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Amended Fourth Round Housing Element & Fair Share Plan

Township of Mine Hill

February 13, 2026

Prepared for:

Township of Mine Hill
Morris County, New Jersey

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Morris County, New Jersey

Adopted by the Planning Board: **June 2, 2025, Amended** _____

Endorsed by the Mayor and Council: **June 5, 2025, Amended** _____



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

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I. Introduction

According to the New Jersey Fair Housing Act of 1985 (L. 1985, c. 222, s. 1, eff. July 2, 1985), a Housing Plan Element shall be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing.

This report is the Township of Mine Hill’s Housing Element and Fair Share Plan (“HEFSP”) for the period between 2025 and 2035 (known as the Fourth Round). Mine Hill seeks to voluntarily comply with its constitutional obligation to provide a realistic opportunity for affordable housing. This HEFSP is prepared utilizing the Prior Round Rules¹, Third Round Rules² (as applicable), and the amendments implemented in P.L. 2024, c.2. Each municipality in the State has a four-part obligation:

1. Rehabilitation Obligation
2. Prior (First and Second Round) Obligations (1987-1999)
3. Third Round Obligation (1999–2025)
4. Fourth Round Obligation (2025-2035)

Municipal Summary

The Township of Mine Hill contains about 3.01 square miles, or 1,928 acres, located in the central part of Morris County. Mine Hill is bordered by Roxbury Township to the west, Wharton Borough to the north, Dover Town to the east, and Randolph Township to the south. US Route 46 traverses through the center of the Township from east to west.

Mine Hill is a primarily suburban residential community that is nearly built out. The Township has a population of just under 4,000, or about 1,290 residents per square mile. Nonresidential uses are located primarily along the Route 46 corridor. The Township has enjoyed a steady population over the last 50 years, without intense spikes of growth or decline, allowing it to preserve its traditional residential character and consistent quality of life.

There is little vacant land remaining in the Township for new development. This is consistent with the Township’s designation as PA1 Metropolitan Planning Area (45 percent) and PA2 Suburban Planning Area (55 percent) by the 2001 State Development and Redevelopment Plan (“SDRP”). Mine Hill is situated entirely within the Planning Area in the Highlands Region. Plan conformance is voluntary for municipalities located entirely within the Planning Area.

The easterly portion of the Township is within the existing Sewer Service Area. Environmental constraints affect selective areas in the Township. Approximately 584 acres (30 percent) of the Township is encumbered by environmentally sensitive features such as water bodies, freshwater wetlands, flood hazard areas or 300-foot buffers to Category-One (C-1) waters.

Affordable Housing Goals

The overriding policy of the HEFSP is to ensure the provision of a variety of housing opportunities sufficient to address the needs of the community and the region, including the need for affordable

¹ NJAC 5:91 (Procedural) and NJAC 5:93 (Substantive) Rules. They can be found at: [New Jersey Department of Community Affairs | Second Round Regulations](#)

²NJAC 5:96 (Procedural) and NJAC 5:97 (Substantive) Rules, which can be found at: <https://nj.gov/dca/dlps/hss/thirdroundregs.shtml>

housing, while at the same time respecting the density limits and resource constraints of lands within the Highlands Preservation Area, and the numerous other policies, goals and objectives set forth by the Township's Master Plan. The Housing Plan furthers the Municipal Land Use Law purposes of zoning and fulfills the New Jersey Fair Housing Act, which in keeping with New Jersey Supreme Court doctrine, as expressed in the "Mount Laurel" decisions, recognizes that every municipality in a "growth area" has a constitutional obligation to provide, through its land use regulations, a realistic opportunity for its fair share of affordable housing.

In furtherance of Mine Hill's efforts to ensure sound planning, this HEFSP incorporates the following goals and objectives with respect to future housing:

1. To the extent feasible, the Township's zoning will guide anticipated new residential development into compact, center-based projects.
2. To provide a realistic opportunity for the provision of the municipal share of the region's present and prospective needs for housing for low- and moderate-income families.
3. To the maximum extent feasible, to incorporate affordable housing units into any new residential construction that occurs within Mine Hill, including any mixed-use, redevelopment, and/or adaptive reuse projects.
4. To preserve and monitor the existing stock of affordable housing.
5. To reduce long term housing costs through:
 - a. The implementation of green building and energy efficient technology in the rehabilitation, redevelopment and development of housing. Recent innovations in building practices and development regulations reflect significant energy efficiency measures, and therefore cost reductions, through building materials, energy efficient appliances, water conservation measures, innovative and alternative technologies that support conservation practices, and common-sense practices, such as recycling and re-use.
 - b. The promotion of the use of sustainable site design, efficient water management, energy efficient technologies, green building materials and equipment, and retrofitting for efficiencies.
 - c. Maximizing the efficient use of existing infrastructure, through such means as redevelopment, infill and adaptive reuse.
6. To use a smart growth approach to achieve housing needs:
 - a. Use land more efficiently to engender economically vibrant communities, complete with jobs, houses, shopping, recreation, entertainment and multiple modes of transportation.

- b. Support a diverse mix of housing that offers a wide range of choice in terms of value, type and location. In addition, seek quality housing design that provides adequate light, air and open space.
7. Target housing to areas with existing higher densities and without environmental constraints, within walking distance of schools, employment, services, transit and community facilities with sufficient capacity to support them.

Affordable Housing History

Mount Laurel Doctrine

Affordable housing planning in New Jersey dates back to 1975, when the New Jersey Supreme Court ruled in Southern Burlington County NAACP v. the Township of Mount Laurel, 67 N.J. 151 (1975), 336 (Mount Laurel I), that each municipality within New Jersey has a constitutional obligation to provide a realistic opportunity for the construction of their fair share of affordable housing. Mount Laurel I is the landmark decision that created what is commonly referred to as the “Mount Laurel Doctrine”. The Supreme Court found that Mount Laurel Township’s zoning ordinance only permitted one type of housing—single-family detached dwellings, while all other types of multi-family housing, such as garden apartments, townhomes, or mobile home parks, were prohibited, which the court determined resulted in economic discrimination and exclusion of substantial segments of the area population, and therefore the zoning ordinance was unconstitutional and invalid.

In 1983, the New Jersey Supreme Court issued Southern Burlington County NAACP v. Township of Mount Laurel, 92 N.J. 158 (1983), another monumental decision which became known as the “Mount Laurel II” decision. In this case, the Supreme Court upheld and expanded upon the Mount Laurel I decision. Mount Laurel II clarified that the constitutional obligation applies to all municipalities, not just the “developing” municipalities as referenced in Mount Laurel I. Each municipality is required to establish zoning that provides a realistic opportunity for the construction of affordable housing to comply with the municipality’s fair share obligation. Mount Laurel II established the “Builder’s Remedy” as a judicial mechanism to enforce the Mount Laurel Doctrine. A Builder’s Remedy lawsuit allows a plaintiff (typically a developer) to challenge a municipality’s zoning ordinance if it fails to create a realistic opportunity to provide affordable housing units to meet the constitutional fair share obligation.

In 1985, the Fair Housing Act (“FHA”) was enacted in response to the court decisions, which provided an administrative process for municipal compliance. The FHA also created the New Jersey Council on Affordable Housing (“COAH”), which was the governmental agency responsible for promulgating municipal obligations, adopting regulations, and administering the compliance process.

Prior Rounds (1993-1999)

Under COAH, the First Round of affordable housing spanned from 1987 to 1993, followed by the Second Round from 1993 to 1999. The First Round Substantive Rules were enacted under N.J.A.C. 5:92 and the Second Round Substantive Rules were enacted under N.J.A.C. 5:93.

Mine Hill’s Prior Round Compliance

Mine Hill originally prepared its Housing Plan in April 1988 and first received substantive certification from COAH during the First Round in June 1990.

The Township prepared a Second Round Plan in June 1996 and received substantive certification from COAH on April 2, 1997, which was to address the 61-unit Prior Round Obligation by constructing 9 affordable units on the Thomastown Courts site and 67 affordable units on the Sweetwood/Ellison site. The Second Round Plan expired as of August 14, 2005.

Mine Hill was also granted an extension of its Second Round certified plan through April 13, 2005, which was subsequently extended by COAH to December 31, 2008 for all municipalities.

Third Round (1999-2025)

The Third Round of affordable housing commenced in 1999, which was supposed to end in 2018; however, due to numerous legal challenges and court orders, the Third Round was ultimately extended through 2025.

The first version of COAH's Third Round Substantive Rules was enacted under N.J.A.C. 5:94 in 2004. This version of the rules was challenged and in January 2007 the Appellate Court issued a decision requiring COAH to revise its rules.

In October 2008, COAH adopted numerous amendments to its substantive and procedural regulations to address the Third Round fair housing requirements. The Third Round methodology, adopted in September 2008, required that a municipality's fair share consist of three elements: the 1) rehabilitation share, 2) any remaining Prior Round obligation that was not provided for, and 3) the Growth Share or Third Round, which is based upon one affordable housing unit for every four market-rate units built and one affordable unit for every 16 new jobs created. In addition to these new rules, COAH assigned new rehabilitation, Prior Round and Third Round obligation numbers to each municipality. Additionally, the State legislature passed Assembly Bill A-500 (now P.L. 2008), which made significant changes to COAH's rules.

In 2009, appeals were filed regarding the new Third Round Rules' growth share methodology. The case worked its way through the Appellate Division and finally went before the Supreme Court. The Supreme Court issued a decision on September 26, 2013, finding that the key set of rules establishing the growth share methodology as the mechanism for calculating "fair shares" was inconsistent with the FHA and the Mount Laurel Doctrine. The Supreme Court instructed COAH "to adopt new third round rules that use a methodology for determining prospective need similar to the methodologies used in the first and second rounds," within five months, which was later extended to November 2014.

In July 2014, COAH proposed new Third Round under N.J.A.C. 5:98 and 5:99. However, the new rules were never formally adopted by COAH.

After COAH failed to promulgate its revised rules by the November 2014 deadline, the Supreme Court made a ruling on March 10, 2015 entitled In re Adoption of N.J.A.C. 5:96 & 5:97 by the N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (Mount Laurel IV), which allows for judicial review for constitutional compliance, as was the case before the FHA was enacted. The ruling allowed low- and moderate-income families and their advocates to challenge exclusionary zoning in court, rather than having to wait for COAH to issue rules that may never come. The process provided a municipality that had sought to use the FHA's mechanisms the opportunity to demonstrate constitutional compliance to a court's satisfaction before being declared noncompliant and then being subjected to the remedies available through exclusionary zoning litigation, including a builder's remedy.

The transitional process created by the Supreme Court tracked the FHA procedures for compliance. In this regard, the process permitted municipalities to file a Declaratory Judgment Action during a 30-day window between June 8 and July 8, 2015 that sought an adjudication as to their fair share. This would enable the municipality to comply voluntarily with its constitutional obligation to provide a realistic opportunity for the construction of its fair share of the region's low- and moderate-income households.

On January 18, 2017, the Supreme Court decided In Re Declaratory Judgment Actions Filed by Various Municipalities, County of Ocean, Pursuant to The Supreme Court's Decision In In re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) ("Mount Laurel V"), which held that municipalities are responsible for obligations accruing during the so-called "gap period," the period between 1999 and 2015. However, the Court stated that the gap obligation should be calculated as a never-before calculated component of Present Need (also referred to as Rehabilitation Obligation), which would serve to capture Gap Period households that were presently in need of affordable housing as of the date of the Present Need calculation (i.e. that were still income eligible, were not captured as part of traditional present need, were still living in New Jersey and otherwise represented a Present affordable housing need).

Between 2015 and 2024, municipalities that elected to voluntarily comply with their constitutional obligation participated in mediation sessions, reached settlement agreements, adopted Third Round Housing Element and Fair Share Plans, and most municipalities concluded the process with a Third Round Judgment of Compliance and Repose ("Third Round JOR") from the courts. As a result of COAH's inability to function, the Third Round period spanned from 1999 to 2025, a 26-year long period as opposed to the 6-year periods for the first and second rounds. The Third Round is set to expire on June 30, 2025.

Mine Hill's Third Round Compliance

Mine Hill also filed a petition for Third Round certification from COAH on January 9, 2006 under the first version of COAH's Third Round Substantive Rules enacted under N.J.A.C. 5:94 in 2004, but the plan was not certified by COAH.

Pursuant to the March 10, 2015 Supreme Court Order, Mine Hill filed a motion with the court on July 7, 2015 seeking a Declaratory Judgment that the municipality has fulfilled its constitutional obligation to provide affordable housing for the Third Round.

On September 18, 2018, Mine Hill entered into a Settlement Agreement with the Fair Share Housing Center ("FSHC") to memorialize the terms of settlement of the Township's affordable housing obligation.

On October 19, 2018, the Honorable Maryann L. Nergaard issued an Order on Fairness and Preliminary Compliance approving the Settlement Agreement with FSHC.

The Settlement Agreement outlines Mine Hill's affordable housing obligations as follows:

- Rehabilitation Share: 1 unit
- Prior Round Obligation: 61 units
- Third Round Prospective Need: 136 units

Mine Hill prepared a Vacant Land Inventory for a downward adjustment of the Township's combined 197-unit New Construction based on a realistic development potential (RDP) of 111 units. The 111-

unit New Construction RDP subtracted from the 197 combined New Construction Obligation results in a durationally adjusted Unmet Need of 86 units.

The Township adopted a Housing Element & Fair Share Plan on February 19, 2019 to address the affordable housing obligations. The Third Round HEFSP satisfied the 111-unit New Construction RDP with four projects: Tarzan, Inc. with 78 units and 28 rental bonus credits, Salvatore Milelli with 2 existing units, Habitat for Humanity with 4 existing units, and Benkendorf with 12 proposed units.

At a Fairness Hearing on October 19, 2018, the Superior Court found the Settlement Agreement to be fair and deemed it to be preliminarily in compliance with the Township's affordable housing fair share obligation. Thereafter, Mine Hill prepared and adopted the requisite compliance documents.

The Superior Court held a Final Compliance Hearing on February 22, 2019. A Final Order of Judgment of Compliance and Repose ("JOR") was issued by Judge Nergaard on February 22, 2020, which found the Township to be in compliance with its constitutional obligation to create a realistic opportunity for affordable housing. There were no conditions imposed by the JOR. The Township was granted repose and immunity from exclusionary zoning litigation through July 1, 2025.

Fourth Round (2025-2035)

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. 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 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.

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 this 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. This Fourth Round HEFSP is amended to address the terms set forth in Settlement Agreement.

Affordable Housing Obligation

Mine Hill's four-part affordable housing obligation is as follows:

1. Present Need (Rehabilitation Obligation): 13 units
2. Prior Round Obligation: 61 units
3. Third Round Obligation: 136 units
4. Fourth Round Prospective Need Obligation: 54 units (pending appeal)

HOUSING ELEMENT

II. Required Content of Housing Element

The Amended Fair Housing Act requires that “the housing element be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low and moderate income housing”. As per the Municipal Land Use Law (“MLUL”), specifically N.J.S.A. 52:27D-310, a housing element must contain at least the following items:

- a. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated, and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose conducting this inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards;
- b. A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
- c. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
- d. An analysis of the existing and probable future employment characteristics of the municipality;
- e. A determination of the municipality's present and prospective fair share for low and moderate income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low and moderate income housing, as established pursuant to section 3 of P.L.2024, c.2 (C.52-27D-304.1);
- f. A consideration of the lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing;
- g. An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c.273 (C.52D-329.20);
- h. For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, C.120 (C.13-20-4), an analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities. This analysis shall include consideration of the municipality's

most recent Highlands Municipal Build Out Report, consideration of opportunities for redevelopment of existing developed lands into inclusionary or 100 percent affordable housing, or both, and opportunities for 100 percent affordable housing in both the Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands regional master plan; and

- i. An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

III. Population Demographics

Population Growth

The Township of Mine Hill’s population saw rapid growth through the 1960s. During the 1950s, Mine Hill gained 410 new residents followed by 1,411 new residents during the 1960s. However, in the 80’s the township saw a decline of 232 residents, followed by a slight increase of 8 residents in the 90’s. As of the 2020 Census, the population of Mine Hill was 4,015, which is currently the peak of the township’s population. See the table below for additional details.

Year	Population	Change	Percent
1940	1,541	--	--
1950	1,951	410	26.6%
1960	3,362	1,411	72.3%
1970	3,557	195	5.8%
1980	3,325	-232	-6.5%
1990	3,333	8	0.2%
2000	3,679	346	10.4%
2010	3,651	-28	-0.8%
2020	4,015	364	10.0%

Source: 2010 & 2020 Census Table P1; New Jersey Population Trends, 1790 to 2000, <https://www.nj.gov/labor/labormarketinformation/assets/PDFs/census/2kpub/njsdcp3.pdf>

The NJTPA projects that the Township’s population will grow to 3,671 residents by 2050 from their baseline 2015 population of 3,641. This represents an increase of 30 residents, or an average increase of approximately one resident annually over 35 years. However, as noted above, the Township’s estimated population according to the 2023 ACS is 4,015, which is 87 more than projected by the NJTPA. This translates to an average annual increase of approximately three residents over the next 27 years.

Year	Population	Change	Percent
2015	3,641	---	---
2020	4,015	374	10.3%
2050	3,671	-344	-8.6%

Source: NJTPA Plan 2050, Appendix E, 2050 Demographic Forecasts, <https://www.njtpa.org/plan2050>; 2020 Census Table P1

Age Distribution of Population

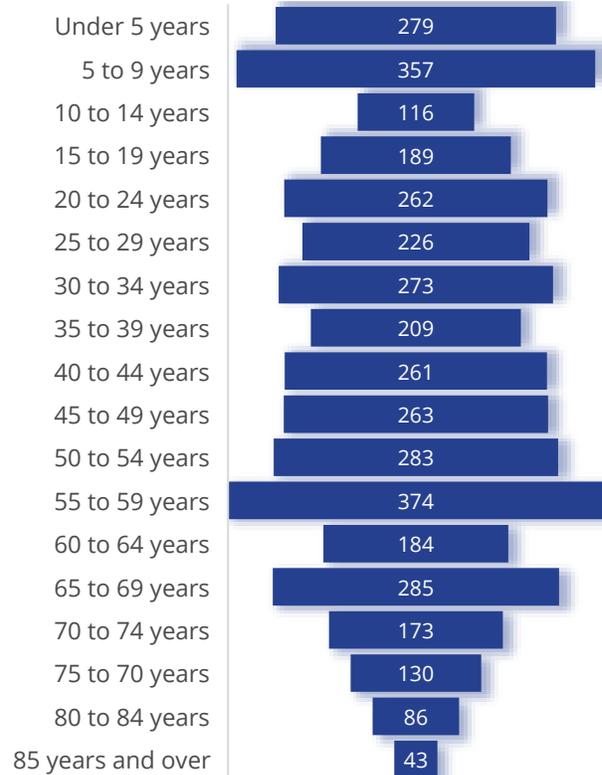
The 2023 ACS estimates just 18% of Mine Hill's population was 65 years or older, while 24% of the population was 19 years or younger. The largest age cohort was estimated to be those aged 55 to 59 years, which comprised 9.4% (374) of the Township's population. Residents aged 5 to 9 years comprised the second-largest age cohort at 8.9% (357) of the population, followed by those under 5 years old at 7% (279) of the population. The median age was estimated at 42.1 years in the 2023 ACS. See the table below for further details.

Population by Age Cohort

Age	Total	Percent
Under 5 years	279	7.0%
5 to 9 years	357	8.9%
10 to 14 years	116	2.9%
15 to 19 years	189	4.7%
20 to 24 years	262	6.6%
25 to 29 years	226	5.7%
30 to 34 years	273	6.8%
35 to 39 years	209	5.2%
40 to 44 years	261	6.5%
45 to 49 years	263	6.6%
50 to 54 years	283	7.1%
55 to 59 years	374	9.4%
60 to 64 years	184	4.6%
65 to 69 years	285	7.1%
70 to 74 years	173	4.3%
75 to 79 years	130	3.3%
80 to 84 years	86	2.2%
85 years and over	43	1.1%
Total	3,993	100%

Source: 2023 ACS Table S0101

Population by Age Cohort



Household Size & Type

According to the 2023 ACS, Mine Hill had 1,389 households of various types. A majority were married-couple households, which comprised just over 54% of all households. Of those, 250 had children under 18 years old. Male householders with no spouse present comprised only 10.5% of all households, while female householders with no spouse present comprised 21.4%. Of all households with no spouse present, 10 had children under the age of 18 (0.7%), while 433 were living alone (31.2%). See the table on the following page for complete details.

Household Type

Type	Number	Percent
Married-couple	760	54.7%
with children under 18	250	18.0%
Cohabiting couple	186	13.4%
with children under 18	63	4.5%
Male householder, no spouse	146	10.5%
with children under 18	0	0.0%
living alone	146	10.5%
Female householder, no spouse	297	21.4%
with children under 18	10	0.7%
living alone	287	20.7%
Total	1,389	100%

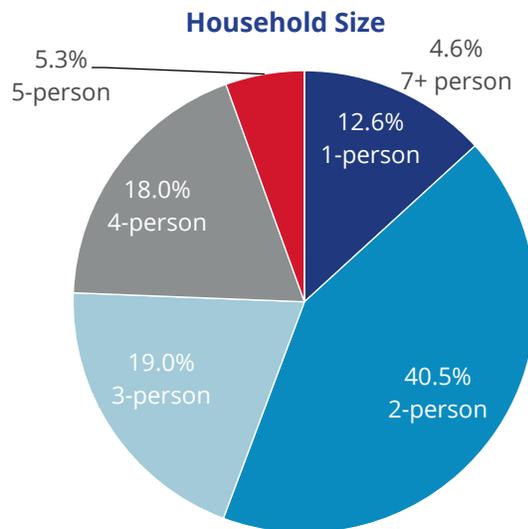
Source: 2023 ACS Table DP02

The most common household size in Mine Hill was estimated to be two-person households, which comprised 40.5% of households in 2023. Three-person households comprised the second-largest number of households at just under 19%. Finally, four-person households comprised 18% of the 1,389 households in Mine Hill. It should be noted that 64 households contained six people. The table and pie chart below graphically illustrate the household size composition in Mine Hill. Additionally, the 2023 ACS estimated the average household size at 2.87 persons, which is slightly more than reported in the 2010 Census (2.75 persons).

Household Size

Size	Total	Percent
1-person	175	12.6%
2-person	563	40.5%
3-person	264	19.0%
4-person	250	18.0%
5-person	73	5.3%
6-person	64	4.6%
7+ person	0	0.0%
Total	1,389	100%

Source: 2023 ACS Table B11016



Income & Poverty Status

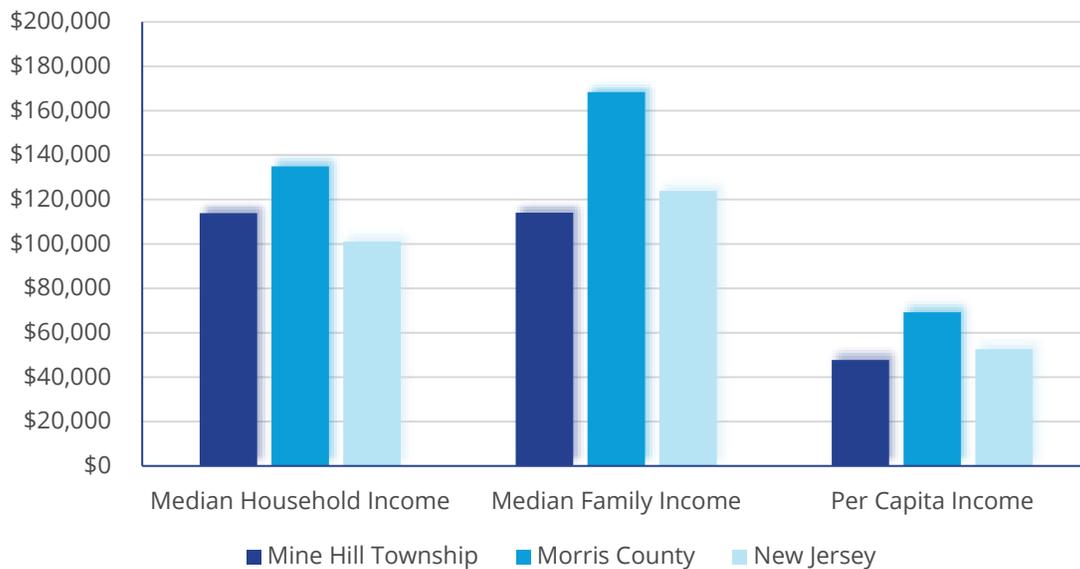
The 2023 ACS estimated the median household income for the Township of Mine Hill to be \$113,861, which is over \$21,000 less than County's but over \$12,000 more than the State's. Similarly, the median family income for Mine Hill was estimated at \$114,056, which is over \$54,000 below the County's and \$9,000 less than the State's. Finally, the Township's per capita income was estimated at \$47,721, which is less than the County's and the State's. Based on this data, residents of Mine Hill represent a middle-ground between the high incomes of Morris County and the median State incomes. This is reflected in the poverty rates of individuals and families estimated in the 2023 ACS. Mine Hill's poverty rate for individuals was estimated at 4.7%, which is less State's by 5.1% and slightly less than the County's. The Township's poverty rate for families was estimated at 3.0%, which is less than the County's and less than the State's by 4%. The table and bar chart below provide a comparison between income and poverty characteristics.

Income and Poverty Characteristics

Income Type	Mine Hill Township	Morris County	New Jersey
Median Household Income	\$113,861	\$134,929	\$101,050
Median Family Income	\$114,056	\$168,431	\$123,892
Per Capita Income	\$47,721	\$69,226	\$52,583
Poverty Status (Percent of People)	4.7%	5.1%	9.8%
Poverty Status (Percent of Families)	3.0%	3.4%	7.0%

Source: 2023 ACS Table DP03

Income Characteristics



According to the 2023 ACS, nearly 17% of households in Mine Hill (239) earn over \$200,000 annually. Household earning \$100,000 or more annually were estimated to include 895 households or 64% of all households in Mine Hill. Over 63% of households in Morris County earned at least \$100,000 annually, including 31.2% earning more than \$200,000. Households in New Jersey earning \$100,000 or more according to the 2023 ACS included 50.5% of households. It should be noted that only 12.4% of households in Mine Hill earned less than \$50,000. See the table below for additional details.

Household Income

Income Range	Mine Hill Township		Morris County		New Jersey	
	Total	Percent	Total	Percent	Total	Percent
Less than \$10,000	0	0.0%	5,289	2.8%	140,262	4.0%
\$10,000 to \$14,999	0	0.0%	2,711	1.4%	99,362	2.9%
\$15,000 to \$24,999	0	0.0%	5,398	2.8%	175,402	5.0%
\$25,000 to \$34,999	39	2.8%	7,383	3.8%	184,753	5.3%
\$35,000 to \$49,999	133	9.6%	10,491	5.5%	276,601	8.0%
\$50,000 to \$74,999	116	8.4%	19,409	10.1%	448,192	12.9%
\$75,000 to \$99,999	206	14.8%	19,283	10.1%	397,939	11.4%
\$100,000 to \$149,999	432	31.1%	35,184	18.3%	627,526	18.0%
\$150,000 to \$199,999	224	16.1%	26,911	14.0%	407,723	11.7%
\$200,000 or more	239	17.2%	59,781	31.2%	720,595	20.7%
Total	1,389	100%	191,840	100%	3,478,355	100%

Source: 2023 ACS Table DP03

IV. Housing Demographics

Housing Type

The 2023 ACS estimated the Township's housing stock at 1,463 units, which contains a variety of residential dwellings. Single-family, detached dwellings comprised a majority of the housing stock with 1,090 units or 74.5% of all dwellings. One-unit, attached dwellings (e.g. townhomes) comprised 171 units (11.7%), while two-family (2.9%), which are buildings containing five or more dwelling units. See the table below for details.

Structure	Number of Units	Percent
1-unit, detached	1,090	74.5%
1-unit, attached	171	11.7%
2 units	99	6.8%
3 or 4 units	60	4.1%
5 to 9 units	11	0.8%
10 to 19 units	32	2.2%
20 or more units	0	0.0%
Mobile Home	0	0.0%
Other (boat, RV, van, etc.)	0	0.0%
Total	1,463	100%

Source: 2023 ACS Table DP04

Occupancy Status

Of the 1,463 residential units, 1,389 units, or 94.9% of the housing stock, was occupied. This includes 1,228 owner-occupied units and 161 rental units. The 74 vacant units included properties classified as "other" and sold but not occupied. See the table on the following page for details.

The 2023 ACS estimated the average household size in Mine Hill was 2.87 persons, while the average family size was 3.06 persons. Comparing tenure, the average owner-occupied household was 2.88, while the average renter-occupied household was 2.84 persons.

Occupancy Status

Status	Units	Percent
Occupied Total	1,389	94.9%
<i>Owner Occupied</i>	1,228	88.4%
<i>Renter Occupied</i>	161	11.6%
Vacant Total	74	5.1%
<i>For rent</i>	0	0.0%
<i>Rented, not occupied</i>	0	0.0%
<i>For Sale</i>	0	0.0%
<i>Sold, not occupied</i>	22	29.7%
<i>Seasonal</i>	0	0.0%
<i>For migrant workers</i>	0	0.0%
<i>Other</i>	52	70.3%
Total	1,463	100%

Source: 2023 ACS Tables DP04 & B25004

Value & Rent of Housing Stock

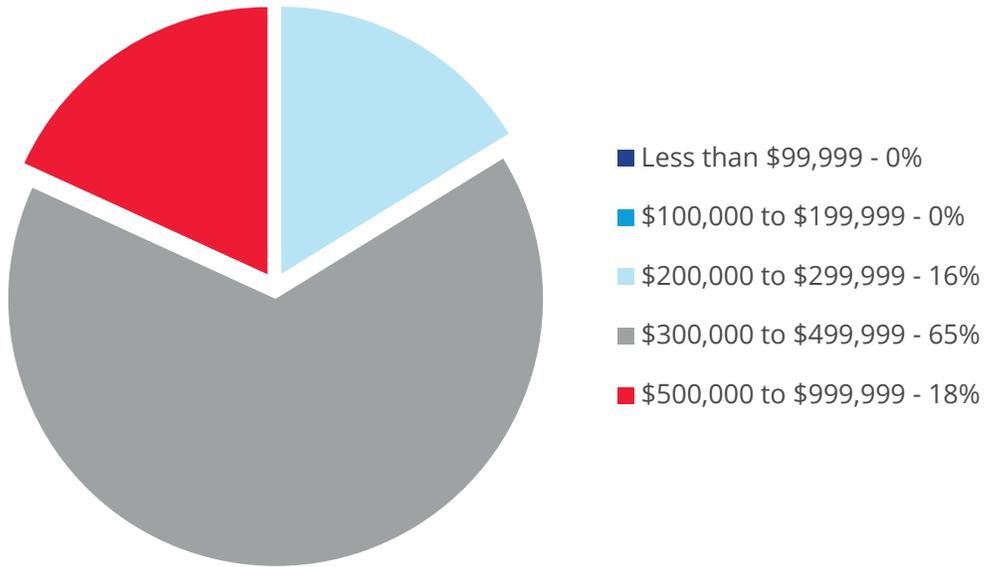
The 2023 ACS provided estimates for owner-occupied housing units in Mine Hill. According to the data, a plurality of homes in the Township were worth between \$300,000 and \$499,999 (65%). Homes worth between \$200,000 and \$299,999 comprised 16% of the owner-occupied housing units, while 18% of homes were estimated to be worth between \$500,000 and \$999,999. Only 1% of homes (12 units) were valued more than \$1 million, while no homes were estimated to be worth less than \$200,000. The median home value estimated in the 2023 ACS was \$377,800. See the table below and chart on the following page for details.

Value of Owner Occupied Units

Value	Number of Units	Percent
Less than \$99,999	0	0.0%
\$100,000 to \$199,999	0	0.0%
\$200,000 to \$299,999	197	16.0%
\$300,000 to \$499,999	798	65.0%
\$500,000 to \$999,999	221	18.0%
\$1,000,000 or more	12	1.0%
Total	1,228	100%
Median Value	\$377,800	

Source: 2023 ACS Table DP04

Value of Owner Occupied Units



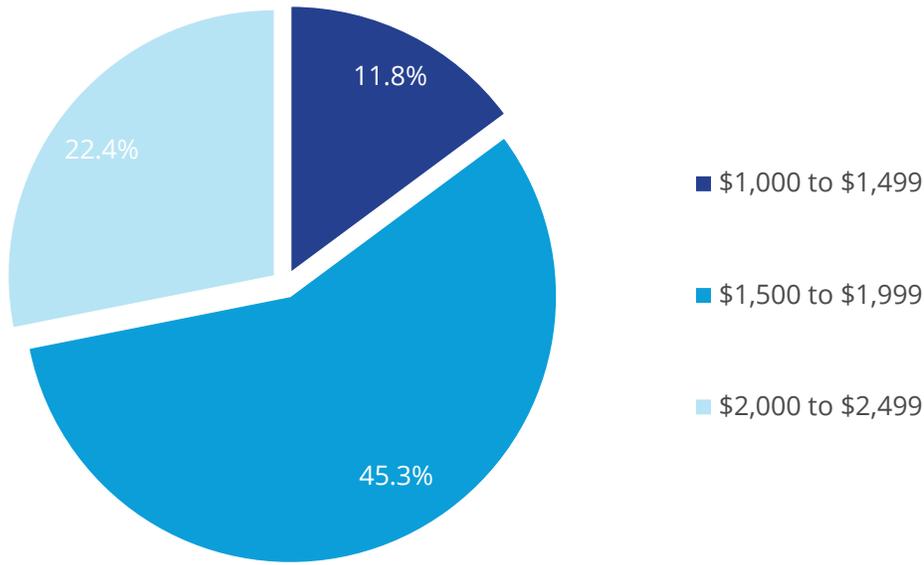
The median rent in the Township was estimated at \$1,873 per the 2023 ACS. Looking at the rent ranges, a little less than half of the Township’s rental units fell between \$1,500 and \$1,999 per month (45.3%). Units that cost between \$1,000 and \$1,499 comprised only 11.8% of rentals (19 units), while 22.4% (36 units) cost between \$2,000 and \$2,499 per month. See the table below and chart on the following page for more information.

Cost of Rentals

Cost	Number of Units	Percent
Less than \$1,000	0	0.0%
\$1,000 to \$1,499	19	11.8%
\$1,500 to \$1,999	73	45.3%
\$2,000 to \$2,499	36	22.4%
\$2,500 to \$2,999	19	11.8%
\$3,000 or more	0	0.0%
No rent paid	14	8.7%
Total	161	100%
Median (in dollars)	\$1,873	

Source: 2023 ACS Table DP04

Cost of Rentals



Condition of Housing Stock

The Census does not classify housing units as standard or substandard, but it can provide an estimate of the substandard housing units that are occupied by low and moderate income households. The Appellate Division upheld COAH’s use of three indicators to determine substandard housing in the State. Those three indicators are:

- Houses built before 1970, and which are overcrowded with more than one person per room;
- Homes lacking complete plumbing;
- Homes lacking kitchen facilities.

Most of the Census indicators available at the municipal level indicate a sound housing stock. Only 13 occupied homes were estimated to not contain adequate heat, while all homes within the Township had complete plumbing or kitchen facilities.

Condition of Housing Stock

Condition	Number of Units	Percent
Lack of complete plumbing	0	0.00%
Lack of complete kitchen	0	0.00%
Lack of telephone service	0	0.0%
Lack of adequate heat	13	0.9%
Total Occupied Housing Units	1,389	0.94%

Source: 2023 ACS Table DP04

Housing with 1.01 or more persons per room is an index of overcrowding as defined by the U.S. Department of Housing and Urban Development. According to the 2023 ACS, 15 of the Township’s 1,389 occupied housing units contained 1.01 to 1.50 persons per room.

Occupants Per Room

Occupants	Number of Units	Percent
1.00 or less	1,374	98.9%
1.01 to 1.50	15	1.1%
1.51 or more	0	0.0%
Total	1,389	100%

Source: 2023 ACS Table DP04

Research has demonstrated that units built 50 or more years ago (i.e. 1975 or earlier) are much more likely to be in substandard condition. Included in the rehabilitation calculation are overcrowded units and dilapidated housing as discussed above.

The table and bar graph on the following page provide the 2023 ACS estimates for the age of housing units in Mine Hill. An estimated 864 units, or 59%, of the Township’s housing stock were constructed prior to 1970 with over 13% being constructed prior to 1940. Residential development in Mine Hill boomed between the 1950s and 1980s as an estimated 59% of the Township’s housing stock was constructed during this era. Since 1990, only 273 homes have been constructed. See the table and chart on the following page for more details. The Township’s Rehabilitation Obligation is 13 units, reflecting the relatively good condition of these older homes.

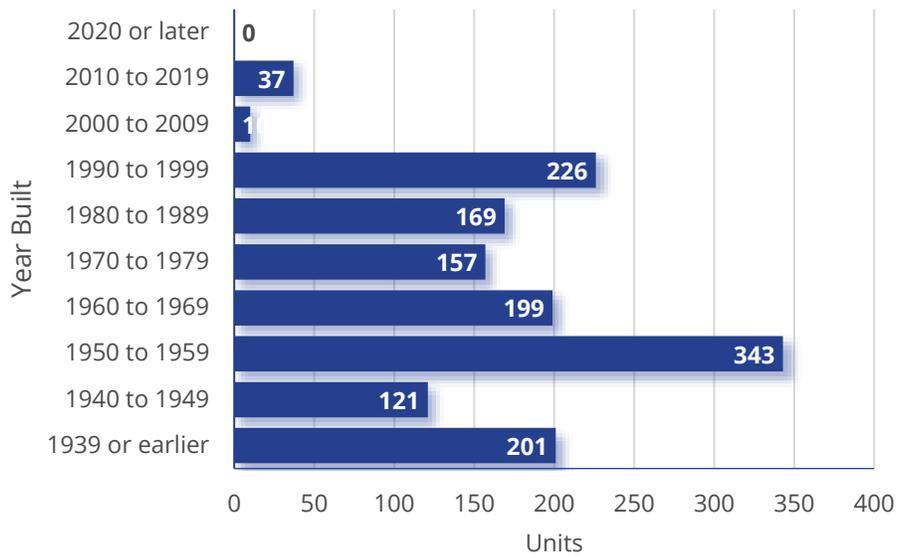
It should be noted that the “2020 or later” line item may be inaccurate. The New Jersey Department of Community Affairs’ (“DCA”), Division of Codes and Standards website provides data on building permits, certificates of occupancy, and demolition permits for both residential and non-residential development. We have reviewed the data from the State for 2020 through 2024 and 54 certificates of occupancy have been issued for new residential units since the beginning of 2020. See the tables on page 25 for additional details.

Age of Housing Stock

Year Built	Number of Units	Percent
1939 or earlier	201	13.7%
1940 to 1949	121	8.3%
1950 to 1959	343	23.4%
1960 to 1969	199	13.6%
1970 to 1979	157	10.7%
1980 to 1989	169	11.6%
1990 to 1999	226	15.4%
2000 to 2009	10	0.7%
2010 to 2019	37	2.5%
2020 or later	0	0.0%
Total	1,463	100%

Source: 2023 ACS Table DP04

Age of Housing Stock



V. Employment Demographics

The 2023 ACS estimated that Mine Hill had 2,380 residents over the age of 16 in the workforce. Of those, 2,297 (96.5%) were employed, which translates to a 3.5% unemployment rate. A majority of workers were private wage and salary workers (77.1%). However, 14.5% were workers employed by the government and 4.9% were self-employed. See the table below for details.

Class of Workers

Class	Workers	Percent
Private wage and salary workers	1,834	77.1%
Government workers	346	14.5%
Self-employed workers	117	4.9%
Unpaid family workers	0	0.0%
Total employed residents	2,297	96.5%
Total unemployed residents	83	3.5%
Total residents in workforce	2,380	100%

Source: 2023 ACS Table DP03

Occupational Characteristics

The 2023 ACS estimated 1,023 workers were employed management, business, science, and arts fields, which represents 44.5% of the Township's employed residents. Sales and office workers totaled 18.3% of employed residents, while 15.1% were employed in service jobs. See the table below for details.

Occupation of Employed Population

Occupation	Workers	Percent
Management, business, science, & arts	1,023	44.5%
Service	346	15.1%
Sales & office	421	18.3%
Natural resources, construction, & maintenance	209	9.1%
Production, transportation, & material moving	298	13.0%
Total	2,297	100%

Source: 2023 ACS Table DP03

Employment Projections

NJTPA’s Plan 2050 estimates that the number of available jobs in Mine Hill will increase from 497 reported in 2015 to 542 in 2050. This represents an increase of 45 jobs, or an average annual increase of 1.3 jobs annually. However, as detailed in the following section, the New Jersey Department of Labor and Workforce Development estimated a total of 603 jobs in Mine Hill in 2023, which is 61 more than projected by NJTPA.

Employment Projection

Year	Jobs	Change	Percent
2015	497	---	---
2050	542	45	9.1%

Source: NJTPA Plan 2050, Appendix E, 2050 Demographic Forecasts, <https://www.njtpa.org/plan2050>

In-Place Employment by Industry

New Jersey’s Department of Labor and Workforce Development (“NJDLWD”) is the entity that reports on employment and wages within the State of New Jersey through the Quarterly Census of Employment and Wages (“QCEW”). The latest Municipal Report was completed in 2023. According to the data, there were 191 private sector jobs within the Township, which were provided by an average of 87 employers. The Municipal Report redacted data from multiple private-sector industries for not meeting minimum publication standards. The “Private Sector Total” row in the table on the following page provides the totals for the reported data only. However, the 2023 QCEW reported that Mine Hill had an average of 603 private-sector jobs provided by 87 employers, including the redacted data. Additionally, the QCEW data reflects employment within Mine Hill, regardless of where the employee lives.

Based on the 2023 QCEW data provided, the professional/technical industry contained the largest number of jobs in the Township with an average of 75 jobs (27.6%). These jobs were provided by 7 employers, which is the fourth-largest industry of employers in Mine Hill. The “admin/waste remediation” industry had 10 employers, which was the highest, but the least number of average jobs (22). The accommodation/food industry had the second-highest jobs and second-highest employers with an average of 59 jobs (21.7%) and eight employers. In the public sector, the 2023 QCEW Municipal Report indicated that there were three local government employers, which had an average of 91 jobs. This included one local government education employer providing an average of 62 jobs. See the table on the following page for data on each industry sector.

Private and Public Sector Employment (2023)

Industry	Establishments		Employees		Annual Wages
	Total	Percent	Total	Percent	
Construction	-	-	-	-	-
Manufacturing	-	-	-	-	-
Wholesale Trade	-	-	-	-	-
Retail Trade	9	24.3%	25	-	\$57,639
Transportation/Warehousing	-	-	-	-	-
Information	-	-	-	-	-
Finance/Insurance	-	-	-	-	-
Real Estate	-	-	-	-	-
Professional/Technical	7	18.9%	75	27.6%	66,807
Admin/Waste Remediation	10	27.0%	22	8.1%	\$29,540
Health/Social	-	-	-	-	-
Arts/Entertainment	-	-	-	-	-
Accommodations/Food	8	21.6%	59	21.7%	\$21,927
Other Services	-	-	-	-	-
Redacted	53	60.9%	10	5.2%	-
Private Sector Total	87	100%	191	100%	\$61,235
Federal Government	-	-	-	-	-
Local Government	3	100%	91	100%	55,755
Local Government Education	1	33%	62	68%	63,224
Public Sector Total	3	100%	91	100%	\$55,755

Source: The table values above are sourced from the NJDLWD's QCEW 2023 Municipal Report. It is noted that this Report has redacted multiple private sector industries for not meeting the publication standard. The Redacted category has been added to capture the difference between the published sectors and the reported private sector total.

Travel Time to Work

The 2023 ACS collected data regarding employed resident's commute time. The most common commute time was between 45 and 59 minutes, which was made by 337 workers (17.8%). A commute between 10 to 14 minutes followed close behind with 206 workers (15.8%). Rounding off the top three was a commute of 30 to 34 minutes, which was reported by 257 workers (13.6%). The mean travel time was estimated at 35.7 minutes. It should be noted that 115 workers (6.1%) reported a commute of more than one hour. Additionally, 354 workers, or 15.8% of the Township's employed residents, reported working from home. See the table below.

Commute Time

Travel Time (minutes)	Workers	Percent
Less than 5	12	0.6%
5 to 9	206	10.9%
10 to 14	300	15.8%
15 to 19	139	7.3%
20 to 24	131	6.9%
25 to 29	111	5.9%
30 to 34	257	13.6%
35 to 39	136	7.2%
40 to 44	149	7.9%
45 to 59	337	17.8%
60 to 89	67	3.5%
90 or more	48	2.5%
Total	1,893	100.0%

Source: 2023 ACS Table B08303

VI. Projection of Housing Stock

As per the MLUL, specifically N.J.S.A. 52:27D-310, a housing element must contain a projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands.

The DCA Division of Codes and Standards website provides data on building permits, certificates of occupancy, and demolition permits for both residential and non-residential development through the New Jersey Construction Reporter. This database contains permit and certificate of occupancy information that is submitted by municipal construction officials across the State each month. The Construction Reporter has information dating back to 2000, which can be used to show the Township's historic development trends. However, data from 2013 and onward was reviewed to determine more recent trends.

As shown in the table below, the issuance of residential certificates of occupancy varies from year to year in the Township of Mine Hill. Overall, Mine Hill issued a total of 89 COs for new housing units, and a total of 59 demolition permits. This results in a net increase of 30 new housing units during the 12-year period.

Historic Trend of Residential Certificates of Occupancy & Demolition Permits (2013-2024)

	'13	'14	'15	'16	'17	'18	'19	'20	'21	'22	'23	'24	Total
COs Issued	0	5	22	1	2	0	5	1	1	1	51	NR	89
Demolitions	0	34	13	2	1	2	0	1	4	2	0	NR	59
Net Development	0	-29	9	-1	1	-2	5	0	-3	-1	51	NR	30

Source: NJDCA, Construction Reporter - Housing Units Certified and Demolition Permits, Yearly Summary Data

Projecting into the future, the Township anticipates that the Tarzan Redevelopment, Benkendorf, and 168 Route 46 Redevelopment projects will be constructed within the Fourth Round period. This would result in a total of 724 additional housing units, of which 150 would be affordable family rental units. Given the limited remaining vacant land within the Township, it is not expected that any other significant residential developments will occur within the next ten years.

VII. Capacity for Fair Share

This chapter of the HEFSP provides the following information as required:

- The Township's capacity to accommodate its housing needs.
- A consideration of the lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing.
- Lands of developers who have expressed a commitment to provide low and moderate income housing.
- The location and capacities of existing and proposed water and sewer lines and facilities relevant to the proposed affordable housing sites.

Land Capacity

The ability to accommodate Mine Hill's present and prospective affordable housing needs is determined by three components – available land, water capacity and sewer capacity. Land development is limited by environmental constraints, such as wetlands, flood plains, easements (conservation, sewer, water, power utility, etc.), parcel size and municipal regulations.

Mine Hill has conducted a Vacant Land Inventory to identify vacant and developable properties remaining in the Township that may be suitable for affordable housing development. The analysis found that remaining vacant properties, including properties that have or will develop or redevelop during the 1999-2025 Third Round period and 2025-2035 Fourth Round period, would result in a realistic development potential ("RDP") of 152 units.

Utility Capacity

Wastewater

According to the Mine Hill Chapter of the Morris County Wastewater Management Plan, adopted October 1, 2020, all wastewater generated within the Township of Mine Hill is treated by the Rockaway Valley Regional Sewerage Authority (RVRSA) Sewage Treatment Plant, with exception of the Canfield Avenue Elementary School, Cinders Restaurant, and Salvatore Milelli, which have individual NJPDES permits to discharge more than 2,000 gallons per day to groundwater.

According to the WMP, the Township of Mine Hill is a customer of RVRSA and not a member community and therefore does not fall under the first-come-first-serve rule. The Township currently has an allocation of 0.131042 MGD from RVRSA. The total projected build-out flow is 0.406 MGD, which is 0.275 MGD above their allocated flow. The WMP shows the Township of Mine Hill does not have sufficient allocation with RVRSA STP to meet the calculated build-out potential within the Township. RVRSA has received its final permit to increase its capacity up to 15 MGD. It is expected that this increase will be sufficient to serve all eleven municipal build-out needs after the Water Quality Management Plan is amended to allow for the expansion.

Mine Hill Township has been actively negotiating with RVRSA to acquire additional allocation from the STP. It is expected that Mine Hill will seek to obtain additional gallonage from RVRSA to address the sewer capacity deficit of the allocated flow.³

Water

Public water supply in Mine Hill is provided by the Mine Hill Township Water Department (“MHTWD”). According to the NJDEP public water system website, the MHTWD has a firm capacity of 0.560 million gallons per day (“MGD”) with a current peak demand of 0.503 MGD. The MHTWD purchases 0.560 MGD potable water from the Morris County Municipal Utilities Authority (“MCMUA”), which exceeds the current peak demand.⁴

Appropriate Locations for Affordable Housing

Given the limited availability of vacant and developable land within the sewer service area, the Township does not believe there are any specific properties that are currently suitable or appropriate for the construction of low- and moderate-income.

Existing structures appropriate for conversion to affordable housing may include ranch-style homes, which may be cost effective to buy and convert to an alternative living arrangement. As for structures suitable for rehabilitation, according to the Rehabilitation Obligation, 13 homes within the Township are in need of a major system repair (e.g. roof, electric, plumbing, etc.).

Potential Affordable Housing Developers

Presently, there are nine developers within Mine Hill who are proposing or have received approval for inclusionary projects:

1. Tarzan, Inc. – family rental inclusionary (approved site plan)
2. Mr. Salvatore Milelli – family rental inclusionary (existing)
3. Habitat for Humanity – single-family for sale (existing)
4. 106 Hurd Street, LLC – family rental inclusionary (existing)
5. Iron Mountain Industrial Park – group home (confirmed interest)
6. 168 US Route 46 Redevelopment - family rental inclusionary (approved site plan)
7. Benkendorf – multifamily rental inclusionary (rezoned)
8. Sweetwood/Ellison - multifamily rental inclusionary (confirmed interest)
9. Kenville Krane – for-sale family townhomes (confirmed interest)

The only other site that was presented to the Township that is not being included in the Fourth Round HEFSP is the M&T property. The M&T site consists of Lots 1-10 and 12 and 13 in Block 903, the Gillen Street right-of-way, the First Street right-of-way and Lots 1, 2, 3, 6, 7 and 8 in Block 904. The properties are situated within the C Commercial Zone District, the SF Single Family Residential Zone District, and the NPL Nonprofit Public Land Overlay Zone District. None of those zones permit multi-family or inclusionary housing. This site was never included as a potential inclusionary housing site in the Township’s HEFSP.

³ Mine Hill Township WMP Chapter (adopted October 1, 2020). <https://www.morriscountynj.gov/Departments/Planning-and-Preservation/Wastewater-Management-Plan-WMP/Mine-Hill-Township-WMP-Chapter>.

⁴ NJDEP Public Water System Deficit/Surplus Report. <https://www.nj.gov/cgi-bin/dep/watersupply/pwsdetail.pl?id=1420001>.

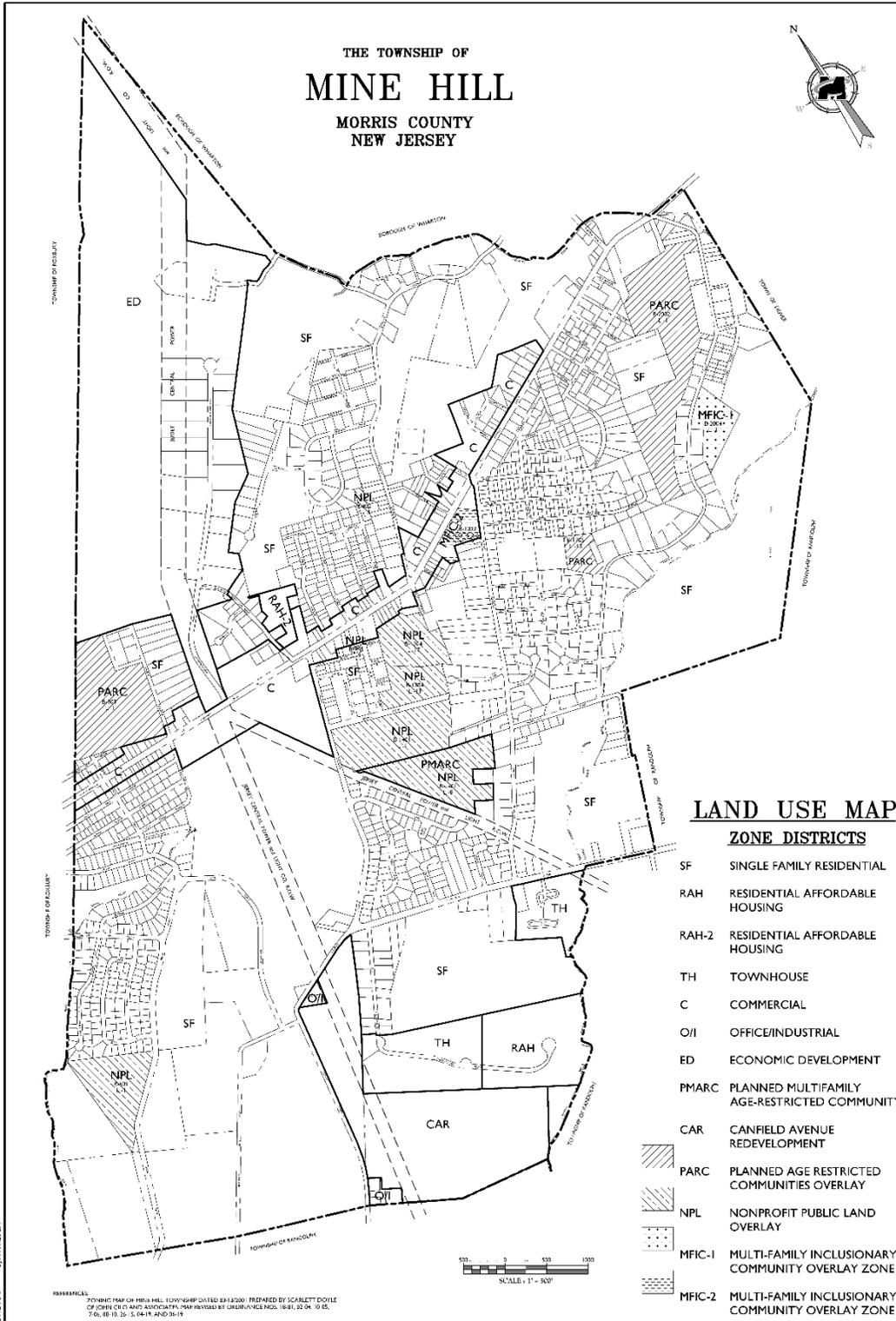
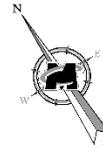
The Mine Hill Township Council was initially approached by Mr. Jack Morris and Mr. Brian Trematore (the two principal owners of M&T at Mine Hill, LLC) who expressed an interest in redeveloping the subject properties located at the corner of U.S. Route 46 and Baker Street in the Township of Mine Hill for a proposed mixed-use inclusionary development with commercial and multi-family residential dwellings including affordable housing. The Township engaged in the Redevelopment process, beginning in 2020. The Township designated the site as a Condemnation Area in Need of Redevelopment in 2021; however, there was never any redevelopment plan prepared, no redeveloper was designated, and no redevelopment agreement was ever executed. In 2022, a lawsuit was filed by a third party challenging the redevelopment designation. The parties ultimately settled by way of the Township's agreement to rescind the redevelopment designation and the case was dismissed without any testimony being presented.

The redevelopment area as originally envisioned would have required inclusion of municipally-owned and improved properties, as well as municipally owned rights-of-way, and other properties that are not owned by or under control of M&T. Since the Township is able to meet the entirety of the Prior Round, Third Round, and Fourth Round Obligations with the 168 Route 46 Redevelopment sit, the Kenville Crane site, and the Sweetwood/Ellison site without seeking a Vacant Land Adjustment, the M&T proposed development is not needed at this time and the Township is declining to include the proposed development in the Fourth Round HEFSP.

Anticipated Development Patterns

Anticipated development patterns within Mine Hill are anticipated to follow the established zoning. Mine Hill is zoned for single family residential, affordable housing residential, age-restricted multi-family community, townhouses, commercial, office/industrial and economic development. The Township also has the following overlay districts: planned age-restricted communities, non-profit/public land and multi-family inclusionary community. The majority of Mine Hill is zoned for single family residential. See the Zoning Map on the next page for details.

THE TOWNSHIP OF
MINE HILL
 MORRIS COUNTY
 NEW JERSEY



LAND USE MAP

ZONE DISTRICTS

- SF SINGLE FAMILY RESIDENTIAL
- RAH RESIDENTIAL AFFORDABLE HOUSING
- RAH-2 RESIDENTIAL AFFORDABLE HOUSING
- TH TOWNHOUSE
- C COMMERCIAL
- O/I OFFICE/INDUSTRIAL
- ED ECONOMIC DEVELOPMENT
- PMARC PLANNED MULTIFAMILY AGE-RESTRICTED COMMUNITY
- CAR CANFIELD AVENUE REDEVELOPMENT
- PARC PLANNED AGE RESTRICTED COMMUNITIES OVERLAY
- NPL NONPROFIT PUBLIC LAND OVERLAY
- MFIC-1 MULTI-FAMILY INCLUSIONARY COMMUNITY OVERLAY ZONE 1
- MFIC-2 MULTI-FAMILY INCLUSIONARY COMMUNITY OVERLAY ZONE 2

By: HT/RES/CA

PLANNING MAP OF THE TOWNSHIP OF MINE HILL, MORRIS COUNTY, NEW JERSEY, PREPARED BY SCARLETT DODDLE OF ZONING CONSULTANTS ASSOCIATES, P.A. MAP REVISED BY JOHN ANGELO, REGISTERED PROFESSIONAL ENGINEER, 06-10-05.

REV	DATE	DRAWN BY	DESCRIPTION
1	04/2016	HT	AMEND MAP TO ADD THE MFIC OVERLAY ZONE
2	03/12/15	HT	AMEND TO UPDATE RAH AND MFIC ZONES

PREPARED BY:
PAUL M. STERBENZ,
 P.E., P.P., LIC. NO.
 3702

TOWNSHIP MAPS			
DATE	BY	APPROVED BY	DATE
ZONING MAP			
1 of 1			

Highlands Regional Master Plan Compliance

The Amended FHA lists the essential components of a municipality's housing element. NJSA 52-27D-310h. states the following:

For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, C.120 (C.13-20-4), an analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities. This analysis shall include consideration of the municipality's most recent Highlands Municipal Build Out Report, consideration of opportunities for redevelopment of existing developed lands into inclusionary or 100 percent affordable housing, or both, and opportunities for 100 percent affordable housing in both the Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands regional master plan.

Since Mine Hill Township is entirely within the Highlands Planning Area and has not voluntarily conformed to the Highlands RMP, the Township does not need to address this section of the FHA.

State Development & Redevelopment Plan Consistency

P.L. 2024, c.2 amended the Fair Housing Act to include a new requirement for housing elements. N.J.S.A. 52:27D-310i. reads, "An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission."

In March 2001 the New Jersey State Development and Redevelopment Plan (SDRP) was adopted, which amended the previous plan adopted in 1992. In 2010, the State released a new draft State Plan, which was approved but never adopted. In 2025, the State adopted the 2025 New Jersey Development and Redevelopment Plan, which amended the previous plan adopted in 2001. The document sets a vision for 2050, aiming to create prosperity and opportunity, dynamic and revitalized towns, centralized development and redevelopment, jobs, and a clean environment. The State Plan is intended to guide comprehensive planning and strategic investments by state, county, and municipal governments, while addressing the urgent challenges of climate change, environmental justice, and technological change. The Plan has ten aspirational goals as follows:

- Economic Development – Promote economic growth that benefits all residents of New Jersey.
- Housing – Provide an adequate supply of housing for residents of all ages and incomes in communities of their choosing that meet their needs and offer ready access to the full range of supportive goods and services.
- Infrastructure - Economic opportunity through nation-leading infrastructure.
- Revitalization and Recentering – Revitalize and recenter the state's underutilized developed areas.
- Climate Change – Effectively address the adverse impacts of global climate change.
- Natural and Water Resources – Protect, maintain, and restore the state's natural and water resources and ecosystems.
- Pollution and Environmental Clean-up – Protect the environment; prevent and clean up pollution.
- Historic and Scenic Resources – Protect, enhance, and improve access to areas with exceptional archeological, historic, cultural, scenic, open space, and recreational value.

- Equity – Implement equitable planning practices to promote thriving communities for all New Jerseyans.
- Comprehensive Planning – Foster sound and integrated planning and implementation at all levels statewide.

It is noted that new mapping and planning area designations will be forthcoming.

In terms of water, wastewater, stormwater, and multi-modal transportation, this HEFSP is not inconsistent with the guidance and policies within the 2025 State Plan.

Multigenerational Family Continuity Evaluation

P.L. 2024, c.2 amended various aspects of the Fair Housing Act. These amendments modified the mandatory components of a municipality's housing element. NJSA 52:27D-310g. has been added, which states "An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c. 273 (C.52:27D-329.20)"

P.L. 2021, c.273 took effect on November 8, 2021. The law established the Multigenerational Family Housing Continuity Commission, which consists of a body of nine members. The duties of the Commission include the preparation and adoption of recommendations on how State government, local government, community organizations, private entities, and community members may most effectively advance the goal of enabling senior citizens to reside at the homes of their extended families, thereby preserving and enhancing multigenerational family continuity, through the modification of State and local laws and policies in the areas of housing, land use planning, parking and streetscape planning, and other relevant areas. The Law requires the Commission to report annually to the Governor on its activities, findings, and recommendations, if any, for State and local government. The Department of Community Affairs ("DCA") is required to provide staff services as may be needed for the Commission to carry out its responsibilities, including assembly of necessary information and statistics, and preparation of draft reports, analyses, and recommendations.

The State of New Jersey's website was reviewed on March 18, 2025. A search of the website revealed no webpage for the Multigenerational Family Housing Continuity Commission. As DCA is required to provide staff and research for the Commission, DCA's website was reviewed on March 18, 2025. DCA's website is silent regarding the Commission, its annual required reports, studies, and/or recommendations. Without recommendations from the Commission, Mine Hill is unable to conduct an analysis of its ordinances and other local factors. Despite the absence of recommendations, it should be noted that there is nothing in Mine Hill's zoning ordinance that prohibits senior citizens from residing at the home of their extended families.

FAIR SHARE PLAN

VIII. Required Content of Fair Share Plan

The Fair Share Plan contains the following information:

- Description of existing credits intended to satisfy the obligation;
- Description of mechanisms that will be used to meet any outstanding obligation; and
- An implementation schedule that sets forth a detailed timetable for units to be provided.

In adopting its housing element, a municipality may provide for its fair share of low- and moderate-income housing by means of any technique or combination of techniques that provide a realistic opportunity for the provision of the fair share. As per N.J.A.C. 5:93, these potential techniques include but are not limited to:

- Rehabilitation of existing substandard housing units;
- ECHO units (as a Rehabilitation credit);
- Municipally-sponsored and 100% affordable developments;
- Zoning for inclusionary development;
- Alternative living arrangements;
- Accessory apartment program;
- Purchase of existing homes;
- Write-down/buy-down programs; and
- Assisted living residences.

Regional Income Limits

Dwelling units are affordable to low and moderate income households if the maximum sales price or rental cost is within their ability to pay such costs, based on a specific formula. The State historically provided income limits based upon the median gross household income of the affordable housing region in which the household is located. A moderate income household is one with a gross household income equal to or more than 50 percent, but less than 80 percent, of the median gross regional household income. A low income household is one with a gross household income equal to 50 percent or less of the median gross regional household income. Very-low income households are those with a gross household income equal to 30 percent or less of the median gross household income. Mine Hill is located in Region 2, which contains Essex, Morris, Union, and Warren Counties.

Using the Affordable Housing Professionals of New Jersey's latest chart on the regional income limits for Housing Region 2 in 2025, a four-person moderate income household is capped at \$108,240. Two-person moderate income households are capped at \$86,640, while two-person households could make up to \$54,150 to be considered a low-income household. The table on the below provides the median, moderate, low, and very-low income limits for one-, two-, three-, and four-person households in Region 2.

2025 Regional Income Limits (Region 2)

Income	Household Size			
	1 Person	2 Person	3 Person	4 Person
Median	\$94,800	\$108,300	\$121,800	\$135,300
Moderate	\$75,840	\$86,640	\$97,440	\$108,240
Low	\$47,400	\$54,150	\$60,900	\$67,650
Very-Low	\$28,440	\$32,490	\$36,540	\$40,590

Source: https://www.nj.gov/dca/hmfa/about/regulations/docs/UHAC_Income%20Limits.pdf

IX. Mine Hill's Affordable Housing Obligation

This chapter outlines the four-part affordable housing obligation Mine Hill has been assigned.

Four-Part Obligation

Rehabilitation | 13

Mine Hill accepted DCA's rehabilitation obligation of 13 units for the Fourth Round.

Prior Round (1987-1999) | 61

Mine Hill originally prepared its Housing Plan in April 1988 and first received substantive certification from COAH during the First Round in June 1990.

The Township prepared a Second Round Plan in June 1996 and received substantive certification from COAH on April 2, 1997, which was to address the 61-unit Prior Round obligation by constructing 9 affordable units on the Thomastown Courts site and 67 affordable units on the Sweetwood/Ellison site.

Third Round (1999-2025) | 136

Mine Hill entered into a Settlement Agreement with the FSHC and ultimately received a Judgment of Compliance and Repose setting the Third Round obligation at 136 units.

As part of the Third Round HEFSP, Mine Hill relied upon a Vacant Land Adjustment, which yielded a combined new construction RDP of 111 affordable housing units for the Prior Round and Third Round obligations, resulting in an Unmet Need of 86 units.

As part of this Fourth Round HEFSP, the Township of Mine Hill is now proposing to satisfy the 136-unit Third Round obligation and will no longer be seeking a vacant land adjustment for the Third Round.

Fourth Round (2025-2035) | 54

As indicated in the May 13, 2025 Order setting the Fourth Round obligations, Mine Hill's Fourth Round Obligation is 54 units. As previously discussed, for the purposes of this 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, at which point the Township would need to amend this HEFSP.

The Amended FHA modified the micro-requirement formulas for the Fourth Round obligation, which are as follows:

- Minimum 50% of the actual affordable units (exclusive of any bonus credits) available to families.
- Minimum 25% of the actual affordable units (exclusive of any bonus credits) as rental units.
- Half of the above as family rental units.
- Maximum 30% of the affordable units (exclusive of any bonus credits) as age-restricted housing.
- Maximum 25% of the obligation as bonus credits.

X. Mechanisms & Credits

This chapter provides the existing and proposed mechanisms and credits for each of the four affordable housing obligations.

Rehabilitation Mechanisms & Credits

Morris County operates a Housing Rehabilitation Program (“MCHRP”) for qualified low- and moderate-income households that gives homeowners money to fix major systems (such as roofs, heating, structural, well, septic, etc.) of their home. In return for the rehabilitation money, the house must have a lien with 99-year affordability controls placed on the property. Despite marketing the program to residents, Mine Hill has not had any participants in the program.

Pursuant to N.J.A.C. 5:97-6.2(b)(7), units that are eligible to receive new construction credit may be used to address a municipal rehabilitation share. The Morris County Habitat for Humanity obtained subdivision approval with use variance relief to permit the construction of four single-family homes on Lot 32 in Block 802 located along Randall Avenue. Each single-family home has been deed-restricted for occupancy by low- and moderate-income households. All four homes are constructed and occupied. The Township will apply the 4 credits from the Habitat for Humanity homes as new construction credits towards the Present Need. Should additional new construction credits above those required to meet the Prior Round, Third Round or Fourth Round obligations become available during the Fourth Round, the Township may opt to apply those new construction credits towards the present need as well.

Mine Hill intends to continue to encourage residents to utilize the MCHRP to rehabilitate homes. The Township believes this mechanism will satisfy the remainder of the present need obligation of 9 units for the Fourth Round.

Prior Round Mechanisms & Credits

As per the terms of the Court approved Third Round Settlement Agreement between the Township and FSHC, Mine Hill Township's Prior Round Obligation is 61 units. Mine Hill addresses its Prior Round Obligation of 61 as follows:

1. Salvatore Milelli Mixed Use

On May 2, 2016, the Township Land Use Board granted Mr. Salvatore Milelli site plan approval with use variance relief to construct three (3) additional apartment units in a mixed-use building situated on Lot 6 in Block 1302, commonly known as 173 Route 46. The approval also allows for various site and building improvements to enhance the site and condition of the building. One of the conditions of approval requires Mr. Milelli to deed-restrict two (2) of the units for low- and moderate-income households in accordance with COAH regulations. The project has been constructed, and the deed restriction was approved by the Township and recorded in the Morris County Clerk's Office on January 16, 2019. The Township intends to apply 2 existing units plus 2 rental bonus credits towards the Prior Round Obligation.

2. 106 Hurd Street

Lot 1 in Block 2004, containing 6.26± acres, was rezoned via Ordinance 04-19 on February 21, 2019, from the Planned Age-Restricted Communities Zone to the MFIC-1 Multi-Family Inclusionary

Communities Overlay Zone District, which permits inclusionary housing as a permitted conditional use at a density of 8 dwelling units per acre with a 20 percent affordable housing set-aside. This site was identified as an Unmet Need site for the Third Round.

The developer received preliminary and final major site plan approval to construct inclusionary multi-family housing. The applicant obtained approval in 2020 to construct a four-story multi-family residential building with 50 residential units, including 10 affordable housing units. Amendments to the original approvals relative to establishment of 18 age-restricted units on the property as part of the development were approved later by the Planning Board in 2021.

The multi-family residential building and associated site improvements were constructed, and the building is partially occupied at this time.

The Applicant returned to the Planning Board in 2024 seeking amended site plan approvals to convert space in the walk-out basement area to additional residential units. A total of 9 new residential units were approved, which increased the total number of units from 50 to 59 units. The project will provide a total of 12 affordable units, which shall comply with the bedroom and income distribution requirements pursuant to the Township's Affordable Housing Ordinance and UHAC. This site is eligible for 12 credits and 12 rental bonus credits towards the Prior Round Obligation.

3. Tarzan, Inc.

Block 1102, Lot 1 and Block 1502, Lot 1 were designated as a Non-Condemnation Area in Need of Redevelopment ("AINR") on July 20, 2017 by the Township Council. A Redevelopment Plan was adopted on February 21, 2019, which permits up to 390 total multi-family housing units with a 20-percent affordable housing set-aside. The site plan was approved in accordance with the Redevelopment Plan to construct a multi-family development with 386 units including 78 units for very-low, low- and moderate-income units. The site is currently under construction. Mine Hill is claiming 33 credits toward the Prior Round obligation. The remaining 45 units will be applied to the Third Round.

Subsection f(2)(a) of the Amended Fair Housing Act provides that "In addressing prior round obligations, the municipality shall retain any sites that, in furtherance of the prior round obligation, are the subject of a contractual agreement with a developer, or for which the developer has filed a complete application seeking subdivision or site plan approval prior to the date by which the housing element and fair share plan are required to be submitted, and shall demonstrate how any sites that were not built in the prior rounds continue to present a realistic opportunity, which may include proposing changes to the zoning on the site to make its development more likely, and which may also include the dedication of municipal affordable housing trust fund dollars or other monetary or in-kind resources..."

Further, "To the extent a municipality has credits, including bonus credits, from units created during a prior round that are otherwise permitted to be allocated toward the municipality's unfulfilled prior round obligation or present or prospective need obligation in an upcoming round, the municipality shall be entitled to rely on the rules, including rules for bonus credits, applicable for the round during which those credits were accumulated."

As demonstrated above, the Tarzan site has a contractual agreement with the Township, by way of an approved site plan and an executed Developer's Agreement, for the development of 386 units including 78 affordable units. Under the Settlement Agreement with the Fair Share Housing Center

addressing the Third Round, the Township was entitled to 78 units of credit along with an additional 28 rental bonus credits for the Tarzan site.

The 2019 Third Round HEFSP utilized a Vacant Land Adjustment based on a combined RDP of 111 units for the Prior Round and Third Round, resulting in a maximum of 28 bonus credits eligible based on 25% of the RDP. Since the Township is amending the Prior Round and Third Round to eliminate the need for a Vacant Land Adjustment, the Township is entitled to claim bonus credits for up to 25% of the 61-unit Prior Round obligation as well as the 136-unit Third Round Prospective Need obligation, which results in a maximum of 14 bonus credits for the Prior Round and 34 bonus credits for the Third Round.

For the purposes of settlement with FSHC, the Township has agreed not to claim any bonus credits for Tarzan, provided that FSHC does not oppose the Township utilizing the full extent of the bonus credits permissible for each round.

Summary of Prior Round Credits

As shown in the chart below, the Township would meet the Prior Round obligation with 2 units and 2 rental bonus credits for the existing Salvatore Millelli project, 12 units and 12 rental bonus credits from the existing 106 Hurd Street project, and 33 units from the Tarzan project. All of the units addressing the Prior Round are family rentals.

Prior Round Affordable Housing Credits							
Project	Credit Type	Status	Total Units	Credits Available	Prior Round		
					Units	Bonus	Total
Salvatore Millelli Mixed Use	Family Rental	Existing	3	2	2	2	4
=106 Hurd Street	Family Rental	Existing	120	12	12	12	24
Tarzan, Inc.	Family Rental	Approved	368	78	33		33
Total					47	14	61

Third Round Mechanisms & Credits

As per the terms of the FSHC Settlement Agreement, Mine Hill's Third Round Obligation is 136 units. Mine Hill is addressing the Third Round obligation as follows:

1. Tarzan, Inc. (KRE/Canfield Avenue Urban Renewal, LLC)

Block 1102, Lot 1 and Block 1502, Lot 1 were designated as a Non-Condemnation Area in Need of Redevelopment ("AINR") on July 20, 2017 by the Township Council. A Redevelopment Plan was adopted on February 21, 2019, which permits up to 390 total multi-family housing units with a 20-percent affordable housing set-aside. The development was approved to construct a multi-family development with 386 units including 78 units for very-low, low- and moderate-income units. Mine Hill is claiming 33 credits toward the Third Round obligation.

2. 168 US Route 46 Redevelopment

The Third Round Housing Plan identified Lots 2, 3, 4, 5 and 6 in Block 1303 as a potential inclusionary housing site to satisfy part of the Unmet Need. The Township adopted overlay zoning

to permit inclusionary housing at a density of 15 units per acre with a 15 percent affordable housing set-aside shall be required for rental units and a 20 percent affordable housing set-aside for any for-sale units.

On May 21, 2020, the Mine Hill Township Council adopted Resolution 076-20 requesting that the Planning Board conduct a preliminary investigation to determine if the study area, identified as Block 1303, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 29.02, qualified as an area in need of redevelopment with the use of condemnation, pursuant to the criteria specified in N.J.S.A. 40A:12A-5.

A public hearing on the investigation was held by the Township Planning Board on November 2, 2020, which recommended by Resolution 169-20 that the study area, with the exception of Lot 1, be qualified as a Condemnation Area in Need of Redevelopment. The Township Council adopted Resolution 169-20 on December 17, 2020 designating the area, with the exception of Lot 1, as a Condemnation Area in Need of Redevelopment.

On July 20, 2023, the governing body, via Ordinance No. 06-23, adopted the 168 US Route 46 Redevelopment Plan.

Subsequent to the adoption of the 2023 Redevelopment Plan, the governing body adopted Resolution 169-23 on November 2, 2023, which authorized the Planning Board to undertake a preliminary investigation to determine if Lot 1 in Block 1304 can be designated as an area in need of redevelopment pursuant to the LRHL. That resolution did not allow for the use of condemnation.

A public hearing on the investigation was held by the Mine Hill Township Planning Board on February 5, 2024, which recommended by Resolution 006-24 that the amended study area be qualified as an Area in Need of Redevelopment.

The Township Council adopted Resolution 037-24 on February 15, 2024 designating the area as an Area in Need of Redevelopment, finding that the subject property should be incorporated into the 2023 Plan. On July 11, 2024, the Township Council adopted the Amended Redevelopment Plan for the area in need of redevelopment, which permits a mixed-use multi-storied building for the development of 296 residential units, including 60 affordable units, and 6,500 square feet of retail space.

The redevelopment plan permits construction of the development within two phases: Phase I consisting of 188 residential units with 38 affordable units, and 2,100 square feet of commercial retail spaces; and Phase II consisting of 108 residential units with 22 being affordable units, and 4,400 square feet of commercial retail space.

The Planning Board granted preliminary and final site plan approval for the project on February 3, 2025 for the development of 296 residential units, including 60 affordable units, and 6,500 square feet of retail space. Mine Hill intends to apply 34 units of credit and 34 rental bonus credits from this site towards the Third Round obligation. The remaining 24 units will be applied to the Fourth Round obligation.

3. Benkendorf Property

Pursuant to the Settlement Agreement for the Third Round, the Township adopted Ordinance 04-19 on February 21, 2019 to rezone Block 808, Lots 4 & 9 to the RAH-2 Residential Affordable Housing District to permit high-density residential development with an affordable housing set-aside. The

property is 4.93 acres and allows the construction of up to 60 multi-family units at a density of up to 12 units per acre with a 20 percent affordable housing set-aside. Therefore, the Benkendorf property provides up to 12 credits towards the Third Round obligation.

It should be noted that this property is currently developed but could be redeveloped for affordable housing. Additionally, the property is not within the existing sewer service area and would require a site-specific amendment to the Wastewater Management Plan to extend sewer service to the property.

4. Kenville Crane Property

Lot 5 in Block 906 is located along the north side of Route 46 and along the west side of Scrub Oaks Road. The property is 5.88 acres, and is currently developed with a construction yard known as Kenville United Corp. The property is proposed to be rezoned to permit a multi-family inclusionary housing development consisting of 101 units, including 20 affordable stacked flats and 81 market rate townhouse units. The project would be non-age-restricted for-sale units. The Township would claim 11 credits toward the Third Round obligation. The remaining 9 units would be applied to the Fourth Round obligation.

Site Suitability

The affordable housing rules require municipalities to designate sites that are available, suitable, developable and approvable, as defined in N.J.A.C. 5:93-1. These terms are defined below:

- Approvable site means a site that may be developed for low- and moderate-income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low- and moderate-income housing.
- Available site means a site with clear title, free of encumbrances which preclude development for low- and moderate-income housing.
- Developable site means a site that has access to appropriate water and sewer infrastructure and is consistent with the applicable areawide water quality management plan (including the wastewater management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by NJDEP.
- Suitable site means a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.

The property meets the four prongs of the rules as follows:

- Approvable site – The Township will rezone the property to permit inclusionary housing in a manner consistent with a concept plan prepared by the developer.
- Available site – The site is under private ownership and has clear title.
- Developable site – The property is in the sewer and water service areas. The Township will cooperate with the property owner/developer to secure water and sewer capacity. If such capacity is lacking, the developer will pay its pro-rate share of any additional costs regarding the need to increase sewer or water capacity.

- Suitable site – The property is located along Route 46 and has direct access to appropriate streets. The Township believes the proposed development will be compatible with the surrounding uses. Based on the initial concept plan from the developer, the property appears to be suitable for the proposed development.

Summary of Third Round Credits

As shown in the chart below, the Township would meet the 136-unit obligation with 45 units from Tarzan, 34 units and 34 rental bonus credits from the recently approved 168 Route 46 Redevelopment project, 12 units from Benkendorf, and 11 units from Kenville Crane. More than 50% of the units addressing the Third Round are family rentals.

Third Round Affordable Housing Credits							
Project	Credit Type	Status	Total Units	Credits Available	Third Round		
					Units	Bonus	Total
Tarzan, Inc.	Family Rental	Approved	368	78	45	0	45
168 US Route 46 Redevelopment	Family Rental AINR	Approved	296	60	34	34	69
Benkendorf Property	Family Rental	Rezoned	60	12	12		12
Kenville Crane	Family Sale	Proposed	101	20	11		11
Total					102	34	136

Fourth Round Mechanisms & Credits

For the Fourth Round, the Township would apply 26 units and 13 redevelopment bonus credits from 168 Route 46 Redevelopment, 9 units from Kenville Crane, and 7 units from Sweetwood/Ellison.

1. 168 US Route 46 Redevelopment

The Planning Board granted preliminary and final site plan approval for the redevelopment project on February 3, 2025 for the development of 296 residential units, including 60 affordable units, and 6,500 square feet of retail space. Mine Hill intends to apply 26 units of credit and 13 redevelopment bonus credits toward the Fourth Round obligation.

2. Kenville Crane Property

Lot 5 in Block 906 is located along the north side of Route 46 and along the west side of Scrub Oaks Road. The property is 5.88 acres, and is currently developed with a construction yard known as Kenville United Corp. The property is proposed to be rezoned to permit a multi-family inclusionary housing development consisting of 101 units, including 20 affordable stacked flats and 81 market rate townhouse units. The project would be non-age-restricted for-sale units. The Township would claim 6 credits toward the Fourth Round obligation.

3. Sweetwood/Ellison Property

The Township prepared a Second Round Plan in June 1996 and received substantive certification from COAH on April 2, 1997, which was to address the 61-unit Prior Round Obligation by constructing 67 affordable units on the Sweetwood/Ellison site. This site was included in the Township's Second Round substantive certification but was removed from the Third Round due to lack of interest or project advancement by the owner. The Township has now been approached by the property

owner/potential developer of the property for the Fourth Round who believe the property does have a realistic development potential and believe the Wastewater Management Plan can be amended to include the property to provide public water and sewer infrastructure. The Township encourages this development, especially as this property has been historically identified as an opportunity for inclusionary development and, with minor modifications to the in situ multifamily zoning, can achieve a substantial yield of affordable housing units. Therefore, the Township is now including this property as a proposed multi-family inclusionary housing site. Based on the most recent concept plan from the potential developer, 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. The Township would claim 1 credit from this project towards the Fourth Round. Any remaining credits would be reserved for the future Fifth Round obligation.

Site Suitability

The affordable housing rules require municipalities to designate sites that are available, suitable, developable and approvable, as defined in N.J.A.C. 5:93-1. The property meets the four prongs of the rules as follows:

- Approvable site – The Township will rezone the property to permit inclusionary housing in a manner consistent with a concept plan prepared by the developer.
- Available site – The site is under private ownership and has clear title.
- Developable site – The property is not currently the sewer and water service areas. The Township will cooperate with the property owner/developer to obtain a Wastewater Management Plan Amendment and to secure water and sewer capacity. If such capacity is lacking, the developer will pay its pro-rate share of any additional costs regarding the need to increase sewer or water capacity.
- Suitable site – The property is located along Randolph Avenue and has direct access to appropriate streets. The Township believes the proposed development will be compatible with the surrounding uses. Based on the initial concept plan from the developer, the property appears to be suitable for the proposed development.

Summary of Fourth Round Credits

As shown in the table below, the Township has total of 41 affordable units and 13 bonus credits, including 26 units and 13 redevelopment bonus credits from 168 Route 46 Redevelopment, 9 units from Kenville Crane, and 6 units from Sweetwood/Ellison to address the Fourth Round obligation.

Fourth Round Affordable Housing Credits							
Project	Credit Type	Status	Total Units	Credits Available	Fourth Round		
					Units	Bonus	Total
168 US Route 46 Redevelopment	Family Rental AINR	Approved	296	60	26	13	39
Kenville Crane	Family Sale	Proposed	101	20	9		9
Sweetwood/Ellison	Family Sale	Proposed	305	61	6		6
Total					41	13	54

Excess Credits

1. Iron Mountain Industrial Park

The Iron Mountain Industrial Park previously confirmed that it would be interested in working with Mine Hill to develop Lot 1 in Block 702, located at the corner of Randall Avenue and Irondale Road, with a group home, a residential health facility or a supportive shared living housing facility. The facility would contain at least ten bedrooms. Since this project was part of the Township's 2010 Housing Element and Fair Share Plan that was filed for substantive certification on June 7, 2010, but not certified by COAH, and since no development application has been submitted in the past 15 years, the Township is no longer relying on this project to meet its obligations. Should the project move forward, the Township may reserve credits towards a future obligation.

2. Sweetwood/Ellison Property

The Sweetwood/Ellison 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. The Township would claim 6 credits from this project towards the Fourth Round. The remaining 55 credits would be reserved for towards a future obligation or towards the present need as new construction credits.

3. Mandatory Set-Aside Ordinance

Pursuant to the Third Round Settlement Agreement, the Township adopted Ordinance 05-19 on February 21, 2019, which requires a mandatory affordable housing set-aside for all new multi-family developments greater than five (5) units. The set-aside for these developments shall be 15 percent for rental developments and 20 percent for for-sale developments. The Township intends to keep this ordinance in place for the present time.

Age-Restricted Cap

Pursuant to the Third Round Settlement Agreement, the Township has agreed to comply with an age-restricted cap of 25 percent and to not request a waiver of that requirement for the Third Round.

Assembly Bill A4 allows for up to 30 percent of the Fourth Round obligation to be met with age-restricted units.

None of the existing or proposed projects are age-restricted, and therefore the Township is in compliance with these limitations.

Very-Low Income Analysis

The Third Round Settlement Agreement and the Amended FHA require at least 13% of all affordable units constructed after July 1, 2008 shall be very-low income units. Half of those units must be available for families. Mine Hill will comply with those requirements as follows:

- At least 13% of the affordable units at Tarzan, Inc., Benkendorf, and 106 Hurd Street shall be very-low-income units.
- The 10-unit group home at Iron Mountain will be very-low-income units.
- At least 13% of all other future developments will be required to be very low-income units.

Summary of Mechanisms & Credits

The table below provides a summary of the mechanisms, credits, and bonuses this HEFSP proposes. It should be noted that all proposed mechanisms will meet the required very-low, low-, and moderate-income distribution and will abide by the UHAC rules in place at the time of Board approval regarding bedroom distribution.

CREDITS														
Project	Credit Type	Status	Total Units	Available Credits	Prior Round			Third Round			Fourth Round			Excess
					Units	Bonus	Total	Units	Bonus	Total	Units	Bonus	Total	
Salvatore Milelli Mixed Use	Rental	Existing	3	2	2	2	4			0			0	0
Habitat for Humanity	Sale	Existing	4	4			0			0			0	0
106 Hurd Street	Rental	Existing	57	12	12	12	24			0			0	0
Tarzan, Inc.	Rental	Under Constr.	368	78	33		33	45		45			0	0
168 US Route 46 Redevelopment	Rental	Approved AINR	296	60			0	34	34	68	26	13	39	0
Benkendorf Property	Rental	Rezoned	60	12			0	12		12			0	0
Kenvil Crane	Sale	Proposed	101	20			0	11		11	9		9	0
Sweetwood/Ellison	Sale	Proposed	305	61			0			0	6		6	55
Total					47	14	61	102	34	136	41	13	54	55
Obligation					61			136			54			
Rentals					100%			89%			63%			
Max Bonus					15			34			13			

XI. Appendix