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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 February 23, 2026**

Endorsed by the Mayor and Council: _____, **2026**



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

MHT0155

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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.

Population Growth

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.

Population Projection

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

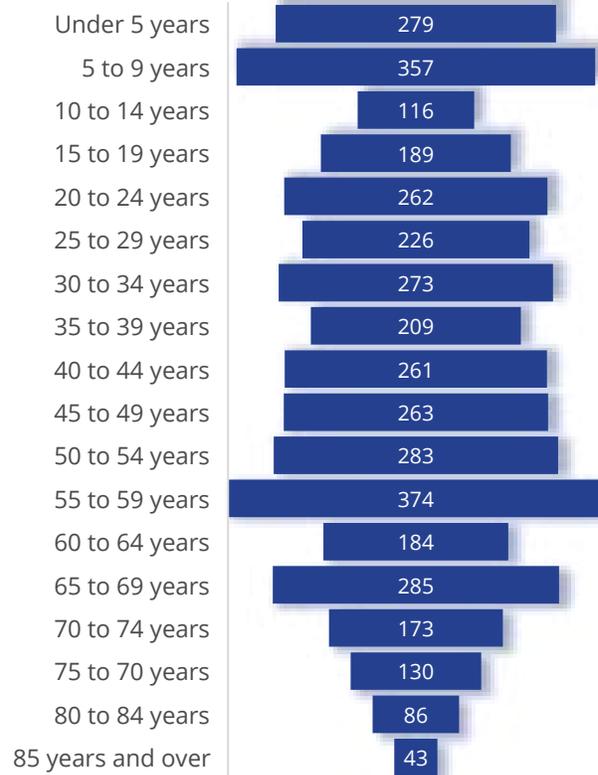
The 2023 ACS estimates just 18% of Mine Hill's population was 65 years or older, while 24% of the population was 19 years or younger. The largest age cohort was estimated to be those aged 55 to 59 years, which comprised 9.4% (374) of the Township's population. Residents aged 5 to 9 years comprised the 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%

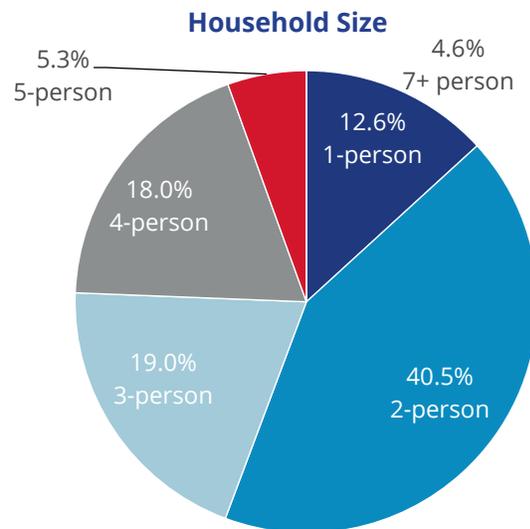
Source: 2023 ACS Table DP02

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

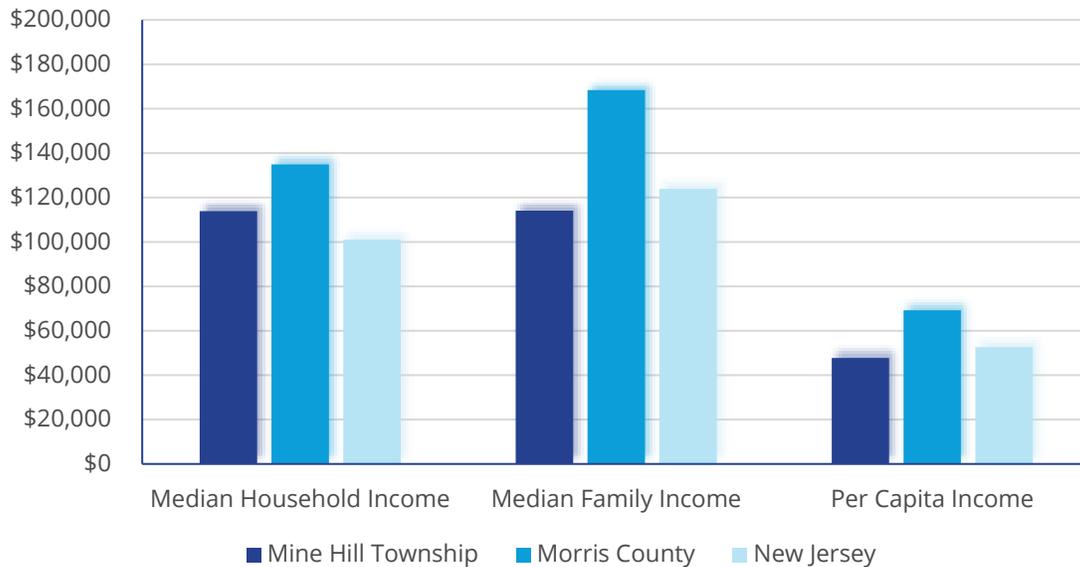
The 2023 ACS estimated the median household income for the Township of Mine Hill to be \$113,861, which is over \$21,000 less than County's but over \$12,000 more than the State's. Similarly, the median family income for Mine Hill was estimated at \$114,056, which is over \$54,000 below the County's 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

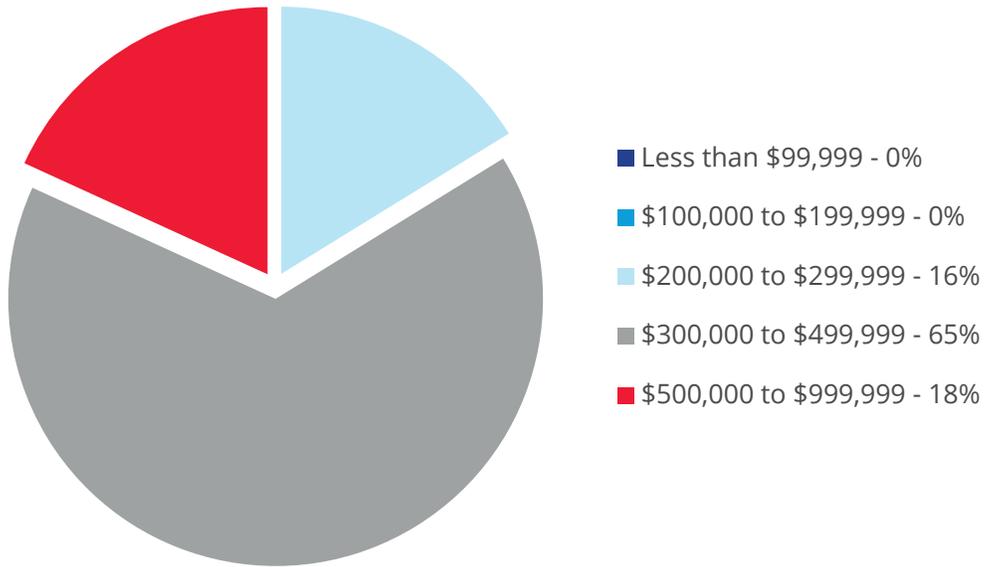
The 2023 ACS provided estimates for owner-occupied housing units in Mine Hill. According to the data, a plurality of homes in the Township were worth between \$300,000 and \$499,999 (65%). Homes worth between \$200,000 and \$299,999 comprised 16% of the owner-occupied housing units, while 18% of homes 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



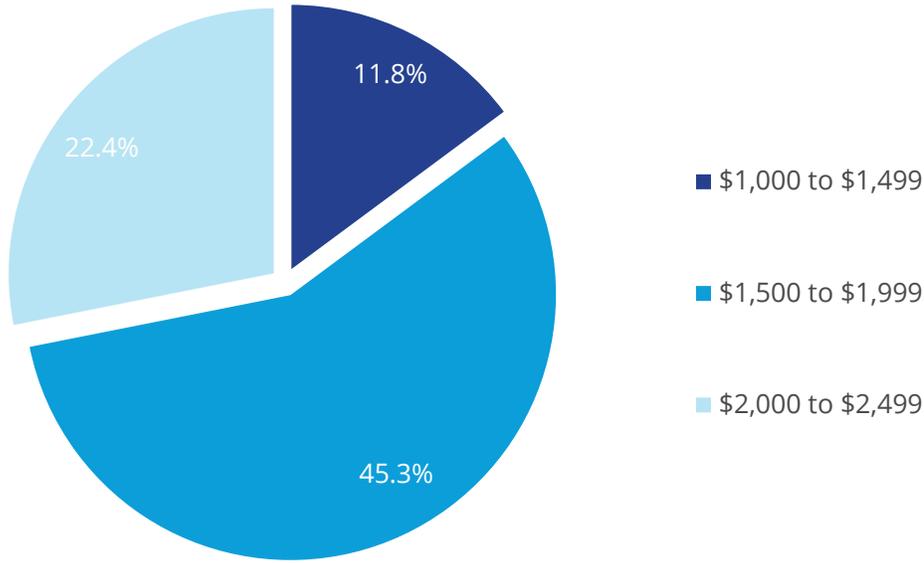
The median rent in the Township was estimated at \$1,873 per the 2023 ACS. Looking at the rent ranges, a little less than half of the Township’s rental units fell between \$1,500 and \$1,999 per month (45.3%). Units that cost between \$1,000 and \$1,499 comprised only 11.8% of rentals (19 units), while 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.

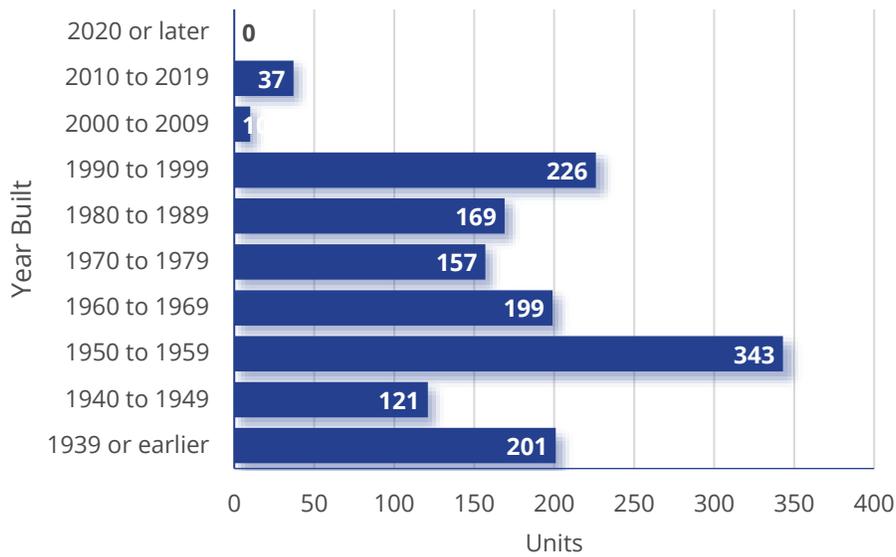
It should be noted that the "2020 or later" line item may be inaccurate. The New Jersey Department of Community Affairs' ("DCA"), Division of Codes and Standards website provides data on building permits, certificates of occupancy, and demolition permits for both residential and non-residential development. 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>.

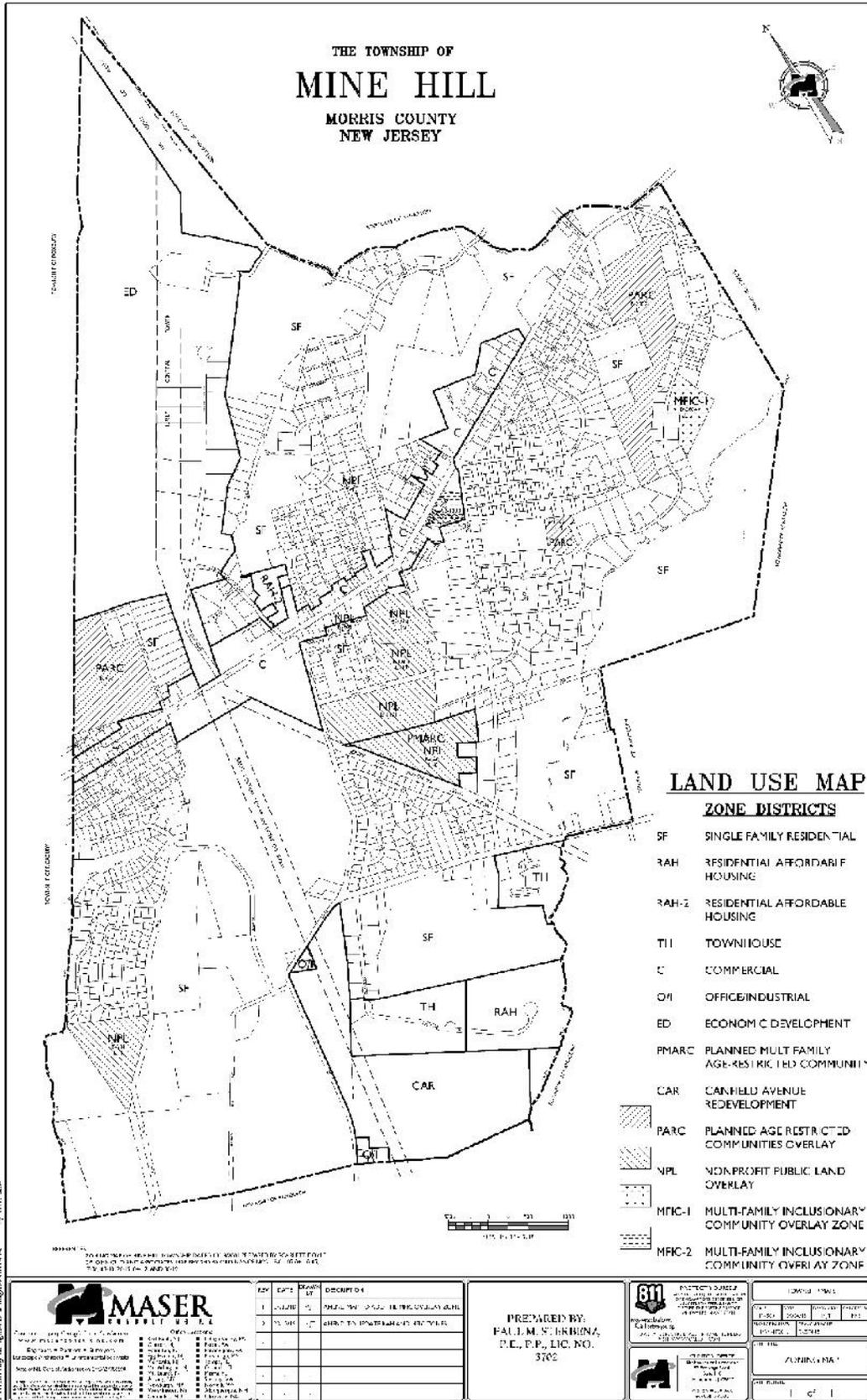
⁴ NJDEP Public Water System Deficit/Surplus Report. <https://www.nj.gov/cgi-bin/dep/watersupply/pwsdetail.pl?id=1420001>.

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.



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 7 new residential units were approved, which increased the total number of units from 50 to 57 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 390 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 390 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	57	12	12	12	24
Tarzan, Inc.	Family Rental	Approved	390	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 390 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	390	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 in 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.

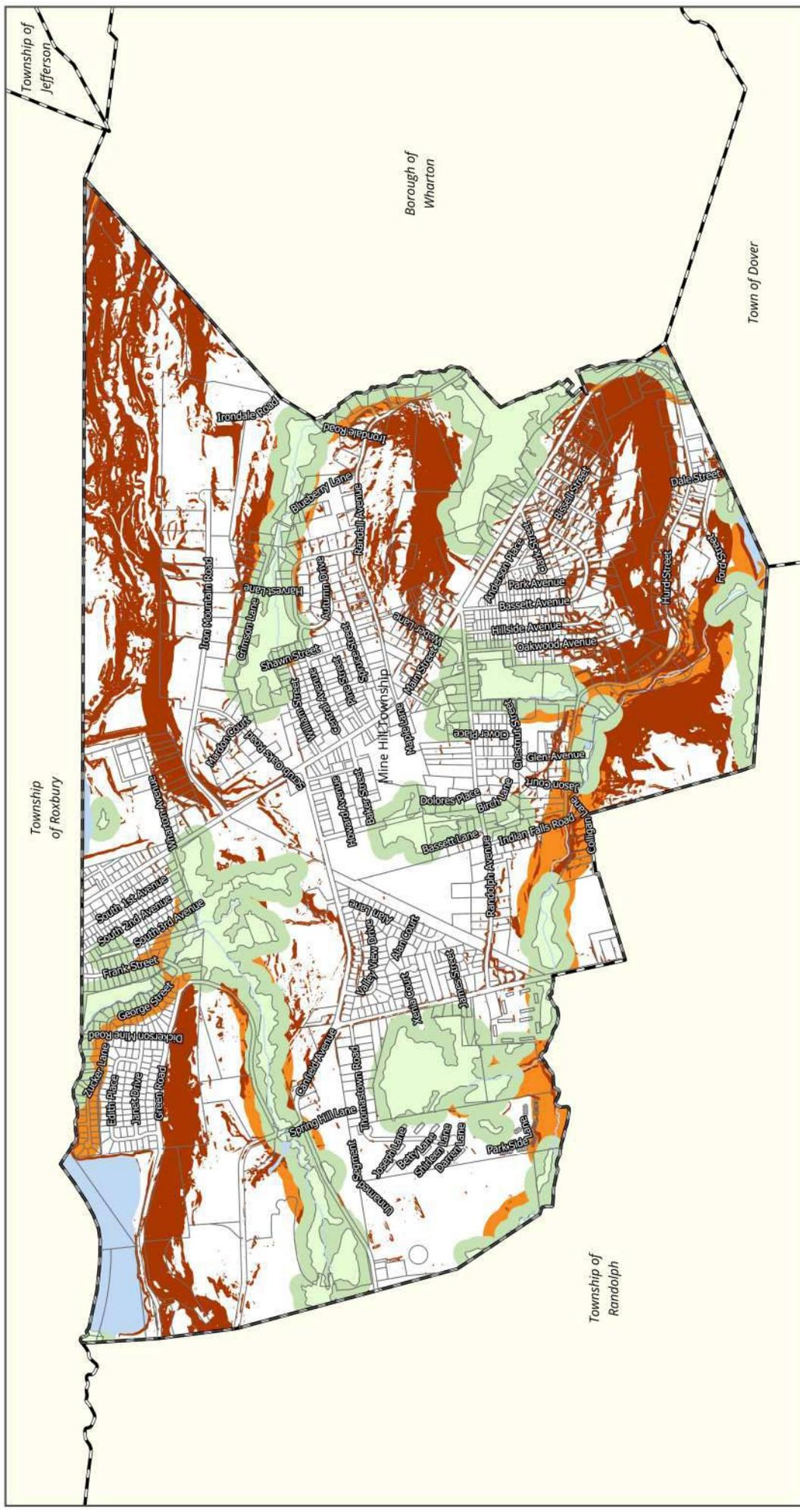
Project	Credit Type	Status	Total Units	Available Credits	Prior Round			Third Round			Fourth Round			Excess
					Units	Bonus	Total	Units	Bonus	Total	Units	Bonus	Total	
					Obligation									
Salvatore Mirelli Mixed Use	Rental	Existing	3	2	2	2	4			0				0
Habitat for Humanity	Sale	Existing	4	4			0			0				0
106 Hurd Street	Rental	Existing	57	12	12	12	24			0				0
Tarzan, Inc.	Rental	Under Constr.	390	78	33		33	45		45				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
Kenwil Crane	Sale	Proposed	101	20			0	11		11	9			0
Sweetwood/Ellison	Sale	Proposed	305	61			0			0	6			55
			Total	47	14	61	102	34	136	41	13	54	55	
			Obligation	61										

XI. Appendix

Vacant Land Inventory

Mine Hill Township - Vacant Land Inventory

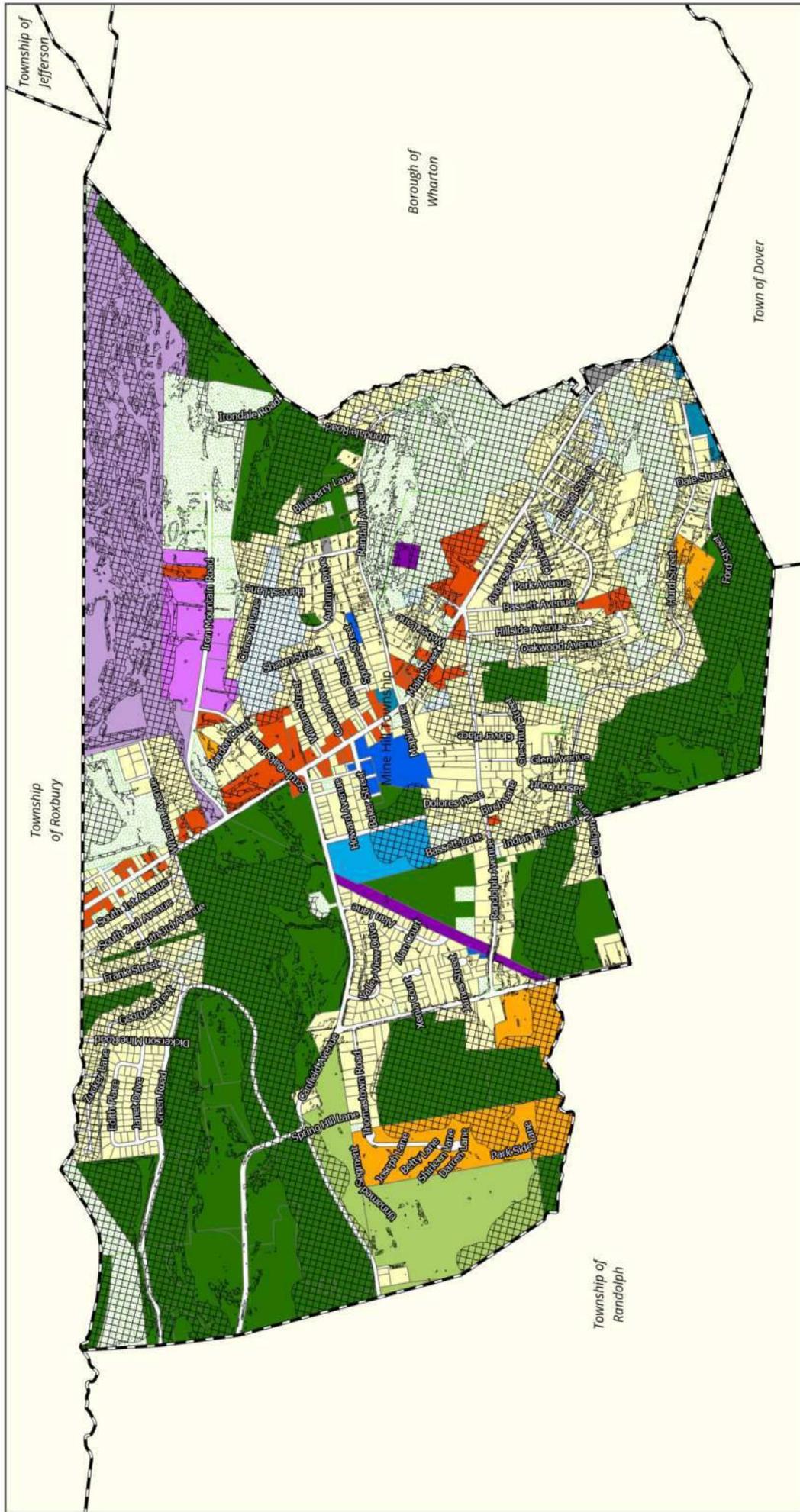
Block	Lot	Address	Property Class	Zoning	Planning Area	Sewer Service	Total Acres	Environmental Acres	Developable Acres	Constraints Description	Comments	RDP	Potential Units	RDP Units
1102	1	Canfield Ave	3B	O/I	PA2	Yes	19.58	5.06	14.52	Wetlands, C1, Steep Slopes	Third Round RDP Site	Yes	97	19.4
1310	9	1 Bassett Ln	1	SF	PA1	Yes	2.58	2.54	0.04	Wetlands	Third Round RDP Site	Yes	5	1.0
1502	1	Canfield Ave	3B	O/I	PA2	Yes	55.25	10.39	44.85	Wetlands, C1	Third Round RDP Site	Yes	295	59.0
2004	1	106 Hurd St	4C	MFC-1	PA1	Yes	5.58	1.67	3.91	Steep Slopes	Third Round RDP Site	Yes	59	12.0
1303	1-12, 29	168 US Route 46	1/2/4A	RZA-1	PA2	Yes	7.15			Wetlands	Redevelopment Site	Yes	296	60.0
101	97		1	SF	PA2	No	0.58	0.58	0.00	C1, SFHA	Environmentally Constrained	No		
101	98		1	SF	PA2	No	0.10	0.10	0.00		Environmentally Constrained	No		
201	22.01	125 Iron Mountain Rd	1	ED	PA2	No	3.60	0.52	3.08		Potential Infill Development	No		
201	25.01	117 Iron Mountain Rd	1	ED	PA2	No	2.48	0.02	2.46	Steep Slopes	Infill	No		
201	27.01	109 Iron Mountain Rd	1	ED	PA2	No	2.52	0.33	2.20	Steep Slopes	Undersized	No		
203	10.01	118 Iron Mountain Rd	1	ED	PA2	No	2.95	0.74	2.21	Steep Slopes	Undersized	No		
303	2	N First Ave	15C	SF	PA1	No	0.13	0.00	0.13		Undersized	No		
402	18	38 No. First Ave	1	SF	PA1	No	0.05	0.02	0.03		Part of Roxbury Township Property	No		
403	1	S First Ave	1	SF	PA1	No	0.07	0.00	0.07		Undersized/Inaccessible	No		
403	3	5 First Ave	15C	SF	PA1	No	0.09	0.00	0.09		Undersized/Inaccessible	No		
403	19	Main St	1	C	PA1	No	0.07	0.00	0.07		Environmentally Constrained	No		
403	21	Main St	1	C	PA1	No	0.12	0.00	0.12		Undersized	No		
404	2		1	C	PA1	No	0.07	0.00	0.07		Undersized/Inaccessible	No		
404	3		1	C	PA1	No	0.08	0.00	0.08		Undersized/Inaccessible	No		
404	10		1	C	PA1	No	0.00	0.00	0.00		Undersized/Inaccessible	No		
405	17		15C	SF	PA1	No	0.08	0.00	0.08		Undersized/Inaccessible	No		
406	22		1	SF	PA1	No	0.02	0.00	0.02		Undersized/Inaccessible	No		
408	4	S Second Ave	1	SF	PA1	No	0.10	0.10	0.00	Wetlands	Undersized	No		
411	1.02	Canfield Ave	1	TH-1	PA2	No	1.64	0.61	1.04		Undersized	No		
412	4	Frank St	1	SF	PA2	No	1.53	1.53	0.00	Wetlands, C1, SFHA	Environmentally Constrained	No		
413	10	Main St	1	C	PA1	No	0.12	0.00	0.12		Undersized	No		
505	7.02		1	SF	PA1	No	0.52	0.40	0.12		Environmentally Constrained	No		
506	7	7 Zucker Ln	15C	SF	PA1	No	0.20	0.20	0.00	C1, SFHA	Environmentally Constrained	No		
601	2		1	SF	PA2	No	0.14	0.06	0.08	C1, SFHA, Steep Slopes	Environmentally Constrained	No		
702	4		1	SF	PA2	No	7.20	7.19	0.00		Environmentally Constrained	No		
703	4	78 Randall	1	SF	PA2	No	0.69	0.00	0.69	Steep Slopes	Environmentally Constrained	No		
703	11	Randall Ave	1	SF	PA2	No	0.49	0.49	0.00	Wetlands, C1	Undersized	No		
801	12		15C	SF	PA2	No	1.71	1.71	0.00		Environmentally Constrained	No		
812	10	2 Shawn St	15C	SF	PA2	No	0.28	0.28	0.00	Wetlands, C1	Undersized	No		
813	25		15C	SF	PA2	No	16.06	16.06	0.00		Environmentally Constrained	No		
901	13		1	SF	PA2	No	3.18	0.99	2.19		Undersized	No		
903	10	Gillen St	15C	SF	PA1	No	0.12	0.00	0.12		Undersized	No		
903	13	Gillen St	1	SF	PA1	No	0.09	0.00	0.09		Undersized/Inaccessible	No		
904	3	Gillen St	1	SF	PA1	No	0.43	0.00	0.43		Undersized	No		
904	9	19 Baker St	1	SF	PA1	No	0.12	0.00	0.12		Undersized	No		
1201	1	Randall Ave	1	RAH	PA2	No	23.29	10.17	13.12	C1, Steep Slopes	Potential Infill Development	No		
1201	5	Randall Ave	1	RAH	PA2	No	0.47	0.19	0.27	Steep Slopes	Undersized	No		
1201	6	Randall Ave	1	RAH	PA1	No	0.21	0.13	0.08		Undersized	No		
1201	7	Randall Ave	1	RAH	PA2	No	11.04	9.23	1.82	Wetlands, C1, SFHA, Steep Slopes	Undersized/Inaccessible	No		
1201	11	Off Randall Ave	1	RAH	PA2	No	9.87	9.28	0.59	Wetlands, Steep Slopes	Environmentally Constrained	No		
1201	12	Randall Ave	1	RAH	PA2	No	44.02	39.29	4.72	Wetlands, C1, SFHA, Steep Slopes	Environmentally Constrained	No		
1201	14	Randall Ave	1	RAH	PA2	No	0.11	0.05	0.06	C1, Steep Slopes	Environmentally Constrained	No		
1202	3	Randall Ave	1	SF	PA2	No	0.48	0.48	0.00	Wetlands, C1	Undersized	No		
1202	5	Randall Ave	1	SF	PA2	No	0.12	0.12	0.00	C1, Steep Slopes	Environmentally Constrained	No		
1202	6		1	SF	PA2	No	0.14	0.14	0.00		Environmentally Constrained	No		
1205	3	Rt 46	1	C	PA1	No	0.15	0.05	0.11	Wetlands	Undersized	No		
1207	2	Fairview Ave	15C	SF	PA1	Yes	0.32	0.31	0.01	Steep Slopes	Environmentally Constrained	No		
1208	1	Fairview Ave	15C	SF	PA1	Yes	0.50	0.50	0.20	Steep Slopes	Environmentally Constrained	No		
1301	5.01	159 Rt 46	1	C	PA1	Yes	0.36	0.12	0.24		Potential Infill Development	No		



- Legend**
- Waterbodies
 - Wetlands
 - Wetlands 150ft Buffer
 - C1 Streams
 - Steep Slopes (15% or greater)
 - Wetlands
 - C1 Stream 300ft Buffer

ENVIRONMENTAL CONSTRAINTS
MINE HILL TOWNSHIP
 MORRIS COUNTY, NEW JERSEY

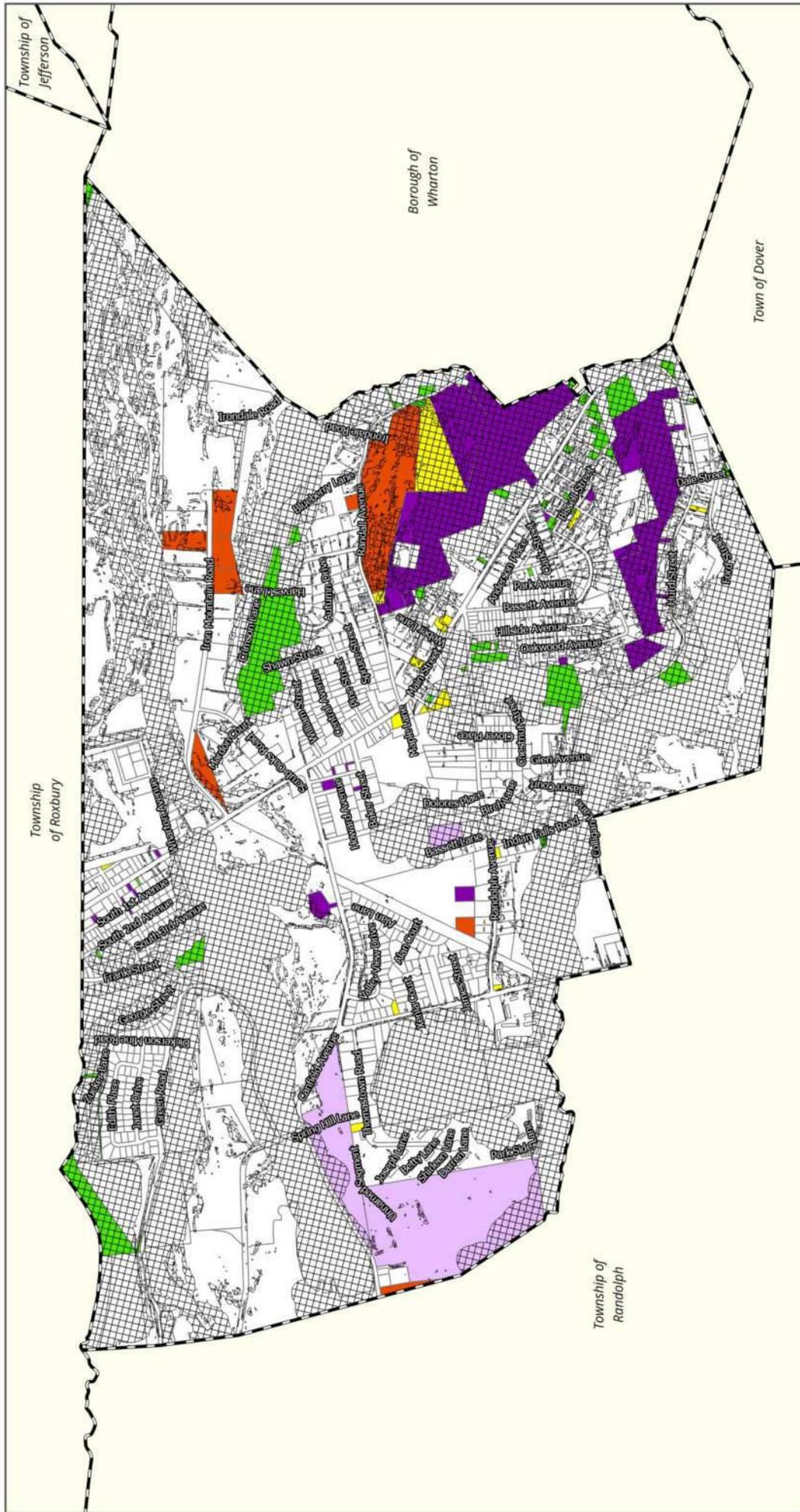
May 2025
 Project No. MHT0155



- Legend**
- Municipal Boundary
 - Land Use**
 - Vacant
 - School
 - Vacant Public Property
 - Church and Cemetery
 - Single Family Residential**
 - Single Family Residential
 - Farmland
 - Commercial
 - Industrial
 - Multi-Family Residential
 - Preserved Open Space
 - Public Facility**
 - Public Facility
 - Transportation
 - Utility
 - Mining Operation

EXISTING 2025 LAND USE
 MINE HILL
 MORRIS COUNTY, NEW JERSEY

May 2025
 Project No.
 MODIV Tax Data from 2023



- Legend**
- Municipal Boundary
 - Environmental Constraints
 - Vacant Land Adjustment
 - Environmentally Constrained
 - Potential Development
 - Potential Infill Development
 - Third Round RDP
 - Undersized/inaccessible

VACANT LANDS
MINE HILL
 MORRIS COUNTY, NEW JERSEY

May 2025
 Project No. MHT0155

106 Hurd Street

Lot 1 in Block 2004

In the matter of 106 Hurd Street, LLC
Case No. 004-19

**RESOLUTION 009-20
MINE HILL TOWNSHIP PLANNING BOARD
RESOLUTION OF MEMORIALIZATION**

Application Approved: July 6, 2020
Memorialized: August 17, 2020

WHEREAS, 106 Hurd Street, LLC (“Applicant”) has applied to the Planning Board, Township of Mine Hill for Preliminary and Final Major Site Plan Approvals for premises located at 106 Hurd Street and known as Block 2004, Lot 1 on the Tax Map of the Township of Mine Hill which premises are in a “MFIC-1” Zone (Multi-Family Inclusionary Community Overlay Zone 1);

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant and having conducted a public hearing has made the following factual findings:

1. Joshua M. Gorsky, Esquire and Charles Lorber, Esq. of Mandelbaum Salsburg represented the Applicant.
2. The Applicant is the contract purchaser of the subject property, which is owned by Daniel Pansini and Loretta Gareau, who consent to this application.
3. The Applicant is proposing to construct a four-story residential apartment building, with 18,510 square foot per floor, an elevator and walkout basement containing fifty (50) units, including ten (10) affordable units, with associated site improvements and amenities including a parking area, access driveway, stormwater management system, landscaping and lighting.
4. The Applicant submitted the following documents:

- a. Site Plan entitled “Preliminary and Final Site Plan – Residential Development” prepared by Calisto J. Bertin, PE of Bertin Engineering, dated May 22, 2019 revised through March 18, 2020.
- b. Architectural Plan entitled “106 Hurd St. Apartments – Mine Hill Township, NJ” prepared by Frederick Kincaid, RA, of Jarmel Kizel Architects and Engineers, Inc., dated December 11, 2015 revised May 2, 2019 consisting of 14 sheets. Sheets SD100, SD101, SD103 and SD200, were further revised through May 11, 2020 and issued May 18, 2020.
- c. Stormwater Drainage Analysis prepared by Calisto J. Bertin, PE, of Bertin Engineering, dated April 30, 2019 revised February 5, 2020.
- d. Stormwater Operation & Maintenance Manual prepared by Calisto J. Bertin, PE, of Bertin Engineering, dated November 22, 2019 revised February 5, 2020.
- e. Traffic Impact Assessment for 106 Hurd St, LLC prepared by Elizabeth Dolan, PE and Gary W. Dean, PE, PP of Dolan and Dean Consulting Engineers, LLC, dated May 8, 2019.
- f. Environmental Impact Statement prepared by Najarian Associates, dated November 2019, Revised February 2020.
- g. Fiscal Impact Statement, prepared by Richard B. Reading Associates, dated May 23, 2020.
- h. Memorandum, prepared by Richard B. Reading Associates, dated June 3, 2020.

- i. Soils and Foundation Investigation – Proposed Landmark at Hedden Park prepared by Melick-Tully and Associates, PC, dated December 27, 2017.
5. The Board received the following reports:
 - a. Paul Sterbenz, Planning Board Engineer, dated June 21, 2019 September 7, 2019, October 30, 2019, January 16, 2020, February 24, 2020, May 6, 2020, and June 2, 2020.
 - b. Department of Environmental Protection Letter of Interpretation, received on August 19, 2019
 - c. Morris County Planning Board, dated August 23, 2019 & February 11, 2020.
 - d. Mine Hill Fire Department, Fire Marshal Thomas Trapasso, undated.
 - e. Borough of Wharton, Department of Police, dated February 20, 2020.
 - f. Fox Architectural Design, P.C. dated March 20, 2020.
6. The Board received a letter from Paul W. Ferriero, PE, PP, CME, Township Engineer for the Township of Randolph, dated October 29, 2019, opposing the application in connection with the Jackson Brook Interceptor Agreement.
7. The application was heard over the course of five (5) public hearings; January 29, 2020, February 3, 2020, March 2, 2020, June 8, 2020, and July 6, 2020. The first 3 meetings took place at the Township of Mine Hill’s Municipal Building. The final two (2) hearing occurred via Zoom, a web-based meeting platform and telephone conferencing service, consistent with Governor Phil Murphy’s statewide ban on public gatherings and in accordance with the

Municipal Land Use Law, the Open Public Meetings Act, and the guidance document entitled “Planning Board and Zoning Board of Adjustments Operational Guidance – COVID-19: N.J.S.A. 40:55D-1: Recommendations for Land Use Public Meetings in New Jersey” issued by the Department of Community Affairs, Division of Local Government Services.

8. The proposed development is consistent with the provisions of the Multi-Family Inclusionary Community Overlay Zone.
9. The Board accepted the Applicant’s witnesses as experts in the respective fields:
 - a. Calisto Bertin, Professional Engineer – site design
 - b. Gary Dean, Professional Engineer – traffic expert
 - c. Matthew Jarmel and Frederick Kincaid – Licensed Architects
 - d. Richard Reading – Planning and Fiscal Impact
10. The following exhibits were marked for identification:
 - a. January 29, 2020
 - i. A-1 – Wetlands Delineation Survey (SV-1 of the submitted site plan)
 - ii. A-2 – Colorized Landscape Rendering, dated January 6, 2020
 - iii. A-3 – Colorized Vehicular Circulation Plan (C2.6 of the submitted site plan)
 - iv. A-4a – Colorized Site Cross Section
 - v. A-4b – Colorized Ridge and Street View
 - b. February 3, 2020

- i. A-5 – Updated Colorized Landscape Rendering, dated February 3, 2020
 - ii. A-6 – Enlarged Landscape Plan, non-colorized
 - iii. A-7 – Basement Floor Plan (SD-100 of submitted architectural drawings), dated May 2, 2019
 - iv. A-8 – First Floor Plan (SD-101 of submitted architectural drawings), dated May 2, 2019
 - v. A-9 – Second and Third Floor Plan (SD-102 of submitted architectural drawings), dated May 2, 2019
 - vi. A-10 – Roof Plan (SD-103 of submitted architectural drawings), dated May 2, 2019
 - vii. A-11 – Exterior Elevations (SD-104 of submitted architectural drawings), dated May 2, 2019
 - viii. A-12 – Samples of the Hardy Plank Residential Siding
 - ix. A-13 – Samples of Cultured Stone Veneer
 - x. A-14 – Samples of Timberline by GAF Roof Shingles
 - xi. A-15 – Color Rendering of Front Elevations
 - xii. A-16 – Color Rendering of Front View 2
 - xiii. A-17 – Aerial Rendering
 - xiv. A-18 – Colorized Rendering of the Sign
- c. March 2, 2020
- i. A-19 – Upright Sprinkler Design Hydrant Flow Test Report, dated May 22, 2019

11. Thomas Molica, Esq., appeared on behalf of Drew and Alyssa Van Ness, owners of 96 Hurd Street, the property abutting the easterly boundary of the subject lot. A private agreement was negotiated between the parties with regard to a sight triangle easement on 96 Hurd Street, revised lighting plan and enhanced landscaping on 106 Hurd Street to reduce the impact of the development on 96 Hurd Street.
12. Mr. Bertin provided the overview and details of the site design. The property is a 6.26 acre site, with an existing single family dwelling, driveway, and garages that will be removed. The surrounding area is comprised of single family homes and park land. There are wetlands on the property, but the development will not encroach on the 150' wetlands buffer. There is a 20' easement for the Jackson Brook Interceptor that runs through the property and a 10-20% grade change from Hurd Street to the rear of the site. The roof of the proposed structure is on grade with the street; the building height is 46.5 feet and conforming in the zone.
13. There will be a Right-of-Way dedication of 25' along the front of the property resulting in an approximate 9,000 square foot reduction in lot area.
14. The roof and parking lot runoff is directed to the rear of the property into a detention basin with sand filter proposed in the rear of the building. A 10' wide grass swale runs along the north side of the parking lot on the north side of the building. The stormwater management system reduces the rate at which water leaves the property in compliance with the State Stormwater

Management Standards. The Applicant will prepare and record an Operations and Maintenance Manual for the Stormwater Management System.

15. The sewer connection will be made to the Jackson Brook Interceptor via a new sewer main that runs across the parking lot and runs up to Hurd Street. There will be an easement dedicated to the Township for future maintenance of the new sewer main.
16. All utilities will be underground and connect to the existing facilities on Hurd Street.
17. The proposal includes a 24' wide driveway 350' in length. The Applicant is proposing 104 conforming parking stalls including 5 ADA compliant stalls throughout the site. All non-ADA compliant parking stalls are 9' x 18' in conformance with the ordinance. Site circulation is sufficient for emergency vehicle access and the driveway grades are conforming with the Residential Site Improvement Standards (RSIS).
18. The Applicant proposes to remove 28 specimen trees, which requires 179 replacement trees and only 73 trees will be planted, requiring a waiver from Section 509-6(c)(1) & (2) and a contribution to the Township's Tree Fund. Tree Contribution amount shall be calculated pursuant to Section 509-6(g).
19. There is a loading zone in the rear with access to the mailroom in the basement. Sidewalks surround the building, with a cross walk to a sidewalk that leads to Hurd Street. There is a 4-5 high foot retaining wall in the rear of the property adjacent to the parking lot, with a post and rail wood fence on top.

20. There will be three (3) back shielded, 12' high pole lights along the easterly side of the entrance driveway from Hurd Street. There will be a 15' landscape buffer on the easterly side of the driveway and additional landscaping along the westerly side of the driveway.
21. Matthew Jarmel presented drone footage of a similar development to present a visual to the Board. The proposed roof is sloped, providing a shield for mechanical equipment. The first floor has a center lobby, with 16 residential units. The second and third floors are similar in layout with 17 units on each floor. The center portion of the basement is a walkout from the rear lobby of the building. There is an elevator, stairs, fitness center, tenant storage, laundry, water meter room, and pet washroom and utilities room. Garbage and recycling will be stored in the building storage room and brought to the loading area on the east side of the building for pick-up on collection day. The elevator will be hydraulic, with a weight capacity of 3600 pounds and compliant with state requirements for emergency services.
22. In conformity with the Township's Court Approved Fair Share Housing Plan, there are 10 affordable housing units; 2 three-bedroom, 6 two-bedroom and 2 one-bedroom. These units are identical in layout and amenities as the market units, with the addition of a required 3-bedroom unit layout.
23. One-bedroom units range from 736 to 875 square feet; the two-bedroom units range for 1,188 to 1,213 square feet, and the three bedroom units are 1,580 square feet. All units have individual thermostats and a mechanical room, with hook ups for washers and dryers.

24. The exterior of the property will have a stone veneer and Hardie Plank residential siding with Timberline roof shingles. The 24 second and third story balconies will have an aluminum fence.
25. Access will be through double glass doors with key fobs and an intercom system. Security cameras will be installed both inside and outside the building. The unit separation walls, the floors, the stairwells and the corridor walls are all fire-rated. Sprinklers and fire alarms will also be installed throughout the building, as required by code.
26. A stone-based sign will be similar in design to the building. The proposed sign is 7'10" in height, the total square footage of the sign is 65.4, with the sign face being 14.6 square feet, requiring a design waiver from the requirements in Section 310.186.1.c(2)(b) of the Code. The sign will be externally illuminated.
27. At the request, of the Township Administration, Kenneth Fox, Fox Architectural Design, was retained to review the architectural drawings and provide recommendations as to the exterior design. Based on input from Mr. Fox, setbacks were added to the building façade, shake siding was added to the gables and side elevations. Additional windows were added to the side facades and all window designs were simplified. There were changes to the proposed exterior finish material and the color was changed to a slate blue.
28. A traffic study that was conducted by Gary Dean to determine the impact the development will have on the neighboring roads. Route 46 will be the main travel route, with a majority of traffic turning right onto Route 46.

29. The study was conducted from 7:00-9:00 am and 4:00 to 6:30 pm with a focus on the peak travel hours; 7:15-8:15 am and 4:30-5:30 pm. There are 50-60 cars per hour on Hurd Street and 1,100 to 1,700 cars per hour on Route 46.
30. Based on the data, collected by Mr. Dean and the Institute of Transportation Engineers, the access driveway intersection with Hurd Street will operate at an "A" Level of Service, which is the highest level. A right turn onto Route 46, at the traffic signal, currently operates at a Service Level of "C." The current Level of Service, when making a left, on Route 46 is "E." Per the Department of Transportation, a development must generate 100 vehicles per hour to have an impact on the surrounding roadways; the data indicates that the development will only generate 19 cars per hour. Based on the projections, the development of this site will not impact those Service Levels. Police Chief David Young confirmed that the traffic generated by the site would not have a significant impact on the surrounding area and the current police force would not be impacted by the development. A second traffic study was requested but could not be conducted due to the Covid-19 Pandemic.
31. Mr. Dean confirmed that the driveway width of 24' with full, two-way site circulation was adequate for residents and emergency vehicles. For safe ingress and egress, the vegetation on the sight triangle shall not grow above 30 inches.
32. The Fire Marshall reviewed the application and provided recommendations that were addressed by the Applicant. A modification was presented to add a

mountable curb at the intersection of the access driveway with Hurd Street, allowing larger fire trucks to have easier access to the site.

33. In accordance with the Environmental Impact Statement, a Fiscal Impact Statement was prepared utilizing a 2018 survey from Rutgers University, Center for Urban Policy Research. The study indicated that 40 market units and 10 affordable units would result in approximately 5 school age children. Based on the tax revenue and the educational cost for those students, this development is anticipated to result in a fiscal surplus of \$27,000 per year for the Township.
34. There was public participation throughout the hearings, with several residents opposed to the development. The neighboring property owners expressed concerns regarding the impact on traffic resulting from the proposed development and the safety of the access road and lack of sidewalks along Hurd Street. There were additional concerns about the visual impact of the development on what was previously a wooded area. Nearby neighbors were concerned about the impact on their enjoyment of their property, with new noises and smells emanating from the residential use. Some raised concerns about the layout of the site plan, the lack of recreational amenities, and its close proximity to Hedden Park. Finally, several opined that the proposed development did not belong in Mine Hill and will negatively impact the Township.
35. The Board openly deliberated about the merits of the application, which was approved by a unanimous vote of 7-0.

WHEREAS, the Board has determined that the approvals requested by the applicant can be granted as they enhance the public good without substantial detriment and they further the intent and purpose of the Zone Plan and Zoning Ordinance of the Township of Mine Hill for the following reasons:

1. The Board found the testimony of the Applicant's witnesses to be competent and credible and remarked that the Applicant gave a complete and thorough presentation. The property is zoned as Multi-Family Inclusionary Community Overlay Zone and the application complies with the requirements of the zoning ordinance. The property is part of the Township's Court Approved Affordable Housing Fair Share Plan. The building is in compliance with the Township's height requirements and the site is proposed without use or bulk variances and need only two (2) design waivers.
2. The Board explained that they are limited by the constraints of the Municipal Land Use Law and that there are limited grounds for denying an otherwise confirming application. Any basis for denial must be able to be supported in Court; Board decisions cannot be arbitrary or capricious.
3. The Applicant sufficiently addressed stormwater management on site.
4. The property had prior proposed developments and this proposal will have the least amount of impact on the surrounding area. Any inconvenience resulting from the development of the site and the construction of the structure will be temporary and in compliance with the Township's Ordinance.
5. It was noted by several Board members that there will be little to no detrimental impact on traffic in the area. The 50-unit structure will help local

businesses and it was noted by the Police Chief that law enforcement would not be burdened by this proposed development. The Fiscal Impact Statement revealed that there will be an anticipated tax surplus resulting from the proposed development, with only a minimal number of school children projected to enter the school system.

6. Board members were sympathetic to the nearby property owners but acknowledged that the owner has a right to develop the property.
7. The Applicant worked with the Township, the Board, and the Board's professionals to address all concerns and mitigate any impact on the surrounding area. Revisions were made to the exterior of the structure, based on input from the Township's Architectural Consultant. The Applicant increased landscape buffers and moved light fixtures to reduce impact to a residential neighbor. The concerns of the Fire Marshall, the Police Chief and the Board Engineer were addressed.
8. Several Board Members noted that this was a nice project that the Township needs.
9. Design waivers have been granted from the following Sections of the Township's Land Use Ordinance, as it was determined that the proposal was a better alternative.
 - a. Section 310-186.1.C(2)(b) – total sign area permitted for a monument sign, including sign face, is 32-square feet. The sign is approved with 14 square feet of sign face and overall sign area of 65.4-square feet.

- b. Section 509-6(c)(1) & (2) - 28 specimen trees are being removed, which requires 179 replacement trees and 73 trees will be planted.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Mine Hill on the 6th day of July 2020 that the approval of the within application be granted subject, however, to the following conditions:

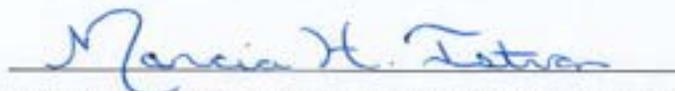
1. The payment of real estate taxes, sewer and water bills.
2. The payment of any outstanding fees and assessments.
3. The procurement of approvals or waivers thereof from outside agencies with jurisdiction including the Morris County Planning Board, Morris County Soil Conservation District, and the NJDEP (TWA Permit and Potable Water Permit).
4. The Applicant shall revise its site plan to address comments by the Board and its professionals, as follows:
 - a. The Zoning Table on Sheet C1.1 must be updated to indicate that the setback of the monument sign is 58 feet.
 - b. A note shall be added indicating that the visitor parking spaces shall be marked accordingly.
 - c. The sanitary sewer easement must be relocated to eliminate an overlap with the existing ingress/egress easement.
 - d. Sheet C2.4 of the site plan must be revised to remove the A4 fixtures from the lighting schedule.
 - e. Sheet C3.1 shall be revised to eliminate the trash enclosure detail.

- f. The mountable apron including all required details shall be added to the site plan per the Board Engineer's June 2, 2020 Memorandum.
5. The posting of performance guarantees and inspection fees pursuant to the requirements of the Municipal Land Use Law in amounts to be determined by the Municipal Engineer.
6. The submission of deeds, for the Hurd Street right-of-way dedication, and the proposed 20-foot wide sanitary sewer easement, in forms satisfactory to the Board Attorney, Board Engineer, and Township Attorney. No deeds shall be recorded until approvals are granted by the Board, and Township professionals referenced above.
7. The Applicant shall perform additional soil infiltration testing within the footprint of the bottom of the extended detention basin/sand filter in accordance with Appendix E of the NJDEP BMP Manual prior to any construction commencing to confirm that satisfactory permeability rates exist. A report summarizing the results of the additional field investigation and testing shall be provided to the Board Engineer for review and approval.
8. The procurement of an off-tract easement for sight distance on Lot 2 in Block 2101.
9. The submission of a legal instrument to ensure proper maintenance of the stormwater management facilities by the property owner, in a form satisfactory to the Board Attorney and Board Engineer. The instrument shall be recorded prior to a building permit being issued for the proposed building.

10. The submission and approval of a deed restriction, in a form satisfactory to the Board Attorney, Board Engineer, and Township Attorney relative to the establishment of low and moderate income units on the tract. The deed restriction shall be approved and recorded prior to any building permit being issued for the project.
11. The submission of a maintenance plan for site infrastructure to comply with Section 310-186.1C(9)(b) of the Land Use Ordinance, in a form, satisfactory to the Board Attorney and Board Engineer.
12. No construction will be permitted until taxes and fees are paid, a Developer's Agreement is entered into with the Township, all outside agency approvals or waivers thereof are obtained, the site plan and other documents are revised in a manner satisfactory to the Board Engineer, the performance guarantees and inspection fees are posted, a contribution to the Township's Tree Fund is made in an amount to be determined by the Board Engineer, the maintenance agreement for stormwater facilities is approved and recorded, the deeds for the right-of-way dedication and sanitary sewer easement are approved and recorded, the affordable housing restriction is approved and recorded, the maintenance plan for site infrastructure is submitted and approved, the off-tract sight triangle easement is procured and recorded, and the Applicant attends a preconstruction conference to be scheduled by the Municipal Engineer.
13. Applicant shall apply to the Township Council for Title 39 Enforcement on the property.

14. Sprinklers shall be installed throughout the building, including the attic, pursuant to the New Jersey Fire Code.
15. If any fill is imported to the site, the fill shall only be acceptable soil/fill per N.J.A.C. 7:26D.
16. Applicant shall comply with all architectural materials and design represented to the Board.

I hereby certify the above to be a true copy of a resolution adopted by the Mine Hill Township Planning Board at a duly convened meeting held on August 17, 2020.



Marcia H. Istvan, Planning Board Administrator/Recording Clerk

Morris County Recording Cover Sheet



Honorable Ann F. Grossi, Esq.
Morris County Clerk

MORRIS COUNTY, NJ
Ann F. Grossi
DOR-OR BOOK 24986 PG 1209
RECORDED 09/26/2025 13:22:11
FILE NUMBER 2025039758
RCPT # 1904253; RECD BY: ABEDKOWSKI eRecord
RECORDING FEES 70.00
INDEX FEE

Official Use Only - Realty Transfer Fee

Official Use Only - Barcode

Date of Document: 12/02/2024	Type of Document: DECLARATION OF RESTRICTION
First Party Name: TOWNSHIP OF MINE HILL PLANNING BOARD	Second Party Name: 106 HURD STREET LLC
ADDITIONAL PARTIES	

THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY

Block:	Lot:
Municipality: MINE HILL TWP	
Consideration:	
Mailing Address of Grantee:	

THE FOLLOWING SECTION IS FOR ORIGINAL MORTGAGE BOOK & PAGE INFORMATION FOR AN ASSIGNMENT, RELEASE, OR SATISFACTION OF A MORTGAGE OR AN AGREEMENT RESPECTING A MORTGAGE

Original Book: 23981	Original Page: 519
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MORRIS COUNTY RECORDING COVER SHEET

Please do not detach this page from the original document as it contains important recording information and is part of the permanent record.

WARNING: Information contained on the Recording Cover Sheet must exactly match the information within the attached document or the document will be rejected and returned.

<p>Prepared by: Michael J. Lipari, Esq. Preparer's signature no longer required N.J.S.A. 46:26A-3</p>

DEED RESTRICTION
(Special Needs Housing)

WHEREAS, 106 HURD STREET, LLC, a limited liability company of the State of New Jersey, having its principal office at 5 Daniel Road, Fairfield, New Jersey 07004, (hereinafter referred to as the "Owner") owns certain real property located in the Township of Mine Hill, County of Morris, State of New Jersey, designated as Block 2004, Lot 1 on the official Tax Map of the Township of Mine Hill (hereinafter "the Property"); and

WHEREAS, THE TOWNSHIP OF MINE HILL PLANNING BOARD, a municipal agency created by the Township of Mine Hill pursuant to the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., with offices at 10 Baker Street, Mine Hill, New Jersey 07803, (hereinafter referred to as "Planning Board") adopted a Resolution memorializing the Amended Final Major Site Plan Approval and Variances dated December 2, 2024 to allow, *iter alia*, for the construction seven additional units for a total of fifty-seven unit apartment building that includes two additional units reserved for individuals with special needs (hereinafter the "Resolution"); and

WHEREAS, the Owner seeks to memorialize the resolution of approval by preparing and recording a deed restriction for two (2) units reserved for developmentally challenged individuals designated on the Property as Units 102 and 103, for which no age limitation shall be required; and

NOW, THEREFORE, IT IS AGREED THAT THE PROPERTY SHALL BE SUBJECT TO A DEED RESTRICTION AS FOLLOWS:

1. The Property shall at all times contain two (2) units, with not less than one bedroom, restricted to individuals with Special Needs (each an "Special Needs Unit" and collectively, the "Special Needs Units").
2. Each Special Needs Unit must have a resident that meets the definition of "Individuals with Special Needs". The definition for an "Individual with Special Needs" shall mean individuals with mental illness, individuals with physical or developmental disabilities, and individuals in other emerging special needs groups identified as set forth by Statute or Regulation or any guidelines established for the administration of the Special Needs Housing or developed in consultation with other State agencies.
3. The restrictions herein shall at all times be deemed to be and shall be continuing covenants running with the land and shall be binding upon and in favor of the successors and assigns of the respective parties hereto, unless terminated or otherwise extinguished by expressed agreement and consent between Owner or successor owner of the company and Block 2004, Lot 1 on the Tax Map of the Township of Mine Hill and The Township of Mine Hill Governing Body and Planning Board.

4. This Deed Restriction shall in all respects be governed by and construed in accordance with the laws of the State of New Jersey.

5. **BEING** the same premises conveyed to 106 Hurd Street, LLC, by Deed from DANIEL J. PANSINI and LORETTA GAREAU, dated 12/2/2020, recorded on 12/30/2020, in the Morris County Clerk's/Register's Office in Deed Book 23981, Page 519, as Instrument No.: 2020099162.

(signature page follows)

This is not an official document

IN WITNESS WHEREOF, the Owner and Township have caused these presents to be signed, attested, sealed and acknowledged on the day and your year first above written.

WITNESS:

106 HURD STREET, LLC
a New Jersey limited liability company

Charles J. Forber

By: 
Name: BRIAN TREMATORE
Title: Managing Member

This is not an official document

ACKNOWLEDGEMENT

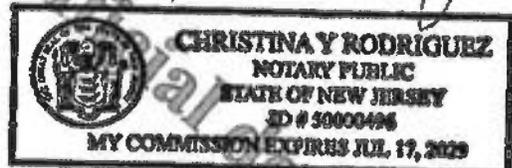
STATE OF NEW JERSEY
COUNTY OF ESSEX

Be it remembered that on this 24th day of September, 2025, Brian Treamtore came before me and acknowledged under oath, to my satisfaction, that:

- (a) This person is the Managing Member of 106 HURD STREET, LLC the LIMITED LIABILITY COMPANY named in this instrument:
- (b) This person is the proper limited liability company Managing Member, authorized to transact business on behalf of the limited liability company:
- (c) This instrument was signed and delivered by the limited liability company as its voluntary act duly authorized by a property authorization of its members: and
- (d) The full actual consideration paid or to be paid for the transfer of title as defined by N.J.S.A. 46:15-5 is \$1.00

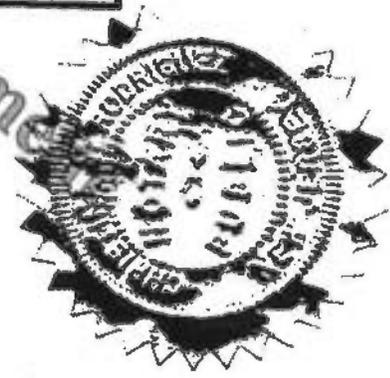
This is not an official document

Christina Y Rodriguez
Notary Public



Record and Return to:

Michael J. Lipari, Esq.
Mandelbaum Barrett, PC
3 Becker Farm Road, Suite 105
Roseland, New Jersey 07068



Morris County Recording Cover Sheet



Honorable Ann F. Grossi, Esq.
Morris County Clerk

MORRIS COUNTY, NJ
Ann F. Grossi
DOR-OR BOOK 24956 PG 893
RECORDED 07/31/2025 09:07:48
FILE NUMBER 2025030491
RCPT # 1895189; RECD BY: NJACKSON eRecord
RECORDING FEES 100.00
INDEX FEE

Official Use Only - Realty Transfer Fee

Official Use Only - Barcode

Date of Document: 07/28/2025	Type of Document: DECLARATION OF RESTRICTION
First Party Name: 106 HURD STREET LLC	Second Party Name: TOWNSHIP OF MINE HILL
ADDITIONAL PARTIES	

THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY

Block:	Lot:
Municipality: MINE HILL TWP	
Consideration:	
Mailing Address of Grantee:	

THE FOLLOWING SECTION IS FOR ORIGINAL MORTGAGE BOOK & PAGE INFORMATION FOR AN ASSIGNMENT, RELEASE, OR SATISFACTION OF A MORTGAGE OR AN AGREEMENT RESPECTING A MORTGAGE

Original Book: 24425	Original Page: 1971
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MORRIS COUNTY RECORDING COVER SHEET

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Prepared by:
Joshua M. Gorsky, Esq.
Preparer's signature no longer required
N.J.S.A. 46:26A-3

Deed Restriction
(Age Restricted Housing)

THIS DEED RESTRICTION (this "Deed Restriction") entered into as of this 28th day of July, 2025, by

106 HURD STREET, LLC, having its principal office at 5 Daniel Road, Fairfield, New Jersey 07004 (the "Owner")

and

TOWNSHIP OF MINE HILL, with offices at 10 Baker Street, Mine Hill, New Jersey 07803 (the "Municipality") concerning the residential low or moderate income rental Project (as defined below) further described herein.

WITNESSETH

WHEREAS, Owner has developed, inter alia, a 50-unit multi-family residential project (the "Project") located on that certain property consisting of all of the land and the improvements thereon, located in the municipality of the Township of Mine Hill, County of Morris, State of New Jersey, and designated as Block 2004, Lot 1 on the official Tax Map of the Township of Mine Hill as more particularly described on **Exhibit A** attached hereto ("Property") in accordance with the Preliminary and Final Major Site Plan approval with waivers granted by the Planning Board of the Township of Mine Hill (the "Approval") pursuant to the Amended Resolution for Application 009-20 adopted on October 4, 2021 (the "Amended Resolution").

WHEREAS, the Approval was granted subject to certain conditions set forth in detail in the Amended Resolution; and

WHEREAS, pursuant to Condition 17 of the Amended Resolution, the Municipality has required Owner to provide twenty-five (25) age restricted units in the Property.

NOW, THEREFORE, Owner, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does agree to abide by the covenants, terms and conditions set forth in this Deed Restriction, with respect to the land and improvements pursuant to the following terms and conditions:

1. The Property shall at all times contain twenty-five (25) age-restricted units (each an "Age-Restricted Unit" and collectively, the "Age-Restricted Units").
2. Each Age Restricted Unit must each have a resident that is over the age of fifty-five (55).
3. Individuals under the age of eighteen (18) are not permitted to reside in any of the Age Restricted Units.
4. No more than two (2) of the Age Restricted Units shall also be designated as an Affordable Unit, as such term is defined in certain Deed of Affordable Housing Restriction between Owner and Municipality dated January 17, 2022, and recorded in the Office of the Morris

County Clerk on June 9, 2022, in Book 24425, Page 1971 (the "Affordable Housing Deed Restriction"), a copy of which is attached hereto as **Exhibit B**. A schedule of the Affordable Units is included in the Affordable Housing Deed Restriction.

5. The restrictions herein shall at all times be deemed to be and shall be continuing covenants running with the land and shall be binding upon and in favor of the successors and assigns of the respective parties hereto, unless terminated or otherwise extinguished.
6. This Deed Restriction shall in all respects to be governed by and construed in accordance with the laws of the State of New Jersey.

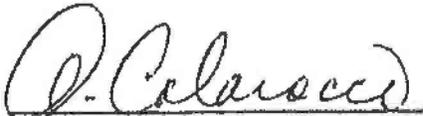
[Signature Page Follows]

This is not an official document

IN WITNESS WHEREOF, the below parties have executed this Deed Restriction as of the date first above written.

WITNESS:

OWNER:
106 HURD STREET, LLC,
a New Jersey Limited Liability
Company


Angela Colaiocco

By: 
Name: Brian Trematore
Title: Manager

ACKNOWLEDGEMENT

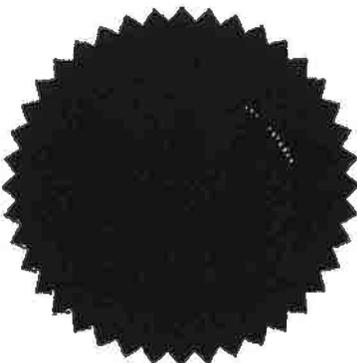
STATE OF NEW JERSEY

COUNTY OF ESSEX

Be it remembered that on the 17th day of January 2024, Brian Trematore personally appeared before me, and this person acknowledged under oath, to my satisfaction that:

- (a) he is the Manager of 106 HURD STREET, LLC, the Owner in the attached Deed Restriction;
- (b) he is authorized to execute the attached Deed Restriction on behalf of the Owner;
- (c) he executed the attached Deed Restriction on behalf of and as the act of the Owner; and
- (d) the attached Deed Restriction was signed and made by the Owner as its duly authorized and voluntary act.


Notary Public



Sworn to and subscribed
before me this
17th day of January 2024

ANGELA COLAIOTTO
Notary Public, State of New Jersey
Comm. # E0107387
My Commission Expires 06/09/2027

Exhibit A

This is not an official document

**LOT 1 in TAX BLOCK 2004
TOWNSHIP of MINE HILL
COUNTY of MORRIS
STATE of NEW JERSEY**

BEGINNING at a point in the centerline of Hurd Street, being 40' wide on the official Tax Map of Mine Hill, said point being the most northerly corner of Lot 1 in Tax Block 2004 and running thence;

1. South 09°01'23" East a distance of 261.60 feet to a point along the dividing line of Lot 1 in Tax Block 2004 and Lot 2 in Tax Block 2101; thence
2. Continuing along said dividing line, South 35°34'08" East a distance of 479.82 feet to a point on the dividing line of Lot 1 in Tax Block 2004 and Lot 1 in Tax Block 2101, being lands now or formerly of the Morris County Park Commission; thence
3. Continuing along said dividing line of Lot 1 in Tax Block 2004 and Lot 1 in Tax Block 2101, South 52°06'28" East a distance of 8.87 feet; thence
4. Continuing along said dividing line, South 67°44'30" West a distance of 733.13 feet to a point on the dividing line of Lot 1 in Tax Block 2004 and Lot 3 in Tax Block 2102; thence
5. Along said dividing line, North 12°08'37" East a distance of 175.09 feet; thence
6. Continuing along said dividing line, North 80°36'10" West a distance of 21.10 feet to a point at the dividing line of Lot 1 and Lot 4 in Tax Block 2004; thence
7. Along said dividing line, North 29°41'49" East a distance of 117.89 feet; thence
8. Along the dividing line of Lot 1, Lot 2 and Lot 3 in Tax Block 2004, North 33°14'00" East a distance of 300.00 feet to a point at the dividing line of Lot 1 and Lot 3 in Tax Block 2004; thence
9. Along said dividing line, North 56°46'00" West a distance of 170.00 feet to a point in the centerline of Hurd Street; thence
10. Along said centerline of Hurd Street, North 33°14'00" East a distance of 85.02 feet; thence
11. Continuing along said centerline, North 38°30'38" East a distance of 248.44 feet; thence
12. Continuing along said centerline, North 49°48'15" East a distance of 69.94 feet to the point and place of **BEGINNING**.

Being in accordance with a certain map entitled, "Location and Topographic Survey of 106 Hurd Street, Lot 1 in Block 2004, Township of Mine Hill, County of Morris, N.J." prepared by Bertin Engineering and dated June 28, 2019.

Exhibit B

This is not an official document

Morris County Recording Cover Sheet



Honorable Ann F. Grossi, Esq.
Morris County Clerk

Official Use Only - Realty Transfer Fee

Official Use Only - Barcode

Date of Document:	Type of Document: Deed Restriction
First Party Name: Mine Hill Township	Second Party Name: Salvatore Milelli
Additional Parties:	


MORRIS COUNTY, NEW JERSEY
ANN F. GROSSI, COUNTY CLERK
DOR-DR BOOK 23479 PG 515
RECORDED 01/16/2019 11:29:31
FILE NUMBER 2019002646
RCPT #: 1410490; RECD BY: ASiconalfi
RECORDING FEES \$220.00

THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY

Block: 1302	Lot: 6
Municipality: Mine Hill Township	
Consideration: N/A	
Mailing Address of Grantee: 177 Route 206 North, Stanhope, NJ 07874	

(20)

THE FOLLOWING SECTION IS FOR ORIGINAL MORTGAGE BOOK & PAGE INFORMATION FOR AN ASSIGNMENT, RELEASE, OR SATISFACTION OF A MORTGAGE OR AN AGREEMENT RESPECTING A MORTGAGE

Original Book:	Original Page:
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MORRIS COUNTY RECORDING COVER SHEET

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WARNING: Information contained on the Recording Cover Sheet must exactly match the information within the attached document or the document will be rejected and returned.

Prepared by:

MATTHEW CWRONKO, ESQ.

DEED RESTRICTION

THIS DEED RESTRICTION, entered into as of this the 17 day of September, 2018, by and between Sam Morris, Township Mayor, acting on behalf of Mine Hill Township, with offices at 10 Baker Street, Mine Hill, New Jersey 07803, and Salvatore Milelli, residing at 177 Route 206 North, Stanhope, New Jersey, 07874, the developer/sponsor (the "Owner") of a residential low- or moderate-income rental project (the "Project"):

WITNESSETH

Article 1. Consideration

Pursuant to the conditions of Resolution 010-16 memorialized by the Planning Board of the Township of Mine Hill on May 2, 2016 (see Exhibit A), the Owner shall provide two (2) rental affordable housing units, one being a moderate income unit, and one being a low income unit, for a period of at least thirty (30) years, and to abide by Covenants, terms and conditions set forth in this deed restriction with respect to the land and improvements more specifically described in Article 2, hereof (the "Property").

Article 2. Description of Property

The Property consists of all of the land, and a portion of the improvements thereon, that is located in the municipality of Mine Hill Township, County of Morris, State of New Jersey, and described more specifically as Block No. 1302, Lot No. 6, and known by the street address:

173 Route 46
Mine Hill, NJ

BEING the same premises conveyed to the Owner by Deed from Nick Caruso, dated April 10, 2003 and recorded in Deed Book 05833 at Page 217 by the Morris County Clerk on May 5, 2003.

The two (2) rental affordable housing units shall be as designated on the February 7, 2014 Site Plan prepared by Dykstra Associates, Douwe Dykstra, PE., as revised through May 25, 2017. (See Exhibit B).

The two (2) rental affordable housing units shall be as further designated on the November 26, 2012 Plan prepared by Gates Architectural Design, Inc. as revised through June 2, 2017. (See Exhibit C).

Article 3. Affordable Housing Covenants

The following covenants (the "Covenants") shall run with the land for the period of time (the "Control Period"), determined separately with respect for each dwelling unit, commencing upon the earlier of the date hereof or the date on which the first certified household occupies the unit, and shall and expire as determined under the Uniform Controls, as defined below.

In accordance with N.J.A.C. 5:80-26.11, each restricted unit shall remain subject to the requirements of this subchapter, the "Control Period," until the municipality in which the unit is located elects to release the unit from such requirements. Prior to such a municipal election, a restricted unit must remain subject to the requirements of this subchapter for a period of at least 30 years; provided, however, that:

1. Units located in high-poverty census tracts shall remain subject to these affordability requirements for a period of at least 10 years; and
 2. Any unit that, prior to December 20, 2004, received substantive certification from COAH, was part of a judgment of compliance from a court of competent jurisdiction or became subject to a grant agreement or other contract with either the State or a political subdivision thereof, shall have its control period governed by said grant of substantive certification, judgment or grant or contract.
- A. Sale and use of the Property is governed by regulations known as the Uniform Housing Affordability Controls, which are found in New Jersey Administrative Code at Title 5, chapter 80, subchapter 26 (N.J.A.C. 5:80-26.1, *et seq.*, the "Uniform Controls").
 - B. The Property shall be used solely for the purpose of providing rental dwelling units for low- or moderate-income households, and no commitment for any such dwelling unit shall be given or implied, without exception, to any person who has not been certified for that unit in writing by the Administrative Agent. So long as any dwelling unit remains within its Control Period, sale of the Property must be expressly subject to these Deed Restrictions, deeds of conveyance must have these Deed Restrictions appended thereto, and no sale of the Property shall be lawful, unless approved in advance and in writing by the Administrative Agent.
 - C. No improvements may be made to the Property that would affect the bedroom configuration of any of its dwelling units, and any improvements to the Property must be approved in advance and in writing by the Administrative Agent.
 - D. The Owner shall notify the Administrative Agent and the Municipality of any foreclosure actions filed with respect to the Property within five (5) business days of service upon Owner.
 - E. The Owner shall notify the Administrative Agent and the Municipality within three (3) business days of the filing of any petition for protection from creditors or reorganization filed by or on behalf of the Owner.

Article 4. Remedies for Breach of Affordable Housing Covenants

A breach of the Covenants will cause irreparable harm to the Administrative Agent, to the Municipality and to the public, in light of the public policies set forth in the New Jersey Fair Housing Act, the Uniform Housing Affordability Control rules found at N.J.A.C. 5:80-26, and the obligation for the provision of low and moderate-income housing.

- A. In the event of a threatened breach of any of the Covenants by the Owner, or any successor in interest of the Property, the Administrative Agent and the Municipality shall have all remedies provided at law or equity, including the right to seek injunctive relief or specific performance.
- B. Upon the occurrence of a breach of any Covenants by the Grantee, or any successor in interest or other owner of the Property, the Administrative Agent and the Municipality shall have all remedies provided at law or equity including but not limited to forfeiture, foreclosure, acceleration of all sums due under any mortgage, recouping of any funds from a sale in violation of the Covenants, diverting of rent proceeds from illegal rentals, injunctive relief to prevent further violation of said Covenants, entry on the premises, those provided under Title 5, Chapter 80, Subchapter 26 of the New Jersey Administrative Code and specific performance.

IN WITNESS HEREOF, the Township Mayor and the Owner have executed this Deed Restriction as of the date first written above.

BY: *Sam Morris*
 Sam Morris, Township Mayor

BY: *Salvatore Milelli*
 Salvatore Milelli, Owner

STATE OF New Jersey, COUNTY OF Morris SS:

I CERTIFY that on 24 August, 2018,
Sam Morris

Personally came before me and stated to my satisfaction that this person (or if more than one, each person):

- (a) was the maker of the attached Deed Restriction;
- (b) executed this Deed Restriction on behalf of said Municipality for the purposes stated therein;

Judith O'Brien

JUDITH O'BRIEN
 NOTARY PUBLIC OF NEW JERSEY
 MY COMMISSION EXPIRES JULY 21, 2020

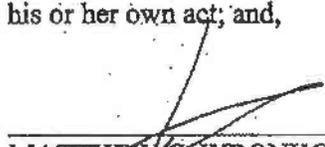
STATE OF New Jersey, COUNTY OF Morris SS:

I CERTIFY that on September 14, 2018,

Salvatore Milelli

Personally came before me and stated to my satisfaction that this person (or if more than one, each person):

- (a) was the maker of the attached Deed Restriction;
- (b) executed this Deed Restriction as his or her own act; and,



 MATTHEW C. WRONKO
 Attorney at Law of New Jersey

RECORD and RETURN:

WRONKO & WRONKO
 Attorneys at Law
 54 Main Street, PO Box 325
 Succasunna, NJ 07876

This is not an official document

EXHIBIT A

This is not an official document

In the matter of Salvatore P. Milelli
Case No. 003-12

**RESOLUTION 010-16
MINE HILL TOWNSHIP PLANNING BOARD
RESOLUTION OF MEMORIALIZATION**

Application Approved: March 21, 2016
Memorialized: May 2, 2016

WHEREAS, Salvatore P. Milelli has applied to the Planning Board, Township of Mine Hill for site plan approval pursuant to a bifurcated "D" variance previously granted by the Planning Board for premises located at 173 Route 46 and known as Block 1302, Lot 6 on the Tax Map of the Township of Mine Hill which premises are in a "C" Zone;

WHEREAS, the site plan application was denied after a public hearing held on June 16, 2014, which was appealed by the Applicant to the Superior Court of New Jersey, Morris County by Complaint filed on July 15, 2015; Docket No. MRS-L-2054-14; and

WHEREAS, a Pre-Trial Conference with the Honorable Thomas L Weisenback was held on November 20, 2014, where a Scheduling Order was entered, setting a Trial Date for April 9, 2015. Prior to said Trial Date a Case Management Conference was held on January 28, 2015 at which time a settlement was being discussed. The matter was postponed for several months during which time issues were raised with regard to the escrow account. A second case management conference was held with the Honorable Stuart A. Minkowitz on October 26, 2015 at which time the matter was set for Trial on January 21, 2016. A briefing schedule was entered, but nothing was submitted to the Courts. At the Trial Date, parties were directed to prepare a Consent Order to re-open the application and set the matter for public hearing; no consent was reached. On February

23, 2016, Judge Minkowitz entered an Order remanding the Application to the Board to be heard within 60 days of the Trial Date.

WHEREAS, the Board, after carefully considering the evidence presented by the applicant and having conducted a public hearing has made the following factual findings:

1. John M. Sydlar, Esquire represented the applicant.
2. The applicant is the owner of the subject premises.
3. The applicant received use variance approval which was memorialized in a resolution adopted September 9, 2013. A copy of that resolution is attached hereto.
4. Applicant submitted a revised Site Plan prepared by Dykstra Associates, Douwe Dykstra, PE, dated 2/7/14 consisting of four (4) sheets, revised through 3/8/16.
5. There was one public hearing on remand from the Superior Court for the within application on March 21, 2016. The applicant's only witness was Jason Dunn of the Dykstra Associates firm that prepared the site plan. Mr. Dunn was qualified as a Professional Planner and acknowledged that he was still under oath. He presented the following exhibits:
 - a. A-1 – a colorized rendering of Sheet 3 of 4, the Landscape Plan.
 - b. A-2 - A letter from the Fire Marshall T. Trapasso of the Mine Hill Township Bureau of Fire Prevention that the site is 100% accessible for fire apparatus.
 - c. A-3 – Colorized rendering of the Front Elevation of the building with proposed landscaping, awnings and shutters.

d. A-4 – Color photograph of the building in its current condition

6. Mr. Dunn reviewed the salient features of the site plan, by addressing all issues raised in the letter of April 2, 2014, prepared by Paul Sterbenz. Mr. Dunn revised the plans to include notes to address the technical comments regarding the implementation of the COAH requirements, the prohibition against a restaurant use in the building and lot dimension calculations. Additionally, dimensions were added or changed on the plans to address the comments regarding Site Layout. Similarly, revisions were made to the plans to address comments regarding Grading, Utilities, Drainage, Landscaping and Lighting.
7. There was some discussion regarding the parking on site, which has been clearly delineated on the site plan. The mixed residential and generic commercial proposed uses necessitate 23 spaces on site, where 22 are proposed including an ADA Handicapped space. Currently, occupants of the building park in unmarked spaces in adjacent Lot 5, which will still remain but are not included in the parking count.
8. As was discussed in previous hearings, there are concerns about ingress and egress from the site, as there is a retaining wall that impedes the sight lines for motorists exiting the site onto Route 46. The revised plan proposes that vehicles "Enter Only" from the site driveway and utilize the access easement within adjacent Lots 7 and 8 to exit the site onto Route 46. The access easement does not extend to Weber Lane, so vehicles must exit directly on Route 46 from the driveway along the frontage of Lot 8. The egress driveway

is not located on the applicant's property, and therefore, they cannot limit the driveway to "Exit Only."

9. Mr. Dunn testified that a study was done of the existing septic system and same was found to be sufficient to service the site. A T-1 Application must be filed with the New Jersey Department of Environmental Protection.
10. The northerly portion of the property will be paved to add two additional parking spaces in the rear of the building. The entire lot will be repaired where needed, resealed, and striped.
11. A light study was conducted and it was determined that the only exterior lighting is provided by a "flood light" on a utility pole that is located on the adjacent lot. The Applicant is proposing two new decorative LED light fixtures on the front landscape islands that are colonial in style with downward focused lenses. These lights will be on a timer so that there is adequate lighting at night. Additionally there will be motion detection lights in the rear of the building near the entrances to the residential units.
12. The Applicant proposes a combination of six foot (6') tall PVC solid stockade fence and additional landscaping to provide a buffer between the site and the residential neighbors to the rear of the property. The fence will be a neutral color, located approximately one foot (1') off the property line, which will help preserve some of the natural vegetation that currently exists. The plan provides for a row of six (6) Arbor Vitae to provide screening and the planting of Juniper Bushes, Inkberry Holly Bushes and a Cherry Tree for aesthetic purposes. The final specimens will be reviewed by the Board's engineer. In

addition, the site plan must be revised to depict the PVC solid stockade fence since the current plan notes the installation of a chain link fence.

13. Mr. Sydlar and Mr. Wiener confirmed that all necessary variances were granted as part of the bi-furcated variance application.

14. Applicant submitted a sketch of the Proposed Visual Improvements at the Board's request. The Applicant agreed that the building would be painted a neutral color, although not necessarily the exact color depicted on the drawing. There will be corner trim and trim under the soffits on the second floor to match the first floor. Grill treatments will be added to the windows as needed to create a uniform appearance. An awning will be added over the front door and crosshead and pilaster trim around the front door. The landscaping depicted in the drawing is represented in detail on the site plan.

WHEREAS, the Board has determined that the relief requested by the applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Township of Mine Hill for the following reasons:

1. The Board finds the testimony of the Applicant's Planner, Jason Dunn, to be credible and competent. The Applicant received a Use Variance as part of the bifurcated application and is now seeking site plan approval. The Applicant proposes to improve the current site conditions by paving the parking lot, adding landscaping and fencing, painting the building and adding decorative lighting. The proposed plan will improve the appearance of the site and create onsite parking spaces for customers and tenants.

2. The site is located on Route 46 in the commercial corridor of Mine Hill and the proposed improvements to the site will enhance the community. The site circulation and parking plan is beneficial to not only customers and residents, but the ingress and egress plan proposed will address safety concerns on this well travelled roadway.

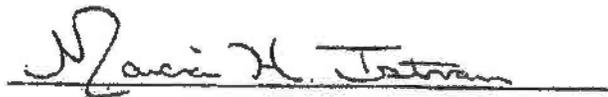
NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Mine Hill on the 21st day of March 2016, that the approval of the within application be granted subject, however, to the following conditions:

1. Payment of all fees, sureties, and escrows required by ordinance.
2. Subject to the review and approval of all governmental agencies with independent or concurrent jurisdiction over this application; including but not limited to the New Jersey Department of Environmental Protection and the Mine Hill Health Department. Said improvements and construction shall be consistent with the plans as submitted and as approved in this Resolution.
3. Applicant will comply with conditions set forth in the April 2, 2014 letter from Paul Sterbenz, P.E., PP of Maser Consulting P.A., including but limited to all those in Section 6.0.
4. Applicant will comply with all conditions set forth in the September 9, 2013 Resolution of the Mine Hill Township Planning Board associated with the Use Variance Application.
5. Applicant shall submit a 30 year Deed Restrictions in compliance with the Council of Affordable Housing regulations for the two affordable housing units in a form satisfactory to the Board Attorney, Board Engineer, and Township

Attorney. Once approved, same shall be recorded with the Morris County Clerk and confirmation shall be submitted to the Township prior to the occupancy of the units.

6. Health Department review and approval is required for all septic designs. A T-1 Application shall be filed with the New Jersey Department of Environmental Protection for the septic system.
7. The parking lot shall be repaired as needed, repaved and restriped.
8. Applicant shall install two (2) decorative LED light fixtures in the front of the property that will be on a timer and the rear lights near the residential entrances shall be equipped with motion detection features. A field test shall be conducted to insure that the lighting is sufficient and not excessive and are subject to review by the Board's engineer.
9. There shall be a six foot (6') stockade style fence in the rear of the property that is neutral in color and is subject to review by the Board's engineer. The site plan must be revised to indicate the stockade style fence, including all details.
10. Applicant proposed landscape plan shall be reviewed by the Board's engineer.
11. The neutral earth tone color choices for the fencing and the building are subject to the review of the Board's engineer.
12. Applicant will add grill treatments to the windows, as needed, to create an appearance of uniformity. Same is subject to review by the Board's engineer.

I hereby certify the above to be a true copy of a resolution adopted by the Mine Hill Township Planning Board at a duly convened meeting held on May 2, 2016.



Marcia H. Istvan, Planning Board Administrator/Recording Secretary