

Fourth Round Housing Element & Fair Share Plan

Town of Hackettstown

Warren County, New Jersey

Adopted by the Land Use Board: **June 24, 2025, Amended March 4, 2026**

Endorsed by the Mayor and Council: _____



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

HKL0030

Table of Contents

Table of Contents	ii
I. Introduction	1
<i>Affordable Housing History.....</i>	<i>1</i>
<i>Municipal Summary.....</i>	<i>6</i>
<i>Hackettstown Affordable Housing Goals.....</i>	<i>6</i>
<i>Affordable Housing Obligation.....</i>	<i>8</i>
HOUSING ELEMENT	9
II. Required Content of Housing Element	9
III. Population Demographics	11
<i>Population Growth.....</i>	<i>11</i>
<i>Age Distribution of Population</i>	<i>12</i>
<i>Household Size & Type</i>	<i>12</i>
<i>Income & Poverty Status</i>	<i>14</i>
IV. Housing Demographics.....	16
<i>Housing Type</i>	<i>16</i>
<i>Occupancy Status.....</i>	<i>16</i>
<i>Value & Rent of Housing Stock</i>	<i>17</i>
<i>Condition of Housing Stock.....</i>	<i>18</i>
V. Employment Demographics	20
<i>Occupational Characteristics.....</i>	<i>20</i>
<i>Employment Projections</i>	<i>21</i>
<i>In-Place Employment by Industry</i>	<i>21</i>
<i>Travel Time to Work.....</i>	<i>22</i>
VI. Projection of Housing Stock	24
VII. Capacity for Fair Share	25
<i>Land Capacity.....</i>	<i>25</i>
<i>Utility Capacity.....</i>	<i>26</i>
<i>Appropriate Locations for Affordable Housing</i>	<i>26</i>
<i>Potential Affordable Housing Developers</i>	<i>26</i>
<i>Anticipated Development Patterns</i>	<i>26</i>
<i>Multigenerational Family Continuity Evaluation.....</i>	<i>28</i>
<i>Highlands Regional Master Plan Compliance.....</i>	<i>28</i>
<i>State Development & Redevelopment Plan Consistency</i>	<i>29</i>

FAIR SHARE PLAN 31

VIII. Required Content of Fair Share Plan..... 31

IX. Regional Income Limits 32

X. Hackettstown’s Affordable Housing Obligation 33

Present Need (Rehabilitation Obligation) | 87..... 33

Prior Round (1987-1999) | 62..... 34

Third Round (1999-2025) | 163..... 34

Fourth Round (2025-2035) | 102..... 34

Vacant Land Adjustment | 0 RDP 34

Age-Restricted Cap 36

XI. Mechanisms & Credits 38

Rehabilitation Mechanisms & Credits..... 38

Prior Round (1987-1999) Mechanisms & Credits..... 39

Third Round Mechanisms & Credits 41

Fourth Round (2025-2035) Mechanisms & Credits..... 45

Fourth Round (2025-2035) Unmet Need..... 45

Summary of Mechanisms & Credits..... 49

XII. Appendix 50

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 Town of Hackettstown’s Housing Element and Fair Share Plan (“HEFSP”) for the period between 2025 and 2035 (known as the Fourth Round). Hackettstown 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)

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.

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>

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.

Hackettstown’s Prior Round Compliance

The Town of Hackettstown has continuously addressed its affordable housing obligation since the 1980’s. Hackettstown originally prepared its Housing Plan in December 1986 and first received substantive certification from the COAH on October 17, 1988. The Town prepared a Second Round Housing Plan in June 1995 and received substantive certification from COAH on August 2, 2000.

Hackettstown received its first substantive certification from COAH on August 4, 1993 with an employment adjustment. The Town received 81 units of credit for Heritage House, a US-HUD Section 202 funded housing development. The Town also adopted a Planned Residential Development (PRD) zone at a gross density of 4 units per acre with an 11 percent set-aside for affordable units.

On May 3, 2000, Hackettstown received substantive certification for its HEFSP, which addressed the Town’s 1987-1999 cumulative pre-credited need of 135 units, with a 74-unit rehabilitation share and a 61-unit new construction obligation. With the First Round employment adjustment, the Second Round obligation was reduced to 122 units, consisting of a 74-unit rehabilitation obligation and a 48-unit new construction obligation. Hackettstown contracted with Affordable Housing Management Services to administer its housing program and with the Warren County Housing Rehabilitation Program to administer its rehabilitation program. Hackettstown adopted an Affirmative Marketing Ordinance and payment-in-lieu of construction after receiving COAH certification. COAH extended Second Round substantive certification 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 2014; 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 regions' 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.

Hackettstown's Third Round Compliance

Hackettstown adopted a HEFSP in April 2006 to address its Third Round obligation under the Third Round Substantive Rules in N.J.A.C. 5:94. This plan addressed a 53-unit rehabilitation obligation, a Prior Round obligation of 66 units, and a growth share obligation of 113 units. The growth share period in this report was 2004 to 2014. The Plan was submitted to COAH, but never received substantive certification because COAH's Third Round Rules (N.J.A.C. 5:94) were overturned.

Hackettstown adopted another HEFSP in April 2010 to address its Third Round obligation under COAH's 2008 Rules (N.J.A.C. 5:97). The 2010 HEFSP addressed a rehabilitation obligation of 76 units, a 62-unit Prior Round obligation, and a growth share obligation of 132 units. Hackettstown petitioned COAH for Third Round substantive certification again on June 3, 2010. COAH deemed the petition complete on August 31, 2010, but never completed the substantive review due to litigation of N.J.A.C. 5:97.

Pursuant to the Mount Laurel IV Supreme Court decision, the Town of Hackettstown filed for declaratory judgement on July 7, 2015, seeking a judicial declaration that its Housing Element and Fair Share Plan satisfied the Town's constitutional obligation to address its fair share of the regional need for low- and moderate-income housing.

On January 12, 2017, Hackettstown entered into a Settlement Agreement with the Fair Share Housing Center to memorialize the terms of settlement of the Town's affordable housing obligations. On March 9, 2017, a Fairness Hearing was held, and the Honorable Judge Miller approved the Settlement Agreement.

The Hackettstown Planning Board adopted a Housing Element & Fair Share Plan on July 25, 2017 to effectuate the terms of the Settlement Agreement.

Subsequent to the adoption of the 2017 Housing Element & Fair Share Plan, the Town entered into negotiations with the developer of the Paftinos III (Bilby Road) development relative to the affordable housing set-aside associated with the previously approved inclusionary development. The negotiations resulted in the agreement of the Town to evaluate a 20-percent set-aside and to investigate whether the property qualifies as an area in need of redevelopment. The property was designated as a non-condemnation area in need of redevelopment by the Hackettstown Town Council on December 27, 2018. The Bilby Road Redevelopment Plan governing the redevelopment of the property was adopted by the Town Council on February 28, 2019. The property received amended final site plan approval on July 23, 2019 for the development of an inclusionary multi-family family rental apartment complex with 275 dwelling units and an affordable housing set-aside of 55 units (20 percent).

The Hackettstown Land Use Board adopted an Amended Housing Element & Fair Share Plan on December 17, 2019 to account for the amended site plan approval reducing the affordable housing units to be developed by Paftinos III (Bilby Road) from 80 units to 55 units. Excess credits that were being reserved for future obligations were utilized to fulfill the reduction from Paftinos III.

The Final Compliance Hearing was held on June 30, 2020. On July 23, 2020, Judge Miller issued a Conditional Judgment of Compliance and Repose ("JOR"), and Hackettstown was granted immunity

and protection from any Mount Laurel builder's remedy actions through July 1, 2025, subject to a number of conditions. The Town issued a letter to the Special Court Master on June 2, 2021 demonstrating compliance with the conditions and requesting a Letter of Final Concurrence from the Special Court Master indicating that the Town had complied with the Conditional JOR. The Honorable Kevin M. Shanahan, A.J.S.C. issued a Final JOR on August 22, 2022 granting immunity 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 Hackettstown's Present Need (Rehabilitation) Obligation as **87 units** and its Fourth Round Prospective Need Obligation as **105 units**.

Municipalities were required to adopt a binding resolution outlining their present and prospective fair share obligations by January 31, 2025. On January 30, 2025, the Town Council adopted Resolution 2025-22 accepting the DCA's calculations of the Town's Present Need Obligation of 87 units and challenging the Fourth Round Prospective Need Obligation of 105 units. The Town identified discrepancies with the data for the land capacity factor which led to a reduction to the overall average allocation factor. Therefore, the Town requested that the obligation be reduced to 100 units.

The Town also filed a "Complaint for a Declaratory of Compliance with the Fair Housing Act" on January 31, 2025, as part of the compliance certification process outlined in the Director of the Administrative Office of the Courts Directive #14-24.

During the 30-day challenge window, Hackettstown received a challenge to from the New Jersey Builder's Association ("NJBA"). NJBA's objection contended that Hackettstown had improperly calculated its affordable housing obligations and should be required to utilize the calculation prepared by the DCA in its October 18, 2024 report, setting the Prospective Need obligation at 105. The Town and NJBA entered into mediation through the Affordable Housing Dispute Resolution Program ("the Program") and ultimately agreed that Hackettstown's prospective need obligation shall be 102 units. The Honorable William G. Mennen, J.S.C. issued an order on March 26, 2025, ordering that Hackettstown's Present Need shall be **87 units** and the prospective need for the Fourth Round housing cycle shall be **102 units** (Docket No. WRN-L-63-25).

Hackettstown Land Use Board adopted its HEFSP on June 24, 2025, which was subsequently filed with the Program and the Court for review and approval.

Challenges to the Fourth Round HEFSP were filed by the Fair Share Housing Center (“FSHC”) and Lion Gate at Musconetcong River Urban Renewal, LLC (“Lion Gate”) in August of 2025. The Town 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.

The Court reviewed Hackettstown’s HEFSP, attachments, and proposed implementing ordinances and resolutions and issued an Order on January 29, 2026, which determined that the HEFSP is not currently in compliance with the Fair Housing Act and the Mount Laurel doctrine and extended immunity per N.J.S.A. 52:27D-304.1(f)(2)(d) subject to the Town amending the HEFSP by March 16, 2026. This Amended HEFSP is prepared to address the conditions within the January 29, 2026 Order.

Municipal Summary

The Town of Hackettstown contains approximately 3.7 square miles (or 2,374 acres) situated in the easternmost part of Warren County, New Jersey. Hackettstown is bordered by Washington Township and Mount Olive Township in Morris County and Allamuchy, Independence and Mansfield Townships in Warren County. Hackettstown is traversed by US Route 46, State Route 182, County Route 517, and State Route 57. Additionally, Hackettstown is served by a transit stop on the NJ Transit Montclair-Boonton and Morristown rail lines.

Hackettstown is a suburban community with predominately single-family detached housing units. Hackettstown has an estimated population of 10,429 residents and estimated 7,022 jobs. Hackettstown is served by public water and sewer.

Hackettstown is situated entirely within the Highlands Region, with 203 acres being located within the Highlands Preservation Area and 2,171 acres within the Highlands Planning Area. Hackettstown received Plan Conformance from the Highlands Council on August 3, 2011 for lands in both the Preservation Area and Planning Area. According to the Highlands Land Use Capability Zone (“LUCZ”) Map, Hackettstown includes 426 acres of land in the Protection Zone, 1,336 acres in the Existing Community Zone, 152 acres of land in the Existing Community Zone – Environmentally Constrained Sub-Zone, and 214 acres of land in the Wildlife Management Sub-Zone.

The approved Petition for Plan Conformance for Hackettstown Town was accompanied by approval of a Highlands Center Designation for the Hackettstown Highlands Center. Hackettstown’s Highlands Center encompasses the central business district, the Hackettstown Historic District, the Centenary University Campus, the Stiger Street Redevelopment Area, the Hackettstown Regional Medical Center and adjacent affordable housing projects, M&M/Mars, and commercial/residential development near the border with Mansfield Township. The total area of the Highlands Center includes approximately 743 acres, all of which is in the Planning Area and is served by both water and sewer service.

Hackettstown 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

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 Town'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 Hackettstown'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 Town'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 Hackettstown, 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.
- c. 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 Obligation

For the Fourth Round, Hackettstown accepted the DCA's calculations for the Present Need of 87 units and will address a Fourth Round Prospective Need obligation of 102 units.

Therefore, Hackettstown's four-part obligation is as follows:

- 1. Present Need (Rehabilitation Obligation): 87 units
- 2. Prior Round Obligation: 62 units
- 3. Third Round Obligation: 163 units
- 4. Fourth Round Obligation: 102 units

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 (hereinafter “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 Town of Hackettstown's population saw rapid growth through the 1970s. During the 1950s, Hackettstown gained 1,382 new residents, followed by 4,196 new residents during the 1960s. However, since 1970, the Town's population has decreased by over 500 each decade until 2000. As of the 2023 Census, the population of Hackettstown was 10,249, which is 154 residents less than its peak of 10,403 in 2000. See the table below for additional details.

Population Growth

Year	Population	Change	Percent
1940	3,289	--	--
1950	3,894	605	18.4%
1960	5,276	1,382	35.5%
1970	9,472	4,196	79.5%
1980	8,850	-622	-6.6%
1990	8,120	-730	-8.2%
2000	10,403	2,283	28.1%
2010	9,724	-679	-6.5%
2020	10,249	525	5.4%

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 North Jersey Transportation Planning Authority ("NJTPA") projects that the Town's population will grow to 10,455 residents by 2050 from their baseline 2015 population of 9,705. This represents an increase of 750 residents, or an average increase of approximately 21 residents annually over 35 years. However, as noted above, the Town's estimated population according to the 2023 American Community Survey ("ACS") is 10,249, which is just 312 less than the 2050 population of 10,455 projected by the NJTPA.

Population Projection

Year	Population	Change	Percent
2015	9,705	---	---
2020	10,249	544	5.6%
2050	10,455	206	2.0%

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

Age Distribution of Population

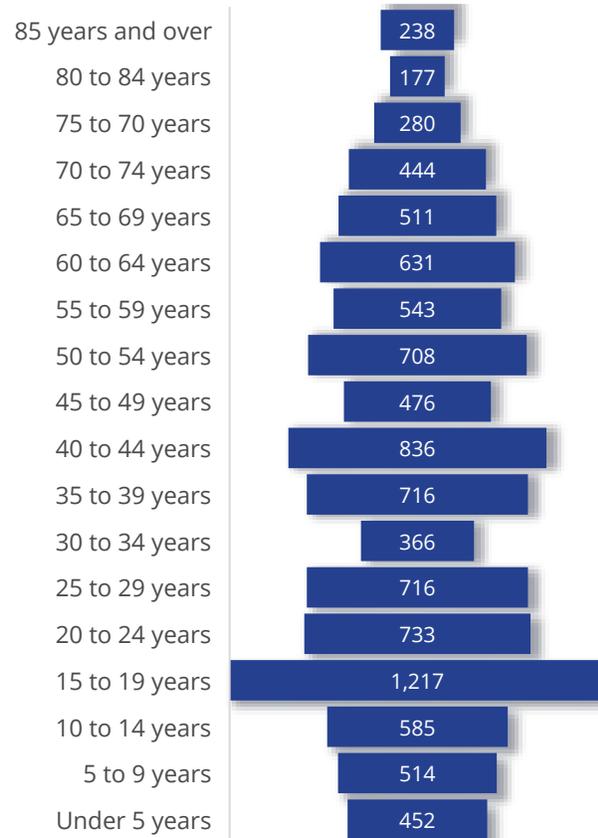
The 2023 ACS estimates just 16.3 percent of Hackettstown's population was 65 years or older, while 27.3 percent of the population was 19 years or younger. The largest age cohort was estimated to be those aged 15 to 19 years, which comprised 12 percent (1,217) of the Town's population. Residents aged 40 to 44 years comprised the second-largest age cohort at 8.2 percent (836) of the population, followed by those aged 20 to 24 years at 7.2 percent (733) of the population. The median age was estimated at 38 years in the 2023 ACS.

Population by Age Cohort

Age	Total	Percent
85 years and over	238	2.3%
80 to 84 years	177	1.7%
75 to 70 years	280	2.8%
70 to 74 years	444	4.4%
65 to 69 years	511	5.0%
60 to 64 years	631	6.2%
55 to 59 years	543	5.4%
50 to 54 years	708	7.0%
45 to 49 years	476	4.7%
40 to 44 years	836	8.2%
35 to 39 years	716	7.1%
30 to 34 years	366	3.6%
25 to 29 years	716	7.1%
20 to 24 years	733	7.2%
15 to 19 years	1,217	12.0%
10 to 14 years	585	5.8%
5 to 9 years	514	5.1%
Under 5 years	452	4.5%
Total	10,143	100%

Source: 2023 ACS Table S0101

Population by Age Cohort



Household Size & Type

According to the 2023 ACS, Hackettstown had 3,790 households of various types. A majority were married-couple households, which comprised just over 48 percent of all households. Of those, 814 had children under 18 years old. Male householders with no spouse present comprised only 16 percent of all households, while female householders with no spouse present comprised 27.9 percent. Of all households with no spouse present, 275 had children under the age of 18 (7.3 percent), while 1,046 were living alone (27.6 percent).

Household Type

Type	Number	Percent
Married-couple	1,834	48.4%
with children under 18	814	21.5%
Cohabiting couple	294	7.8%
with children under 18	135	3.6%
Male householder, no spouse	606	16.0%
with children under 18	44	1.2%
living alone	435	11.5%
Female householder, no spouse	1,056	27.9%
with children under 18	231	6.1%
living alone	611	16.1%
Total	3,790	100%

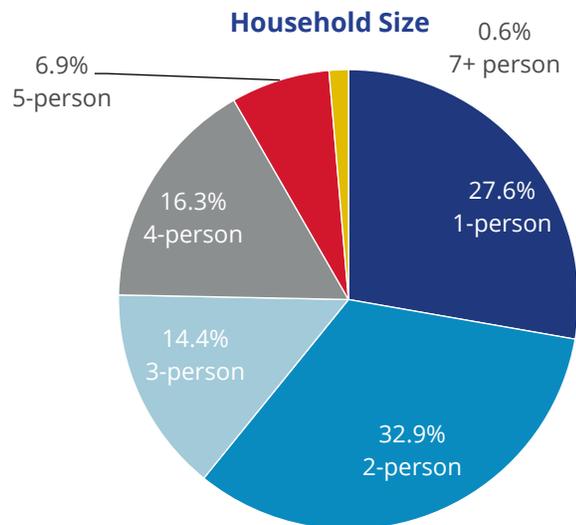
Source: 2023 ACS Table DP02

The most common household size in Hackettstown was estimated to be two-person households, which comprised 32.9 percent of households in 2023. One-person households comprised the second-largest number of households at just over 27 percent. Finally, four-person households comprised 16.3 percent of the 3,790 households in Hackettstown. It should be noted that 51 households contained seven or more people. The table and pie chart below graphically illustrate the household size composition in Hackettstown. Additionally, the 2023 ACS estimated the average household size at 2.48 persons, which is the same as that reported in the 2010 Census (2.48 persons).

Household Size

Size	Total	Percent
1-person	1046	27.6%
2-person	1,246	32.9%
3-person	546	14.4%
4-person	617	16.3%
5-person	262	6.9%
6-person	22	0.6%
7+ person	51	1.3%
Total	3,790	100%

Source: 2023 ACS Table B11016



Income & Poverty Status

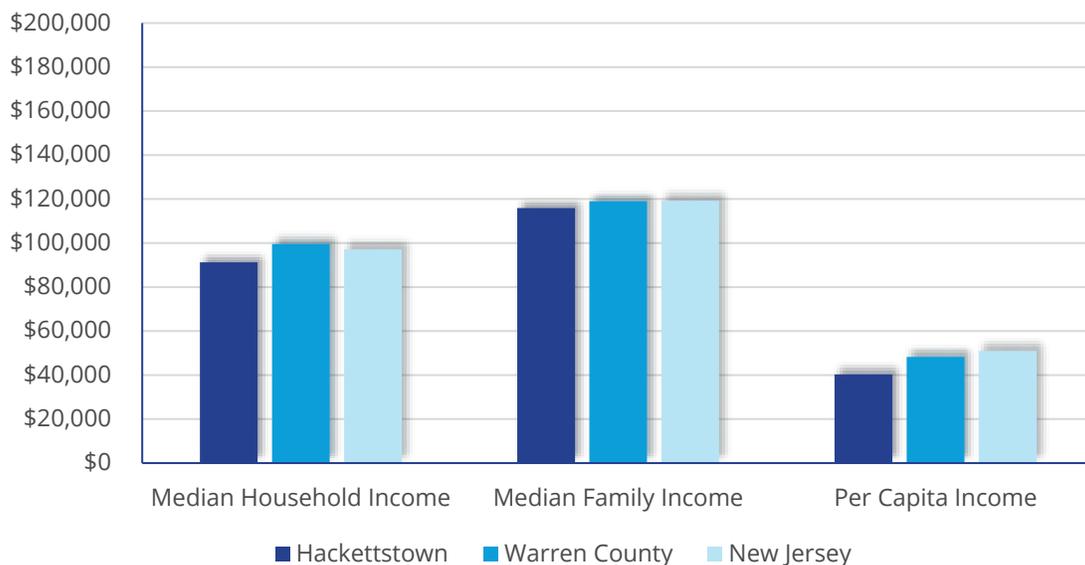
The 2023 ACS estimated the median household income for the Town of Hackettstown to be \$91,250, which is over \$8,000 less than Warren County’s and over \$5,000 less than the State’s. Similarly, the median family income for Hackettstown was estimated at \$115,905, which is over \$3,000 below the County’s and over \$3,000 less than the State’s. Finally, the Town’s per capita income was estimated at \$40,297, which is less than the County’s and less than the State’s. Based on this data, residents of Hackettstown represent the lower end of incomes between the high incomes of Warren County and the median State incomes. This is reflected in the poverty rates of individuals and families estimated in the 2023 ACS. Hackettstown’s poverty rate for individuals was estimated at 7.8 percent, which is less State’s by 1.9 percent and more than the County’s by 4 percent. The Town’s poverty rate for families was estimated at 5.7 percent, which is 3.4 percent more than the County’s and less than the State’s by 1.2 percent. The table and bar chart below provide a comparison between income and poverty characteristics.

Income and Poverty Characteristics

Income Type	Hackettstown	Warren County	New Jersey
Median Household Income	\$91,250	\$99,596	\$97,126
Median Family Income	\$115,905	\$118,994	\$119,240
Per Capita Income	\$40,297	\$48,232	\$50,995
Poverty Status (Percent of People)	7.8%	3.8%	9.7%
Poverty Status (Percent of Families)	5.7%	2.3%	6.9%

Source: 2023 ACS Table DP03

Income Characteristics



According to the 2023 ACS, only 11 percent of households in Hackettstown (426) earn over \$200,000 annually. Household earning \$100,000 or more annually were estimated to include 1,794 households or 47.3 percent of all households in Hackettstown. Over 49 percent of household in Warren County earned at least \$100,000 annually, including 13.7 percent earning more than \$200,000. Households in New Jersey earning \$100,000 or more according to the 2023 ACS included 48.8 percent of households. It should be noted that nearly 23 percent of households in Hackettstown earned less than \$50,000.

Household Income

Income Range	Hackettstown		Warren County		New Jersey	
	Total	Percent	Total	Percent	Total	Percent
Less than \$10,000	122	3.2%	1,650	3.7%	139,920	4.1%
\$10,000 to \$14,999	52	1.4%	954	2.1%	102,608	3.0%
\$15,000 to \$24,999	206	5.4%	2,402	5.3%	185,476	5.4%
\$25,000 to \$34,999	204	5.4%	2,270	5.1%	196,998	5.7%
\$35,000 to \$49,999	305	8.0%	3,230	7.2%	281,264	8.2%
\$50,000 to \$74,999	740	19.5%	6,714	14.9%	455,543	13.2%
\$75,000 to \$99,999	367	9.7%	5,349	11.9%	397,730	11.6%
\$100,000 to \$149,999	778	20.5%	10,482	23.3%	620,335	18.0%
\$150,000 to \$199,999	590	15.6%	5,733	12.8%	396,837	11.5%
\$200,000 or more	426	11.2%	6,159	13.7%	661,451	19.2%
Total	3,790	100%	44,943	100%	3,438,162	100%

Source: 2023 ACS Table DP03

IV. Housing Demographics

Housing Type

The 2023 ACS estimated the Town's housing stock at 3,823 units, which contains a variety of residential dwellings. Single-family, detached dwellings comprised a majority of the housing stock with 2,159 units or 56.5 percent of all dwellings. One-unit, attached dwellings (e.g. townhomes) comprised 319 units (8.3 percent), while two-family dwellings comprised 149 units (3.9 percent) of the housing stock. The Town contains 973 multi-family units (25.5 percent), which are buildings containing five or more dwelling units. It should be noted that the 2023 ACS estimated 53 dwellings to be mobile homes. See the table below for details. Of the estimated 3,823 existing housing units in 2023, 269 or 7 percent of the housing stock are deed restricted for low- and moderate-income households.

Housing Units in Structure

Structure	Number of Units	Percent
1-unit, detached	2,159	56.5%
1-unit, attached	319	8.3%
2 units	149	3.9%
3 or 4 units	170	4.4%
5 to 9 units	275	7.2%
10 to 19 units	227	5.9%
20 or more units	471	12.3%
Mobile Home	53	1.4%
Other (boat, RV, van, etc.)	0	0.0%
Total	3,823	100%

Source: 2023 ACS Table DP04

Occupancy Status

Of the 3,823 residential units, 3,790 units, or 99.1 percent of the housing stock, was occupied. This includes 2,246 owner-occupied units and 1,544 rental units. The 33 vacant units only included properties classified as "other".

The 2023 ACS estimated the average household size in Hackettstown was 2.48 persons, while the average family size was 2.99 persons. Comparing tenure, the average owner-occupied household was 2.59, while the average renter-occupied household was 2.32 persons.

Occupancy Status

Status	Units	Percent
Occupied Total	3,790	99.1%
Owner Occupied	2,246	59.3%
Renter Occupied	1,544	40.7%
Vacant Total	33	0.9%
For rent	0	0.0%
Rented, not occupied	0	0.0%
For Sale	0	0.0%
Sold, not occupied	0	0.0%
Seasonal	0	0.0%
For migrant workers	0	0.0%
Other	33	100.0%
Total	3,823	100%

Source: 2023 ACS Tables DP04 & B25004

Value & Rent of Housing Stock

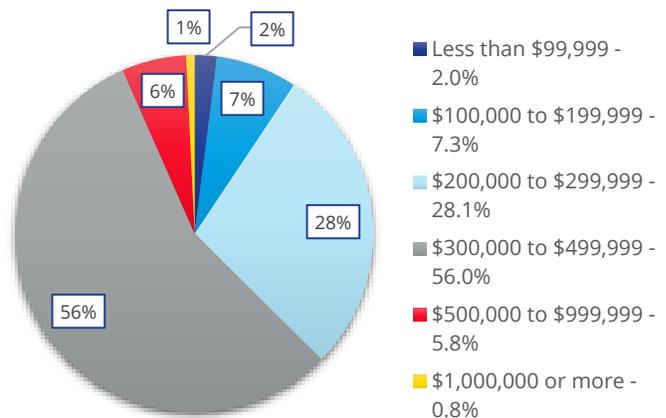
The 2023 ACS provided estimates for owner-occupied housing units in Hackettstown. According to the data, a plurality of homes in the Town were valued between \$300,000 and \$499,999 (56 percent). Homes worth between \$200,000 and \$299,999 comprised 28.1 percent of the owner-occupied housing units, while 7.3 percent of homes were estimated to be worth between \$100,000 and \$199,999. Only 5.8 percent of homes (131 units) were valued between \$500,000 and \$999,999, while only 17 homes were estimated to be valued at greater than \$1 million. The median home value estimated in the 2023 ACS was \$337,100.

Value of Owner Occupied Units

Value	Number of Units	Percent
Less than \$99,999	45	2.0%
\$100,000 to \$199,999	165	7.3%
\$200,000 to \$299,999	631	28.1%
\$300,000 to \$499,999	1,257	56.0%
\$500,000 to \$999,999	131	5.8%
\$1,000,000 or more	17	0.8%
Total	2,246	100%
Median Value	\$337,100	

Source: 2023 ACS Table DP04

Value of Owner Occupied Units



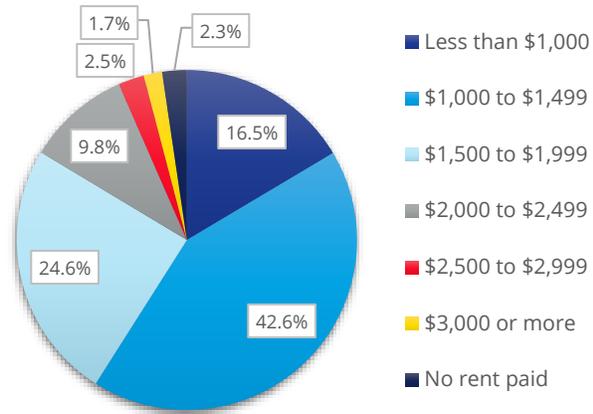
The median rent in the Town was estimated at \$1,419 per the 2023 ACS. Looking at the rent ranges, a little less than half of the Town’s rental units fell between \$1,500 and \$1,999 per month (42.6 percent). Units that cost between \$1,500 and \$1,999 comprised 24.6 percent of rentals (380 units), while only 9.8 percent (152 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	254	16.5%
\$1,000 to \$1,499	657	42.6%
\$1,500 to \$1,999	380	24.6%
\$2,000 to \$2,499	152	9.8%
\$2,500 to \$2,999	38	2.5%
\$3,000 or more	27	1.7%
No rent paid	36	2.3%
Total	1,544	100%
Median (in dollars)	\$1,419	

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 22 occupied homes were estimated to not contain adequate heat and 41 lack telephone service, while all homes within the Town had complete plumbing and kitchen services.

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	41	1.1%
Lack of adequate heat	22	0.6%
Total Occupied Housing Units	3,790	1.66%

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, 4.7 percent of the Town’s 3,790 occupied housing units contained 1.01 or more persons per room.

Occupants Per Room

Occupants	Number of Units	Percent
1.00 or less	3,611	95.3%
1.01 to 1.50	129	3.4%
1.51 or more	50	1.3%
Total	3,790	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 Hackettstown. An estimated 2,144 units, or 56.1 percent, of the Town’s housing stock were constructed prior to 1970 with over 19 percent being constructed prior to 1940. Since 1980, an estimated 1,202 homes have been constructed.

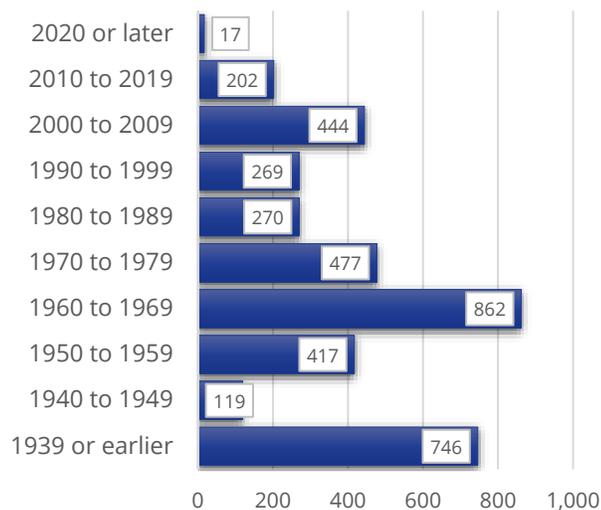
It should be noted that the “2020 or later” line item may be inaccurate. The New Jersey Department of Community Affairs’ (“DCA”), Division of Codes and Standards website provides data on building permits, certificates of occupancy, and demolition permits for both residential and non-residential development. We have reviewed the data from the State for 2020 through 2024 and 5 certificates of occupancy have been issued for new residential units since the beginning of 2020. (See page 25.)

Age of Housing Stock

Year Built	Number of Units	Percent
2020 or later	17	0.4%
2010 to 2019	202	5.3%
2000 to 2009	444	11.6%
1990 to 1999	269	7.0%
1980 to 1989	270	7.1%
1970 to 1979	477	12.5%
1960 to 1969	862	22.5%
1950 to 1959	417	10.9%
1940 to 1949	119	3.1%
1939 or earlier	746	19.5%
Total	3,823	100%

Source: 2023 ACS Table DP04

Age of Housing Stock



V. Employment Demographics

The 2023 ACS estimated that Hackettstown had 5,877 residents over the age of 16 in the workforce. Of those, 5,413 (92.1 percent) were employed, which translates to a 7.9 percent unemployment rate. A majority of workers were private wage and salary worker (73.8 percent). However, 13.2 percent were workers employed by the government and 5.1 percent were self-employed.

Class of Workers

Class	Workers	Percent
Private wage and salary workers	4,337	73.8%
Government workers	775	13.2%
Self-employed workers	301	5.1%
Unpaid family workers	0	0.0%
Total employed residents	5,413	92.1%
Total unemployed residents	464	7.9%
Total residents in workforce	5,877	100%

Source: 2023 ACS Table DP03

Occupational Characteristics

The 2023 ACS estimated 2,157 workers were employed management, business, science, and arts fields, which represents 39.8 percent of the Town's employed residents. Sales and office workers totaled 21.5 percent of employed residents, while 20.5 percent were employed in service jobs.

Occupation of Employed Population

Occupation	Workers	Percent
Management, business, science, & arts	2,157	39.8%
Service	1,112	20.5%
Sales & office	1,165	21.5%
Natural resources, construction, & maintenance	534	9.9%
Production, transportation, & material moving	445	8.2%
Total	5,413	100%

Source: 2023 ACS Table DP03

Employment Projections

NJTPA's Plan 2050 estimates that the number of available jobs in Hackettstown will increase from 906 reported in 2015 to 924 in 2050. This represents an increase of 18 jobs, or an average annual increase of 0.51 jobs annually. However, as detailed in the following section, the New Jersey Department of Labor and Workforce Development estimated a total of 538 jobs in Hackettstown in 2023, which is 386 less than projected by NJTPA. Utilizing this number, roughly 14 new jobs would need to be created within the Town each year for the next 27 years.

Employment Projection

Year	Jobs	Change	Percent
2015	7,210	---	---
2050	7,296	86	1.2%

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. The QCEW data reflects employment within Hackettstown, regardless of where the employee lives.

The Municipal Report redacted data from two private-sector industries for not meeting minimum publication standards (agriculture and information industries). The 2023 QCEW reported that Hackettstown had an average of 8,324 private-sector jobs provided by 751 employers, including the redacted data.

Based on the 2023 QCEW data provided, the health/social industry contained the largest number of jobs in the Town with an average of 1,770 jobs (20 percent). These jobs were provided by 145 employers, which is the largest industry of employers in Hackettstown largely due to the Hackettstown Medical Center and related medical offices. The retail trade industry had 107 employers and an average of 1,387 (15.7 percent), which was the second-largest industry and number of employees. In the public sector, the 2023 QCEW Municipal Report indicated that there were 4 federal government employers, which had an average of 71 employees, 2 state government employers with an average of only 3 employees, and 5 local government employers, which had an average of 443 jobs. This included 2 local government education employers providing an average of 334 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	
Agriculture	-	-	-	-	-
Construction	76	10.0%	330	3.7%	\$76,961
Manufacturing	33	4.3%	667	7.5%	\$72,169
Wholesale Trade	25	3.3%	147	1.7%	\$61,759
Retail Trade	107	14.0%	1,387	15.7%	\$36,279
Transportation/Warehousing	17	2.2%	155	1.8%	\$46,677
Information	-	-	-	-	-
Finance/Insurance	26	3.4%	139	1.6%	\$69,870
Real Estate	17	2.2%	44	0.5%	\$54,405
Professional/Technical	64	8.4%	277	3.1%	\$77,088
Admin/Waste Remediation	42	5.5%	391	4.4%	\$54,272
Health/Social	145	19.0%	1,770	20.0%	\$62,499
Arts/Entertainment	13	1.7%	139	1.6%	\$13,799
Accommodations/Food	62	8.1%	673	7.6%	\$27,149
Other Services	67	8.8%	342	3.9%	\$46,824
Unclassified	35	4.6%	44	0.5%	\$30,233
Private Sector Total	751	99%	8,324	94%	\$70,026
Federal Government	4	0.5%	71	0.8%	\$59,505
State Government	2	0.3%	3	0.0%	\$75,669
Local Government	5	0.7%	443	5.0%	\$71,872
Local Government Education	2	0.3%	334	3.8%	\$75,767
Public Sector Total	11	1%	517	6%	

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 minimum publication standard.

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 699 workers (14.9 percent). A commute between 5 and 9 minutes followed close behind with 692 workers (14.7 percent). Rounding off the top three was a commute of 60 to 89 minutes, which was reported by 679 workers (14.4 percent). The mean travel time was estimated at 30.9 minutes. It should be noted that 209 workers (4.4 percent) reported a commute of more than 90 minutes. Additionally, 509 workers, or 9.7 percent of the Town's employed residents, reported working from home. See the table and chart on the following page for additional details.

Commute Time

Travel Time (minutes)	Workers	Percent
Less than 5	228	4.9%
5 to 9	692	14.7%
10 to 14	553	11.8%
15 to 19	557	11.9%
20 to 24	373	7.9%
25 to 29	203	4.3%
30 to 34	349	7.4%
35 to 39	76	1.6%
40 to 44	82	1.7%
45 to 59	699	14.9%
60 to 89	679	14.4%
90 or more	209	4.4%
Total	4,700	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 Town'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 varies from year to year in the Town of Hackettstown. The years with large numbers of COs recorded coincide with the inclusionary housing developments that have been constructed. Sycamore Landing contains 247 units completed in 2017. The Autumn Ridge inclusionary family rental development contains a total of 198 units which were constructed in 2020 and 2021.

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	41	30	5	7	49	37	54	124	170	6	7	2	532
Demolitions	0	0	0	0	1	0	0	1	0	0	0	NR	2
Net Development	41	30	5	7	48	37	54	123	170	6	7	NR	530

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

Projecting into the future, given the limited remaining vacant land within the Town, it is not expected that any significant residential developments will occur within the next ten years, aside from ongoing construction or proposed inclusionary projects.

VII. Capacity for Fair Share

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

- The Town'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

Hackettstown's capacity to accommodate its present and prospective affordable housing need is determined by three components: available land, water availability/capacity, and sewer availability/capacity. Land development is limited by parcel size, easements (conservation, sewer, water, etc.), municipal regulations, and a variety of environmental features.

Nearly half of Hackettstown's total land area is encumbered by environmentally sensitive areas. Environmental constraints within the Town include the following:

- Waterbodies – 81.9 acres (3.5% of Town)
- Wetlands – 243.1 acres (10.2% of Town)
- FEMA Special Flood Hazard Area Zones
 - AE – 234.1 acres (9.9% of Town)
 - A – 14.8 acres (0.6% of Town)
- Steep Slopes Protection Area (greater than 15% slopes) – 262.3 acres (11% of Town)
- Critical Wildlife Habitat – 645.4 acres (27.2% of the Town's area)
- Highlands Open Water Protection Area ("OWPA") – 1,140.7 acres (48% of Town)
- Highlands Riparian Area – 867.8 acres (36.5% of Town)

Hackettstown previously conducted a vacant land analysis as part of the Third Round HEFSP to identify vacant and developable properties remaining in the Town that may be suitable for affordable housing development. The study found that most of Hackettstown is developed and properties that are vacant or public property not used for any purpose are undersized, environmentally constrained, have the potential for infill development or redevelopment or have vested development approvals. The study found three parcels that have a realistic development potential ("RDP") to be developed with inclusionary housing based on a minimum presumptive density of 6 du/ac. and affordable housing set-aside of 20 percent. The total developable area of these properties is 22.81 acres. The properties were found have potential to be developed with a total of 136 units, resulting in an RDP of 26 units. However, despite the lack of available vacant

lands, Hackettstown did not seek an adjustment of its Third Round obligation at that time since there were sufficient existing and proposed credits to satisfy the Third Round obligation. The Town reserved its rights to request a vacant land adjustment in the future if necessary.

For the Fourth Round, the Town has prepared a highlands build-out study and determined the RDP to be 0 units for the Town, as described in Chapter XI. Hackettstown is located within the Highlands Region and is a fully conforming municipality. Therefore, development within the Town is also controlled and limited by the Highlands Regional Master Plan.

Utility Capacity

Wastewater Treatment Capacity

Hackettstown's Wastewater Management Plan ("WMP") was approved by the New Jersey Highlands Council on February 12, 2016. The WMP establishes the Highlands Existing Community Zone and the Hackettstown Highlands Center as the wastewater service area for Hackettstown. Hackettstown is served by the Hackettstown Municipal Utilities Authority ("HMUA") wastewater treatment plant, which also services portions of Independence Township, Mansfield Township, Mount Olive Township, and Washington Township (Morris). The WMP analyzes the existing flows and potential flows from anticipated future development of the lands within the HMUA service area and found that there is sufficient capacity at the plant to address anticipated wastewater flows from the combined build out.

Water Capacity

Public water supply in Hackettstown is provided by the HMUA. According to the Hackettstown Town Municipal Build-Out Report prepared by the Highlands Council in July 2009, the buildout for Hackettstown does not exceed the available water supply capacity.

Appropriate Locations for Affordable Housing

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

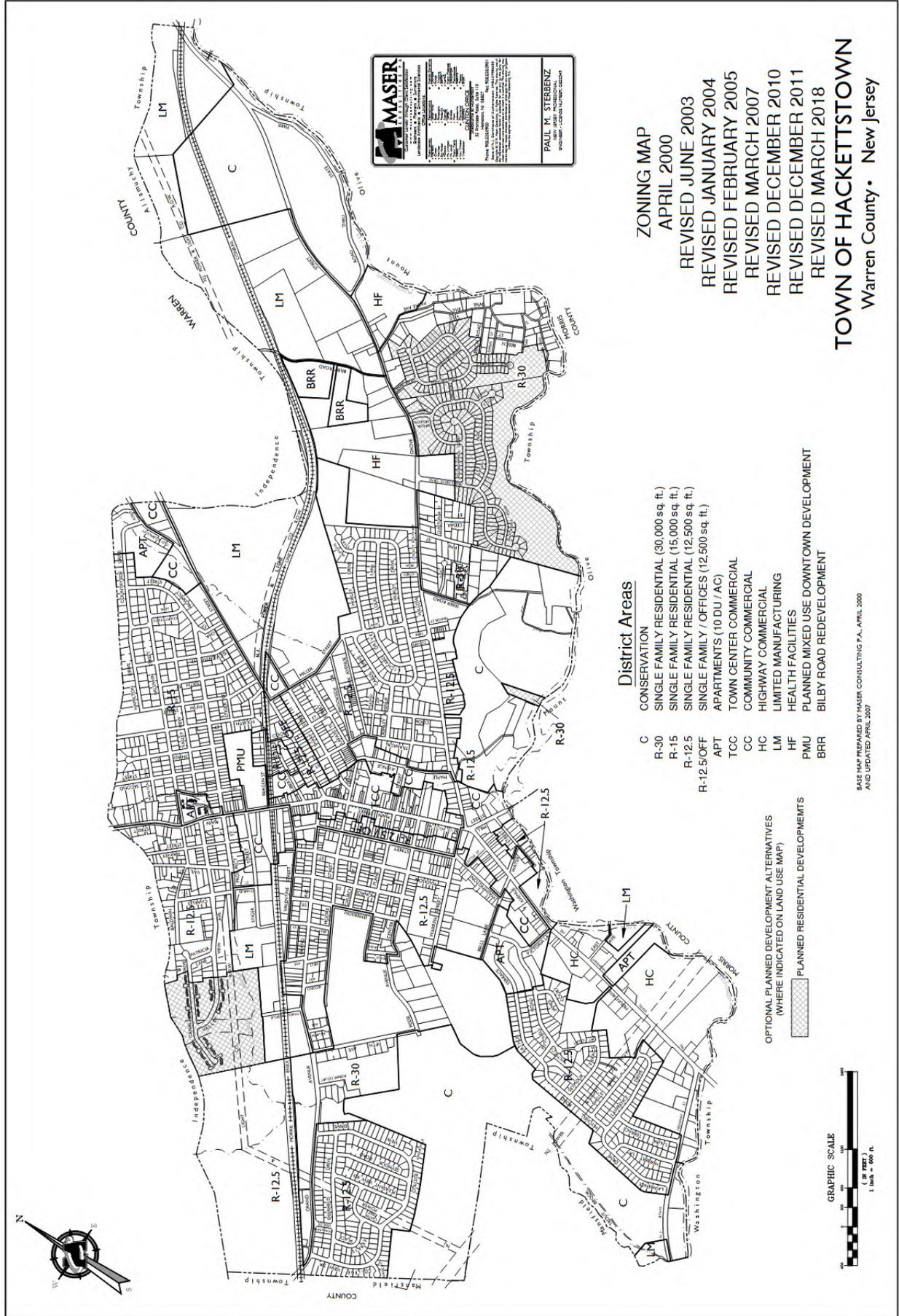
Existing structures appropriate for conversion to affordable housing may include ranch-style homes, which may be cost effective to buy and convert to an alternative living arrangement. As for structures suitable for rehabilitation, according to the Rehabilitation Obligation, 87 homes within the Town are in need of a major system repair (e.g. roof, electric, plumbing, etc.).

Potential Affordable Housing Developers

No developers have approached the Town with a concept plan or request to construct affordable housing within the Highlands Center.

Anticipated Development Patterns

Anticipated land use patterns within the Town of Hackettstown will most likely follow the established zoning map. The Town does not propose any changes to the existing zoning map at this time.



ZONING MAP
APRIL 2000
 REVISED JUNE 2003
 REVISED JANUARY 2004
 REVISED FEBRUARY 2005
 REVISED MARCH 2007
 REVISED DECEMBER 2010
 REVISED DECEMBER 2011
 REVISED MARCH 2018

TOWN OF HACKETTSTOWN
 Warren County • New Jersey

- District Areas**
- C CONSERVATION
 - R-30 SINGLE FAMILY RESIDENTIAL (30,000 sq. ft.)
 - R-15 SINGLE FAMILY RESIDENTIAL (15,000 sq. ft.)
 - R-12.5 SINGLE FAMILY RESIDENTIAL (12,500 sq. ft.)
 - R-12.5/OFF SINGLE FAMILY / OFFICES (12,500 sq. ft.)
 - APT APARTMENTS (10 DU / AC)
 - PMU TOWN CENTER COMMERCIAL
 - BRR COMMUNITY COMMERCIAL
 - HF HIGHWAY COMMERCIAL
 - LM LIMITED MANUFACTURING
 - HC HEALTH FACILITIES
 - PLANNED MIXED USE DOWNTOWN DEVELOPMENT
 - BILBY ROAD REDEVELOPMENT

OPTIONAL PLANNED DEVELOPMENT ALTERNATIVES
 (WHERE INDICATED ON LAND USE MAP)

■ PLANNED RESIDENTIAL DEVELOPMENTS



BASE MAP PREPARED BY MASER CONSULTING P.A., APRIL 2000
 AND UPDATED APRIL 2007

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, Hackettstown 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 Hackettstown's zoning ordinance that prohibits senior citizens from residing at the home of their extended families.

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.

Hackettstown has lands within both the Highlands Preservation Area (203.1 acres, 8.6% of Town) and Planning Area (2,171.7 acres, 91.4% of Town).

Highlands Build-Out

As detailed in Chapter XI., on November 1, 2024, the Highlands Council issued a [Highlands Municipal Build-Out Update](#), which outlined the process the Council utilized to determine parcels eligible for development. Conforming municipalities were provided access to an online GIS portal to evaluate identified properties as well as any properties that did not have a tax code classification.

For Hackettstown, there are no remaining vacant and developable parcels suitable for affordable housing, resulting in a Realistic Development Potential of 0 affordable units.

However, the Highlands build-out does not consider redevelopment opportunities. As noted in Chapter XI, there are three sites that have been designated for redevelopment: Bergen Tool, Lion Gate, and Bilby Road. No other sites have been identified as being suitable for redevelopment at this time.

The Highlands build-out restricts not just the Fourth Round Obligation, but all affordable housing obligations. Build-out is a limit on development in the entire community, blind to past outstanding affordable housing obligations. Therefore, the unbuilt Third Round Unmet Need and Fourth Round Obligation are adjusted to or capped at an amended Highlands affordable housing obligation. However, notwithstanding the Highlands Buildout, the Town intends to comply with the Third Round obligation through existing and proposed mechanisms. The Town is only seeking a vacant land adjustment of the Fourth Round obligation and is not seeking a vacant land adjustment of the Third Round adjustment.

Site-Specific Consistency Issues

Many of the remaining vacant properties in Hackettstown are not suitable for development of affordable housing due to environmentally sensitive features, such as wetlands, stream corridors and riparian areas, floor hazard areas, steep slopes, and vernal pools, which are regulated and protected by the Town's conformance with the Highlands Regional Master Plan.

Redevelopment Opportunities

As noted in Chapter XI, the Town believes the only redevelopment opportunities have already been identified and designated as redevelopment areas for inclusionary housing to capture any future redevelopment opportunities. Should any additional redevelopment opportunities arise, the Town will enact a mandatory set-aside ordinance to capture any potential for affordable housing units.

100% Affordable Opportunities

The Town has a finite affordable housing trust fund and does not propose any 100% affordable housing developments within this HEFSP. It is the Town's opinion that the Amended FHA cannot require a municipality to spend its own money on compliance and consequently cannot compel 100% projects. Nonetheless, the Town has not identified any areas suitable for a 100% affordable project.

State Development & Redevelopment Plan Consistency

P.L. 2024, c.2 amended the Fair Housing Act to include a new requirement for housing elements. NJSA 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.

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 percent 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.

IX. 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. Hackettstown is located in Region 2, which contains Essex, Morris, Union, and Warren Counties.

Using the 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

X. Hackettstown's Affordable Housing Obligation

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

Present Need (Rehabilitation Obligation) | 87

Third Round Present Need

The Opinion issued by the Supreme Court of New Jersey on March 10, 2015 (the Mount Laurel IV Opinion) directs that the Prior Round methodology be used to calculate municipal Present Need. This methodology was utilized by David N. Kinsey, PhD, FAICP, P.P. in his July 22, 2016 report "New Jersey Fair Share Housing Obligations for 1999-2025 (Third Round) Under Mount Laurel IV", prepared on behalf of the Fair Share Housing Center (FSHC), to calculate the Present Need. For Hackettstown, the Kinsey Report calculated a Present Need of 123 units in need of rehabilitation for the Third Round period.

Due to the wide margin of error associated with the ACS data used to calculate the present need, Hackettstown performed a Structural Conditions Survey. COAH and the Courts have recognized that the census indicators may yield an inaccurate result. COAH's prior round rules (N.J.A.C. 5:93-5.2(a) and N.J.A.C. 5:93-Appendix C) provide a survey for municipalities to utilize that may be used to alter the census-generated indigenous need estimates. The survey requires an exterior inspection of the existing housing stock to determine if a unit is substandard. It then provides for the use of census data to estimate the number of substandard units that are occupied by low and moderate income households, since the income of the families residing in the substandard units is unknown.

The Survey requires seven components of the exterior structure to be inspected. Foundation, siding and walls, roof, and chimney are considered major systems, and the remaining components are considered minor systems. If one major system or two or more minor systems are determined to be in fair/poor conditions, the structure and all units within the structure are considered to be substandard.

The Structural Conditions Survey for Hackettstown was prepared by Richard O'Connor, Hackettstown's Construction Official who is licensed by the State of New Jersey to perform building and/or housing inspections. According to Mr. O'Connor's survey, there were 73 dwelling units in the Town that are structurally deficient. According to the FSHC report, the estimated proportion of low and moderate income households within deficient units is 81.82 percent. Applying that ratio to the 73 surveyed structurally deficient dwelling units, resulted in a rehabilitation share of 60 units for Hackettstown. Therefore, Hackettstown's Third Round HEFSP addressed a Rehabilitation Obligation of 60 units.

Fourth Round Present Need

For the Fourth Round, NJDCA calculated a present need of 87 units of rehabilitation for Hackettstown. Hackettstown accepted this rehabilitation obligation for the Fourth Round and has not prepared an updated Structural Conditions Survey at this time due to the stringent deadlines to prepare the HESFP as set forth in the Amended Fair Housing Act. Hackettstown reserves the right to conduct a Structural Conditions Survey and may amend this HEFSP to document the results of the survey and the reduction in the rehabilitation obligation. At this time, Hackettstown intends to comply with the 87-unit rehabilitation obligation.

Prior Round (1987-1999) | 62

Hackettstown received Second Round Substantive Certification in 2000 from COAH. The Town had 1987-1999 pre-credited need of 122 affordable units, comprised of 48 new construction units and 74 rehabilitation units.

The Mount Laurel IV Supreme Court Order directed municipalities to use the Prior Round Obligation that COAH established in 1993. Hackettstown's unadjusted 1987 to 1999 obligation, published in 1993, was 62 units.

Third Round (1999-2025) | 163

For the Third Round, Hackettstown's Third Round HEFSP addressed a 163-unit prospective need for the 1999-2025 period, as well as a rehabilitation share of 60 units, in accordance with the FSHC Settlement Agreement.

Fourth Round (2025-2035) | 102

As indicated in the 2025 Order setting the Fourth Round obligations, Hackettstown's Fourth Round Obligation is 102 units.

Vacant Land Adjustment | 0 RDP

As part of the Third Round HEFSP, Hackettstown previously conducted a vacant land analysis to identify vacant and developable properties remaining in the Town that may be suitable for affordable housing development. The study found that most of Hackettstown is developed and properties that are vacant or public property not used for any purpose are undersized, environmentally constrained, have the potential for infill development or redevelopment or have vested development approvals. The study found three parcels that have a realistic development potential ("RDP") to be developed with inclusionary housing based on a minimum presumptive density of 6 du/ac. and affordable housing set-aside of 20 percent. The total developable area of these properties is 22.81 acres. The properties were found have potential to be developed with a total of 136 units, resulting in an RDP of 26 units. However, despite the lack of available vacant lands, Hackettstown did not seek an adjustment of its Third Round obligation at that time since there were sufficient existing and proposed credits to satisfy the Third Round obligation. The Town reserved its rights to request a vacant land adjustment in the future if necessary.

The Amended FHA requires municipalities located within the Highlands Region to provide 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.

The Highlands Council issued a Highlands Municipal Build-Out Update dated November 1, 2024. The document outlines the process the Council utilized to determine parcels eligible for development. Utilizing Mod-IV tax data, the Highlands Council included Class 1 (Vacant) and Class

3B (Farmland Assessed) properties with 0.83 acres or greater as available for development.³ Parcels with a public classification (Class 15C or 15F) where 0.83 acres or greater after the existing impervious surface area is subtracted from the maximum building coverage (based on the maximum building coverage percentage permitted by local zoning) were also included as available for development.

The Highlands Council provided conforming municipalities with access to an online GIS portal hosted through ArcGIS to evaluate identified developable properties as well as any properties that did not have a tax code classification. For Hackettstown, 15 properties required municipal review. The portal review required confirmation of sewer service, Mod-IV property class, preservation status, and whether or not the site is available for development. Any changes to a parcel's developability required rationale to be entered into the portal.

The analysis concluded that no parcels remaining in Hackettstown are vacant and available for development.

In terms of the interplay between affordable housing obligations and the build-out, the Highlands Guidance Document stresses the long historical interaction between the Council on Affordable Housing ("COAH") standards and affordable housing. This includes, the Regional Master Plan, COAH's second attempt at Round 3 rules, Executive Order 114, a Memorandum of Understanding ("MOU") between the Highlands and COAH, a 2009 guidance document from the Highlands and the 2011 Appellate Division decision upholding the Regional Master Plan ("RMP"), Executive Order 114 and the MOU – but invalidating, on non-substantive grounds, the Highlands Guidance Document and 2009 COAH resolution as rulemaking that would have had to go through the administrative rule making process. Not mentioned in the Guidance Document is that, in addition to all of those documents, COAH's proposed 2014 regulations imposed a "buildable limit" on Highlands municipalities, which corresponded to the Highlands Build Out numbers. COAH was rendered moribund in 2015 and towns lost the benefit of the regional planning entity's interaction with COAH. This had significant consequences in Round 3 in the context of impacts on the RMP from an environmental perspective (the "Adverse Consequences").

On March 20, 2024, Governor Murphy signed amendments to the New Jersey Fair Housing Act into law. The Amended FHA made clear that the Adverse Consequences would need to be avoided in Round 4 and beyond in order to protect the State's drinking water and the environmental features of the Highlands. To effectuate renewed and legitimate protections in the Highlands, the Amended FHA provided for a lower "off-the-top" allocation in the Highlands by providing a 0-weighting factor for developable land in the Preservation Area and Planning Areas outside of a sewer service area and the Existing Community Zone.

As part of the consideration of the Regional Master Plan in the regional allocation of need, the New FHA also renews the statutory requirement that Highlands municipalities specifically comply with the Highlands Build-Out in the context of their Housing Plans.

The only way to conform with the Highlands Build-Out in the HEFSP, in the context of affordable housing, is to adjust the off-the-top number downward so that inclusionary development would not exceed the build out. For example, if a Highland's municipality had a prospective need of 1,000 units,

³ Utilizing a presumptive minimum density of 6 units per acre, a parcel would need to have a minimum of 0.83 acres to develop 5 units.

and a highlands buildout of 500 units, then it would need to have an adjusted affordable housing obligation of 100 units to achieve the maximum yield with a 20 percent affordable housing set-aside.

In addition, the municipality would consider: “opportunities for redevelopment of existing developed lands into inclusionary or 100 percent affordable housing, or both... that are consistent with the Highlands regional master plan”.

That is precisely what the Highlands Guidance document envisions. The Highlands document provides that Build-out is effectively a cap on the number of units that can be supported in the Town. Since the FHA cannot require a municipality to spend municipal funds on compliance (and therefore cannot compel 100 percent affordable projects), the only way to reconcile the build-out with the Amended FHA is assume a 20 percent set aside relative to the upward capacity for multi-family units in the build-out.

It should also be noted that the Highlands Municipal Build-Out Update states that a minimum presumptive density of 6 units per acre based on developable acreage should be assumed. While this recommendation is blind to specific site conditions, the guidance document does provide that the analysis should be done “within the parameters of sound land use planning, municipalities will generally have to determine appropriate densities for lands that have the potential to be serviced by public wastewater.” Thus, the Highlands Build-out also requires an analysis of suitability for multi-family use of at least 5 units.

In addition to the build-out, the Town must identify properties that may be suitable for redevelopment. The Town had previously declared three parcels in need of redevelopment. The Bergen Tool Redevelopment Area is under construction. The Bilby Road Redevelopment Area is also under construction. The Lion Gate Redevelopment Area remains vacant despite land use approvals being in place since 2017. No other sites have been identified as potential redevelopment areas in Hackettstown.

The Highlands build-out restricts not just the Fourth Round Obligation, but all affordable housing obligations. Build-out is a limit on development in the entire community, blind to past outstanding affordable housing obligations. Therefore, the unbuilt Third Round Unmet Need and Fourth Round Obligation are adjusted to or capped at an amended Highlands affordable housing obligation of 0 units.

Pursuant to N.J.A.C. 5:93-4.2, the Town of Hackettstown is seeking a Vacant Land Adjustment of the Fourth Round prospective need based on an RDP of 0 units.

Build-Out Unmet Need | 102

The unbuilt units from the Fourth Round obligation becomes the unmet need from the Highlands Build-out, resulting in an Unmet Need of 102.

Age-Restricted Cap

Pursuant to the Third Round Settlement Agreement with FSHC, the Town agreed to comply with an age-restricted cap of 25 percent and to not request a waiver of that requirement. The Settlement Agreement states that “this shall be understood to mean that in no circumstance may the municipality claim credit toward its fair share obligation for age-restricted units that exceed 25 percent of all units developed or planned to meet its cumulative Prior Round and Third Round fair share obligation.” This stipulation is based on the FSHC’s strict interpretation that Judge Cuff’s

decision in 2007 (390 N.J. Super. 1) shall apply not only to the Third Round obligation but also to the Rehabilitation Share, the Prior Round obligation, and Prior Cycle credits. Judge Cuff's decision specifically dealt with COAH's Third Round Rules at N.J.A.C. 5:94-4.19 allowing a 50 percent cap on age restricted units. The Court suggested that the 25 percent cap in N.J.A.C. 5:93-5.14 should remain in place pending any further action from COAH. FSHC has now taken the stringent interpretation that age-restricting more than 25 percent of the units for any of the obligations would violate Mount Laurel, despite there being no mention in Judge Cuff's decision regarding the Prior Round or Prior Cycle credits. The Town did not and does not agree with this interpretation but agreed to comply with the stipulation for the purposes of settlement for the Third Round.

XI. Mechanisms & Credits

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

Rehabilitation Mechanisms & Credits

Rehabilitation must occur within the affordable housing round to count for credit.

Third Round Rehabilitation Share (1999-2025)

Warren County operates a Housing Rehabilitation Program (WCHRP) 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. Since July 2015, one home has been rehabilitated in Hackettstown through the WCHRP.

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. Van Paftinos II is an inclusionary development with 21 age restricted affordable rentals of 100 total units. Hackettstown plans to utilize 15 new construction credits from Van Paftinos II to be applied to the rehabilitation obligation. These 15 credits are rental units, which will fulfill the requirement to include renter-occupied units in the rehabilitation program, pursuant to NJAC 5:93-5.2(f).

Hackettstown continues to encourage residents to utilize the existing WCHRP to rehabilitate homes. Hackettstown transferred \$210,000 from its affordable housing trust fund to WCHRP in 2012 to be designated for rehabilitation of homes in Hackettstown. At an average cost of \$10,000 per home, this is assumed to be sufficient funds for 21 homes to be rehabilitated. It is also assumed that additional funds will be available from the WCHRP to rehabilitate an additional 23 units in Hackettstown, for a total of 45 anticipated units through WCHRP.

In the case of a shortfall, Hackettstown will apply for a Small Cities/CBDG grant available through the Department of Community Affairs. The grant's purpose is to rehabilitate homes and encourage the construction of affordable housing. Other eligible costs include activities that support an affordable housing development, such as site assemblage, engineering, infrastructure improvements, and utilities hook ups. The Town will earmark funds from its total development fees projected to be collected for rehabilitation to supplement the existing rehabilitation mechanisms in the case of a shortfall of rehabilitation credits.

Fourth Round Rehabilitation Share (2025-2035)

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 Town will apply 6 units of new construction credit from Van Paftinos II and 21 units from Jane Paftinos, for a total of 27 age-restricted credits towards the Fourth Round Rehabilitation obligation. The Amended FHA permits up to 30 percent of the obligation to be met by age-restricted credits, which is 27 of the 87 unit obligation.

1. Van Paftinos II

Van Paftinos II is an inclusionary development located at 620 Willow Grove Street (Block 119.03, Lot 15). The site contains 100 total units, of which 21 units are age-restricted affordable rental units.

The development received its certificates of occupancy in 2003, and the affordable units have a 30-year deed restriction. The facility is eligible for 21 credits. Hackettstown previously applied 15 of the units to the Third Round rehabilitation obligation, and will apply the remaining 6 units to the Fourth Round rehabilitation obligation.

2. Jane Paftinos, LLC

Jane Paftinos is an age-restricted inclusionary development, located at 21 Route 57 (Block 129, Lot 26). The development received preliminary approval in 2004 for a total of 128 units including 26 affordable units. Subsequently, the development changed owners, and the amended plan was decreased to 104 total units with 21 age-restricted rental affordable units deed restricted for 30 years. Construction of the development was completed in 2014. The site is eligible for 21 credits.

3. Warren County Housing Rehabilitation Program (“WCHRP”)

Hackettstown will continue to encourage residents to utilize the existing WCHRP to rehabilitate homes. Since the Fourth Round period has not commenced, there are no existing units from WCHRP eligible for credits during the 2025 to 2035 period. Hackettstown will plan for 60 units to be rehabilitated through the WCHRP.

Prior Round (1987–1999) Mechanisms & Credits

1. Heritage House

Heritage House is an age-restricted rental housing development constructed in 1985 and funded through the HUD Section 202 program. The development has a 40-year mortgage expiring in 2025. There are a total of 81 affordable units at Heritage House. These 81 units were deemed creditworthy in the Third Round JOR.

Pursuant to the Third Round Settlement Agreement with FSHC, Hackettstown has agreed to comply with the FSHC determination that credits for age-restricted units constructed between April 1, 1980 and December 15, 1986 may not be applied in a manner consistent with N.J.A.C. 5:93-3.2. As a result, the Town is no longer able to satisfy the entirety of its Prior Round obligation with this development as the Town had done in the past. Therefore, 15 credits from units at Heritage House have been applied to Prior Round obligation.

2. B&W Associates, LLP and Gordon MAB Hackettstown, LLC

As a part of two non-residential development approvals, B&W Associates, LLP and Gordon MAB Hackettstown, LLC entered into agreements with Robert Russell, owner of 103 Valentine Street, Unit 1 and 105 Valentine Street, Units 1, 2, 3, 4 and 5 to provide six family rental units. The units are deed restricted for 30 years and are managed by Housing Affordability Services. Pursuant to the Third Round JOR, the units were deemed eligible for a total of 12 credits, 6 from the units along with 6 bonus credits.

3. Arc of Warren County Group Home (109 Carter Terrace)

ARC of Warren County operates a group home located at 109 Carter Terrace (Block 114, Lot 16). The facility has 4 bedrooms for developmentally disabled adults and is licensed by the NJ Department of Human Services, Division of Developmental Disabilities. Pursuant to the Third Round JOR, the facility was deemed eligible for 4 credits.

4. Arc of Warren County Group Home (431 Hurley Drive)

ARC of Warren County operates a group home located at 431 Hurley Drive (Block 46, Lot 6). The facility has 4 bedrooms for developmentally disabled adults and is licensed by the NJ Department of Human Services, Division of Developmental Disabilities. Pursuant to the Third Round JOR, the facility was deemed eligible for 4 credits.

5. Center for Humanistic Change

The Center for Humanistic Change of New Jersey maintains a group home at 101–105 Christopher Street. The facility is regulated by the New Jersey Department of Human Services, Division of Developmental Disabilities. The facility has a total of 5 bedrooms that serve low-income residents. The facility received its Certificate of Occupancy in 1995. Pursuant to the Third Round JOR, the facility was deemed eligible for 5 credits. Hackettstown is applying 2 credits to the Prior Round and 3 credits to the Third Round.

6. Van Paftinos III (Bilby Road)

Van Paftinos III (Bilby Road) consists of Block 45, Lots 1.01 and 2, located along Bilby Road. The property was designated as a non-condemnation area in need of redevelopment by the Hackettstown Town Council on December 27, 2018. The Bilby Road Redevelopment Plan governing the redevelopment of the property was adopted by the Town Council on February 28, 2019. The property received amended final site plan approval on July 23, 2019 for the development of an inclusionary multi-family family rental apartment complex with 275 dwelling units. The property must provide 55 affordable units. Pursuant to the Third Round JOR, the site was deemed eligible for 55 credits. The site is currently under construction. Hackettstown intends to apply 15 credits along with 10 bonus credits from Van Paftinos III to the Prior Round obligation.

7. Rental Bonus Credits

Pursuant to N.J.A.C. 5:93-5.15(d), the Town may claim 2 units of credit for rental units available to the general public (i.e. family rentals or non-age-restricted group homes) or 1.33 units of credit for age-restricted rentals. Rental bonuses for the Prior Round are capped at the rental obligation, which is 25 percent of the new construction obligation. For the Prior Round, Hackettstown has a rental obligation of 16 units and, therefore, may apply up to 16 bonus credits. Hackettstown will apply 6 family rental bonus credits from B&W and Gordon MAB, and 10 family rental bonus credits from Van Paftinos III, for a total of 16 bonus credits.

Summary of Prior Round Credits

The Town has a total of 46 existing or under construction affordable units along with 16 rental bonus credits to meet its Prior Round obligation.

PRIOR ROUND CREDITS							
Project	Credit Type	Status	Total Units	Available Credits	Prior Round		
					Units	Bonus	Total
Heritage House	Prior Cycle AR	Existing	81	81	15		15
B & W and Gordon MAB	Family Rental	Existing	6	6	6	6	12
Arc of Warren County (109 Carter Terrace)	Group Home	Existing	1	4	4		4
Arc of Warren County (431 Hurley Drive)	Group Home	Existing	1	4	4		4
Center for Humanistic Change (101-105 Christopher St)	Group Home	Existing	1	5	2		2
Van Paftinos III (Bilby Road)	Family Rental	Under Const.	275	55	15	10	25
Total					46	16	62
Obligation					62		

Third Round Mechanisms & Credits

The Third Round obligation is 163 units. Due to Lion Gate at Musconetcong no longer being a realistic site, Hackettstown intends to revise the credits for the Third Round to meet the 163-unit obligation as follows:

1. Heritage House

The Third Round JOR deemed the Heritage House eligible for 40 credits towards the Third Round obligation. The Town is now claiming 27 credits from Heritage House towards the Third Round obligation.

2. Center for Humanistic Change (101-105 Christopher St)

The Center for Humanistic Change of New Jersey group home has 3 eligible supportive and special needs credits that will be applied to the Third Round obligation.

3. Center for Humanistic Change (218 Hurley St)

The Center for Humanistic Change of New Jersey maintains a group home at 218 Hurley Street. The facility is regulated by the New Jersey Department of Human Services, Division of Developmental Disabilities. The facility has a total of 4 bedrooms that serve low-income residents. The group home has 4 eligible supportive and special needs credits that will be applied to the Third Round obligation.

4. Easter Seals (409 Sharp St)

Easter Seals maintains a group home at 409 Sharp Street. The facility is regulated by the New Jersey Department of Human Services, Division of Developmental Disabilities. The facility has a total of 6 bedrooms that serve low-income residents. The group home has 6 eligible supportive and special needs credits that will be applied to the Third Round obligation.

5. Brook Hollow Estates

Brook Hollow Estates is an inclusionary development completed by K. Hovnanian in 1998 on Block 119.03, Lot 14. The development contains 187 total units, of which 21 are family affordable for-sale units. Pursuant to the Third Round JOR, the site is eligible for 21 credits towards the Third Round obligation along with 1 rental bonus credit.

6. Van Paftinos III (Bilby Road)

Pursuant to the Third Round JOR, Hackettstown applied 40 credits along with 40 bonus credits from Van Paftinos III to the Third Round obligation.

7. Van Paftinos I

Van Paftinos I is an inclusionary development located along Vans Drive adjacent to Mountain Avenue (Block 127, Lot 7). The project contains 76 total units, of which 14 are age-restricted affordable rental units. The units received certificates of occupancy in 1995 and are deed restricted for 30 years. Van Paftinos I is eligible for 14 credits that are being applied to the Third Round obligation.

8. 7 Route 57

This property is a 5.78-acre tract consisting of Lots 23, 24, and 25 in Block 129. The Hackettstown Land Use Board granted Use Variance and Site Plan approval for the construction of a 20-unit apartment building on the property with a required 20 percent affordable housing set-aside resulting in 4 affordable units. The site is eligible for 4 credits that are being applied to the Third 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 site has vested site plan and use variance approval for the construction of the inclusionary multi-family housing project.
- 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 Town 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 adjacent to appropriate uses as per the approval by the Land Use Board. The site is accessible from NJ State Route 57, which connects to the regional roadway network. There are no environmental features constraining the proposed development of the 20-unit apartment building.

9. 108 High Street

This property is a 1.14-acre tract consisting of Lots 7, 7.01, 9.01, 17.01 and 18 in Block 67. The Hackettstown Land Use Board granted Use Variance and Site Plan approval for the conversion of the second floor offices to 6 apartment units with 1 unit required to be deed restricted for affordable housing. The site is eligible for 1 credit that is being applied to the Third Round obligation.

Site Suitability

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

- Approvable site – The site has vested site plan and use variance approval for the conversion of the offices to apartments within the existing building.
- Available site – The site is under private ownership and has clear title.
- Developable site – The property is in the sewer and water service areas and has existing sewer and water service.
- Suitable site – The property is developed with an existing structure that is being converted from offices to apartments. The site is in the town center, which is appropriate for mixed-use commercial and residential uses.

10. S&S Mountain Avenue (113-127 Mountain Avenue)

This site is located on the east side of Mountain Avenue south of Mill Street and with secondary frontage on Water Street. The site consists of Lots 4.01, 12, 15, 16, 17, 18, 19, 20 and 21 in Block 120. Residential homes exist on all subject properties, except Lot 12, which has a two-story office with accessory surface parking. The Land Use Board granted bifurcated use variance approval to permit the construction of 10 townhomes and an 18-unit apartment building. In total, 28 units will be constructed including a 20 percent set-aside for 6 affordable units. The site is eligible for 6 credits, of which 2 units are being applied to the Third Round obligation.

Site Suitability

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

- Approvable site – The site has vested use variance approval for the construction of the inclusionary multi-family housing project. The applicant must return to the Land Use Board for site plan approval. The site is approvable although not currently zoned for low- and moderate-income housing due to the granting of the use variance.
- 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 Town 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 adjacent to appropriate uses as per the approval by the Land Use Board. The site is accessible from NJ State Route 57, which connects to the regional roadway network. There are no environmental features constraining the proposed development.

11. Rental Bonus Credits

Pursuant to N.J.A.C. 5:93-5.15(d), the Town may claim 2 units of credit for rental units available to the general public (i.e. family rentals) or 1.33 units of credit for age-restricted rentals. Rental bonuses for the Third Round are capped at the rental obligation, which is 25 percent of the new construction obligation. For the Third Round, Hackettstown has a rental obligation of 41 units and therefore, may apply up to 41 bonus credits. Hackettstown will utilize 40 rental bonus credits for units within Van Paftinos III and 1 unit from Brook Hollow Estates to satisfy the Third Round obligation.

Summary of Third Round Credits

Hackettstown has a Third Round obligation of 163 units. The Town will apply 27 prior cycle credits from the Heritage House, 13 credits for existing group homes, and 40 units with 40 rental bonus credits from Van Paftinos III which is currently under construction, 14 age-restricted units from Van Paftinos I, 4 units from the use variance granted at 7 Route 57, and 1 units from the use variance granted at 108 High Street, along with 2 units from the recently approved use variance application for S&S Mountain Avenue. More than 50% of the units will be family rentals and less than 25% will be age-restricted.

THIRD ROUND CREDITS							
Project	Credit Type	Status	Total Units	Available Credits	Third Round		
					Units	Bonus	Total
Heritage House	Prior Cycle AR	Existing	81	81	27		27
Center for Humanistic Change (101-105 Christopher St)	Group Home	Existing	1	5	3		3
Center for Humanistic Change (218 Hurley)	Group Home	Existing	1	4	4		4
Easter Seals (409 Sharp)	Group Home	Existing	1	6	6		6
Van Paftinos III (Bilby Road)	Family Rental	Under Const.	275	55	40	40	80
Brook Hollow Estates	Family Sales	Existing	187	21	21	1	22
Van Paftinos I (Vans Drive)	AR Rental	Existing	76	14	14		14
7 Route 57	Family Rental	Approved	20	4	4		4
108 High Street	Family Rental	Approved	6	1	1		1
S&S Mountain Ave	Family	Proposed	28	6	2		2
Total					122	41	163
Obligation					163		

Fourth Round (2025–2035) Mechanisms & Credits

Based on the Highlands Build-out and Vacant Land Inventory, the Fourth Round obligation of 102 units is being reduced to a Realistic Development Potential (RDP) of 0 units. The Town is not applying any units toward the Fourth Round RDP of 0 Units.

Fourth Round (2025–2035) Unmet Need

For the Fourth Round, the Town has an obligation of 102 units and is seeking a Vacant Land Adjustment with an RDP of 0 units, resulting in an Unmet Need of 102.

1. Heritage House

The Town will apply 8 credits from Heritage House towards the Unmet Need.

2. 254 Mountain Avenue

In accordance with N.J.A.C. 5:97-5.3.b(3), unmet need may be satisfied by adoption of overlay zoning requiring inclusionary development in accordance with N.J.A.C. 5:97-6.4. Under an overlay zone, the existing use shall be permitted to continue and expand as a conforming use, but when the prior use on the site is changed, the site shall produce low- and moderate-income housing.

254 Mountain Avenue is a 7.63-acre parcel known as Lot 15 in Block 127. The site contains two existing medical and professional office buildings, which appear to be partially vacant. The Town has identified the site as a potential for future redevelopment for inclusionary housing. At a proposed density of 14 du/ac, this site can yield up to 107 units, including 22 affordable units at a required 20 percent set-aside. The Town intends to adopt an overlay zone for the property to present an opportunity to produce affordable housing units should the property redevelop. The Town will apply 22 redevelopment credits towards the Unmet Need.

Site Suitability

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

- Approvable site – The site is presently developed with a two-story and a three-story office building for medical and professional offices. The site has been identified by the Town as having potential for redevelopment with inclusionary housing. The adoption of an overlay zone would allow the site to be redeveloped with inclusionary housing without the need for variance relief.
- 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 Town 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 adjacent to appropriate uses along Mountain Avenue, which connects to the regional roadway network. There are no environmental features constraining the potential development of inclusionary housing on the site.

3. Brook Hollow Estates Extension of Expiring Controls

Brook Hollow Estates is an inclusionary development completed by K. Hovnanian in 1998. The development contains 187 total units, of which 21 are family affordable for-sale units. Based on the 30-year deed restrictions, the controls are set to expire in approximately 2028. The Town is exploring the possibility of extending the expiring credits through the end of the Fourth Round. Up to 21 credits may be applied to the Unmet Need.

4. S&S Mountain Avenue (113-127 Mountain Avenue)

The Land Use Board granted bifurcated use variance approval to permit the construction of 10 townhomes and an 18-unit apartment building on this site. The site is eligible for 6 credits, of which 2 units are being applied to the Third Round obligation and the remaining 4 units are being applied to the Fourth Round Unmet Need.

5. S&S Mountain Avenue (101 Mountain Avenue/110 Mill Street)

The subject site is 1.25 acres consisting of Lots 1 and 3 in Block 120. The site is bounded by Mill Street to the north, Water Street to the east (at Lot 3), and Mountain Avenue to the west (at Lot 1). The Land Use Board granted bifurcated use variance approval to permit the redevelopment of the site with a mixed-use building containing 3 apartments on the second floor. The applicant has agreed to provide 1 affordable unit. The site is eligible for 1 credit, which will be applied to the Fourth Round Unmet Need.

Site Suitability

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

- **Approvable site** – The site has vested use variance approval for the construction of the mixed use building. The applicant must return to the Land Use Board for site plan approval. The site is approvable although not currently zoned for low- and moderate-income housing due to the granting of the use variance.
- **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 Town 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 adjacent to appropriate uses as per the approval by the Land Use Board. The site is accessible from US Route 46 (Mill St), which connects to the regional roadway network. There are no environmental features constraining the proposed development.

6. Bergen Tool Redevelopment

The Bergen Tool, known as Block 21, Lot 18, has been designated as an area in need of redevelopment and has been rezoned as the PMU Planned Mixed Use Downtown Development Zone. The PMU Zone permits a variety of non-residential and residential uses. The Ordinance requires a minimum of 10% of the dwelling units to be set aside as affordable housing units. The affordable housing obligation may also be satisfied by a minimum in lieu payment of \$25,000 per

affordable unit obligation. These funds would be used for a market to affordable program or rehabilitation of dwelling units in the downtown area. The property has been developed with 108 units, which yielded a \$275,000 payment in lieu. There are no credits available for this payment-in-lieu.

7. Hunter's Brook Payment-in-Lieu

As a part of the approval for Hunter's Brook, a 101-unit residential project, Hackettstown received a payment in lieu of \$275,000, which was deposited into the affordable housing trust fund. Much of this money was transferred to the WCHRP in 2012 to assist with housing rehabilitation in Hackettstown. There are no credits available for this payment-in-lieu.

4. Lion Gate at Musconetcong

The Lion Gate site consists of 15.7 acres with 440 feet of frontage along the easterly side of Mountain Avenue (State Route 182). A portion of the southerly and westerly sides of the subject site borders the Musconetcong River. The river is also the municipal boundary and County boundary. The property also abuts the former Hackettstown Mall site which was redeveloped with the Lowe's shopping center.

The site has remained vacant since the 1980s when partial building foundations, asphalt surfaces, and stormwater management facilities were constructed in association with a shopping center approved for development that was never completed.

The site is located entirely within the HC (Highway Commercial) District, which permits a variety of retail, office, restaurant, motel, hotel, bed and breakfast, public playground, and indoor recreation uses as principal permitted uses. The site was designated as a Non-Condemnation Area in Need of Redevelopment by the Hackettstown Common Council and is subject to the land use requirements and procedures outlined in a Redevelopment Plan that was adopted by ordinance by the Hackettstown Common Council on February 23, 2017. The Redevelopment Plan approved for the site allows for a mixed use retail commercial and multi-family residential project.

The Planning Board granted preliminary and final major site plan and subdivision plan approvals to redevelop the site for a 5,558 square foot Wawa convenience store with fuel dispensing facilities including 6 multi-unit fuel dispensers beneath a canopy, and 145 apartment units, including 25 low and moderate income units in two buildings. The resolution memorializing the grant of preliminary and final major site plan and subdivision plan approvals was adopted on June 27, 2017.

The Third Round HEFSP included the Lions Gate site as providing 18 units along with 1 rental bonus credit to satisfy 19 units of the Third Round obligation.

Subsequent to the granting of approvals in 2017 for the project, the subdivision was perfected and the Wawa convenience store with fuel dispensing facilities was constructed and placed into operation on Lot 9.02. A Certificate of Occupancy for the Wawa convenience store was issued in December 2018 by the Town of Hackettstown. While the commercial component of the Redevelopment Plan adopted by the Hackettstown Common Council in 2017 is now complete, the residential component on Lot 9.01 remains outstanding and undeveloped.

Lion Gate at Musconetcong River Urban Renewal, LLC received amended preliminary and final major site plan approval from the Land Use Board on September 27, 2022 with respect to the residential portion of the redevelopment on Lot 9.01 in Block 125. Specifically, the applicant was approved to

separate previously approved Building 2 into two (2) buildings known as Buildings 2 and 3 and modify the site layout as a result of the building separation.

Despite the amended approval in 2022, the site remains undeveloped, and construction has yet to commence. The site continues to be in poor condition which impairs the public health and safety, contributes to an image of a site in a state of disrepair and abandonment, which exerts a blighting influence on neighboring properties and the community. Due to the decades of inaction on the property, including the past 8 years specifically since the site was declared an area in need of redevelopment, the Town of Hackettstown has lost faith in the redeveloper and believes that this property is no longer a realistic site for inclusionary housing. Therefore, this site is being removed from the plan and will be applied as an unmet need site if development ever moves forward.

5. Town-Wide Mandatory Set-aside Ordinance

The Town intends to amend the Affordable Housing Ordinance to require any future residential development of five or more units throughout the entire municipality to provide a mandatory 20 percent set-aside for low- and moderate-income households, regardless of tenure (sale or rental).

6. Redevelopment Requirement

Section 1 of P.L.1995, c.231 (C.52:27D-310.1) was amended to require any municipality that receives an adjustment of its prospective need obligations for the fourth round based on a lack of vacant land shall as part of the process of adopting and implementing its housing element and fair share plan identify sufficient parcels likely to redevelop during the current round of obligations to address at least 25 percent of the prospective need obligation that has been adjusted, and adopt realistic zoning that allows for such adjusted obligation, or demonstrate why the municipality is unable to do so.

In order to comply with the redevelopment requirement for 25 percent of the Unmet Need, as interpreted by FSHC, the Town proposes to utilize 8 prior cycle credits from the Heritage House, 5 units from the approved S&S Mountain Avenue use variance applications, and will adopt an overlay zone for 254 Mountain Avenue. These three mechanisms would yield 27 units, which will exceed 25% of the Unmet Need. The 8 units from Heritage House would represent less than 30% of the units addressing the Unmet Need.

Summary of Mechanisms & Credits

The table below provides a summary of the mechanisms, credits and bonuses this HEFSP proposes.

CREDITS														
Project	Credit Type	Status	Total Units	Available Credits	Prior Round		Third Round		Fourth Round		Rehab	Excess		
					Units	Bonus	Units	Bonus	Units	Bonus			Total	
Heritage House	Prior Cycle AR	Existing	81	81	15	15	27	27	8	8		31		
B & W and Gordon MAB	Family Rental	Existing	6	6	6	6		0		0		0		
Arc of Warren County (109 Carter Terrace)	Group Home	Existing	1	4	4	4		0		0		0		
Arc of Warren County (431 Hurley Drive)	Group Home	Existing	1	4	4	4		0		0		0		
Center for Humanistic Change (101-105 Christopher St)	Group Home	Existing	1	5	2	2	3	3		0		0		
Center for Humanistic Change (218 Hurley)	Group Home	Existing	1	4		0	4	4		0		0		
Easter Seals (409 Sharp)	Group Home	Existing	1	6		0	6	6		0		0		
Van Paftinos III (Bilby Road)	Family Rental	Under Const.	275	55	15	10	40	40		0		0		
Brook Hollow Estates	Family Sales	Existing	187	21		0	21	1		0		0		
Brook Hollow Extension	Family Sales	Ext. of Ctrl		21		0		0	21	21		0		
Van Paftinos I (Vans Drive)	AR Rental	Existing	76	14		0	14	14		0		0		
Van Paftinos II (Willow Grove St)	AR Rental	Existing	100	21		0		0		0	6	15		
Jane Paftinos (Route 57)	AR Rental	Existing	104	21		0		0		0	21	0		
7 Route 57	Family Rental	Approved	20	4		0	4	4		0		0		
Lion Gate at Musconetcong, LLC	Family Rental	Approved	145	25		0		0		0		25		
S&S Mountain Ave	Family	Proposed	28	6		0	2	2	4	4		0		
108 High Street	Family Rental	Approved	6	1		0	1	1		0		0		
254 Mountain Ave	Family	Overlay	106	21		0		0	21	21		0		
WCHRP Rehabilitation	Rehab	Proposed				0		0		0	60	60		
Total					46	16	62	122	41	163	54	0	87	71
Obligation					62		163		102		87			
Age-Restricted					15		41		8					
Max Age-Restricted					15.50		40.75		16.2					
Max Bonus					16		41		14					

XII. Appendix

Vacant Land Inventory & Highlands Build-out Results

Shelbourne at Hunterdon
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Hampton, New Jersey 08827
Main: 877 627 3772



Memorandum

Date: March 2026
Subject: Town of Hackettstown
Vacant Land Inventory & Highlands Build-Out Analysis
From: Daniel N. Bloch, PP, AICP, Township Planner
Project No.: HKL0030

This Vacant Land Inventory is prepared in order to document Hackettstown's lack of available land capacity, pursuant to N.J.A.C. 5:93-4.2, the New Jersey Council on Affordable Housing ("COAH") Second Round Substantive Rules ("COAH's Rules").

The Town of Hackettstown contains approximately 3.7 square miles (or 2,374 acres) situated in the easternmost part of Warren County. Hackettstown is bounded by Allamuchy and Independence Townships to the north and Mansfield Township to the west, all of which are within Warren County. To the east are the Townships of Washington and Mount Olive in Morris County. Hackettstown is traversed centrally from east to west by US Route 46. County Routes 517 (High Street) and 604 (Willow Grove Street) provide northerly access to Interstate 80. Hackettstown has a transit station on the NJ Transit's Morris & Essex Rail Line.

About 35 percent (or 1,135 acres) of Hackettstown is environmentally constrained pursuant to COAH's rules (N.J.A.C. 5:93-4.2(e)), including 249 acres of wetlands; 248 acres within the FEMA Special Flood Hazard Area; 1,120 acres encumbered with the Highlands Open Waters Protection Area; and 68 acres of steep slopes¹. Hackettstown has 602 acres of preserved open space owned by the Town of Hackettstown, Warren County, and the State of New Jersey.

Hackettstown is situated entirely within the Highlands Region, with 203 acres being located within the Highlands Preservation Area and 2,171 acres within the Highlands Planning Area. Hackettstown received Plan Conformance from the Highlands Council on August 3, 2011 for lands in both the Preservation Area and Planning Area. According to the Highlands Land Use Capability Zone ("LUCZ") Map, Hackettstown includes 426 acres of land in the Protection Zone, 1,336 acres in the Existing Community Zone, 152 acres of land in the Existing Community Zone - Environmentally Constrained Sub-Zone, and 214 acres of land in the Wildlife Management Sub-Zone.

The approved Petition for Plan Conformance for Hackettstown Town was accompanied by approval of a Highlands Center Designation for the Hackettstown Highlands Center. Hackettstown's

¹ Environmentally constrained areas do not equal total due to overlapping environmental features.

Highlands Center encompasses the central business district, the Hackettstown Historic District, the Centenary University Campus, the Stiger Street Redevelopment Area, the Hackettstown Regional Medical Center and adjacent affordable housing projects, M&M/Mars, and commercial/residential development near the border with Mansfield Township. The total area of the Highlands Center includes approximately 743 acres, all of which is in the Planning Area and is served by both water and sewer service.

As required N.J.A.C. 5:97, the Inventory includes the block, lot, address, owner's name, total lot acreage and developable uplands acreage for each property.

The Amended FHA requires municipalities located within the Highlands Region to provide 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.

The Highlands Council issued a [Highlands Municipal Build-Out Update](#) dated November 1, 2024. The document outlines the process the Council utilized to determine parcels eligible for development. Utilizing Mod-IV tax data, the Highlands Council included Class 1 (Vacant) and Class 3B (Farmland Assessed) properties with 0.83 acres or greater as available for development.² Parcels with a public classification (Class 15C or 15F) where 0.83 acres or greater after the existing impervious surface area is subtracted from the maximum building coverage (based on the maximum building coverage percentage permitted by local zoning) were also included as available for development.

The Highlands Council provided conforming municipalities with access to an online GIS portal hosted through ArcGIS to evaluate identified developable properties as well as any properties that did not have a tax code classification. For Hackettstown, 15 properties required municipal review. The portal review required confirmation of sewer service, Mod-IV property class, preservation status, and whether or not the site is available for development. Any changes to a parcel's developability required rationale to be entered into the portal.

The analysis concluded that no parcels remaining in Hackettstown are vacant and available for development.

In terms of the interplay between affordable housing obligations and the build-out, the Highlands Guidance Document stresses the long historical interaction between the Council on Affordable Housing ("COAH") standards and affordable housing. This includes, the Regional Master Plan,

² Utilizing a presumptive minimum density of 6 units per acre, a parcel would need to have a minimum of 0.83 acres to develop 5 units.

COAH's second attempt at Round 3 rules, Executive Order 114, a Memorandum of Understanding ("MOU") between the Highlands and COAH, a 2009 guidance document from the Highlands and the 2011 Appellate Division decision upholding the Regional Master Plan ("RMP"), Executive Order 114 and the MOU – but invalidating, on non-substantive grounds, the Highlands Guidance Document and 2009 COAH resolution as rulemaking that would have had to go through the administrative rule making process. Not mentioned in the Guidance Document is that, in addition to all of those documents, COAH's proposed 2014 regulations imposed a "buildable limit" on Highlands municipalities, which corresponded to the Highlands Build Out numbers. COAH was rendered Moribund in 2015 and towns lost the benefit of the regional planning entity's interaction with COAH. This had significant consequences in Round 3 in the context of impacts on the RMP from an environmental perspective (the "Adverse Consequences").

On March 20, 2024, Governor Murphy signed amendments to the New Jersey Fair Housing Act into law. The Amended FHA made clear that the Adverse Consequences would need to be avoided in Round 4 and beyond in order to protect the State's drinking water and the environmental features of the Highlands. To effectuate renewed and legitimate protections in the Highlands, the Amended FHA provided for a lower "off-the-top" allocation in the Highlands by providing a 0-weighting factor for developable land in the Preservation Area and Planning Areas outside of a sewer service area and the Existing Community Zone.

As part of the consideration of the Regional Master Plan in the regional allocation of need, the New FHA also renews the statutory requirement that Highlands municipalities specifically comply with the Highlands Build-Out in the context of their Housing Plans.

The only way to conform with the Highlands Build-Out in the HEFSP, in the context of affordable housing, is to adjust the off-the-top number downward so that inclusionary development would not exceed the build out. For example, if a Highland's municipality had a prospective need of 1,000 units, and a highlands buildout of 500 units, then it would need to have an adjusted affordable housing obligation of 100 units to achieve the maximum yield with a 20 percent affordable housing set-aside.

In addition, the municipality would consider: "opportunities for redevelopment of existing developed lands into inclusionary or 100 percent affordable housing, or both... that are consistent with the Highlands regional master plan".

That is precisely what the Highlands Guidance document envisions. The Highlands document provides that Build-out is effectively a cap on the number of units that can be supported in the Town. Since the FHA cannot require a municipality to spend municipal funds on compliance (and therefore cannot compel 100 percent affordable projects), the only way to reconcile the build-out with the Amended FHA is assume a 20 percent set aside relative to the upward capacity for multi-family units in the build-out.

It should also be noted that the Highlands Municipal Build-Out Update states that a minimum presumptive density of 6 units per acre based on developable acreage should be assumed. While this recommendation is blind to specific site conditions, the guidance document does provide that the analysis should be done "within the parameters of sound land use planning, municipalities will

generally have to determine appropriate densities for lands that have the potential to be serviced by public wastewater.” Thus, the Highlands Build-out also requires an analysis of suitability for multi-family use of at least 5 units.

In addition to the build-out, the Town must identify properties that may be suitable for redevelopment. The Town had previously declared three parcels in need of redevelopment. The Bergen Tool Redevelopment Area is under construction. The Bilby Road Redevelopment Area is also under construction. The Lion Gate Redevelopment Area remains vacant despite land use approvals being in place since 2017. No other sites have been identified as potential redevelopment areas in Hackettstown.

The Highlands build-out restricts not just the Fourth Round Obligation, but all affordable housing obligations. Build-out is a limit on development in the entire community, blind to past outstanding affordable housing obligations. Therefore, the unbuilt Third Round Unmet Need and Fourth Round Obligation are adjusted to or capped at an amended Highlands affordable housing obligation. However, notwithstanding the Highlands Buildout, the Town intends to comply with the Third Round obligation through existing and proposed mechanisms. The Town is only seeking a vacant land adjustment of the Fourth Round obligation and is not seeking a vacant land adjustment of the Third Round adjustment.

Town of Hackettstown
Vacant Land Inventory Highlands Build-out Results

BLOCK	LOT	PROP CLASS	PROP LOC	FAC NAME	ACRES	TOTAL CONSTRAINTS AC	DEVELOPABLE AC	SEWER AC	SEPTIC AC	DENSITY	REGION	PROPERTY CLASS	REVIEW	DEVELOPABLE	MUNICIPAL RATIONALE	RDP
4	5	1	HIGH ST		0.65	0.65	0.00	YES			Planning Area	1	NO	NO		0
4	5.01	1	HIGH ST		1.73	1.73	0.00	YES			Planning Area	1	NO	NO		0
21	18.02	1	93-95 MAIN ST		9.36	0.65	8.71	YES			Planning Area	4C	NO	NO	Parcel is the Bergen Tool Redevelopment Area currently under construction	0
26	12.01	1	113 E BALDWIN ST		0.45	0.45	0.00	YES			Planning Area	1	NO	NO		0
38	4	1	210 STIGER ST		0.29	0.29	0.00	YES			Planning Area	1	NO	NO		0
41	17	1	500 W VALLEY VIEW AVE		28.63	28.63	0.00	YES			Planning Area	1	NO	NO		0
41.01	5	1	300 W PROSPECT ST		0.26	0.26	0.00	YES			Planning Area	1	NO	NO		0
41.03	5	1	W VALLEY VIEW AVE		2.37	1.96	0.41	YES			Planning Area	1	NO	NO		0
41.04	12	1			2.22	0.00	NO		0.25		Planning Area	1	NO	NO		0
41.04	16	1			1.60	1.60	0.00	NO		0.18	Planning Area	1	NO	NO		0
41.04	19	1			9.22	9.04	0.18	YES			Planning Area	1	NO	NO		0
44	1	1	WILLOW GROVE ST		10.41	6.37	4.04	NO		0.00	Preservation Area	1	NO	NO		0
44	3.01				12.52	10.18	2.33	YES			Planning Area	4B	NO	NO	Parcel is developed with existing industrial use	0
44	4.01	1	717 WILLOW GROVE ST		2.86	2.22	0.64	YES			Planning Area	1	NO	NO		0
44	4.02	1	713 WILLOW GROVE ST		5.32	2.24	3.09	YES			Planning Area	1	NO	NO	Parcel is developed with stormwater management improvements associated with development on adjacent Lot 4.03 in Block 44	0
44	4.03				3.53	1.98	1.55	YES			Planning Area	4B	NO	NO	Parcel is common area for industrial development	0
45	1.01	1	112 BILBY RD		6.26	5.57	0.69	YES			Planning Area	1	NO	NO		0
45	2	1	104 BILBY RD		8.55	8.55	0.00	YES			Planning Area	1	NO	NO		0
45	3.01	1	689 WILLOW GROVE ST		1.42	1.42	0.00	YES			Planning Area	1	NO	NO		0
45	3.02	1	691 WILLOW GROVE ST		1.82	1.82	0.00	YES			Planning Area	1	NO	NO		0
45	4.01	1	637 WILLOW GROVE ST		13.96	13.67	0.28	YES			Planning Area	1	NO	NO		0
53	2	1	304 LAFAYETTE ST		0.18	0.18	0.00	YES			Planning Area	1	NO	NO		0
53	3	1	306 LAFAYETTE ST		0.10	0.10	0.00	YES			Planning Area	1	NO	NO		0
58	24.02	1	321 WILLOW GROVE ST		0.33	0.00	0.33	YES			Planning Area	1	NO	NO		0
62	5	1	307 LAFAYETTE ST		0.15	0.00	0.15	YES			Planning Area	1	NO	NO		0
64	4.01	1	1 ASHLEY AVE		0.08	0.00	0.08	YES			Planning Area	1	NO	NO		0
67	9.01	1	195 SHARP ST		0.12	0.00	0.12	YES			Planning Area	1	NO	NO		0
72	18	1	273-275 MAIN ST		0.15	0.06	0.08	YES			Planning Area	1	NO	NO		0
73	10	1	98 MAIN ST		0.02	0.00	0.02	YES			Planning Area	1	NO	NO		0
75	8	1	184 MAIN ST		0.09	0.00	0.09	YES			Planning Area	1	NO	NO		0
78	12	1	501 WASHINGTON ST		0.44	0.00	0.44	YES			Planning Area	1	NO	NO		0
98	2	1	503 VALENTINE ST		0.22	0.00	0.22	YES			Planning Area	1	NO	NO		0
107	21	1	509 CENTER ST		1.02	1.00	0.01	YES			Planning Area	1	NO	NO		0
107	63	1	89 MITCHELL RD		0.47	0.00	0.47	YES			Planning Area	1	NO	NO		0
107	75	1	ARTHUR TERR		0.15	0.00	0.15	YES			Planning Area	1	NO	NO		0
116	12	1	9 PARKE AVE		0.25	0.25	0.00	YES			Planning Area	1	NO	NO		0
117	4	1	10 THE TRAIL		0.29	0.00	0.29	YES			Planning Area	1	NO	NO		0
117	14	1	1 THE TRAIL NORTH		0.13	0.13	0.00	YES			Planning Area	1	NO	NO		0
117.01	1				3.88	1.87	2.01	YES			Planning Area	15F	NO	NO	Private Right-of-Way	0
118	1	1	1 BIRCH RD		0.26	0.14	0.13	YES			Planning Area	1	NO	NO		0
118	5	1	1 GREEN ST		0.40	0.00	0.40	NO		0.04	Planning Area	1	NO	NO		0
119	1.47	1	HELM'S MILL RD		0.84	0.37	0.47	NO		0.09	Planning Area	1	NO	NO		0
119	1.56	1	CRANE RD	COMMON AREA	0.17	0.17	0.00	NO		0.02	Planning Area	1	NO	NO		0
119	19.86	1	MUSKY RIDGE DR		31.84	31.84	0.00	NO		2.44	Planning Area	1	YES	NO		0
119	47	1	8 THE TRAIL SOUTH		0.24	0.24	0.00	NO		0.03	Planning Area	1	NO	NO		0
119	59.01				3.00	0.56	2.45	YES			Planning Area	4A	NO	NO	Parcel is common open space for existing office park	0
119	107	1	119 MILL ST		1.27	1.27	0.00	YES			Planning Area	1	NO	NO		0

Town of Hackettstown
Vacant Land Inventory Highlands Build-out Results

BLOCK	LOT	PROP CLASS	PROP LOC	FAC NAME	ACRES	TOTAL CONSTRAINTS AC	DEVELOPABLE AC	SEWER	COMBINED SEPTIC DENSITY	REGION	PROPERTY CLASS	PRESERVED	DEVELOPABLE	MUNICIPAL RATIONALE	RDP
1119.03	14				2.49	1.03	1.46	YES		Planning Area	4A	NO	NO	Parcel is common open space for existing office park	0
1119.04	9	1	HELM'S MILL RD	COMMON AREA HUNTERS	1.09	1.06	0.02	NO	0.12	Planning Area	1	YES	NO		0
1119.04	13	1	BROOK HOLLOW DR		0.16	0.15	0.01	YES		Planning Area	1	NO	NO		0
1121	3				1.09	0.13	0.97	YES		Planning Area	4A	NO	NO	Parcel is common area for an existing office condominium development	0
1122	10				0.85	0.00	0.85	YES		Planning Area	4A	NO	NO	Parcel is developed with Quick Check convenience/gas station	0
1123	16	1	173 MOUNTAIN AVE		0.32	0.32	0.00	YES		Planning Area	1	NO	NO		0
1125	9.01	1	301 MOUNTAIN AVE		13.78	13.09	0.69	YES		Preservation/Planning Areas	4A	NO	NO	Parcel is partially developed with Wawa gas station and has site plan approval for apartments in rear pursuant to Redevelopment Plan	0
1127	13	4A	204 MOUNTAIN AVE		4.13	3.01	1.12	YES		Planning Area	4A	NO	NO	parcel contains parking lot for McDonalds on adjacent lot	0
1127	13.02	15F	210 MOUNTAIN AVE	CLUB HOUSE	5.32	0.71	4.62	YES		Planning Area	15F	NO	NO	Parcel is developed with Elks Lodge	0
1127	17.02				1.63	0.22	1.41	YES		Planning Area	4A	NO	NO	Parcel is common area for existing office park	0

7 Route 57

MEMORIALIZING RESOLUTION OF THE LAND USE BOARD
OF THE TOWN OF HACKETTSTOWN APPROVING
THE BIFURCATED USE VARIANCE AND FLOOR AREA RATIO
VARIANCE APPLICATION OF 7 ROUTE 57, LLC

LAND USE BOARD
TOWN OF HACKETTSTOWN

APPLICATION # *21-02*
RESOLUTION # *2102*

WHEREAS, 7 Route 57, LLC (hereinafter the "Applicant") filed an application with the Land Use Board of the Town of Hackettstown pertaining to 7 Route 57 (the "Property") in the Town of Hackettstown; and

WHEREAS, the Property is otherwise known as Lots 23 and 24 in Block 129; and

WHEREAS, the Applicant is proposing to access the Property across adjacent Lot 25; and

WHEREAS, the Property is situated in the Town of Hackettstown's Highway Commercial (HC) district; and

WHEREAS, the Applicant is seeking "D" use variance relief from the Land Use Board (the "Board") to develop the Property with a multi-family residential building; and

WHEREAS, multi-family residential housing is not a permitted principal use in the HC zoning district; and

WHEREAS, the Applicant's original proposal sought approval for a three-story apartment building consisting of thirty (30) apartments; and

WHEREAS, the Applicant's original proposal also required "D" variance relief to exceed the maximum allowable building height; and

WHEREAS, the Applicant's original proposal also required "D" variance relief to exceed the maximum allowable Floor Area Ratio; and

WHEREAS, the Applicant chose to bifurcate its application before the Board, seeking only "D" variance approval and waiting to obtain site plan approval in a future application; and

WHEREAS, the Applicant is the owner of Lot 24 and is a purchaser under contract for Lot 23; and

WHEREAS, the Board considered the application and held a virtual public hearing thereon on May 18, 2021 (via Zoom) as the Board is currently operating under COVID-19 Emergency New Jersey Executive Orders 103 and 107; and

WHEREAS, the aforementioned public hearing, which was held at an open public meeting, was noticed, advertised and held in accordance with the Open Public Meetings Act at a regularly scheduled meeting; and

WHEREAS, the Applicant and the public were afforded the opportunity to be heard concerning the application; and

WHEREAS, the Applicant was represented by Michael Selvaggi, Esq. of Lavery, Selvaggi, Abromitis & Cohen, PC at the public hearing; and

WHEREAS, Anthony Amato, property manager for the Applicant LLC testified on behalf of the application; and

WHEREAS, the Applicant presented Fred Wawra, RA of Fox Architectural Design, PC who testified on behalf of the application; and

WHEREAS, the Applicant presented John E. Hansen, P.E., P.P. of E&LP who testified on behalf of the application; and

WHEREAS, the application was reviewed by Board Engineer, Paul M. Sterbenz, P.E., P.P., Colliers Engineering & Design; and

WHEREAS, the application was reviewed by Board Planner, Daniel Bloch, PP, AICP, Colliers Engineering & Design; and

WHEREAS, the following documents and plans were submitted by the Applicant:

1. Completed Town Development Application.
2. February 8, 2021 Certificate of Paid Taxes issued by Town Tax Collector Patricia Noll for Lot 24 in Block 129.
3. January 28, 2021 Certificate of Paid Taxes issued by Town Tax Collector Patricia Noll indicating tax payments for Lot 23 in Block 129 are delinquent.
4. Completed Ownership Disclosure Statement for 7 Route 57 LLC.
5. January 27, 2021 Owner's Letter of Consent signed by Salvatore Amato of 7 Route 57 LLC for Lots 23 and 24 in Block 129.
6. January 27, 2021 Site Inspection Authorization endorsed by Salvatore Amato of 7 Route 57 LLC.
7. Completed Variance Checklist.
8. January 20, 2021 document entitled "Waiver Request Justifications" providing reasons for waivers from the submission requirements for Checklist Items 18, 21, and 32.
9. May 27, 2020 NJDOT Letter of No Interest from Kenneth Spiegle of the NJDOT relative to Lots 24 and 25 in Block 129.
10. February 8, 2021 Highlands Referral Ordinance Application filed with the New Jersey Highlands Council for the project.
11. Plan entitled "Variance Plan - Hackettstown Apartments - 7 Route 57 - Block 129 Lots 23 and 24, Town of Hackettstown, Warren County, New Jersey" consisting of one (1) sheet, prepared by John E. Hansen,

P.E., of Engineering and Land Planning, P.A., dated January 20, 2021, revised March 5, 2021.

12. Sixty-year title report

13. Boundary Survey for lot 23, block 129

14. Architectural plans prepared by Kenneth J. Fox, R.A., AIA, of Fox Architectural Design, P.C., including:

- a. Sheet 1 of 3 (Basement and First Floor Plans) - dated December 30, 2020.
- b. Sheet 2 of 3 (Second and Third Floor Plans) - dated December 30, 2020.
- c. Sheet 3 of 4 (Building Elevations and Section) - dated December 30, 2020.

WHEREAS, the Planning Board Engineer, Paul M. Sterbenz, P.E., P.P., Colliers Engineering & Design issued a completeness report dated February 19, 2021.; and

WHEREAS, Board Planner Daniel Bloch, PP, AICP, Colliers Engineering & Design prepared and submitted a planning report dated April 23, 2021 citing receipt and review of the above referenced submitted documents; and

WHEREAS, the Hackettstown Land Use Board does hereby make the following findings of fact and conclusions of law based upon the testimony and documentary evidence produced by the Applicant and the Board staff:

1. The Property is situated north of Route 57 and west of Mountain Avenue.
2. The Property is located within the town of Hackettstown's Highway Commercial (HC) zoning district.
3. The Property is landlocked and contains no frontage on a public road.

4. Lot 23 is a .45 acre +/- parcel that is currently developed with a detached single-family residence.

5. Lot 24 is a .79 acre +/- parcel that is developed with a residential structure in disrepair.

6. The Applicant's original proposal sought to develop the Property with a multi-family residential building containing thirty (30) apartments in a three-story building.

7. The Applicant's proposal requires a use variance as multi-family residential housing is not a permitted use in the HC zoning district per Hackettstown Land Development Ordinance ("LDO") section 407A.

8. Access to the proposed multi-family development would be across Lot 25 in Block 129.

9. The Applicant's original 30 apartment proposal required a "D6" variance to exceed the maximum building height permitted in the HC zone.

10. The Applicant's original 30 apartment proposal required a "D4" variance to exceed the maximum floor area ratio permitted in the HC zone.

11. During the course of the public hearing on the application, the Applicant agreed to amend its proposal to reduce the number of apartments to twenty (20) and to thereby eliminate the third floor of the multi-family apartment building proposed.

12. By eliminating the third floor, the Applicant's proposal no longer requires use variance relief to exceed the permitted building height.

13. By eliminating the third floor, the Applicant's proposal still requires "D4" variance relief to exceed the allowable floor area ratio. The variance relief required, however, is less than what was originally sought.

14. LDO section 407D limits the floor area ratio ("FAR") to .25. The Applicant's original 30 apartment proposal required an FAR of .57. The Applicant's revised 20 apartment proposal proposes an FAR of .386.

15. The Board reviewed the following exhibits which were received in evidence from the Applicant:

- Exhibit A-1: Undated Color 3D rendering of proposed building.
- Exhibit A-2: Aerial photo (utilizing Google aerial) dated 3/19/21.
- Exhibit A-3: Proposed Access Exhibit dated 5/14/21.

16. The Board reviewed the Planning Report of Board Planner, Daniel Bloch, PP, AICP, Colliers Engineering & Design dated April 23, 2021. Said report is attached hereto and is incorporated herein by reference.

17. Fact testimony was provided by Anthony Amato, property manager for the Applicant LLC.

18. Mr. Amato testified that the LLC purchased Lot 24 in 2010.

19. Mr. Amato testified that prior to the LLC's acquisition of Lot 24 it contained a multi-family use.

20. Mr. Amato testified that the multi-family use was interrupted in 2019 due to a fire in the multi-family structure.

21. Mr. Amato testified that the applicant LLC is a purchaser under contract for Lot 23.

22. Mr. Amato described the Applicant's proposal to build an apartment building on the two lots (lot 23 and lot 24) which would be a "strictly rental" building.

23. Mr. Amato confirmed the Applicant's agreement to set aside 20% of the apartments for affordable housing.

24. Mr. Amato described the proposed access across Lot 25. In doing so, Mr. Amato testified that while said Lot 25 is owned by an LLC (Salann Properties, LLC), that LLC has common ownership to the Applicant LLC (both LLC's are owned by Mr. Amato's father) and Mr. Amato is also the property manager of Salann Properties, LLC.

25. In response to a question from the Board, on behalf of the Applicant Mr. Amato agreed to provide a recorded access easement across Lot 25 for the Property.

26. Expert testimony was provided on the subject of architecture by Applicant's witness Fred Wawra, RA of Fox Architectural Design, PC.

27. Mr. Wawra described the building proposed.

28. In response to questions from the Board, Mr. Wawra testified that while a flat roof would have likely eliminated the need for a building height variance, the Applicant did not want to construct a building with a flat roof as that would "lose the residential character".

29. Mr. Wawra described the general building layout, noting that each floor would contain 10 apartments.

30. Mr. Wawra's testimony also utilized Exhibit A-1 to describe the likely building appearance.

31. Expert testimony was provided on the subjects of professional engineering and professional planning by Applicant's witness John E. Hansen, PE, PP of E&LP.

32. Mr. Hansen described the Property, noting that neither lot 23 nor lot 24 have access to a public street.

33. Mr. Hansen testified that the subject property “borders the R-12.5 zoning district where residential uses are permitted”.

34. Mr. Hansen testified that the “retail and service uses” permitted in the HC zone “would not be viable on these lots as the lots are hidden”.

35. Mr. Hansen testified that parking originally proposed (57 spaces) is on site and conforms to the Residential Site Improvement Standards (55 spaces).

36. Mr. Hansen testified that the “site has been used for residential uses for many years” and opined therefore that the site was suitable for the use proposed.

37. Mr. Hansen testified that the project will promote the general welfare as it will provide affordable housing.

38. Mr. Hansen opined that the site was suitable for affordable housing based upon its proximity to stores, restaurants, and other local businesses.

39. Mr. Hansen testified that the site is a “unique property” as it forms the transition between existing residential and commercial uses. He further opined that the subject property “bridges the gap” between the two existing uses.

40. Mr. Hansen further opined that the Application would advance purposes “a”, “g”, and “i” of the Municipal Land Use Law (NJSA 40:55D-2a, NJSA 40:55D-2g, NJSA 40:55D-2i)

41. Mr. Hansen also testified that the site can support the use proposed.

42. In addressing the negative criteria, Mr. Hansen testified that in granting a D1 variance to permit the revised 20 apartment multi-family apartment use there would be no detriment to the public good.

43. Mr. Hansen testified that granting a D1 variance to permit the revised 20 apartment multi-family apartment use would not result in a substantial detriment to the Master Plan or Zoning Plan.

44. Mr. Hansen testified that in granting a D4 variance to permit the Applicant to utilize a .386 floor area ratio where Hackettstown LDO section 407D limits the floor area ratio to .25 there would be no detriment to the public good.

45. Mr. Hansen testified that granting a D4 variance to permit the Applicant to utilize a .386 floor area ratio where the Hackettstown LDO section 407D limits the floor area ratio to .25 would not result in a substantial detriment to the Master Plan or Zoning Plan.

46. Board Engineer Paul Sterbenz testified that the use proposed is “a good fit” and represents a “good transitional use”.

47. Board Planner Dan Bloch testified that he “can’t think of another use that would be better for this site” and further testified that by modifying its proposal from 30 apartments to 20 apartments, the proposal was “more palatable as to density”.

48. The Board finds and concludes that granting D-1 Use Variance relief to permit a multi-family 20 apartment residential use on the Property will promote the general welfare.

49. The Board further finds and concludes that granting D-1 Use Variance relief to permit a multi-family 20 apartment residential use on the Property would advance purposes "a" and "g" and "i" of the Municipal Land Use Law (NJSA 40:55D-2a, NJSA 40:55D-2g and NJSA 40:55D-2i):

- "encourag[ing] municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare."
- "provid[ing] sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial, and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens..."
- "promot[ing] a desirable visual environment through creative development techniques and good civic design and arrangement."

50. The Board further finds and concludes that the subject property is particularly suited for the 20 apartment multi-family residential use.

51. The Board finds that the benefits of the D-1 Use Variance relief to permit a multi-family 20 apartment residential use on the Property substantially outweigh any detriment.

52. The Board finds that granting D-1 Use Variance relief to permit a multi-family 20 apartment residential use on the Property will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

53. The Board finds and concludes that granting D4 variance relief to permit the Applicant to utilize a .386 floor area ratio where Hackettstown LDO section 407D limits the floor area ratio to .25 will promote the general welfare.

54. The Board further finds and concludes that granting D4 variance relief to permit the Applicant to utilize a .386 floor area ratio where Hackettstown LDO section 407D limits the floor area ratio to .25 would advance purposes "a" and "g" and "i" of the Municipal Land Use Law (NJSA 40:55D-2a, NJSA 40:55D-2g and NJSA 40:55D-2i):

- "encourag[ing] municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare."
- "provid[ing] sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial, and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens..."
- "promot[ing] a desirable visual environment through creative development techniques and good civic design and arrangement."

55. The Board further finds and concludes that the subject property is particularly suited for a 20 apartment multi-family residential use that yields a .386 floor area ratio.

56. The Board finds that the benefits of the D4 variance to permit the Applicant to utilize a .386 floor area ratio where Hackettstown LDO section 407D limits the floor area ratio to .25 substantially outweigh any detriment.

57. The Board finds that granting D4 variance relief to permit the Applicant to utilize a .386 floor area ratio where Hackettstown LDO section 407D limits the floor area ratio to .25 will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

58. The Board specifically makes no findings or conclusions concerning site plan approval or site plan elements of the Applicant's proposal.

NOW THEREFORE BE IT RESOLVED by the Land Use Board of the Town of Hackettstown on this 18th day of May 2021, that the application of 7 Route 57, LLC for D1 Use Variance (20 apartments) and D4 Floor Area Ratio Variance approvals be approved subject to the following conditions:

a. The terms of such approval are to be strictly in accord with the plans and testimony presented to the Board herein, and same are incorporated into this resolution by reference.

b. The Applicant shall comply with the report of the Planning Board Planner, Daniel N. Bloch, P.P., dated April 23, 2021, which report is attached hereto and is incorporated herein by reference.

c. The Applicant shall prepare and submit to the Board attorney and Board Engineer a recordable access easement across Lot 25 in block 129. Said access easement shall be subject to the review and approval of the Board attorney and Board Engineer at the time that an application is filed for site plan review.

d. Nothing herein shall permit the Applicant to obtain building permits or commence construction. No building permits shall be issued until the

Board approves an as yet to be filed site plan application for the Applicant's proposal.

e. The Applicant shall revise its plans to depict the correct intensity of use (20 apartments consisting of up to 26 total bedrooms) and correct floor area ratio (.386) to reflect the removal of the proposed third-floor as stipulated and agreed to at the public hearing.

f. The Applicant shall comply with all Affordable Housing provisions of the Hackettstown Land Development Ordinance, the New Jersey Uniform Housing Affordability Controls (UHAC), and any other governmental agency having jurisdiction over the Property.

g. All fees, assessments, taxes, escrows and other monies due to the Town of Hackettstown shall be paid in full.

h. The Applicant shall obtain all necessary governmental approvals or waivers thereof from any other governmental agencies with jurisdiction.

Motion to Approve: Wolfrum
Second: Walling

Roll Call Vote:

Those in Favor:

Sherman, Wolfrum, Campanari, Walling, Anthony, Graf

Those Opposed: None

Abstain: None

I hereby certify that the above is a true copy of a Resolution adopted by the
Land Use Board of the Town of Hackettstown at its regular meeting of

June 15, 2021.

X Mary Matusewicz
Mary Matusewicz, Clerk
Hackettstown Land Use Board

MEMORIALIZING RESOLUTION OF THE LAND USE BOARD OF THE TOWN OF
HACKETTSTOWN APPROVING
PRELIMINARY AND FINAL SITE PLAN, USE VARIANCE, AND BULK VARIANCE
APPLICATION OF 7 ROUTE 57, LLC

LAND USE BOARD

TOWN OF HACKETTSTOWN

APPLICATION #

RESOLUTION #

WHEREAS, **7 Route 57, LLC** is an entity that owns two adjacent lots, Lot 23 with an address of 9 Rt. 57, Hackettstown, NJ 07840, and Lot 24 with an address of 7 Rt. 57, Hackettstown, NJ 07840 (hereinafter the "Applicant"), and has filed an application for Preliminary and Final Major Site Plan, Use Variance, and Bulk Variance approvals for property known as Lots 23, 24, and 25 in Block 129 (hereinafter the "Property"); and

WHEREAS, Lot 25 is located on Rt. 57 and will contain an access driveway for Lots 23 and 24 which are otherwise landlocked and will require appropriate easements and variances; and

WHEREAS, the Property is located in the Town's HC (Highway Commercial) zone; and

WHEREAS, multi-family residential housing is not a permitted use in the HC zone, except as a conditional use along the east side of Mountain Avenue only; and

WHEREAS, Lot 23 contains 0.4442 acres and is currently developed with a detached single family residential dwelling; and

WHEREAS, Lot 24 contains 0.79 acres and is currently developed with a two-family residential structure that is in disrepair; and

WHEREAS, Lot 25 contains 4.55 acres and is currently developed with two industrial warehouse buildings. An access driveway as described herein will be constructed specifically to provide access to Lots 23 and 24 through Lot 25; and

WHEREAS, the Applicant proposes to build a two-story apartment building with twenty (20) apartment units on Lots 23 and 24, and to construct an access driveway to Route 57 by connecting to the parking lot / driveway aisles in the adjacent commercial property on Lot 25, including appropriate easements; and

WHEREAS, the Applicant proposes to abandon the currently existing access driveway through adjacent property Lot 22, which is not a part of this application; and

WHEREAS, the 20 apartment units to be constructed shall include four (4) low and moderate income affordable units; and

WHEREAS, the Applicant was previously granted a D use variance to construct the two-story 20 unit building with a building footprint of approximately 140 ft. x 76 ft.; and

WHEREAS, when the Applicant was granted the D(1) Use variance, the apartment building did not include a 10' x 14' concrete patio in the rear of the building which is now contained within the site plan; and

WHEREAS, the Board has required the Applicant to demonstrate that the proposed patio can be accommodated as a customary accessory use to the apartment building that appropriately meets the relevant D(1) use variance positive and negative criteria; and

WHEREAS, the Applicant received initial approval for a non-conforming 0.386 Floor Area Ratio (where 0.25 FAR is allowed); however, the new Site Plan increases FAR to 0.50, and therefore a D(4) approval is required; and

WHEREAS, the Site Plan includes "C" Bulk variances for Maximum Lot Coverage, Parking Setback and Rear Yard Setback for the Patio, and appropriate testimony is required by the Applicant for approval; and

WHEREAS, as the two lots (Lot 23 and Lot 24) which will contain the apartment building are landlocked, and are provided access by adjacent Lot 25, a Planning Variance is required pursuant to N.J.S.A. 40:55D-35; and

WHEREAS, D(1) relief is also required for Lot 25 because a driveway serving a residential use in adjacent lots is being constructed in the HC District; and

WHEREAS, the approval sought by the Applicant will also allow for the construction of various other site improvements including landscaping, lighting, driveway aisles, sidewalks, drainage, and stormwater management improvements; and

WHEREAS, the Board considered the current application and held a public hearing thereon on August 23, 2022 at the Hackettstown Municipal Building, 215 West Stiger Street, Hackettstown, New Jersey 07840; and

WHEREAS, the aforesaid hearing, which was held at an open public meeting, was noticed, advertised and held in accordance with the Open Public Meetings Act; and

WHEREAS, the Applicant and the public were afforded the opportunity to be heard concerning the application; and

WHEREAS, the following documents, plans, and reports were submitted by the Applicant:

1. Completed Town Development Application. **(Note: Superseded by Submission Item 21 below).**
2. Completed Preliminary and Final Major Site Plan Checklists.
3. Completed Variance Checklist.
4. April 21, 2020 Wetlands Investigation Letter from Matthew Popin of Engineering and Land Planning Associates, Inc.
5. March 7, 2022 document entitled “Checklist Waiver Requests” providing reasons for waivers from the submission requirements for all checklist items requested for waiver.
6. Completed Warren County Planning Board Land Development Application and Checklist.
7. Completed Application for Service to the Hackettstown Municipal Utilities Authority.
8. March 22, 2022 Highlands Referral Ordinance Application filed with the New Jersey Highlands Council for the project.
9. February 22, 2022 Certificate of Paid Taxes issued by Town Tax Collector Patricia Noll indicating tax payments for Lots 23, 24 and 25 in Block 129 have been paid.
10. Completed Ownership Disclosure Statement for 7 Route 57 LLC, Block 129 Lot 25, dated February 16, 2022.
11. Completed Ownership Disclosure Statement for 7 Route 57 LLC, Block 129 Lots 23 and 24, dated February 16, 2022.
12. February 16, 2022 Owner’s Letter of Consent signed by Salvatore Amato of 7 Route 57 LLC for Lot 25 in Block 129.
13. February 16, 2022 Site Inspection Authorization endorsed by Salvatore Amato of 7 Route 57 LLC.
14. Memorializing Resolution of The Land Use Board for the use variance application, adopted June 15, 2021.
15. Report entitled “Stormwater Management Report – The Woodland Apartments – Block 129, Lots 23, 24 & 25 – Town of Hackettstown, Warren County, NJ”, prepared by John Hansen, P.E., P.P., of Engineering and Land Planning Associates, Inc., dated February 18, 2022.
16. Report entitled “Stormwater Management Maintenance Manual – The Woodland Apartments – Block 129, Lots 23, 24 & 25 – Town of Hackettstown, Warren County, NJ”, prepared by John Hansen, P.E., P.P., of Engineering and Land Planning Associates, Inc., dated February 18, 2022.

17. Plan entitled “Boundary and Topographic Survey for Lot 23 in Block 129 – Topographic Survey for Lots 24 & 25 in Block 129”, prepared by Wayne Ingram, P.L.S., of Engineering and Land Planning Associates, Inc., dated September 6, 2021, last revised March 21, 2022.
18. Plan entitled “Plan of Survey – Lot 25 Block 129 – Situated in Town of Hackettstown, Warren County, New Jersey”, prepared by Robert F. Hogan, P.L.S., of Pequest Engineering Company, dated November 5, 2019.
19. Architectural plans prepared by Kenneth J. Fox, R.A., AIA, of Fox Architectural Design, P.C., including:
 - a. Sheet 1 of 3 (Basement and First Floor Plans) - dated December 30, 2020, last revised February 21, 2022.
 - b. Sheet 2 of 3 (Second Floor Plan) - dated December 30, 2020, last revised February 21, 2022.
 - c. Sheet 3 of 3 (Building Elevations and Section) - dated December 30, 2020, last revised February 21, 2022. **(Note: Superseded by Submission Item 28 below.)**
20. Site plan entitled “The Woodland Apartments – 7 Route 57 – Block 129 Lots 23, 24 & 25 – Town of Hackettstown, Warren County, New Jersey”, consisting of thirteen (13) sheets, prepared by John E. Hansen, P.E., of Engineering and Land Planning Associates, Inc., dated March 14, 2022. **(Note: Superseded by Submission Item 26 below.)**

Submission 2

21. Amended Town Development Application, dated April 27, 2022.
22. Proposed Access Easement granting the Owner and Tenants of Lots 23 and 24 - 7 Route 57, LLC (Grantee) access across adjacent Lot 25 owned by Salann Properties, LLC (Grantor), prepared by Michael S. Selvaggi, Esq., undated.
23. Conditional Approval issued by the Warren County Planning Board for 7 Route 57, LLC, dated April 26, 2022.
24. Conditional Consistency Determination for 7 Route 57, LLC issued by Lisa J. Plevin, Executive Director of the New Jersey Highlands Water Protection and Planning Council, dated May 4, 2022.

Submission 3

25. June 15, 2022 letter from John Hansen, P.E., P.P., of Engineering and Land Planning Associates, Inc. to the Hackettstown Land Use Board summarizing changes made to the site plan.
26. Site plan entitled “The Woodland Apartments – 7 Route 57 – Block 129 Lots 23, 24 & 25 – Town of Hackettstown, Warren County, New Jersey”, consisting of thirteen (13) sheets, prepared by John E. Hansen, P.E., of Engineering and Land Planning Associates, Inc., dated March 14, 2022, and revised through June 15, 2022.
27. June 14, 2022 letter from architect Frederick T. Wawra, RA, NCARB, of Fox Architectural Design, P.C., to the Hackettstown Land Use Board summarizing the changes made to the architectural plans subsequent to the May 24, 2022 Land Use Board meeting.
28. Architectural plans prepared by Kenneth J. Fox, R.A., AIA, of Fox Architectural Design, P.C., including:
 - a. Sheet 1 of 3 (Basement and First Floor Plans) - dated December 30, 2020, and revised through June 9, 2022.
 - b. Sheet 2 of 3 (Second Floor Plan) - dated December 30, 2020, and revised through June 9, 2022.
 - c. Sheet 3 of 3 (Building Elevations and Section) - dated December 30, 2020, and revised through June 9, 2022.

WHEREAS, the application was reviewed by the Planning Board’s professional engineer, Paul M. Sterbenz, PE, PP, of Colliers Engineering and Design, who issued reports dated April 19, 2022, May 19, 2022, and June 23, 2022; and

WHEREAS, the application was reviewed by the Planning Board’s professional planner, Daniel N. Bloch, PE, PP, of Colliers Engineering and Design who submitted a Planning Review dated May 24, 2022; and

WHEREAS, the Applicant was represented at the public hearing by Michael S. Selvaggi, Esquire of Lavery, Selvaggi, Abromitis, & Cohen; and

WHEREAS, the Applicant presented licensed professional engineer and planner John Hansen, P.E., P.P. of Engineering and Land Planning Associates, Inc. who was

qualified both as a professional engineer and a professional planner who testified on behalf of the application; and

WHEREAS, the public was offered an opportunity to comment on this application, and no members of the public took advantage of the opportunity to comment on the application; and

WHEREAS, the Planning Board does hereby make the following findings of fact and conclusions of law based upon the testimony and documentary evidence produced by the Applicant and the Planning Board professionals:

1. The owners of Block 129, Lots 23 and 24 is 7 Rt. 57, LLC, and the adjacent parcel Block 129, Lot 25 is owned by Salann Properties, LLC, which shares identical ownership with 7 Rt 57, LLC, however it will remain a separate and distinct entity.
2. A prior Application, in which a use variance for this Property was granted, reduced the original application from a three (3) story 30 unit apartment building to a two (2) story 20 unit apartment building.
3. Contiguous Lots 23 and Lots 24 will be merged into one lot.
4. Cross access easements will be maintained between Lot 25 and the merged Lots 23 and 24.
5. Lot 23 is currently developed and contains a single-family home which shall be demolished.
6. Lot 24 is developed with a two-family residence that is in disrepair which shall be demolished.
7. The driveway island proposed for Lot 25 will be extended and will have a flush curb to provide separation between the vehicular driveway and the

- truck loading and unloading area.
8. Striping will be added to the intersections and the south side of the new building lot to facilitate traffic flow.
 9. A five foot high concrete walkway will extend to Route 57 from the site.
 10. A six foot high vinyl fence will be added to the rear of the property along the single-family residences.
 11. An eight foot high vinyl fence will be installed behind the industrial building on Lot 25.
 12. Additional evergreens will be added to the landscaping proposed along the single family residences.
 13. The current Application is the second and final portion of a bifurcated application in which use variance relief was received from the Board as memorialized in Resolution 21-02, dated June 15, 2021. The current Application seeks Site Plan approval in addition to D Use and C Bulk variances related to the final Site Plan submission.
 14. Four (4) of the 20 apartment units will be low and moderate income affordable housing units. These affordable units will consist of two (2) two-unit apartments and two (2) three-unit apartments.
 15. The subject Site Plan improvements to Lots 23 and 24 to complement the apartment include a parking lot with thirty-seven (37) stalls, driveway aisles, sidewalks, drainage and stormwater management improvements, landscaping, and lighting.
 16. While the Lot 25 access easement will serve as ingress and egress for the Lot 23 & 24 apartment building, Lot 25 will maintain its current independent

- use for its commercial assets in the existing two buildings which will remain.
17. Neither Lot 23 or Lot 24 have frontage on a public roadway, therefore a Planning Variance is required in accordance with NJSA 40:55D-35.
 18. The outdoor storage area on Lot 25 will be cleaned and be made compliant with municipal ordinances.
 19. Applicant will replace the existing fence on Lot 25 adjacent to the existing dumpster with an eight foot high vinyl fence.
 20. Applicant has agreed to implement the recommendations from the Hackettstown Fire Marshall including that landscaping in the traffic island will not affect fire truck access, and that there will be sufficient room for a fire truck to negotiate the five foot wide sidewalk.
 21. Floor Area Ratio (FAR) of 0.25 exceeds the maximum permitted by municipal ordinance; Floor area ratio of .50 is needed, which includes a basement, which will be used for storage only, below the two floors of residential apartments.
 22. A Planning D Variance is needed as Lots 23 and 24 do not front upon an approved street, and Applicant proposes to provide access to Rt. 57 through Lot 25; therefore, appropriate easements will also be recorded in the deed memorializing the subject access.
 23. The outdoor patio, as designated in the updated Site Plan, will serve as an amenity to allow residents to enjoy outdoor space on the Property.
 24. Applicant Engineer Hansen explained the extent of their C variance requests subsumed within the D Variance contained in the subject Final Site Plan.

25. Applicant had agreed to comply with all of the requirements contained in Board Planner Daniel Bloch's letter of May 24, 2022.
26. Applicant had agreed to comply with all of the requirements contained in Board Engineer Paul Sterbenz' letter of June 23, 2022.
27. In addressing the negative criteria, Mr. Hansen testified that the use variance relief sought can be granted with no detriment to the public good.
28. The Board finds and concludes that granting the use variances will not substantially impair the intent and purpose of the zone plan and zoning ordinance.
29. The Board finds and concludes that allowing the "D" variances sought will promote the general welfare.
30. The Board further finds and concludes that the subject property is particularly suited for the uses proposed.
31. The Board finds that the benefits of the "D" variances sought substantially outweigh any detriment.
32. The Board finds that granting the "D" variances sought will not substantially impair the intent and purpose of the zone plan and zoning ordinance.
33. Applicant's Engineer Hansen testified that the benefits of granting the bulk variances sought outweigh the detriments.
34. Applicant's Engineer Hansen testified that granting the bulk variance relief sought would cause no substantial detriment to the public good.

35. Applicant's Engineer Hansen testified that granting the bulk variance relief sought will not substantially impair the intent and purpose of the zone plan and zoning ordinance.
36. The Board finds that the application promotes efficient use of the land while it promotes the general welfare and well-being.
65. The Board finds that the benefits of bulk variances sought substantially outweigh any detriment.
66. The Board finds that granting the bulk variances sought will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

NOW THEREFORE, BE IT RESOLVED by the Land Use Board of the Town of Hackettstown on this 27th day of September 2022, that the application of 7 Rt. 57, LLC. for preliminary and final major site plan approval, and use and bulk variances is hereby approved, subject to the following conditions:

- a. The payment of real estate taxes.
- b. The payment of any outstanding fees and assessments.
- c. The procurement of permits/approvals from outside agencies with jurisdiction or waivers thereof.
- d. Applicant has agreed to comply with all of the requirements contained in Board Planner Daniel Bloch's letter of May 24, 2022.
- e. Applicant has agreed to comply with all of the requirements contained in Board Engineer Paul Sterbenz' letter of June 23, 2022.
- f. The submission of deeds for the lot merger and easements within the lots in forms satisfactory to the Board Attorney and Board Engineer. The deeds

shall not be recorded until such time as the Board Attorney and Board Engineer approve the form of deeds and the signatures of the Board Chairman and Board Secretary are affixed to the deeds.

- g. Outdoor storage onsite must be complaint with all applicable municipal, county, state and federal ordinances.
- h. Except as described and permitted above, the site must conform with the municipality's ordinances.
- i. No construction is permitted until the Applicant complies with the items in section 6.0 of the June 23, 2022 report of Board Engineer Paul Sterbenz.

Roll Call Vote:

Those in Favor:

Those Opposed:

I hereby certify that the above is a true copy of a Resolution adopted by the Land Use Board of the Town of Hackettstown at its regular meeting of September 27, 2022.

X _____
Mary Matusiewicz, Clerk
Hackettstown Land Use Board

**RESOLUTION
TOWN OF HACKETTSTOWN
LAND USE BOARD
EXTENSION OF APPROVAL FOR PRELIMINARY AND FINAL MAJOR SITE PLAN /
USE VARIANCE AND BULK VARIANCE OF
7 ROUTE 57, LLC**

**APPLICATION #22-04
RESOLUTION # R22-04 (9/28/22)**

WHEREAS, 7 Route 57, LLC is an entity that owns three adjacent lots, Lot 23 with an address of 9 Rt. 57, Hackettstown, NJ 07840, and Lots 24 and 25 with an address of 7 Rt. 57, Hackettstown, NJ 07840 (hereinafter the "Applicant"), received approval for an application for Preliminary and Final Major Site Plan, Use Variance, and Bulk Variance approvals (the "Approval") for property known as Lots 23, 24, and 25 in Block 129 (hereinafter the "Property"); and

WHEREAS, the subject property is located in the Town of Hackettstown's HC (Highway Commercial) zoning district; and

WHEREAS, the Applicant has requested an extension of the deadline for Preliminary and Final Major Site Plan, Use Variance, and Bulk Variance Approval; and

WHEREAS, the Applicant was represented by Michael Selvaggi, Esq., of Lavery, Selvaggi & Cohen, PC, Hackettstown, NJ; and

WHEREAS, the Town of Hackettstown considered the original application at a properly noticed regular public meeting of the Town of Hackettstown Land Use Board, on August 23, 2022; and

WHEREAS, the Town of Hackettstown considered the application for the extension at a properly noticed regular public meeting of the Town of Hackettstown Land Use Board, on October 28, 2025; and

WHEREAS, the Applicant now seeks two consecutive one-year extensions pursuant to NJSA 40:55D- 52(d) of the period of protection from ordinance changes for the Preliminary and Final Major Site Plan, Use Variance, and Bulk Variance Approval in accordance with the subject Property; and

WHEREAS, the Board does hereby make the following findings of fact and conclusions of law based upon the testimony and documentary evidence produced by the Applicant and / or Board and / or Town staff:

1. Applicant will continue to comply with all applicable conditions of Board Engineer Sterbenz Technical Comment Review Letter of June 23, 2022.
2. Applicant will continue to comply with all applicable conditions of Board Planner Bloch Report of May 24, 2022.
3. Applicant will continue to comply with all other applicable conditions of Resolution of Approval of September 28, 2022.
4. No alternations to the original Application are being requested and / or made.
5. Board Engineer Wisniewski concurred with the assessment of Applicant Attorney Selvaggi that it is extremely likely that construction will begin prior to the expiration of the requested extension so that a third extension would not be needed.
6. All other necessary and applicable laws, statutes, ordinances and regulations remain in effect so as to allow the subject approval to move forward; and

WHEREAS, the Applicant has demonstrated that the subject request is justified under the Municipal Land Use Law; and

WHEREAS, the Applicant has demonstrated that it has been prevented from proceeding with the development because of delays in obtaining necessary DOT

(Department of Transportation) permits, despite conscientious efforts on the part the Applicant to do so to be able to commence construction as approved by the Board, in full in their Resolution of Approval of September 28, 2022; and

WHEREAS, it is agreed that if the Site Plan is revised in a material way, and / or if any new variances are required the Applicant will reapply to the Board for necessary approvals; and

WHEREAS, after carefully considering the request, the Board has determined that an extension is warranted; and

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Town of Hackettstown on this 25th day of November, 2025 that the request of the Applicant of the property located at 7 Route 57, Hackettstown, NJ 07840 known as Lots 23, 24 and 25 in Block 129, to extend the deadline for approval for a Preliminary and Final Major Site Plan, Use Variance, Bulk Variance and Use Variance Approval for the Property is hereby approved retroactively for two consecutive one year periods, until September 28, 2026, subject to compliance and satisfaction of all conditions set forth in the underlying Approval as memorialized in the Resolution signed September 28, 2022; said Resolution is attached hereto and is incorporated herein by reference.

Motion to Approve: Mr. Moore
Motion to Second: Mr. Wolfrum

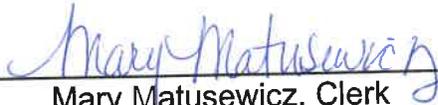
Roll Call Vote:

Those in Favor: Moore, Wolfrum, Camponini, Stead, Anthony, Graf, Gaertner

Those Opposed: None

Those Abstained: Medcraft

I hereby certify that the above is a true copy of a Resolution adopted by the Land Use Board of the Town of Hackettstown at its regular meeting of November 25, 2025.

X 
Mary Matusewicz, Clerk
Hackettstown Land Use Board

108 High Street

**MEMORIALIZING RESOLUTION OF THE LAND USE BOARD
OF THE TOWN OF HACKETTSTOWN
PRELIMINARY AND FINAL MAJOR SITE PLAN APPLICATION WITH
BULK VARIANCES AND A USE VARIANCE
APPLICATION OF HIGH TIMES, LLC**

LAND USE BOARD

TOWN OF HACKETTSTOWN

APPLICATION #25-09

RESOLUTION # R25-09

WHEREAS, HIGH TIMES, LLC (hereinafter the "Applicant") filed an application with the Land Use Board of the Town of Hackettstown pertaining to 108 High Street, Hackettstown; and

WHEREAS, the Property is otherwise known as Lots 7, 7.01, 9.01, 17.01 & 18 in Block 67; and

WHEREAS, the Applicant is seeking preliminary and final site plan approvals with use and bulk variance relief to allow the change of use of the upper level of the existing building from office and one apartment to six (6) apartment units; and

WHEREAS, the Applicant is seeking approval from the Land Use Board (the "Board") for a D(1) Use Variance because some of the proposed apartments do not satisfy the Town's 750-square-foot minimum floor area requirements for apartments under

§406-10 of the Town Code; and

WHEREAS, The site is located at the northeastern corner of the intersection of Main Street and High Street. Lots 7, 7.01, 9.01, and 17.01 consist of approximately 0.48-acres, 0.18-acres, 0.11-acres, and 0.19-acres respectively within the Town's TCC (Town

Center Commercial) Zone. Lot 18 consists of 0.18-acres and is situated within the Town's R-12.5 (Single Family Residential 12,500 SF) and R-12.5/OFF (Single Family/Offices 12,500 SF) Zones. The total area of the above lots is approximately 1.14-acres. The lots are currently developed as a mixed-use commercial and office space with associated off-street parking which are permitted uses and accessory uses within the TCC, R12.5, and R12.5/ Office Zones; and

WHEREAS, the Board considered the application and held a duly noticed public hearing for this Applicant on November 25, 2025 at the Hackettstown Municipal Building, 215 Stiger Street, Hackettstown, New Jersey, 07840; and

WHEREAS, the aforesaid public hearing, which was held at open public meeting, was properly noticed, advertised, and held in accordance with the Open Public Meetings Act at regularly scheduled meetings; and

WHEREAS, the Applicant and the public were afforded the opportunity to be heard concerning the application; and

WHEREAS, the Applicant was represented by attorney Michael Selvaggi, Esq., Hackettstown, NJ; and

WHEREAS, the application was reviewed by the Planning Board's professional engineer, Adam Wisniewski, PE, of Colliers Engineering and Design, who issued Completeness and Technical Reviews dated October 21, 2025, and November 21, 2025; and

WHEREAS, the application was reviewed by the Planning Board's professional planner, Daniel N. Bloch, PP, AICP, of Colliers Engineering and Design, who issued a Planning Review dated November 24, 2025; and

WHEREAS, the Applicant provided sworn testimony from their Architect Casper Huizenga, of Long Valley, NJ, who was qualified as an expert in architecture; and

WHEREAS, the Applicant provided sworn testimony from their Engineer and Planner Michael Roth, PE, Roth Engineering, LLC, Chester, NJ, who was qualified by the Board to testify as both an expert in Engineering and in Planning; and

WHEREAS, the following documents and plans were submitted by the Applicant:

1. Completed Town Land Development Application Package including:
 - a. Completed Town of Hackettstown Development Application Form, dated September 5, 2025;
 - b. 10% Ownership Disclosure Statement;
 - c. Site Inspection Authorization, signed by Binal Desai, dated September 9, 2025;
 - d. Certificate of Paid Taxes, dated September 5, 2025;
 - e. Letter from Michael Selvaggi, Esq. regarding the required site plan approvals, dated April 8, 2025;
 - f. Zoning permit denial, dated March 11, 2025;
 - g. Completed Warren County Land Development Application;
 - h. Letter from Michael J. Roth, P.E., P.P., of Roth Engineering, LLC, summarizing the requested waivers, dated September 8, 2025;
 - i. Previous Planning Board Approvals pertaining to the property, dated July 24, 1974 and June 22, 2004.

2. Survey plan entitled “Survey of Property – Tax Lot 7, 7.01, 9.01, 17.01, & 18 – Block 67 – 149 Main Street, Town of Hackettstown – Warren County, New Jersey”, consisting of one (1) sheet, prepared by Jeffrey S. Grunn, PLS, of Lakeland Surveying, dated August 8, 2025.

3. Site plan entitled “Preliminary and Final Major Site Plans for – 108 High Street – Block 67, Lot 7, 7.01, 9.01, 17.01, & 18 – Town of Hackettstown, Warren County, New Jersey,” consisting of three (3) sheets, prepared by Michael J. Roth, P.E., P.P., of Roth Engineering LLC, dated September 8, 2025.

4. Architectural Plan entitled “Upper Level Interior Alterations – 108 High Street – “Lynch” Building – Hackettstown, NJ 07840 – Owner: High Times, LLC”, consisting of five (5) sheets, prepared by Casper G. Huizenga, PA, of Casper G. Huizenga Architect, dated September 5, 2025.

5. Town of Hackettstown Highlands Exemption Determination Application, dated September 5, 2025.; and

WHEREAS, the Board does hereby make the following findings of fact and conclusions of law based upon the testimony and documentary evidence produced by the Applicant and Board/Town staff:

1. Mr. Selvaggi introduced Jeffrey Berkowitz, a member of the Applicant LLC, who was sworn in on November 25, 2025 by Board Attorney Zakin to testify as a fact witness. Mr. Berkowitz testified to the following:

a. He owns the LLC with his father, Jerold.

- b. Mr. Berkowitz explained that the Applicant sought to convert the upstairs space into apartments, because there was no market for office or commercial space on the second floor.
 - c. Mr. Berkowitz testified that there is no receptacle specifically for recycling, however one will be placed near the trash receptacle for the residents to use. Mr. Berkowitz also agreed to place a 6 foot high fence around the refuse area once a recycling receptacle is placed at the location.
 - d. Mr. Zakin inquired if Mr. Berkowitz would consider merging the lots to create a single lot.
 - e. Mr. Berkowitz is not interested in merging the lots as he may sell or transfer certain lots to other entities.
2. Mr. Selvaggi introduced Casper Huizenga, Casper Huizenga Architect, 21 Skytop Road, Long Valley, NJ who was sworn in by Board Attorney Zakin and qualified by the Board to testify as a Professional Architect.
- a. Mr. Huizenga referred to the set of plans dated September 5, 2025 submitted with the original application, which were prepared by his office.
 - i. Sheet A-1, titled Lower Level Plan-Existing and Proposed showing the new exit from the upstairs level.
 - ii. Sheet A-2, titled Main Level Plan-Existing and Proposed showing the existing office space and lobby as well as the new exit stairway from the upper level leading to the parking lot.
 - iii. Sheet A-3, titled Upper Level Plan-Proposed Alterations showing six apartments (with one already existing apartment) and the new

stairway. Mr. Huizenga testified that a sprinkler system will be installed, and there will be two exits leading to High Street and the parking lot.

- iv. Sheet A-4, titled Upper Level Plan-Existing showing the office spaces and the existing apartment, which has been present for over thirty years.
 - v. Mr. Huizenga testified that this proposal will expand a commercial to residential use in the TCC Zone, the proposal will maintain the common essential functioning of the existing commercial spaces below, while adding new stairs and corridor.
- b. Mr. Huizenga testified that all of the apartments are one bedroom apartments and the size of each apartment is as follows:
- i. Apartment #1-878 square feet (proposed)
 - ii. Apartment #2-700 square feet (proposed)
 - iii. Apartment #3-721 square feet (proposed)
 - iv. Apartment #4-735 square feet (proposed)
 - v. Apartment #5-705 square feet (Pre-existing non conforming apartment)
 - vi. Apartment #6-635 square feet (proposed)
- c. Mr. Huizenga testified to the following:
- i. Apartment #6 will be dedicated as an affordable housing unit, which meets the State UHAC¹ size requirements
 - ii. The entire upper level will have a sprinkler system

¹ Uniform Housing Affordability Controls as enforced by the New Jersey Department of Community Affairs

- iii. There is a fire separation between the lower level and upper level
 - iv. Exterior alterations will only include window replacements consisting of the same size
 - v. The affordable housing unit will have larger doors, lever handles, grab bars, etc. to comply with ADA accessibility
- d. Mr. Huizenga confirmed that there are steel columns throughout the structure supporting the roof. He stated that not all of the columns are enclosed and there are several exposed steel columns in some of the apartments.
- e. Mr. Huizenga testified that the location of the steel columns made it practically difficult to design apartments on the upper level that would comply with the Town's minimum square footage requirement.
3. Mr. Selvaggi introduced Engineer Michael Roth, PE, Roth Engineering, LLC, Chester, NJ, Mr. Roth testified as a Professional Planner as follows:
- a. Mr. Roth testified that the application requires a D(1) Use Variance for not meeting the minimum apartment size and a C Variance for continuing a pre-existing condition of non-conforming minimum off-street parking.
 - b. Mr. Roth further testified that the positive criteria are satisfied, noting Purpose A, which encourages and guides the appropriate use of land in a manner that promotes the public good, as the project improves the property and provides one COAH unit; and Purpose E, which promotes appropriate population densities that contribute to the well-being of the Town, as the proposal creates much-needed housing and is consistent with the Master Plan.

- c. The existing apartment measures 705 square feet, where the zoning ordinance requires a minimum of 750 square feet, requiring a D1 variance for the additional undersized apartments. Further, the site provides 77 parking spaces where 100 spaces were required (40 spaces are leased to the Hackettstown Parking Authority). However, both the undersized apartment and the parking deficiency are preexisting conditions and are permitted to remain as is.
- d. Mr. Roth testified that the required number of parking spaces decreases from 100 to 97 based on the change of use. Minor modifications to the parking lot will be made by striping six spaces along the southern portion of the property, providing one space per residential unit. In addition, the Applicant will stripe 17 parking stalls along the south side of the curbed island that runs through the lot.
- e. Mr. Roth's testimony confirmed that there will be no change to the overall number of parking stalls or to the existing metered spaces within the parking area, which will remain at 77.
- f. Mr. Roth further testifies that the project will not result in any detriment to the public good.

4. Mr. Stead inquired about how creating five (5) additional apartments meets the positive criteria for the Town. Mr. Selvaggi stated that by creating an affordable housing unit, it helps meet the Town's affordable housing requirements.

5. Mr. Moore asked if there is any intention on renting the apartments to more than two people per unit. Mr. Selvaggi assured the Board that these are one

bedroom units and would not be rented to families, and would be limited to two people per unit.

6. Chairperson Camporini asked if anyone from the public had any questions or comments at this time. No one from the public had any questions or comments at this time.

7. Ms. Medcraft made a motion to approve the application with the conditions that:

- a. a recycling bin be added to the refuse area and enclosed with a six-foot fence;
- b. that the applicant obtain HMUA approval; and
- c. that a 40-year deed restriction be recorded for the COAH unit as prescribed by statute.

8. The Board further finds and concludes that the subject property is particularly suited for the proposed use.

- a. The Board finds that the benefits of the D(1) use variance requested for the Property in this Application substantially outweighs any detriment.
- b. The Board finds that the benefits of the related bulk variances requested for the Property in this Application substantially outweighs any detriment.
- c. The Board finds that the proposed D(1) Use Variance
- d. allowing apartments smaller in size than required in Town per section 406-1- of the Town Code conforms with the Master Plan and the scheme of the zone.
- e. Further, the Board finds that the bulk variance can be granted for insufficient parking as the change in the use of the upper level from

commercial to residential will render the parking slightly more conforming.

- f. The Board also finds that preliminary and final site plan approvals are warranted under the Town's ordinances; and

NOW THEREFORE, BE IT RESOLVED by the Land Use Board of the Town of Hackettstown on the 25th day of November 2025, that the application of High Times, LLC for preliminary and final site plan approvals with use and bulk variance relief to allow the change of use of the upper level of the existing building from office and one apartment to six (6) apartment units, be approved, subject to the following conditions:

- a. Applicant will provide a fenced in enclosure for recycling and a dumpster area surrounded by a six foot fence, per approval of the Board Engineer.
- b. The payment of real estate taxes.
- c. The payment of any outstanding fees and assessments.
- d. Applicant has agreed to fully comply with all of the requirements contained in Board Engineer Adam Wisniewski report of November 21, 2025.
- e. Applicant has agreed to fully comply with all of the requirements contained in Board Planner Daniel Bloch report of November 24, 2025.
- f. The buildings and building materials shall actually appear as presented in the renderings presented to the Board as approved by the Board Engineer and the Board Planner.

- g. The terms of such approval are to be strictly in accord with the plans and testimony presented to the Board herein, and same are incorporated into this resolution by reference.
- h. The Applicant shall comply with all municipal, state, and federal code and inspection requirements.
- i. All fees, assessments, escrows and other monies due to the Town of Hackettstown shall be paid in full.
- j. The Applicant shall obtain all necessary governmental approvals from any other governmental agencies with jurisdiction.

Motion to Approve: Mr. DeAngelis
 Motion to Second: MS. Meckraff

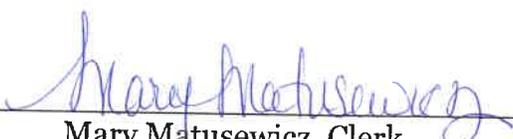
Roll Call Vote:

Those in Favor: Moore, Wolfrum, Stead, Anthony, Graf, Meckraff,
 DeAngelis, Gaertner

Those Opposed: None

Those Abstained: Stout, Lamba

I hereby certify that the above is a true copy of a Resolution adopted by the Land Use Board of the Town of Hackettstown at its regular meeting held on December 16, 2025.

X 
 Mary Matusewicz, Clerk
 Hackettstown Land Use Board

S&S Mountain Avenue

**MEMORIALIZING RESOLUTION OF THE LAND USE BOARD
OF THE TOWN OF HACKETTSTOWN
APPLICATION FOR USE AND CONDITIONAL USE VARIANCES
GMS GAS CORPORATION AND 110 MILL STREET CORP**

LAND USE BOARD

TOWN OF HACKETTSTOWN

APPLICATION #25-10

RESOLUTION # 2025-10

WHEREAS, GMS GAS CORPORATION AND 110 MILL STREET CORP

(hereinafter collectively referred to as the "Applicant") filed an application with the Land Use Board of the Town of Hackettstown pertaining to 101 Mountain Avenue/110 Mill Street, Hackettstown NJ 07840 at Water Street, Hackettstown; and

WHEREAS, the Property is otherwise known as Block 120, Lots 1 & 3; and

WHEREAS, the Applicant is seeking approval from the Land Use Board (the "Board") for a D(1) Use Variance; and

WHEREAS, the Applicant is seeking approval from the Board for a D(3) Conditional Use Variance and related bulk variances; and

WHEREAS, the Applicant is seeking approval from the Board to merge the subject lots and develop a portion of the combined parcel; and

WHEREAS, the site is approximately 100 feet from the intersection of Mountain Avenue and Mill Street, situated in the Town's CC (Community Commercial) District where multi-family commercial structures are not permitted as a principal use; and

WHEREAS, permitted conditional uses in the Town's CC (Community Commercial) District include service stations, and therefore as the lots are proposed to be merged, compliance with the subject conditions must be reconfirmed; and

WHEREAS, the area of each existing Lot in Block 120 is as follows; Lot 1 – 0.60 acres, Lot 2 - 0.76 acres; and

WHEREAS, the subject site contains a commercial gasoline service station with four (4) fuel pumps and canopy, a convenience store, paved parking lot, lighting, free standing signage, landscaping, and other associated improvements - they will remain on the western (Lot 1) portion of the site. Currently Lot 3 includes a commercial structure, signage, and other associated improvements that will be demolished; and

WHEREAS, the Applicant proposed to construct a 2-story 5,400 SF mixed use building will be constructed, including three (3) retail units on the ground floor, with three (3) apartment units above. Site improvements include a paved circulation drive, concrete sidewalk, refuse enclosure, buffer landscaping, 28 passenger vehicle stalls and 4 ADA vehicle stalls; and

WHEREAS, the subject property is adjacent to a series of connected properties, in common ownership with the subject application, that are part of a separate application, but not connected to the subject application; and

WHEREAS, the Board considered the application and held a duly noticed public hearing for this Applicant on January 27, 2026 at the Hackettstown Municipal Building, 215 Stiger Street, Hackettstown, New Jersey, 07840; and

WHEREAS, the aforesaid public hearing, which was held at an open public meeting, was properly noticed, advertised, and held in accordance with the Open Public Meetings Act at a regularly scheduled meeting; and

WHEREAS, the Applicant and the public were afforded the opportunity to be heard concerning the application; and

WHEREAS, the Applicant was represented by attorney Michael Selvaggi, Esquire, Lavery, Selvaggi, & Cohen, PC, Hackettstown, NJ; and

WHEREAS, the application was reviewed by the Land Use Board's professional engineer, Adam Wisniewski, PE, of Colliers Engineering and Design, who issued Completeness Review dated November 21, 2025; and

WHEREAS, the application was reviewed by the Land Use Board's professional planner, Daniel N. Bloch, PE, PP, of Colliers Engineering and Design, who issued a Planning Review dated January 22, 2026; and

WHEREAS, the Applicant provided sworn testimony from their Engineer and Planner Wayne Ingram, PE, P.P., from French & Parrello Associates, Hackettstown, NJ, who was qualified by the Board to testify as both an expert in Engineering and in Planning; and

WHEREAS, the following documents and plans were submitted by the Applicant:

1. Development Application, dated October 13, 2025
2. Owner's Letter of Consent, dated October 11, 2025
3. Ownership Disclosure, Lot 1, dated October 11, 2025
4. Ownership Disclosure, Lot 3, dated October 11, 2025
5. Site Inspection Authorization, dated October 11, 2025
6. Certificate of Paid Taxes, Lot 1, dated October 2, 2025
7. Certificate of Paid Taxes, Lot 3, dated October 2, 2025
8. Variance Checklist, dated September 30, 2025
9. Checklist Waiver Request letter, from French & Parrello, dated September 30, 2025
10. Prior Variance Resolution, memorialized October 20, 1992
11. Prior Final Site Plan and variance Resolution, memorialized November 27, 1984
12. Prior Minor Site Plan and variance Resolution, Application ZB-02-07, memorialized January 21, 2003
13. "Variance Plans," prepared by Wayne J. Ingram, PE, PLS, PP, for French & Parrello, dated October 7, 2025
14. Historic Impact Statement," prepared by John Mannino, AIA for Cerminara Group, Inc., undated.

WHEREAS, the Board does hereby make the following findings of fact and conclusions of law based upon the testimony and documentary evidence produced by the Applicant and Board/Town staff:

1. The subject hearing is the first of bifurcated hearings for the D(1) Use and D(3) Conditional Use approval, per MLUL, the Applicant shall return within the required two year period for preliminary and final site plan approvals from the Board, with bulk variance relief appropriate for the subject approved “D” variances.
2. The final site plan approvals for buildings and building materials shall appear as presented in the renderings presented to the Board as approved by the Board Engineer and the Board Planner at the subject hearing.
3. The subject property is adjacent to Block 120, Lots 4.01, 12, 15, 16, 17, 18, 19, 20 & 21, 113, 115, 117, 119, 121, 123, which shares a common owner with the subject Application; but is the object of a separate bifurcated application for which a hearing is being held on the same day. The Board takes judicial notice that these applications are considered separate independent applications, and will be considered accordingly.
4. The Applicant entities are each owned by Sarabjit Sandhu, 59B Central Avenue, Madison, NJ. The owner was represented at the hearing by her spouse Dr. Parminderjeet Sandhu.
5. Mr. Selvaggi introduced Wayne Ingram, P.E., P.P., French & Parrello Associates, 700 Grand Avenue, Hackettstown NJ who was sworn in by Board Attorney Zakin and qualified by the Board to testify as a Professional Engineer and a Professional Planner.

- a. Mr. Ingram presented Exhibit A1, titled "Site Plan Exhibit", dated January 26, 2026.
- b. Mr. Ingram testified that the application is being processed separately from an adjacent application due to differing NJDOT review timelines associated with proximity to the intersection and traffic volumes.
- c. Mr. Ingram testified that the property currently consists of an existing gasoline service station on Lot 1 and an adjacent commercial retail property on Lot 3.
- d. The two lots presently contain approximately five driveway access points, including one access on Mountain Avenue, multiple access points along Mill Street, an additional access serving Lot 3 and an access on Water Street.
- e. Mr. Ingram testified to the following:
 - i. The two lots will be consolidated into one coordinated redevelopment tract
 - ii. The existing kiosk building beneath the fuel canopy will be removed
 - iii. There will be no change to the number of fuel pumps on the site
 - iv. Demolition of the existing building will take place on Lot 3
 - v. A new 5,400-square-foot mixed-use building will be constructed
 - vi. The proposed building will contain retail/service use on the first floor; and three residential apartment units on the second floor.
 - vii. A total of 36 parking spaces are proposed (including EV spaces), where 34 are required.

- viii. The concept has been reviewed informally with NJDOT and will require formal NJDOT permitting. County approvals will also be required.
 - ix. A circulating driveway is proposed around the building for deliveries and emergency access, with loading located at the rear.
 - x. Impervious coverage is proposed at 71.6%,
 - xi. The combined lot depth measures 149.98 feet
 - xii. Front-yard landscaping will not achieve the full 20% required; however, the proposal increases green space at the intersection through elimination of a driveway.
 - xiii. The proposed floor area ratio is 19.8%, where 25% is permitted. Therefore, no FAR variance is required.
 - xiv. No changes are proposed to previously approved freestanding signage.
-
- f. Mr. Ingram informed the Board Members that a D(1) Use Variance is being requested to permit three multifamily residential units on the second floor and a D(3) Conditional Use Variance is being requested for the service station use as a result of the lot merger and related modifications.
 - g. All bulk variances and detailed design issues will be addressed during the Site Plan application.
 - h. Mr. Ingram testified that the application meets the positive criteria because of the site's adjacency to the TCC Zone, where upper-floor

residential uses are permitted, making it particularly suitable for the proposed mixed-use configuration. The property has direct sidewalk and crosswalk connectivity to the downtown area.

- i. Mr. Ingram testified that the application advances several purposes of the of the Municipal Land Use Law under N.J.S.A. 40:55D-2 are served by the subject proposal, including:
 - i. Promotion of the General Welfare (Purpose A) One of the three residential units will be designated as an affordable unit based on ordinance calculations (0.6 units rounded up to one). The project improves traffic safety and circulation by eliminating curb cuts.
 - ii. Encouraging Efficient Transportation Routes (Purpose H)
Consolidation of access points and improved circulation reduces congestion and improves traffic flow.
 - iii. Promotion of a Desirable Visual Environment (Purpose I)
Removal of the kiosk structure, modernization of the building, improved landscaping, and enhanced streetscape design will improve the gateway character of the intersection.
 - j. Mr. Ingram testified that the application will not result in substantial detriment to the public good nor substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance.
6. The Applicant has agreed to provide a minimum affordable housing set-aside of 20 percent of the total number of dwelling units. The Applicant

shall deed restrict at least 20 percent of the units for low- and moderate-income households. Such affordable units shall comply with the Town's Affordable Housing Ordinance, the State Uniform Housing Affordability Controls (UHAC) regulations, the Fair Housing Act, and any other applicable affordable housing regulation or court decision.

7. Mr. Stout inquired how much time is anticipated before the applicant returns to the Land Use Board with a Site Plan Application. It was agreed that the Site Plan application will be filed within a two year time frame.
8. Vice Chairperson Stead asked if anyone from the public had any questions or comments. No one from the public had any questions or comments.
9. The Board further finds and concludes that the subject property is particularly suited for the proposed use.
 - a. The Board finds and concludes that the benefits of the D(1) use variance requested for the Property in this Application substantially outweighs any detriment.
 - b. The Board finds and concludes the D(1) use variance requested for the Property can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.
10. The Board finds and concludes that the site remains appropriate for the D(3) Conditional Use because:

- a. the deviations from the Conditional Use requirements do not cause substantial impairment of the intent and purpose of the master plan and the zoning ordinance.
 - b. the use can be granted without substantial detriment to the public good.
11. Mr. Moore made a motion to approve the D(1) Use Variance and, the D(3) Conditional Variance application to grant the requested variances with the following conditions: no increase in the number of fuel pumps, no vehicle repair or display activities, compliance with NJDOT and County approvals and residential parking may be designated at a minimum of one space per unit, upon final Site Plan approval and that the Site Plan application must be submitted to the Board within a two year time frame. Mr. Stout seconded the motion; and

NOW THEREFORE, BE IT RESOLVED by the Land Use Board of the Town of Hackettstown on the 27th day of January 2026, that the application of GMS Gas Corporation and 110 Mill Street Corp for approval from the Board for a D(1) Use Variance relief and for a D(3) Conditional Variance relief, subject to the following conditions:

- a. The payment of real estate taxes.
- b. The payment of any outstanding fees and assessments.
- c. Applicant has agreed to fully comply with all of the requirements contained in Board Engineer Adam Wisniewski report of November 21, 2025.

- d. Applicant has agreed to fully comply with all of the requirements contained in Board Planner Daniel Bloch report of January 22, 2026.
- e. Applicant will return within the required two year period for preliminary and final site plan approvals with bulk variance relief appropriate for the subject approved “D” variances
- f. The final site plan approvals for buildings and building materials shall actually appear as presented in the renderings presented to the Board as approved by the Board Engineer and the Board Planner at the subject hearing.
- g. No vehicle repair or display activities can take place on the premises gasoline service station.
- h. No increase in the number of fuel pumps from the current number shall be permitted.
- i. Residential parking may be designated at a minimum of one space per unit, upon final Site Plan approval.
- j. Applicant shall provide a minimum affordable housing set-aside of 20 percent of the total number of dwelling units built. The Applicant shall deed restrict at least 20 percent of the units for low- and moderate-income households. Such affordable units shall comply with the Town’s Affordable Housing Ordinance, the State Uniform Housing Affordability Controls (UHAC) regulations, the Fair Housing Act, and any other applicable affordable housing regulation or court decision.
- k. Final lot merger deed must be first approved by Board Engineer and Board Counsel and then recorded with the County prior to receipt of C of O.

- l. A new tax lot must be assigned by the Town for the merged Property.
- m. The terms of such approval are to be strictly in accord with the plans and testimony presented to the Board herein, and same are incorporated into this resolution by reference.
- n. The Applicant shall comply with all municipal, state (including NJDOT), and federal code and inspection requirements.
- o. All fees, assessments, escrows and other monies due to the Town of Hackettstown shall be paid in full.
- p. The Applicant shall obtain all necessary governmental approvals from any other governmental agencies with jurisdiction.

Motion to Approve: Mr. Moore
Motion to Second: Mr. Wolfrum
Roll Call Vote:

Those in Favor: Moore, Wolfrum, Stead

Those Opposed: None

Those Abstained: Lambo Camponini

I hereby certify that the above is a true copy of a Resolution adopted by the Land Use Board of the Town of Hackettstown at its regular meeting held on February 24, 2026.

X Mary Matuszewicz

Mary Matusiewicz, Clerk
Hackettstown Land Use Board

**MEMORIALIZING RESOLUTION OF THE LAND USE BOARD
OF THE TOWN OF HACKETTSTOWN
USE AND FAR VARIANCE S&S REAL ESTATE, INC.**

**LAND USE BOARD
TOWN OF HACKETTSTOWN
APPLICATION #25-11
RESOLUTION # 2025-11**

WHEREAS, S&S REAL ESTATE, INC. (hereinafter the "Applicant") filed an application with the Land Use Board of the Town of Hackettstown pertaining to 127 Mountain Avenue, Hackettstown NJ 07840 at Water Street, Hackettstown; and

WHEREAS, the Property is otherwise known as Block 120, Lots 4.01, 12, 15, 16, 17, 18, 19, 20 & 21, 113, 115, 117, 119, 121, 123; and

WHEREAS, the Applicant is seeking approval from the Land Use Board (the "Board") for a D(1) Use Variance use and bulk variance relief to allow the demolition of current structures on the subject lots, lot merger and construction of apartments and townhomes; and

WHEREAS, the Applicant is seeking approval from the Board for a D(4) Floor Area Ratio ("FAR") Variance bulk variance relief to allow a maximum FAR not to exceed 0.53 where 0.25 is allowed per Section 407.D of the town code; and

WHEREAS, The site is approximately 100 feet from the intersection of Mountain Avenue and Water Street, situated in the Town's CC (Community Commercial) District where multi-family dwellings are not permitted; and

WHEREAS, the area of each existing Lot in Block 120 is as follows; Lot 4.01 – 0.19 acres, Lot 12 – 0.86 acres, Lot 15 – 0.29 acres, Lot 16 – 0.14 acres, Lot 17 – 0.18

acres, Lot 18 – 0.18 acres, Lot 19 – 0.30 acres, Lot 20 – 0.088 acres, Lot 21 - 0.39 acres;
and

WHEREAS, the subject site is in the CC Community Commercial zoning District, as well as the Historic District. The site is located on the east side of Mountain Avenue south of Mill Street and with secondary frontage on Water Street; and

WHEREAS, the subject property is adjacent to a service station to the north (in common ownership with the subject application), residential uses to the east and west, and a commercial use to the south; and

WHEREAS, residential homes exist on all subject properties except Lot 12, which has a two-story office building with accessory surface parking; and

WHEREAS, the Applicant proposes to merge the existing Lots 4.01, 15, 16, 17, 18, 19, 20 & 21 into one new 65,787-square foot (1.5-acre) parcel for the development of 10 townhomes on the northern side of the new parcel, and an 18-unit apartment building on the southern side. Accessory surface parking is proposed at the rear of the site via a shared access driveway; and

WHEREAS, Lot 12, which sits at the northeast corner of Mountain Avenue and Water Street, will remain unchanged in area (37,509-square feet or 0.86 acres) and use as an office building, but will have site improvements to the parking lot to accommodate a shared access easement for the proposed development to its north; and

WHEREAS, the Board considered the application and held a duly noticed public hearing for this Applicant on January 27, 2026 at the Hackettstown Municipal Building, 215 Stiger Street, Hackettstown, New Jersey, 07840; and

WHEREAS, the aforesaid public hearing, which was held at an open public meeting, was properly noticed, advertised, and held in accordance with the Open Public Meetings Act at a regularly scheduled meeting; and

WHEREAS, the Applicant and the public were afforded the opportunity to be heard concerning the application; and

WHEREAS, the Applicant was represented by attorney Michael Selvaggi, Esquire, Lavery, Selvaggi, & Cohen, PC, Hackettstown, NJ; and

WHEREAS, the application was reviewed by the Land Use Board's professional engineer, Adam Wisniewski, PE, of Colliers Engineering and Design, who issued a Completeness Review dated November 21, 2025; and

WHEREAS, the application was reviewed by the Land Use Board's professional planner, Daniel N. Bloch, PE, PP, of Colliers Engineering and Design, who issued a Planning Review dated January 22, 2026; and

WHEREAS, the Applicant provided sworn testimony from their Architect John Mannino, AIA, Cerminara Architect, Hillsborough, NJ, who was qualified as an expert in architecture; and

WHEREAS, the Applicant provided sworn testimony from their Engineer and Planner Wayne Ingram, PE, P.P., from French & Parrello Associates, Hackettstown, NJ, who was qualified by the Board to testify as both an expert in Engineering and in Planning; and

WHEREAS, the following documents and plans were submitted by the Applicant:

1. Development Application, dated October 13, 2025

2. Owner's Letter of Consent, dated October 11, 2025
3. Ownership Disclosure, Lots 4.01, 12, 15, 16, 17, 18, 19, 20, 21, dated October 11, 2025
4. Site Inspection Authorization, dated October 13, 2025
5. Certificate of Paid Taxes, Lots 4.01, 12, 15, 16, 17, 18, 19, 20, 21, dated October 2, 2025
6. Certificate of Paid Taxes, Lot 3, dated October 2, 2025
7. Variance Checklist, dated September 30, 2025
8. Checklist Waiver Request letter, from French & Parrello, dated October 8, 2025
9. Prior Amended Preliminary and Final Major Site Plan and Variance Resolution, Application 14-01, memorialized July 22, 2014
10. Prior Amended Preliminary and Final Major Site Plan Resolution, memorialized February 25, 2003
11. Prior Amended Preliminary and Final Major Site Plan Resolution, memorialized January 23, 2001
12. Prior Amended Preliminary and Final Major Site Plan Resolution, memorialized September 6, 2000
13. Prior Amended Preliminary and Final Major Site Plan Resolution, memorialized September 28, 1999
14. Prior Preliminary and Final Major Site Plan with Variance Resolution, memorialized October 27, 1998
15. Prior Final Major Site Plan Resolution, memorialized February 25, 1992

16. Prior Preliminary Major Site Plan with Variances Resolution,
memorialized August 27, 1991
17. Existing Conditions Survey, prepared by Wayne Ingram,
PLS for French & Parrello Associates, dated August 8,
2024
18. “Variance Plans,” prepared by Wayne J. Ingram, PE,
PLS, PP, for French & Parrello, dated September 30,
2025
19. Historic Impact Statement,” prepared by John Mannino, AIA for
Cerminara Group, Inc. undated; and

WHEREAS, the Board does hereby make the following findings of fact and conclusions of law based upon the testimony and documentary evidence produced by the Applicant and Board/Town staff:

1. The subject hearing is the first of bifurcated hearings for the D(1) Use and D(4) FAR approval, the Applicant, per MLUL, shall return within the required two year period for preliminary and final site plan approvals from the Board, with bulk variance relief appropriate for the subject approved “D” variances.
2. The final site plan approvals for buildings and building materials shall appear as presented in the renderings presented to the Board as approved by the Board Engineer and the Board Planner at the subject hearing.
3. The subject property is adjacent to Block 120, Lots 1 & 3, which shares a common owner with the subject Application; but is the object of a separate bifurcated

application for which a hearing is being held on the same day. The Board takes judicial notice that these applications are considered separate independent applications, and will be considered accordingly.

4. The Applicant entity is owned by Sarabjit Sandhu, 59B Central Avenue, Madison, NJ. The owner was represented at the hearing by her spouse Dr. Parminderjeet Sandhu.
5. Mr. Selvaggi introduced John Mannino, Cerminara Architects, Hillsborough, NJ, who was sworn in by Board Attorney Zakin and qualified by the Board to testify as a Professional Architect.
 - a. Mr. Mannino presented Exhibit A1, titled "*Site Plan Key Plan*," dated January 27, 2026. The exhibit depicts three view angles of the properties at the top of the exhibit and an overall view of both proposed buildings looking east at the bottom of the exhibit.
 - b. Mr. Mannino also presented Exhibit A2, titled "*View 2 – Looking North*" (top of exhibit) and "*View 3 – Looking South*" (bottom of exhibit), dated January 27, 2026. The exhibit shows the proposed buildings as viewed in both directions. Mr. Mannino testified to the following:
 - i. The existing buildings on the lots are contemporary structures built in the late 1800s to early 1900s.
 - ii. The current structures consist of one-and-one-half (1½) to two-and-one-half (2½) story dwellings containing single- and two-family residences.
 - iii. The dwellings are in need of repair.

- iv. There are no historic architecturally redeeming features on the existing dwellings that are significant to the Town.
- v. The newly proposed apartments will incorporate architectural features that integrate with historic dwellings within the Town, including porches, extended gable overhangs, dentil trim work, and similar design elements.
- vi. The proposed development will consist of two large buildings. The northern building is designed to appear as five individual gabled homes. These homes will be interconnected and will contain a total of ten (10) apartment units—five (5) units on the first floor and five (5) units on the second floor.
- vii. All units within the northern building will consist of two-bedroom apartments.
- viii. Mr. Mannino testified that the south building will consist of eighteen units – nine (9) on the first floor and nine (9) on the second floor. The units in this building will consist of one bedroom and two bedroom units.
- ix. Mr. Mannino testified that this entire project will total no greater than 28 units, which will more than double the existing living units.
- x. Mr. Mannino referenced the proposed access configuration shown on Exhibit A1. Mr. DeAngelis inquired whether the roadway shown on the bottom right of the rendering was new or existing. Mr. Mannino clarified that the roadway is Little Street, an existing roadway.

- xii. Mr. Stead inquired if the access road being proposed along the back of the building will be used as a through street. Mr. Mannino explained that the intent is to create a one-way internal drive aisle between the buildings for residents.
- xiii. Mr. Mannino testified that vehicles would enter the site from Mountain Avenue and would exit from Water Street, so traffic would be directed away from Mountain Avenue.
- xiv. Mr. Mannino stated that the purpose of this design is to eliminate curb cuts along Mountain Avenue and reduce left turns onto Route 46.
- xv. Mr. DeAngelis asked if a traffic impact study was performed, to which Mr. Mannino stated there was not.
- xvi. The Board discussed the possibility of non-residents utilizing the drive aisle as a shortcut during periods of traffic congestion. Mr. Mannino stated that he does not expect that motorists would drive through the site but that the issue will be included in the traffic analysis.
- xvii. Mr. Mannino testified that the proposed buildings are not taller than the existing structures on site, which are under 35 feet.
- xviii. Mr. Mannino testified that the southern building will have elevator accessibility. The northern building will not have an elevator but will be accessible at grade from the parking lot side of the building.

6. Mr. Selvaggi introduced Engineer Wayne Ingrahm, PE, PP, French & Parello, Hackettstown, NJ, who was sworn in by Board Attorney Zakin and qualified by the Board to testify as both a Professional Engineer and a Professional Planner as follows:

- a. Mr. Ingram presented Exhibit A3 titled, "Proposed Site Plan", dated January 27, 2026 showing the proposed units surrounded by Mountain Avenue and Water Street, as well as the existing office building at the corner of Mountain Avenue and Water Street, which will remain unchanged
- b. Mr. Ingram testified that the parking lots of the proposed residential buildings and the existing office building would interconnect to allow for improved traffic conditions along Mountain Avenue. This would include an in-only access from Mountain Avenue with all traffic exiting onto Water Street.
- c. Mr. Ingram testified that a meeting was held with the New Jersey Department of Transportation (DOT), as Mountain Avenue is a state roadway. While two-way access could potentially be pursued, the applicant's proposal is intended to reduce traffic conflicts.
- d. Mr. Ingram testified that a few parking spaces would be removed in the rear of the office building to create the interconnection but that any minor parking loss would be offset by the installation of EV charging stations.
- e. Mr. Ingram testified to the following in regard to traffic impact:

- i. A conforming commercial use could generate approximately 730 trips per day
 - ii. The proposed 28-unit residential development is projected to generate approximately one-quarter of that volume.
 - iii. Thirteen residential units currently exist on the site; therefore, the net traffic increase would be substantially less.
 - iv. During the AM peak hour a conforming use could generate approximately 196 trips.
 - v. The proposed residential development is projected to generate approximately 17 trips.
- f. Mr. DeAngelis inquired whether the 17-trip estimate accounted for multiple occupants per unit. Mr. Ingram explained that the calculation is based on Institute of Transportation Engineers (ITE) trip generation standards, which account for typical occupancy patterns and peak-hour distribution.
- g. From a planning perspective, Mr. Ingram testified that:
- i. The proposed residential use generates substantially less traffic than a conforming commercial use.
 - ii. Reduced traffic impacts would benefit the Town, particularly along Mountain Avenue.
 - iii. The Town's Master Plan encourages interconnection of properties to minimize direct roadway access and reduce traffic conflicts.
- h. Mr. Anthony asked whether the exit from the rear of the existing doctor's office building could be restricted to a right-turn-only to reduce potential

traffic conflicts. Mr. Ingram stated that the applicant would not object to such a condition subject to NJDOT approval. Mr. Anthony also inquired if the alignment of the one-way entrance directly across from Little Street could be shifted so it is not a straight alignment to avoid potential accidents.

- i. Mr. Ingram testified that NJDOT generally prefers aligned intersections for safety and visibility reasons. However, if the Board preferred a slight shift and NJDOT did not object, the applicant would consider revising the alignment.
- j. Mr. Anthony inquired whether the one-way entrance would allow both right and left hand turns. Mr. Ingram testified that the proposed entrance would allow both right and left turns from Little Street.
- k. Mr. Ingram stated that if additional alignment adjustments or restrictions were required, the applicant would make those changes, provided emergency access and operational functionality are maintained.
- l. Mr. Ingram testified that the general site planning intent includes:
 - i. Pushing the buildings closer to the street frontage, consistent with the existing medical office building.
 - ii. Creating an improved streetscape appearance along the corridor.
 - iii. Locating parking to the rear to minimize visual impact.
 - iv. Providing additional buffer space to Water Street residents.
 - v. Incorporating fencing and landscaping for screening.
- m. Board Attorney Zakin asked whether the applicant would agree to incorporate the conditions and design recommendations outlined in the

Board Planner Bloch's Planning Review report dated January 22, 2026 as part of any approval. Mr. Ingram agreed to the recommendations listed in Mr. Bloch's Planning Review report.

- n. Mr. Ingram stated that a pre-application was submitted to the NJ Department of Transportation (DOT), for which they have begun to receive feedback from.
- o. Board Engineer Wisniewski inquired if the Hackettstown Municipal Utilities Authority (HMUA) has been contacted regarding this project. Mr. Ingram stated they have not yet contacted HMUA regarding the project.
- p. Mr. Ingram testified that the applicant is seeking D(1) Use Variance and D(4) Floor Area Ratio (FAR) variance relief. The property is located in the Community Commercial District and currently contains undersized lots, nonconforming structures, and multiple existing variances. The buildings are deteriorated, and the Historic Commission did not object to their removal.
- q. He stated that the site is particularly suitable for multifamily residential use due to the consolidation of multiple lots into a cohesive redevelopment tract, elimination of numerous driveway curb cuts along Mountain Avenue, improved traffic safety, upgraded building aesthetics, and its role as a transition between the commercial corridor and adjacent residential zone. The proposal includes rear parking, streetscape improvements, and sidewalk connectivity to downtown.
- r. Regarding the D(4) variance, Mr. Ingram testified that 25% FAR is permitted and 52.3% is proposed and total lot coverage remains compliant at 62.8%.

- s. The development includes a 20% affordable housing set-aside (approximately five to six units), resulting in a net increase of affordable housing on the site.
- t. Mr. Ingram testified that the proposal satisfies the positive and negative criteria, generates substantially less traffic than a conforming commercial use, improves site conditions, and advances several Master Plan goals, including reduced traffic congestion, coordinated redevelopment, and enhanced streetscape character.
- u. Mr. Ingram testified that the following purposes of the Municipal Land Use Law under N.J.S.A. 40:55D-2 are served by the subject proposal:
 - i. Purpose “A” – appropriate development promoting the “general welfare” as a development in keeping with the character of area
 - ii. Purpose “G” – appropriate locations for a variety of “residential” uses according to their “environmental requirements in order to meet the needs of New Jersey citizens”
 - iii. Purpose “H” – promoting the “free flow of traffic” and “discouraging location of such facilities and routes which will result in congestion or blight”
 - iv. Purpose “I” – favorable aesthetics creating a “desirable visual environment through creative development techniques and good civic design”
- v. Mr. Graf inquired about the amount of impervious coverage and what green space would be available to children who live in the apartments. Mr. Ingram testified that while there is not a lot of green space, there are local parks throughout the Town that can be utilized.
- w. Mr. Moore inquired if there is any consideration to rehabilitate the current housing. Mr. Ingram stated that there is no intention to rehabilitate the existing housing as it is blighted and in disrepair.

7. The Applicant has agreed to provide a minimum affordable housing set-aside of 20 percent of the total number of dwelling units. The Applicant shall deed restrict at least 20 percent of the units for low- and moderate-income households. Such affordable units shall comply with the Town's Affordable Housing Ordinance, the State Uniform Housing Affordability Controls (UHAC) regulations, the Fair Housing Act, and any other applicable affordable housing regulation or court decision.
8. Mr. Stout inquired how much time is anticipated before the applicant returns to the Land Use Board with a Site Plan Application. It was agreed that the Site Plan application will be filed within a two year time frame.
9. Vice Chairperson Stead asked if anyone from the public had any questions or comments at this time. No one from the public had any questions or comments at this time.
10. The Board finds and concludes that the subject property is particularly suited for the proposed use.
 - a. The Board finds and concludes that the benefits of the D(1) use variance requested for the Property in this Application substantially outweighs any detriment.
 - b. The Board finds and concludes the D(1) use variance requested for the Property can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

11. The Board further finds and concludes that the benefits of the D(4) Floor Area Ratio (FAR) Variance not to exceed 53%:
 - a. can be granted without substantial detriment to the public good
 - b. that the deviations from the FAR requirements do not cause substantial impairment of the intent and purpose of the master plan and zoning ordinance.
12. The Board finds that the benefits of the related bulk variances requested for the Property in this Application substantially outweighs any detriment.
13. Mr. Stout made a motion to approve the D(1) Use Variance to include a maximum of twenty-eight (28) multi-family units (including two three bedroom units to meet the affordable housing requirements), the D(4) Floor Area Ratio (FAR) Variance not to exceed 53%, the commercial lot (Lot 12) to remain unchanged, and a Site Plan application must be submitted to the Board within a two year time frame. Mr. Anthony seconded the motion; and

NOW THEREFORE, BE IT RESOLVED by the Land Use Board of the Town of Hackettstown on the 27th day of January 2026, that the application of S&S Real Estate Inc. for approval from Board for a D(1) Use Variance relief and for a D(4) Floor Area Ratio (“FAR”) Variance relief, subject to the following conditions:

- a. The payment of real estate taxes.
- b. The payment of any outstanding fees and assessments.

- c. Applicant has agreed to fully comply with all of the requirements contained in Board Engineer Adam Wisniewski report of November 21, 2025.
- d. Applicant has agreed to fully comply with all of the requirements contained in Board Planner Daniel Bloch report of January 22, 2026.
- e. Applicant shall provide a minimum affordable housing set-aside of 20 percent of the total number of dwelling units built. The Applicant shall deed restrict at least 20 percent of the units for low- and moderate-income households. Such affordable units shall comply with the Town's Affordable Housing Ordinance, the State Uniform Housing Affordability Controls (UHAC) regulations, the Fair Housing Act, and any other applicable affordable housing regulation or court decision.
- f. Applicant will return within the required two year period for preliminary and final site plan approvals with bulk variance relief appropriate for the subject approved "D" variances
- g. The final site plan approvals for buildings and building materials shall actually appear as presented in the renderings presented to the Board as approved by the Board Engineer and the Board Planner at the subject hearing.
- h. The terms of such approval are to be strictly in accord with the plans and testimony presented to the Board herein, and same are incorporated into this resolution by reference.
- i. The Applicant shall comply with all municipal, state, and federal code and inspection requirements.
- j. All fees, assessments, escrows and other monies due to the Town of Hackettstown shall be paid in full.
- k. The Applicant shall obtain all necessary governmental approvals from any other governmental agencies with jurisdiction.

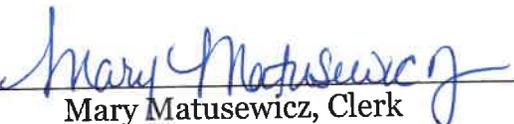
Motion to Approve: Mr. Moore
Motion to Second: Mr. Wolfram
Roll Call Vote:

Those in Favor: Moore Wolfram, Stead

Those Opposed: None

Those Abstained: Lamba Camporini

I hereby certify that the above is a true copy of a Resolution adopted by the Land Use Board of the Town of Hackettstown at its regular meeting held on February 24, 2026.

X. 
Mary Matusewicz, Clerk
Hackettstown Land Use Board

254 Mountain Avenue



NEW JERSEY HIGHLANDS COUNCIL

State of New Jersey Highlands Water Protection and Planning Council

100 North Road (Route 513), Chester, NJ 07930 | Telephone: (908) 879-6737 | Fax: (908) 879-4205

DISCLAIMER

Please be advised that any information generated in this report does not constitute a formal Consistency Determination from the Highlands Council. The information contained herein is provided solely for informational purposes and is not to be construed as providing advice, recommendations, endorsements, representations or warranties of any kind whatsoever.

Report for B127 L15 in HACKETTSTOWN TOWN



MOD IV Data	
Block	127
Lot	15
Municipality	HACKETTSTOWN TOWN
County	WARREN County
QCode	
Owner	N/A
Property Location	254 MOUNTAIN AVE
Zoning	Highway Commercial

NJ Highlands Data	
Planning Area	7.63 ac. (100.00%)
Preservation Area	-
Plan Conformance	Petition Approved (Preservation & Planning area)
Designated Center	Yes
Lot Size	7.63 ac.
Impervious Surface (2020)	2.03 ac. (26.58%)

Report for B127 L15 in HACKETTSTOWN TOWN (Continued)

PROPERTY REPORT

Agriculture

Agricultural Landscape >= 250 ac.	0 ac.
Agricultural Resource Area	0 ac.
Important Farmland Soils	0 ac.
Agricultural Uses	0 ac.

Critical Habitat

Confirmed Vernal Pool Buffer (300m)	0 ac.
Critical Wildlife Habitat	0 ac.
Significant Natural Area	0 ac.
Species Habitat	No species habitat present.

Forest Resources

Total Forest Area	4.40 ac. (57.65%)
Forest Resource Area	0 ac.
Core Forest	0 ac.
Forest Integrity Score - High	7.63 ac. (100.00%)
Forest Integrity Score - Moderate	0 ac.
Forest Integrity Score - Low	0 ac.

Geology

Carbonate Rock	7.63 ac. (100.00%)
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Historical & Archaeological

Archaeological 1 Sq. Mi. Grid	2.90 ac. (37.98%)
Historic District	No
Historic Property Name	

Land Use Capability Zones

Protection Zone (PZ)	0 ac.
Wildlife Management Sub-Zone (WMA)	0 ac.
Conservation Zone (CZ)	0 ac.
Conservation - Env. Constrained Sub-Zone (CECSZ)	0 ac.
Existing Community Zone (ECZ)	7.63 ac. (100.00%)
Existing Community - Env. Constrained Sub-Zone (ECECSZ)	0 ac.
Lake Community Sub-Zone (LCZ)	0 ac.

Open Water

Streams	
Wetlands	0 ac.
Open Water	0 ac.
Open Water Protection Area	0 ac.
Watershed Values - High	7.63 ac. (100.00%)
Watershed Values - Moderate	0 ac.
Watershed Values - Low	0 ac.

Preservation Priority

Special Environmental Zone	0 ac.
Conservation Priority Areas - High	0 ac.
Conservation Priority Areas - Moderate	0 ac.
Agricultural Priority Areas - High	0 ac.
Agricultural Priority Areas - Moderate	0 ac.

Preserved Open Space

Preserved Land	0 ac.
Scenic Resources	0 ac.

Riparian

Riparian Area	0 ac.
Wildlife Corridor	0 ac.
Riparian Integrity Score - High	7.63 ac. (100.00%)
Riparian Integrity Score - Moderate	0 ac.
Riparian Integrity Score - Low	0 ac.
Flood Prone Areas (1%)	0 ac.
Flood Prone Areas (0.2%)	0.54 ac. (7.02%)

Report for B127 L15 in HACKETTSTOWN TOWN (Continued)

PROPERTY REPORT

Steep Slope Protection Area

Severely Constrained	0.21 ac. (2.76%)
Moderately Constrained	0.11 ac. (1.39%)
Limited Constrained	0 ac.

Transportation

Transportation Score >= 3	2.09 ac. (27.40%)
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Utilities

Public Water System	N/A
Waste Water System	NJ0021369 / Hackettstown WPCF / HDSF

Water Quality

Lake Management Area	0 ac.
Known Contaminated Sites (NJ-DEP)	
Prime Groundwater Recharge	0.91 ac. (11.88%)
Wellhead Protection Area (community) - Tier 1	0 ac.
Wellhead Protection Area (community) - Tier 2	4.84 ac. (63.44%)
Wellhead Protection Area (community) - Tier 3	2.79 ac. (36.56%)

Water Quantity by Subwatershed

HUC14 Subwatershed Name	Musconetcong R (Trout Bk to SaxtonFalls)
Net Water Availability	-7.10-(-1.00) Million Gallons per Day

General Questions

If you have questions about the information contained in this report, please contact the Highlands Council at (908) 879-6737 or highlands@highlands.nj.gov. Additional information is also available via the links below.

[Highlands Council](#)
[Highlands Water Protection and Planning Act](#)
[Highlands Regional Master Plan](#)

Project Reviews

Please note that jurisdiction for project reviews in the Highlands Region is shared between the Highlands Council and the New Jersey Department of Environmental Protection. Information regarding the types of projects that require Highlands Council review is available on the Highlands Council website.

[Project Reviews](#)

Highlands Act Exemptions and Waivers

The Highlands Act creates seventeen exemptions that allow property owners to develop their properties without applying the enhanced environmental standards adopted by the New Jersey Department of Environmental Protection in the Preservation Area.

[Highlands Act Exemptions](#)
[Municipal Exemption Determinations](#)

Municipal and County Liaisons

A Highlands Council staff liaison is assigned to every highlands municipality or county involved in the Plan Conformance process. A list of liaisons is available at the Highlands Council website.

[Municipal Liaisons](#)

Highlands Plan Conformance Process and Status

Plan Conformance includes the revision of local planning and regulatory documents to integrate the land use and resource management requirements of the Highlands Act so those documents will conform to the goals, requirements and provisions of the Regional Master Plan (RMP). Plan conformance is required by the Highlands Act throughout the Preservation Area and is voluntary in the Planning Area.

[Plan Conformance](#)