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## 2026 Master Plan Reexamination Amendment

Mine Hill Township  
Morris County, New Jersey



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1923-2023

# 2026 Master Plan Reexamination Amendment

## Mine Hill Township

Morris County, New Jersey

Report prepared on February 20, 2026

Adopted by the Planning Board on xxxxxxxx

Project No. MHP-0094

The original of this report was signed and sealed in accordance with N.J.S.A. 45:14A-12.

Prepared by:

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**Daniel N. Bloch, PP, AICP**  
License No. 33LI00610700

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**Kristin J. Russell, PP, AICP**  
License No. 33LI00585800

**Colliers Engineering & Design, Inc.**  
Shelbourne at Hunterdon  
53 Frontage Road Suite 110  
Hampton, New Jersey 08827

Main: 908 238 0900  
Colliersengineering.com

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## I. Introduction

The New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-89 et seq., requires that Municipal Planning Boards review municipal master plans and zoning and land development regulations at least once every ten years. At least once every ten years is the minimum requirement. However, Planning Boards may undertake a Master Plan Reexamination Report ("MPR") at any time in order to address changes in municipal assumptions or policies regarding land use or emergent land use issues. The statute requires that the Reexamination Report be adopted by the Planning Board by resolution and distributed to the municipal governing body, the County Planning Board and adjacent municipalities.

The purpose of an MPR, prepared in accordance with the Municipal Land Use Law, is to periodically reexamine the master plan, zoning and land use and development regulations of a municipality to determine whether they continue to address the development goals and objectives of the municipality and to provide recommendations that will address proposed changes in development goals, the impact of development within the municipality and the impact of planning and development regulations by the county, the State of New Jersey, and the federal government. The Municipal Land Use Law requires that municipalities review the master plan and zoning and land development regulations in terms of the following:

- A. The major problems and objectives relating to land development in the municipality at the time of adoption of the last reexamination report.
- B. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- C. The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.
- D. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.
- E. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law", N.J.S.A. 40A:12A-1 et al., into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.
- F. The recommendations of the Planning Board concerning locations appropriate for the development of public electric vehicle infrastructure, including, but not limited to, commercial districts, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops: and recommended changes, if any, in the local development regulations necessary or appropriate for the development of public electric vehicle infrastructure.

The last MPR that the Mine Hill Township Planning Board was adopted on August 5, 2024. Since that time, significant legislation and policy decisions have been adopted related to affordable housing.

This MPR will focus solely on the Land Use Element and problems, changes thereto, assumptions, and recommendations as they pertain to the accommodation of and zoning for affordable housing.

## II. Problems & Objectives Related to the 2024 MPR

This section of the MPR Amendment examines whether the major problems and objectives outlined in the 1988 Master Plan, as most recently reexamined in 2024, remain valid, particularly when viewed in concert with the 2025 Fourth Round Housing Element and Fair Share Plan (“HEFSP”) and 2026 Amended HEFSP.

The following Goals and Objectives were included in the 2024 MPR and pertain specifically to affordable housing, as well as a series of recommendations based on implied problems identified at that time.

### Prior Goals and Objectives Identified Related to Affordable Housing

- c. To give municipal effect to the purposes of the Municipal Land Use Law, N.J.S.A. 40:5 5D- 1 et seq., which purposes are as follows:
  - 1. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare.
  - 5. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment.
  - 7. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial, and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens.
  - 12. To encourage senior citizen community housing construction.
- f. To offer the citizens of Mine Hill Township the best opportunities and protections associated with modern zoning and land-use planning, while making the municipal review and approval process more responsive to their needs and expectations.

### Prior Recommendations Related to Affordable Housing

#### 1. RAH Residential Affordable Housing Zone

The 2015 MPR stated the following recommendation regarding the RAH Zone:

*The Township's 1996 Housing Plan included the Sweetwood-Ellison tract (Block 1201, Lots 1- 13) along Randall Avenue, as an affordable housing site. As stated in the 2010 Housing Plan, the Sweetwood-Ellison site does not have any development approvals and has been*

*included in the Protection Zone on the Land Use Capability Zone Map in the Highlands Regional Master Plan. Since the site is not within an approved sewer service area and since the NJDEP will not approve sewer service extension into the Protection Zone, this site will be subject to the septic density standards established by the NJDEP and is no longer viable as providing a realistic opportunity for affordable housing towards the Prior Round Obligation. Therefore, it is recommended that the RAH Residential Affordable Housing zoning designation for the tract be changed to SF Single Family.*

The 2024 MPR stated the following recommendation regarding the RAH Zone:

*The Sweetwood-Ellison tract (Block 1201, Lots 1-13) along Randall Avenue should be removed as a potential affordable housing site. The site does not have any development approvals, has been included in the Protection Zone on the Land Use Capability Zone Map in the Highlands Regional Master Plan, is not within an approved sewer service area, and the NJDEP will not approve sewer service extension into the Protection Zone. The site is no longer viable as providing a realistic opportunity for affordable housing towards the Prior Round Obligation. Therefore, it is recommended that the RAH Residential Affordable Housing zoning designation for the tract be changed to SF Single Family.*

*2024 Status: This recommendation has been accomplished and the subject property was rezoned from RAH to SF zone (ordinance 26-15).*

## 2. PARC Planned Age Restricted Communities

The 2015 MPR stated the following recommendation regarding the PARC Zone:

*Section 310-184 of the zoning regulations provides conditional use requirements for the PARC Overlay Zone. This section should be amended to require a 20 percent set-aside for low- and moderate-income housing.*

The 2024 MPR stated the following recommendation regarding the PARC Zone:

*Section 310-184 of the zoning regulations provides conditional use requirements for the PARC Overlay Zone. This section should be amended to require a 20 percent set-aside for low- and moderate-income housing.*

*2024 Status: The PARC zone is now found in section 310-186. The recommended set-aside has not been incorporated into zoning code. Section V of this report recommends the elimination of the PARC zone, rendering this recommendation moot.*

## III. Extent that Problems & Objectives Have Changed Since 2024

This section of the report looks at the extent to which problems and objectives have been reduced or increased since 2024. All goals and objectives remain relevant. The issues raised as recommendations listed in Section II are summarized below, along with a 2026 status evaluation.

## Prior Recommendations Related to Affordable Housing:

1. RAH Residential Affordable Housing Zone - The Sweetwood-Ellison tract (Block 1201, Lots 1-13) along Randall Avenue should be removed as a potential affordable housing site. The site does not have any development approvals, has been included in the Protection Zone on the Land Use Capability Zone Map in the Highlands Regional Master Plan, is not within an approved sewer service area, and the NJDEP will not approve sewer service extension into the Protection Zone. The site is no longer viable as providing a realistic opportunity for affordable housing towards the Prior Round Obligation. Therefore, it is recommended that the RAH Residential Affordable Housing zoning designation for the tract be changed to SF Single Family.

*2024 Status: This recommendation has been accomplished, and the subject property was rezoned from RAH to SF zone (ordinance 26-15).*

2026 Status: Despite the recommendation in 2015 to rezone this site from RAH to SF, the subject site has been identified in the 2026 HEFSP to support affordable housing. This area is recommended to be rezoned to permit up to 305 townhouse dwelling units with a required 20 percent affordable housing set-aside.

2. PARC Planned Age Restricted Communities - Section 310-184 of the zoning regulations provides conditional use requirements for the PARC Overlay Zone. This section should be amended to require a 20 percent set-aside for low- and moderate-income housing.

*2024 Status: The PARC zone is now found in section 310-186. The recommended set-aside not been incorporated into zoning code. Section V of this report recommends the elimination of the PARC zone, rendering this recommendation moot.*

2026 Status: The 2024 status stands.

## IV. Changes in Policies & Objectives Forming the Basis of the 2024 MPR

The assumptions, policies and objectives forming the basis for Mine Hill's Master Plan and development regulations as they relate to affordable housing have changed since the adoption of the 2024 MPR.

On March 20, 2024, Governor Murphy signed legislation that dramatically modified the State's affordable housing regulations. The 75-page bill, known as the A4/S50 Bill, abolished COAH, modified the process of affordable housing compliance, amended bonus credits, and, among other changes, set forth several important deadlines. P.L. 2024, c.2 amended the FHA (hereinafter the "Amended FHA") and charged the Department of Community Affairs ("DCA") with the preparation of Fourth Round obligations and set forth aggressive timelines for compliance.

The law was adopted several months before the prior 2024 MPR, and it dramatically modifies the state's affordable housing regulations, abolishing the Council on Affordable Housing, and modifying the process of affordable housing compliance, amending bonus credits. Major changes to the regulations include:

- Increasing the cap on age-restricted units from 25% to 30%.
- Creating the Affordable Housing Dispute Resolution Program, which will be responsible for resolving challenges regarding obligations and housing plans, and reviewing housing plans for compliance.
- A municipality or other interested party may file an action through the Program seeking a realistic opportunity review at the midpoint of the certification period, including a review of any inclusionary development site in the housing element and fair share plan that has not received preliminary site plan approval prior to the midpoint of the 10-year-round.
- Failure to meet certain deadlines results in the loss of immunity from exclusionary zoning, which includes builder's remedy lawsuits, and appears to occur instantly.
- The housing element must also include an analysis of consistency with the State Development and Redevelopment Plan.
- Municipalities seeking Vacant Land Adjustments are now required to identify sufficient parcels likely to redevelop during the current round to address at least 25% of the prospective need obligation that has been adjusted and adopt realistic zoning that allows for such adjusted obligation.
- Transitional housing is now defined and creditworthy if it meets the micro requirements.
- The bonus credits have been radically amended. The rental bonus credit, which many towns relied on in the third round, has been eliminated and replaced with several bonus options. However, most bonuses are now 0.5 instead of 1.
- All parties are entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute or binding court decisions.
- The length of deed restrictions for rental units has been increased to no less than 40 years. For-sale units remain at no less than 30 years.

The amendments to the FHA also formally eliminated COAH and created a new entity to help parties mediate settlements and preliminarily approve municipal plans known as The Program, which consists of seven retired Mount Laurel Judges. Final approval of plans, however, was left for the trial court based on a recommendation from the Program. This final approval is known as a Compliance Certification, which gives a municipality immunity from exclusionary zoning lawsuits, including builder's remedy lawsuits, through July 1, 2035.

In October 2024, DCA published a report on its calculations of regional need and municipal present need (Rehabilitation Obligation) and prospective fair share obligations (Fourth Round Obligation). The report is entitled "Affordable Housing Obligation of 2025-2035 (Fourth Round) Methodology and Background".

The DCA calculated Mine Hill's present need obligation as 13 units and its Fourth Round prospective need obligation as 65 units. Municipalities were required to adopt a binding resolution outlining their present and prospective fair share obligations by January 31, 2025. On January 31, 2025, the Township Council adopted Resolution 034-2025 accepting the DCA's calculations of the Township's present need of 13 units but seeking a downward adjustment of the 65-unit prospective need obligation to a recommended 47 units based on errors identified by the Township with the DCA land capacity analysis.

The Township also filed a "Complaint for a Declaratory of Compliance with the Fair Housing Act" as part of the compliance certification process outlined in the Director of the Administrative Office of the Courts Directive #14-24. The Township declaratory action was filed on February 3, 2025 with the Affordable Housing Dispute Resolution Program establishing its prospect need obligation as 47 units.

During the 30-day challenge window, the Township of Mine Hill received a challenge to the Township's calculations from the New Jersey Builder's Association ("NJBA") and by M&T at Mine Hill, LLC. M&T at Mine Hill urged an increase in prospective need based upon its 5.399-acre (fully developed) site resulting in a 54-unit prospective need obligation. The NJBA urged a prospective need obligation of 65 units as set by the NJDCA because any reduction from that number creates a reduction for units required in the regional need. FSHC did not challenge the Township's fourth round prospective need.

The Township and the Challengers entered into mediation through the Affordable Housing Dispute Resolution Program ("the Program") (Docket No. MRS-L-000313-25). The Program Member issued a recommendation on April 14, 2025 summarily accepting the prospective need number offered by M&T at Mine Hill, LLC for "reasons as stated within its planner's report." The Honorable Judge Janine M. Allen, J.S.C. issued an order on May 13, 2025 summarily accepting the Program Member's recommendation and ordering that Mine Hill Township's present need shall be 13 units and the prospective need for the Fourth Round housing cycle shall be 54 units.

The Township appealed and NJBA cross-appealed. On appeal the Township argues that the inclusion of developed land encompassed by the M&T site was improper as prospective need is based upon a vacant land calculation, which is supported by the DCA's methodology and Judge Jacobson's methodology. The Township believes the fourth round prospective need is 47 units.

NJBA argues that individual municipal reductions from the DCA's calculated prospective need numbers result in an overall deficit in satisfying the calculated regional prospective need. They believe the number should be 65. The Township is countering that the DCA numbers are non-binding, and the law explicitly places the prospective need determination into the municipal authority without requiring reaccounting for the DCA's regional need. FSHC filed a notice of non-participation in the litigation. The matter is fully briefed and awaiting assignment for argument.

For the purposes of the HEFSP, the Township is planning to meet a Fourth Round prospective need of 54 units, with the understanding that the outcome of the appeal could result in either 47, 54, or 65 units.

The Mine Hill Township Planning Board adopted the HEFSP addressing the Fourth Round obligations on June 2, 2025, and it was subsequently filed with the Program and the Court on June 9, 2025 for review and approval.

Challenges to the Fourth Round HEFSP were filed by the Fair Share Housing Center (FSHC), M&T at Mine Hill, LLC (M&T), and TNJ Randall LLC (NJ Randall) in August of 2025. The Township and the Challengers engaged in extensive settlement negotiations before, during and after settlement conferences, which were held before the Program with the guidance and assistance of a Program Member and a Special Adjudicator. As a result of the settlement conferences conducted, the Township entered into Mediation Agreements with FSHC and TNJ Randall, which set forth the manner in which the Township will address its Fourth Round affordable housing obligations. No settlement was reached between the Township and M&T.

On February 9, 2026, the Program issued a Decision and Recommendation Order, in which the Program recommended that the Trial Court issue an Order approving the settlement, dismissing the M&T challenge and ordering the Township to adopt and file an Amended Fourth Round HEFSP that contains the terms of the settlement as well as the implementing ordinances and resolutions proposed within the amended plan. The Program order also recommended that the Trial Court continue the Township's immunity during the plan approval process.

In response to the Program's order, on February 9, 2026, the Honorable Stephan C. Hansbury, J.S.C. Ret. issued a Decision and Order approving the Settlement Agreement between the Township and FSHC and TNJ Randall, dismissing the challenge from M&T, continuing the Township's immunity, and requiring the Township to amend the Fourth Round HEFSP in accordance with the Settlement Agreement. The Amended Fourth Round HEFSP and all implementing ordinances and resolutions must be adopted by the Township on or before March 16, 2026.

The Fourth Round HEFSP is being amended to address the terms set forth in Settlement Agreement. Taking into consideration the land, water, and utility capacity of Mine Hill, Fourth Round mechanisms and credits are explored in the document, with the Kenville Crane and Sweetwood/Ellison properties identified as potential sites for future development.

**Kenville Crane:** The property is proposed to be rezoned to permit a multi-family inclusionary housing development consisting of 106 units, including 22 affordable stacked

flats and 84 market rate townhouse units. The project would be non-age-restricted for-sale units.

**Sweetwood/Ellison:** The property is proposed to be rezoned to permit up to 305 housing units, including a 20 percent set-aside for affordable housing, resulting in 61 anticipated affordable housing units.

## V. Changes Recommended for the Master Plan or Development Regulations

This section recommends the following changes to the Master Plan and Zoning Regulations:

### Land Use Plan Element

As identified in the 2024 MPR, the Township should consider preparing a Land Use Plan Element. State law (2018, Assembly Bill Number 4540) now requires a statement on Electric Vehicle (EV) charging, storm resilience, environmental sustainability, and a climate change-related hazard vulnerability assessment.

Addressing such issues in a proactive manner will position the Township to address sustainability challenges and opportunities in a prepared and intentional manner.

### Zoning

1. The Kenville Crane tract (Block 906, Lot 5) along Route 46, should be rezoned as a potential affordable housing site.
2. Ordinance 26-15 should be rescinded and/or a new ordinance adopted reinstating the Sweetwood-Ellison tract (Block 1201, Lots 1-13) along Randall Avenue as a potential affordable housing site.
3. The Residential Affordable Housing Zone 2 (RAH-2) should be expanded to include Block 808, Lot 4.

## VI. Redevelopment Plan Recommendations

At this time there are no recommendations for the incorporation of redevelopment plans pursuant to the "Local Redevelopment and Housing Law."

## VII. Public Electric Vehicle Infrastructure Recommendations

At this time there are no recommendations of the Planning Board concerning locations appropriate for the development of public electric vehicle infrastructure, including, but not limited to, commercial districts, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops: or recommended changes in the local development regulations necessary or appropriate for the development of public electric vehicle infrastructure.