

DELAWARE TOWNSHIP PLANNING BOARD
RESOLUTION #2025-02

RESOLUTION ADOPTING FOURTH ROUND HOUSING ELEMENT AND
FAIR SHARE PLAN FOR DELAWARE TOWNSHIP,
HUNTERDON COUNTY, NEW JERSEY

WHEREAS, on March 20, 2024, the Governor signed into law P.L. 2024, c.2, which amended the Fair Housing Act and created new procedures for implementing the Mount Laurel Doctrine throughout New Jersey for the Fourth Round (2025-2035) of affordable housing compliance (the Amended FHA); and

WHEREAS, on October 18, 2024, pursuant to the Amended FHA, the New Jersey Department of Community Affairs issued a report titled “Affordable Housing Obligations for 2025-2035 (Fourth Round),” which recommended that Delaware Township’s present need obligation was zero units of affordable housing and its prospective need obligation was 60 units of affordable housing; and

WHEREAS, on December 13, 2024, the Acting Administrative Director of the Courts issued Directive No. 14-24, which created the Affordable Housing Alternate Dispute Resolution Program (the Program), and which established a new process for municipalities to come into constitutional compliance with their affordable housing obligations; and

WHEREAS, on January 14, 2025, Delaware Township filed an action titled In the Matter of the Declaratory Judgment Action of the Township of Delaware, Hunterdon County, Pursuant to P.L. 2024, Chapter 2, Docket No. HNT-L-18-25, thereby submitting itself to the jurisdiction of the Program and the New Jersey Superior Court; and

WHEREAS, Delaware Township’s Declaratory Judgment Action asked the Court to confirm its present need of zero units of affordable housing and its prospective need of 60 units of affordable housing; and

WHEREAS, on March 27, 2025, the Hon. William G. Mennen, J.S.C. entered an Order confirming that Delaware Township’s present need was fixed at zero units and its prospective need was fixed at 60 units; and

WHEREAS, Judge Mennen further ordered that Delaware Township was “authorized to proceed with preparation and adoption of its proposed Housing Element and Fair Share Plan for the Fourth Round, incorporating therein the prospective need allocations aforesaid...by or before June 30, 2025”; and

WHEREAS, Delaware Township’s affordable housing planner, James T. Kyle, PP, AICP, of Kyle McManus Associates, 2 East Broad Street, 2nd Floor, Hopewell, New Jersey 08525 prepared a plan titled “2025 Fourth Round Housing Plan, Housing Element & Fair

Share Plan, Township of Delaware, Hunterdon County, New Jersey” (the proposed HEFSP); and

WHEREAS, on June 23, 2025, the Delaware Township Planning Board held a hearing to consider the adoption of the proposed HEFSP; and

WHEREAS, the Planning Board hearing was duly noticed, pursuant to the requirements of the Municipal Land Use Law set forth at N.J.S.A. 40:55D-13; and

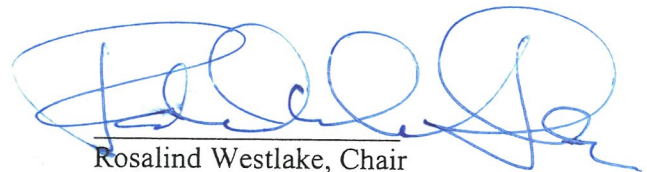
WHEREAS, at the hearing, the Planning Board reviewed the proposed HEFSP and heard testimony from Mr. Kyle and the public; and

WHEREAS, the Planning Board found that the proposed HEFSP met the requirements of the Amended FHA, Directive No. 14-24 and the March 27, 2025 Court Order; and

WHEREAS, the Planning Board found that the proposed HEFSP advanced the purposes of the Municipal Land Use Law and promoted the general welfare of the municipality.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the Township of Delaware, Hunterdon County, New Jersey, does hereby **ADOPT** the plan titled “2025 Fourth Round Housing Plan, Housing Element & Fair Share Plan, Township of Delaware, Hunterdon County, New Jersey,” prepared by James T. Kyle, PP, AICP, as the municipality’s Fourth Round HEFSP; and

BE IT FURTHER RESOLVED that the Planning Board directs its secretary and attorney to take all steps necessary to ensure that the HEFSP is distributed to all outside agencies as required by law and to the Delaware Township Committee for its endorsement and filing with the Program and the Superior Court.



Rosalind Westlake, Chair

ATTEST:



Zuzana Karas
Board Secretary

Date of Hearing: June 23, 2025
Resolution Adopted: June 23, 2025