1) 0.55 off-street parking space per dwelling.
 - (2) On-street parking credit. Off-street parking requirements shall be reduced by the number of new on-street parking spaces created.
- H. Landscaping. A landscaped buffer of not less than 5 feet in width shall be provided along any common property line in a side or rear yard where a side or rear yard is required. Buffers may be comprised of fences and landscaping, which shall be of a sufficient quantity and size to provide a visual separation from adjacent property.
- I. Lighting. Illumination of sites and buildings shall be regulated pursuant to §B17A-365.1 Lighting.
- J. Signs. Signs shall be regulated pursuant to §B17A-367, Accessory Signs-permitted in all districts.
- K. Additional development requirement. Any property with a designation of AH-12 shall provide a public access easement for any existing and longstanding pathway utilized by the general public through the property from the right-of-way to any municipal open space. The public access easement shall be improved with an all-weather path a minimum width of six (6) feet.

Section 4. Repealer. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 5. Interpretation. If the terms of this Ordinance shall be in conflict with those of another Ordinance, the provision which imposes the greater restriction or limitation shall control.

Section 6. Severability. If any section, part of any section, or clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this Ordinance. The Municipality Council of the Municipality of Princeton declares that it would have passed the Ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 7. Effective Date. This Ordinance shall take effect immediately upon passage, transmittal to the Mercer County Planning Board, and publication according to law.

NOTICE

NOTICE IS HEREBY GIVEN that the above Ordinance was introduced and passed on first reading at the Council Meeting of the Mayor and Council of the Municipality of Princeton in the County of Mercer, State of New Jersey held on _____, 2025 and will be considered for final passage and adoption at the Council Meeting scheduled for _____, 2025 at 7:30 p.m. at 400 Witherspoon Street, Princeton, New Jersey. Any person interested in this matter will be given an opportunity to be heard at that meeting. A copy of this Ordinance may be obtained at no cost by any member of the general public upon request at the municipal building during business hours.

Civil Case Information Statement

Case Details: MERCER | Civil Part Docket# L-000819-26

Case Caption: WOLF LAWRENCE VS MUNICIPALITY OF PRIN CETON MAY

Case Initiation Date: 04/09/2026

Attorney Name: ROBERT F SIMON

Firm Name: HEROLD LAW PA

Address: 25 INDEPENDENCE BLVD
WARREN NJ 070596747

Phone: 9086471022

Name of Party: PLAINTIFF : Lawrence A Wolf

Name of Defendant's Primary Insurance Company
(if known): None

Case Type: ACTIONS IN LIEU OF PREROGATIVE WRITS

Document Type: Complaint

Jury Demand: NONE

Is this a professional malpractice case? NO

Related cases pending: YES

If yes, list docket numbers: MER-L-207-25

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

Does this case involve claims related to COVID-19? NO

Are sexual abuse claims alleged by: Lawrence A Wolf? NO

Are sexual abuse claims alleged by: Michelle Fuerst? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO **Title 59?** NO **Consumer Fraud?** NO **Medical Debt Claim?** NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

04/09/2026
Dated

/s/ ROBERT F SIMON
Signed

