

R 26-07

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF
LOPATCONG, WARREN COUNTY, NEW JERSEY,
ADOPTING THE FAIR SHARE PLAN PREPARED BY DANIEL N. BLOCH, P.P.,
A.I.C.P. OF COLLIERS ENGINEERING & DESIGN DATED MAY 16, 2025 AND
AMENDING THE HOUSING ELEMENT OF THE MASTER PLAN OF THE
TOWNSHIP OF LOPATCONG SO AS TO INCORPORATE THE CONCLUSIONS AND
RECOMMENDATIONS AS PROVIDED THEREIN**

WHEREAS, the Township of Lopatcong Planning Board (hereinafter referred to as “Board”) has adopted a comprehensive Master Plan and conducted a Re-Examinations of same and made certain amendments thereto; and

WHEREAS, the Township of Lopatcong has historically addressed affordable housing obligations as mandated through Southern Burlington County NAACP v. Township of Mount Laurel, 67 N.J. 151 (1975) and 92 N.J. 158 (1983) (hereinafter referred to as “Mount Laurel Doctrine”) through participation with the Council on Affordable Housing (hereinafter referred to as “COAH”) and for which the Board has adopted various amendments to the Township’s Housing Element and Fair Share Plan of the Township’s Master Plan; and

WHEREAS, the Board last amended the Master Plan’s Housing Element and Fair Share Plan on August 22, 2018 pursuant to the Township of Lopatcong’s settlement of its Declaratory Action for Fair Share Compliance approved by the New Jersey Superior Court on January 31, 2018, for which a Final Judgment of Compliance and Repose was entered by the Superior Court on January 10, 2019; and

WHEREAS, the New Jersey Fair Housing Act (hereinafter referred to as “Act”) was amended on March 20, 2024 by P.L. 2024, c. 2, which, inter alia, abolished COAH and established a new Mount Laurel Doctrine compliance process and mechanism for participating municipalities (hereinafter referred to as “Program”); and

WHEREAS, the Township of Lopatcong filed a Complaint for Declaratory Compliance and, as a product of participation in the Program, established Fourth Round affordable housing obligations of zero present need and eighty-one (81) unit prospective need for the years 2025 through 2035; and

WHEREAS, the Township of Lopatcong is within located within the area regulated by the New Jersey Highlands Water Protection and Planning Act, that impacts development build-out in various ways; and

WHEREAS, the Township of Lopatcong has entered into as settlement as to its Fourth Round Affordable Housing obligations with Fair Share Housing Center, which requires certain revisions to the Township’s Housing Element and Fair Share Plan; and

WHEREAS, Fourth Round Housing Element and Fair Share Plan prepared by Daniel N. Bloch, P.P., A.I.C.P. of Colliers Engineering & Design dated May 16, 2025 (hereinafter referred to as "2025 HEFSP"), addresses the amendments necessary to the Master Plan to enable the implementation of the Township's Mount Laurel Doctrine affordable housing compliance plan; and

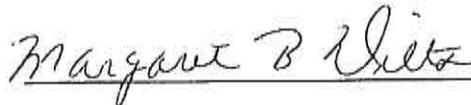
WHEREAS, the Township of Lopatcong Planning Board conducted a public hearing regarding the Housing Element and Fair Share Plan amendment to the Master Plan on February 26, 2026 said hearing having been noticed and conducted in accordance with the provisions of N.J.S.A. 40:55D-89, N.J.S.A. 40:55D-11 and N.J.S.A. 40:55D-13; and

WHEREAS, the Board finds that the 2025 HEFSP is reasonable and appropriately addresses the planning for the provision of affordable housing within the Township with due regard and consideration of environmental and other factors impacting such development;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Lopatcong, that it hereby adopts the 2025 Housing Element and Fair Share Plan as prepared by Daniel N. Bloch, P.P., A.I.C.P. of Colliers Engineering & Design as appended hereto and further amends the Housing Element and Fair Share Plan of the Township of Lopatcong's Master Plan so as to incorporate such recommendations and conclusions as contained therein.

The foregoing is a true copy of the Resolution adopted by the Planning Board of the Township of Lopatcong at its meeting of February 26, 2026.

Date: February 26, 2026



Beth Dilts, Planning Board Secretary



Engineering
& Design

Amended Fourth Round Housing Element & Fair Share Plan

Township of Lopatcong

February 13, 2026

Prepared for:

Township of Lopatcong
Warren County, New Jersey

Prepared by:

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Amended Fourth Round Housing Element & Fair Share Plan

Township of Lopatcong

Warren County, New Jersey

Adopted by the Planning Board: **May 28, 2025, Amended ____ , 2026**

Endorsed by the Mayor and Council: _____



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

LPL0002

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I. Introduction

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

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

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

Municipal Summary

The Township of Lopatcong contains approximately 7.45 square miles located in Warren County in northwestern New Jersey. Lopatcong is situated in the western portion of the County, along the Delaware River. Lopatcong borders the Town of Phillipsburg to the west, Harmony Township to the north, Franklin Township to the east, and Greenwich Township and Pohatcong Township to the south. Lopatcong is traversed by State Route 57 and US Route 22 (Memorial Parkway).

Lopatcong exhibits both rural and suburban characteristics, with higher density development located in the western portion of the Township, closest to Phillipsburg which is the largest urban community and employment center in Warren County. The eastern portion of the municipality contains lower density development and farmland parcels.

Lopatcong Affordable Housing Goals

It is the overall goal of the HEFSP to provide the planning context in which access to low- and moderate-income housing can be provided in accordance with the requirements of the Fair Housing Act, the laws of the State of New Jersey, the Highlands Regional Master Plan, and the natural limitations of the environs within the Township of Lopatcong.

In furtherance of Township efforts to ensure sound planning, this Plan incorporates the following goals and objectives with respect to future housing in the Highlands Area:

1. To the extent feasible, the zone plan 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.

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>

3. To the maximum extent feasible, to incorporate affordable housing units into any new residential construction that occurs within the Highlands Area including any mixed use, redevelopment, and/or adaptive reuse projects.
4. To preserve and monitor existing stocks 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 reuse.
 - 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 achieving 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 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 A.2d 713, 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. This landmark decision is commonly referred to as “Mount Laurel I” or the “Mount Laurel Doctrine”. The 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 another monumental decision in *Southern Burlington County NAACP v. Mt. Laurel*, 92 N.J. 158 (1983) 456 A.2d 390, which became known as the “Mount Laurel II” decision. In this case, the Supreme Court upheld and expanded upon the Mount Laurel I decision. Mount Laurel II clarified that the constitutional obligation applies to all municipalities, not just the “developing” municipalities as referenced in Mount Laurel I. Each municipality is required to establish zoning that provides a realistic opportunity for the construction of affordable housing to comply with the municipality’s fair share obligation. Mount Laurel II established the “Builder’s

Remedy" as a judicial mechanism to enforce the Mount Laurel Doctrine. A Builder's Remedy lawsuit allows a plaintiff (typically a developer) to challenge a municipality's zoning ordinance if it fails to create a realistic opportunity to provide affordable housing units to meet the constitutional fair share obligation.

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

Prior Rounds (1993-1999)

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

Lopatcong's Prior Round Compliance

The Township of Lopatcong received First Round substantive certification from COAH on September 4, 1991, and received Second Round substantive certification on January 5, 2000. COAH established Lopatcong's 1987-1999 pre-credited need at 105 affordable units, comprised of 56 new construction units and 49 rehabilitation units. Lopatcong's Second Round substantive certification included approval of 62 units of new construction.

Third Round (1999-2025)

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

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

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

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

methodologies used in the first and second rounds," within five months, which was later extended to November 2014.

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

After COAH failed to promulgate its revised rules by the November 2014 deadline, the Supreme Court made a ruling on March 10, 2015, 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 provides a municipality that had sought to use the FHA's mechanisms the opportunity to demonstrate constitutional compliance to a court's satisfaction before being declared noncompliant and then being subjected to the remedies available through exclusionary zoning litigation, including a builder's remedy.

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

On January 18, 2017, the Supreme Court ruled 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 Housing Element and Fair Share Reports, and most municipalities concluded the process with a judgment of repose and compliance ("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.

Lopatcong's Third Round Compliance

On June 8, 2010, Lopatcong filed a petition with COAH for Third Round substantive certification under N.J.A.C. 5:96 and N.J.A.C. 5:97. The petition was deemed complete by COAH on July 29, 2010; however, COAH never reviewed the petition.

Lopatcong Township then adopted another HEFSP on May 27, 2015, which was submitted to the New Jersey Superior Court as part of a Declaratory Judgment filed on July 5, 2015. The 2015 HEFSP utilized COAH's proposed third round rules under N.J.A.C. 5:99. Since N.J.A.C. 5:99 was never adopted by COAH, the Court ordered municipalities seeking substantive certification to rely on COAH's second round rules.

On July 5, 2017, the Township of Lopatcong entered into a settlement agreement with the Fair Share Housing Center ("FSHC"), which was approved by the New Jersey Superior Court on January 31, 2018. Pursuant to the Agreement, Lopatcong Township has a Third Round obligation of 152 units comprised of 3 rehabilitation share units; an unanswered prior obligation of 56 units of new construction; and a 93-unit fair share of prospective need requirement. Lopatcong adopted a HEFSP on August 22, 2018 to address those obligations and received a Final Judgement of Compliance and Repose ("JOR") on January 10, 2019.

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 A4, 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 FHA") 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 Lopatcong's present need obligation as 0 units and its Fourth Round prospective need obligation as 87 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 Township Council adopted a resolution accepting the DCA's calculations of the Township's present need of 0 units and challenging the prospective need obligation of 87 units. The Township identified discrepancies with the data for the land capacity factor. Once analyzed and updated to reflect the status of developable land, the land capacity factor was reduced which led to a reduction to the overall average allocation factor. Therefore, the Township requested that the obligation be reduced to 71 units.

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

During the 30-day challenge window, the Township of Lopatcong received a challenge to from the New Jersey Builder's Association ("NJBA"). NJBA's objection contended that Lopatcong 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 87. The Township and NJBA entered into mediation through the Affordable Housing Dispute Resolution Program ("the Program") and ultimately agreed that Lopatcong's prospective need obligation shall be 81 units.

The Lopatcong Township Planning Board adopted the HEFSP addressing the Fourth Round obligations on May 28, 2025, and it was subsequently filed with the Program and the Court on June 9, 2025 for review and approval.

The Fair Share Housing Center (FSHC) filed a letter pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Township's Adopted HEFSP on August 31, 2025 seeking additional information and documentation before the HEFSP may be approved by the Program and trial court. No other interested party filed a challenge or any other communication.

FSHC and the Township resolved the issues raised in the letter filed by FSHC and having agreed upon the entry and form of a Consent Order in resolution of all issues raised by FSHC upon completion of all conditions.

The Program and Court reviewed the Township's HEFSP, attachments, and proposed implementing ordinances and resolutions and determined that they meet the "objective standard" and are in compliance with the Fair Housing Act and the Mount Laurel doctrine so long as the conditions set forth in the Consent Order are met. This HEFSP is being amended to address the conditions of the Consent Order.

Affordable Housing Obligation

For the Fourth Round, Lopatcong accepted the DCA's calculations for the Present Need of 0 units and will address a Fourth Round Prospective Need obligation of 81 units.

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

1. Present Need (Rehabilitation Obligation): 0 units
2. Prior Round Obligation: 56 units
3. Third Round Obligation: 93 units
4. Fourth Round Obligation: 21 units

HOUSING ELEMENT

II. Required Content of Housing Element

The 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. Lopatcong's Population Demographics

The Township of Lopatcong's population saw rapid growth through the 1980s. During the 1950s, Lopatcong gained 966 new residents followed by 441 new residents during the 1960s, and 1,854 residents in the 70's. However, from 1980 to 1990 the Township's population has experienced only a slight increase before skyrocketing in 2010 through the increase of 2,249 residents. As of the 2023 ACS, the population of Lopatcong was 9,131, which is the largest population in Lopatcong's history since 1940's. See the table below for additional details.

Population Growth

Year	Population	Change	Percent
1940	1,450	--	--
1950	1,737	+287	19.8%
1960	2,703	+966	55.6%
1970	3,144	+441	16.3%
1980	4,998	+1,854	59.0%
1990	5,052	+54	1.1%
2000	5,765	+713	14.1%
2010	8,014	+2,249	39.0%
2020	8,776	+762	9.5%

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") projected that the Township's population will grow to 8,286 residents by 2050 from their baseline 2015 population of 7,863. This represents an increase of 423 residents, or an average increase of approximately 12 residents annually over 35 years. However, as noted above, the Township's estimated population according to the 2023 ACS is already 9,131, which is 1,172 greater than projected by the NJTPA.

Population Projection

Year	Population	Change	Percent
2015	7,863	---	---
2020	8,776	913	11.6%
2050	8,286	-490	-5.6%

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

Age Distribution of Population

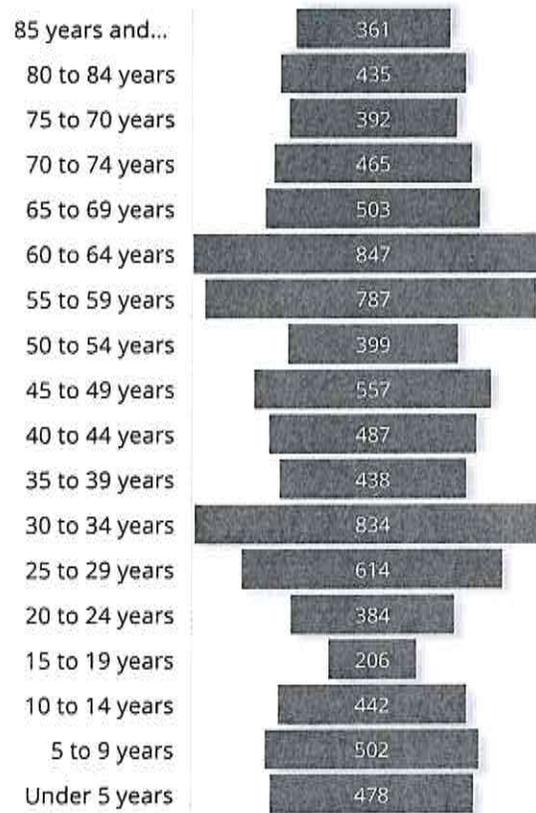
The 2023 ACS estimates just 23.6 percent of Lopatcong's population was 65 years or older, while 17.8 percent of the population was 19 years or younger. The largest age cohort was estimated to be those aged 60 to 64 years, which comprised 9.3 percent (847) of the Township's population.

Residents aged 30 to 34 years comprised the second-largest age cohort at 9.1 percent (834) of the population, followed closely by those aged 55 to 59 years at 8.6 percent (787) of the population. The median age was estimated at 46.4 years in the 2023 ACS. See the table and chart below for further details.

Population by Age Cohort

Age	Total	Percent
Under 5 years	478	5.2%
5 to 9 years	502	5.5%
10 to 14 years	442	4.8%
15 to 19 years	206	2.3%
20 to 24 years	384	4.2%
25 to 29 years	614	6.7%
30 to 34 years	834	9.1%
35 to 39 years	438	4.8%
40 to 44 years	487	5.3%
45 to 49 years	557	6.1%
50 to 54 years	399	4.4%
55 to 59 years	787	8.6%
60 to 64 years	847	9.3%
65 to 69 years	503	5.5%
70 to 74 years	465	5.1%
75 to 79 years	392	4.3%
80 to 84 years	435	4.8%
85 years and over	361	4.0%
Total	9,131	100%

Population by Age Cohort



Source: 2023 ACS Table S0101

Household Size & Type

According to the 2023 ACS, Lopatcong had 4,057 households of various types. A majority were married-couple households, which comprised just over 45 percent of all households. Of those, 739 had children under 18 years old. Male householders with no spouse present comprised only 17.6 percent of all households, while female householders with no spouse present comprised 29.2 percent. Of all households with no spouse present, 201 had children under the age of 18 (5 percent), while 1,467 were living alone (36.2 percent). See the table on the following page for complete details.

Household Type

Type	Number	Percent
Married-couple	1,825	45.0%
with children under 18	739	18.2%
Cohabiting couple	333	8.2%
with children under 18	93	2.3%
Male householder, no spouse	716	17.6%
with children under 18	30	0.7%
living alone	606	14.9%
Female householder, no spouse	1,183	29.2%
with children under 18	171	4.2%
living alone	861	21.2%
Total	4,057	100%

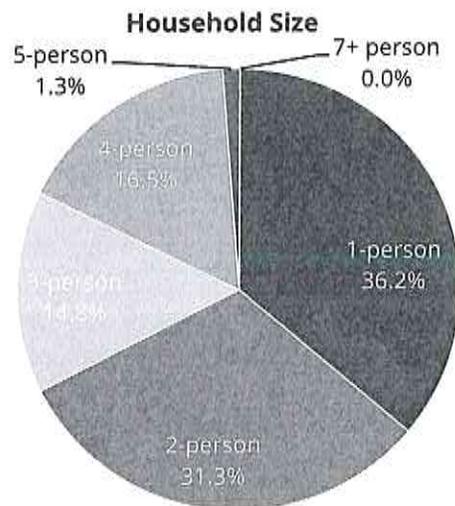
Source: 2023 ACS Table DP02

The most common household size in Lopatcong is one-person households, which comprises 36.2 percent of households in 2023. Two-person households comprised the second-largest number of households at just over 31 percent. Finally, four-person households comprised 16.5 percent of the 4,057 households in Lopatcong. The table and pie chart below graphically illustrate the household size composition in Lopatcong. Additionally, the 2023 ACS estimated the average household size at 2.19 persons, which is less than reported in the 2010 Census (2.46 persons).

Household Size

Size	Total	Percent
1-person	1467	36.2%
2-person	1,268	31.3%
3-person	602	14.8%
4-person	669	16.5%
5-person	51	1.3%
6-person	0	0%
7+ person	0	0%
Total	4,057	100%

Source: 2023 ACS Table B11016



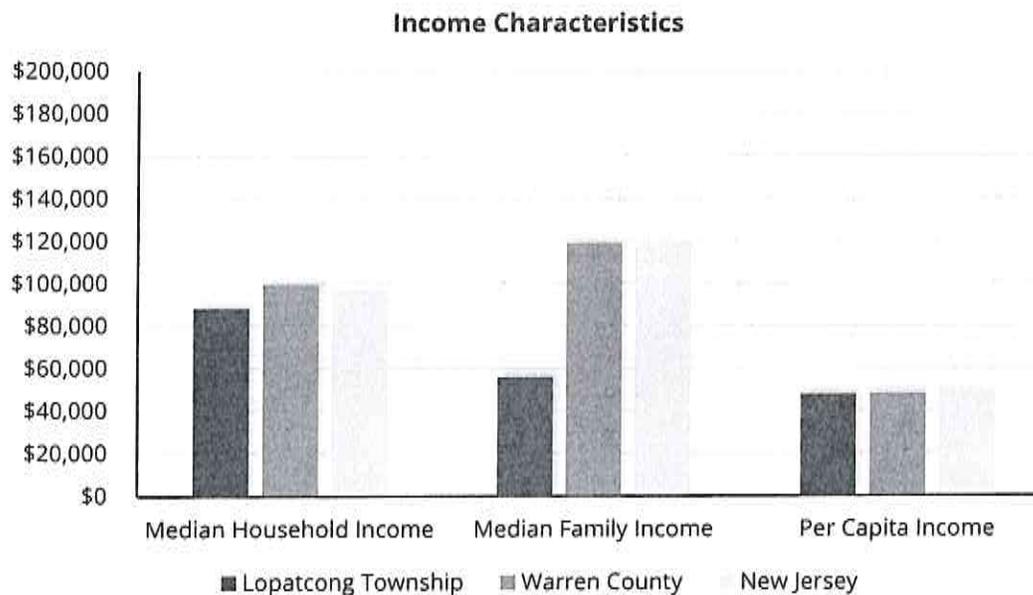
Income & Poverty Status

The 2023 ACS estimated the median household income for the Township of Lopatcong to be \$88,388, which is over \$11,000 less than Warren County's and \$8,000 less than the State's. Similarly, the median family income for Lopatcong was estimated at \$55,851, which is over \$63,000 below the County's and over \$63,000 below the State's. Finally, the Township's per capita income was estimated at \$47,653, which is less than the County's and the State's. Based on this data, residents of Lopatcong have a lower income across the board in comparison to the County and the State incomes. This is reflected in the poverty rates of individuals and families estimated in the 2023 ACS. Lopatcong's poverty rate for individuals was estimated at 8.1 percent, which is slightly less State's by 1.6 percent but higher than the County's. The Township's poverty rate for families was estimated at 5.6 percent, which is only 1.1 percent less than the State's and more than the County's by 3.3 percent. The table and bar chart below provide a comparison between income and poverty characteristics.

Income and Poverty Characteristics

Income Type	Lopatcong Township	Warren County	New Jersey
Median Household Income	\$88,388	\$99,596	\$97,126
Median Family Income	\$55,851	\$118,994	\$119,240
Per Capita Income	\$47,653	\$48,232	\$50,995
Poverty Status (Percent of People)	8.1%	3.8%	9.7%
Poverty Status (Percent of Families)	5.6%	2.3%	6.9%

Source: 2023 ACS Table DP03



According to the 2023 ACS, nearly 12.6 percent of households in Lopatcong (513) earn over \$200,000 annually. Household earning \$100,000 or more annually were estimated to include 1,796 households or 44.3 percent of all households in Lopatcong. 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 only 23.2 percent of households in Lopatcong earned less than \$50,000. See the table below for additional details.

Household Income

Income Range	Lopatcong Township		Warren County		New Jersey	
	Total	Percent	Total	Percent	Total	Percent
Less than \$10,000	211	5.2%	1,650	3.7%	139,920	4.1%
\$10,000 to \$14,999	58	1.4%	954	2.1%	102,608	3.0%
\$15,000 to \$24,999	251	6.2%	2,402	5.3%	185,476	5.4%
\$25,000 to \$34,999	146	3.6%	2,270	5.1%	196,998	5.7%
\$35,000 to \$49,999	274	6.8%	3,230	7.2%	281,264	8.2%
\$50,000 to \$74,999	625	15.4%	6,714	14.9%	455,543	13.2%
\$75,000 to \$99,999	696	17.2%	5,349	11.9%	397,730	11.6%
\$100,000 to \$149,999	761	18.8%	10,482	23.3%	620,335	18.0%
\$150,000 to \$199,999	522	12.9%	5,733	12.8%	396,837	11.5%
\$200,000 or more	513	12.6%	6,159	13.7%	661,451	19.2%
Total	4,057	100%	44,943	100%	3,438,162	100%

Source: 2023 ACS Table DP03

IV. Lopatcong's Housing Demographics

Housing Type

The 2023 ACS estimated the Township's housing stock at 4,156 units, which contains a variety of residential dwellings. Single-family, detached dwellings comprised a majority of the housing stock with 2,522 units or 60.7 percent of all dwellings. Attached dwellings (e.g. townhomes) comprised 479 units (11.5 percent), while two-family dwellings comprised 112 units (2.7 percent) of the housing stock. The Township contains 913 multi-family units (21.9 percent), which are buildings containing five or more dwelling units. See the table below for details. Of the estimated 1,485 units in 2023, 194 (or 13 percent) of the housing stock are affordable.

Housing Units in Structure

Structure	Number of Units	Percent
1-unit, detached	2,522	60.7%
1-unit, attached	479	11.5%
2 units	112	2.7%
3 or 4 units	130	3.1%
5 to 9 units	466	11.2%
10 to 19 units	352	8.5%
20 or more units	95	2.3%
Mobile Home	0	0%
Other (boat, RV, van, etc.)	0	0%
Total	4,156	100%

Source: 2023 ACS Table DP04

Occupancy Status

Of the 4,156 residential units, 4,057 units, or 97.6 percent of the housing stock, was occupied. This includes 3,119 owner-occupied units and 938 rental units. The 99 vacant units included properties classified as "For Sale" and "For Rent". See the table on the following page for details.

The 2023 ACS estimated the average household size in Lopatcong was 2.19 persons, while the average family size was 2.86 persons. Comparing tenure, the average owner-occupied household was 2.33, while the average renter-occupied household was 1.71 persons.

Occupancy Status

Status	Units	Percent
Occupied Total	4,057	97.6%
<i>Owner Occupied</i>	3,119	76.9%
<i>Renter Occupied</i>	938	23.1%
Vacant Total	99	2.4%
<i>For rent</i>	79	79.8%
<i>Rented, not occupied</i>	0	0%
<i>For Sale</i>	20	20.2%
<i>Sold, not occupied</i>	0	0%
<i>Seasonal</i>	0	0%
<i>For migrant workers</i>	0	0%
<i>Other</i>	0	0%
Total	4,156	100%

Source: 2023 ACS Tables DP04 & B25004

Value & Rent of Housing Stock

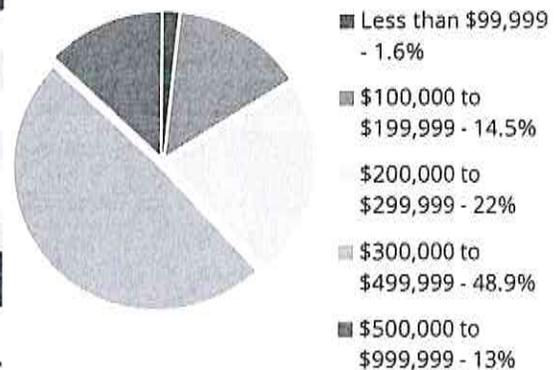
The 2023 ACS provided estimates for owner-occupied housing units in Lopatcong. According to the data, a plurality of homes in the Township were valued between \$300,000 and \$499,999 (48.9 percent). Homes valued between \$200,000 and \$299,999 comprised 22 percent of the owner-occupied housing units, while 14.5 percent of homes were estimated to be valued between \$100,000 and \$199,999. Only 13 percent of homes (405 units) were valued between \$500,000 and \$999,999, while no homes were estimated to be valued more than \$1 million. The median home value estimated in the 2023 ACS was \$298,600. See the table and chart below for details.

Value of Owner Occupied Units

Value	Number of Units	Percent
Less than \$99,999	50	1.6%
\$100,000 to \$199,999	452	14.5%
\$200,000 to \$299,999	686	22.0%
\$300,000 to \$499,999	1,526	48.9%
\$500,000 to \$999,999	405	13.0%
\$1,000,000 or more	0	0.0%
Total	3,119	100%
Median Value	\$298,600	

Source: 2023 ACS Table DP04

Value of Owner Occupied Units



The median rent in the Township is estimated at \$1,475, per the 2023 ACS. Looking at the rent ranges, 37.1 percent (348) of the Township's rental units fall between \$1,000 and \$1,499 per month. Units that cost between \$1,500 and \$1,999 comprise 24.8 percent (233 units), while 19.8 percent (186 units) cost between \$2,000 and \$2,499 per month. See the table and chart below.

Cost of Rentals

Cost	Number of Units	Percent
Less than \$1,000	0	0.0%
\$1,000 to \$1,499	38	12.3%
\$1,500 to \$1,999	235	76.3%
\$2,000 to \$2,499	35	11.4%
\$2,500 to \$2,999	0	0.0%
\$3,000 or more	0	0.0%
No rent paid	0	0.0%
Total	308	100%
Median (in dollars)	\$1,747	

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. All occupied homes were estimated to contain complete plumbing, kitchen facilities, and adequate heat.

Condition of Housing Stock

Condition	Number of Units	Percent
Lack of complete plumbing	0	0%
Lack of complete kitchen	0	0%
Lack of telephone service	0	0%
Lack of adequate heat	0	0%
Total Occupied Housing Units	4,057	0%

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, all of the Township's 4,057 occupied housing units contained 1.00 or less persons per room.

Occupants Per Room

Occupants	Number of Units	Percent
1.00 or less	4,057	100%
1.01 to 1.50	0	0%
1.51 or more	0	0%
Total	4,057	100%

Source: 2023 ACS Table DP04

Research has demonstrated that units built 50 or more years ago (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 Lopatcong. An estimated 1,013 units, or 24.4 percent, of the Township's housing stock were constructed prior to 1970 with 9.5 percent being constructed prior to 1940. Residential development in Lopatcong boomed during the 1990s and 2000s as an estimated 40.5 percent of the Township's housing stock was constructed during this era. Since 2010, only 211 homes have been constructed. See the table and chart on the following page for more details. The Township's Rehabilitation Obligation is 0 units, reflecting the good condition of these older homes.

It should be noted that the "2020 or later" line item may be inaccurate. The New Jersey Department of Community Affairs' ("DCA"), Division of Codes and Standards website provides data on building permits, certificates of occupancy, and demolition permits for both residential and non-residential development. We have reviewed the data from the State for 2020 through 2024 and 307 certificates

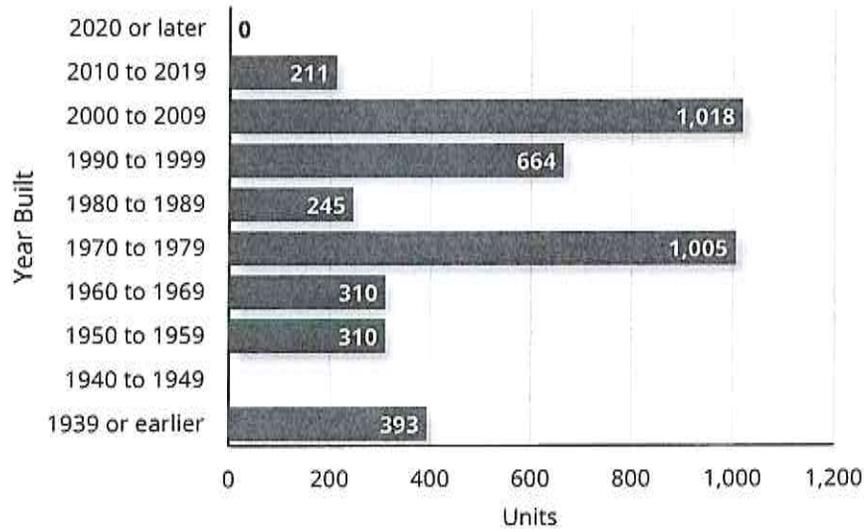
of occupancy have been issued for new residential units since the beginning of 2020. See the tables on page 25 for additional details.

Age of Housing Stock

Year Built	Number of Units	Percent
1939 or earlier	393	9.5%
1940 to 1949	0	0.0%
1950 to 1959	310	7.5%
1960 to 1969	310	7.5%
1970 to 1979	1,005	24.2%
1980 to 1989	245	5.9%
1990 to 1999	664	16.0%
2000 to 2009	1,018	24.5%
2010 to 2019	211	5.1%
2020 or later	0	0.0%
Total	4,156	100%

Source: 2023 ACS Table DP04

Age of Housing Stock



V. Lopatcong's Employment Demographics

The 2023 ACS estimated that Lopatcong had 5,148 residents over the age of 16 in the workforce. Of those, 4,837 (94 percent) were employed, which translates to a 6 percent unemployment rate. A majority of workers were private wage and salary worker (78.5 percent). However, 12.1 percent were workers employed by the government and 3.3 percent were self-employed. See the table below for details.

Class of Workers

Class	Workers	Percent
Private wage and salary workers	4,041	78.5%
Government workers	625	12.1%
Self-employed workers	171	3.3%
Unpaid family workers	0	0.0%
Total employed residents	4,837	94.0%
Total unemployed residents	311	6.0%
Total residents in workforce	5,148	100%

Source: 2023 ACS Table DP03

Occupational Characteristics

The 2023 ACS estimated 2,714 workers were employed management, business, science, and arts fields, which represents 56.1 percent of the Township's employed residents. Sales and office workers totaled 20 percent of employed residents, while 3.5 percent were employed in natural resources, construction, and maintenance jobs. See the table below for details.

Occupation of Employed Population

Occupation	Workers	Percent
Management, business, science, & arts	2,714	56.1%
Service	595	12.3%
Sales & office	968	20.0%
Natural resources, construction, & maintenance	170	3.5%
Production, transportation, & material moving	390	8.1%
Total	4,837	100%

Source: 2023 ACS Table DP03

Employment Projections

NJTPA's Plan 2050 estimates that the number of available jobs in Lopatcong will increase from 4,524 reported in 2015 to 4,798 in 2050. This represents an increase of 274 jobs, or an average annual increase of 7 jobs annually. However, as detailed in the following section, the New Jersey

Department of Labor and Workforce Development estimated a total of 180 jobs in Lopatcong in 2023, which is 4,798 less than projected by NJTPA. Utilizing this number, roughly 171 new jobs would need to be created within the Township each year for the next 27 years.

Employment Projection

Year	Jobs	Change	Percent
2015	4,524	---	---
2050	4,798	274	6.1%

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

In-Place Employment by Industry

New Jersey's Department of Labor and Workforce Development ("NJDLWD") is the entity that reports on employment and wages within the State of New Jersey through the Quarterly Census of Employment and Wages ("QCEW"). The latest Municipal Report was completed in 2023. According to the data, there were 180 private sector jobs within the Township, which were provided by an average of 9 employers. The Municipal Report redacts data from private-sector industries for not meeting minimum publication standards (construction, manufacturing, retail trade, etc.) The "Private Sector Total" row in the table provides the totals for the reported data only.

In the public sector, the 2023 QCEW Municipal Report indicated that there were two local government employers, which had an average of 179 employees, including one local government education employer providing an average of 123 jobs. See the table below.

Private and Public Sector Employment (2023)

Industry	Establishments		Employees		Annual Wages
	Total	Percent	Total	Percent	
Accommodations/Food/Retail	-	-	-	-	-
Admin/Waste Remediation	-	-	-	-	-
Construction/Manufacturing	-	-	-	-	-
Health/Social	-	-	-	-	-
Professional/Technical	-	-	-	-	-
Transportation/Warehousing	-	-	-	-	-
Private Sector Total	9	100%	180	100%	\$65,961
Local Government	2	100.0%	179	100.0%	\$63,529
Local Government - Education	1	50.0%	123	68.7%	\$61,744
Public Sector Total	2	100%	179	100%	\$62,637

Source: The table values above are sourced from the NJDLWD's QCEW 2023 Municipal Report. It is noted that this Report has redacted the 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 60 and 89 minutes, which was made by 779 workers (18.8 percent). A commute between 30 and 34 minutes followed close behind with 707 workers (17.1 percent). Rounding off the top three was a commute of 5 to 9 minutes, which was reported by 383 workers (9.2 percent). The mean travel time was estimated at 38.7 minutes. It should be noted that 231 workers (5.6 percent) reported a commute of more than an hour and a half. Additionally, 649 workers, or 13.4 percent of the Township's employed residents, reported working from home. See the table below.

Commute Time

Travel Time (minutes)	Workers	Percent
Less than 5	103	2.5%
5 to 9	383	9.2%
10 to 14	261	6.3%
15 to 19	269	6.5%
20 to 24	348	8.4%
25 to 29	211	5.1%
30 to 34	707	17.1%
35 to 39	227	5.5%
40 to 44	222	5.4%
45 to 59	401	9.7%
60 to 89	779	18.8%
90 or more	231	5.6%
Total	4,142	100.0%

Source: 2023 ACS Table B08303

VI. Projection of Housing Stock

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

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

As shown in the table below, the issuance of residential certificates of occupancy varies from year to year in the Township of Lopatcong. 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 Township, it is not expected that any significant residential developments will occur within the next ten years. The Township projects an average of 5 new dwellings per year, which could yield approximately 50 new units by 2035.

VII. Capacity for Fair Share

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

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

Land Capacity

Lopatcong'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 Lopatcong Township's total land area is encumbered by environmentally sensitive areas. Environmental constraints within the Township include the following:

- Waterbodies – 49.3 acres (1.0% of Township).
- Wetlands - 76.2 acres (1.6% of Township)
- FEMA Special Flood Hazard Area Zone AE – 237 acres (5% of Township).
- Steep Slopes Protection Area (greater than 15% slopes) – 952.7 acres (20.2% of Township)
- Critical Wildlife Habitat – 2,013.7 acres (42.6% of the Township's area)
- Highlands Open Water Protection Area ("OWPA") – 1,081.1 acres (21.6% of Township)
- Highlands Riparian Area – 993.3 acres (21% of Township)

In addition, the Township is located within the Highlands Region and is a fully conforming municipality. Therefore, development within the Township is also controlled and limited by the Highlands Regional Master Plan. As described in Chapter XI, the Township has prepared a highlands build-out study and determined the build-out to be 5 units for the Township.

Utility Capacity

Utility capacity impacts a community's ability to accommodate its present and prospective affordable housing needs. Portions of Lopatcong Township are services by public water and sewer.

Public wastewater treatment is provided by the Town of Phillipsburg Sewer Treatment Plant (Phillipsburg STP). Approximately 2,488 parcels representing about 940-acres of the community (20 percent of Lopatcong Township) are serviced by public sewer. Lopatcong Township has an agreement with the Town of Phillipsburg for treatment of its wastewater at the Phillipsburg Sewer Treatment Plant. The Phillipsburg STP also serves the municipalities of Alpha Borough, Pohatcong

Township and Greenwich Township. The Phillipsburg STP has a treatment capacity of 3.5 MGD. Lopatcong's current allocation is 801,000 GPD as per agreements with Phillipsburg. The remaining available capacity for the Phillipsburg STP is 295,000 GPD.

Pursuant to the Lopatcong Township Wastewater Management Plan (WMP) adopted in 2013 the balance of flow available for use in the Lopatcong Township Highlands Center, which includes the ROM South area, is 39,140 GPD (Table 10, p. 20).

Aqua New Jersey Water Company supplies domestic public water in Lopatcong Township. The current service area covers the entire Township. The utility serves approximately 2,585 customers in Lopatcong. In terms of parcels, this represents about 78 percent of the Township, but only about 27 percent of the Township's area. Aqua New Jersey draws its supply from four wells that have a combined capacity of approximately 5.93 million gallons a month (MGM). The NJ Highlands Council reports that the Phillipsburg division of Aqua NJ has an available capacity of 34.214 MGM⁷. Potable water not provided by Aqua New Jersey is supplied by private wells.

Appropriate Locations for Affordable Housing

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

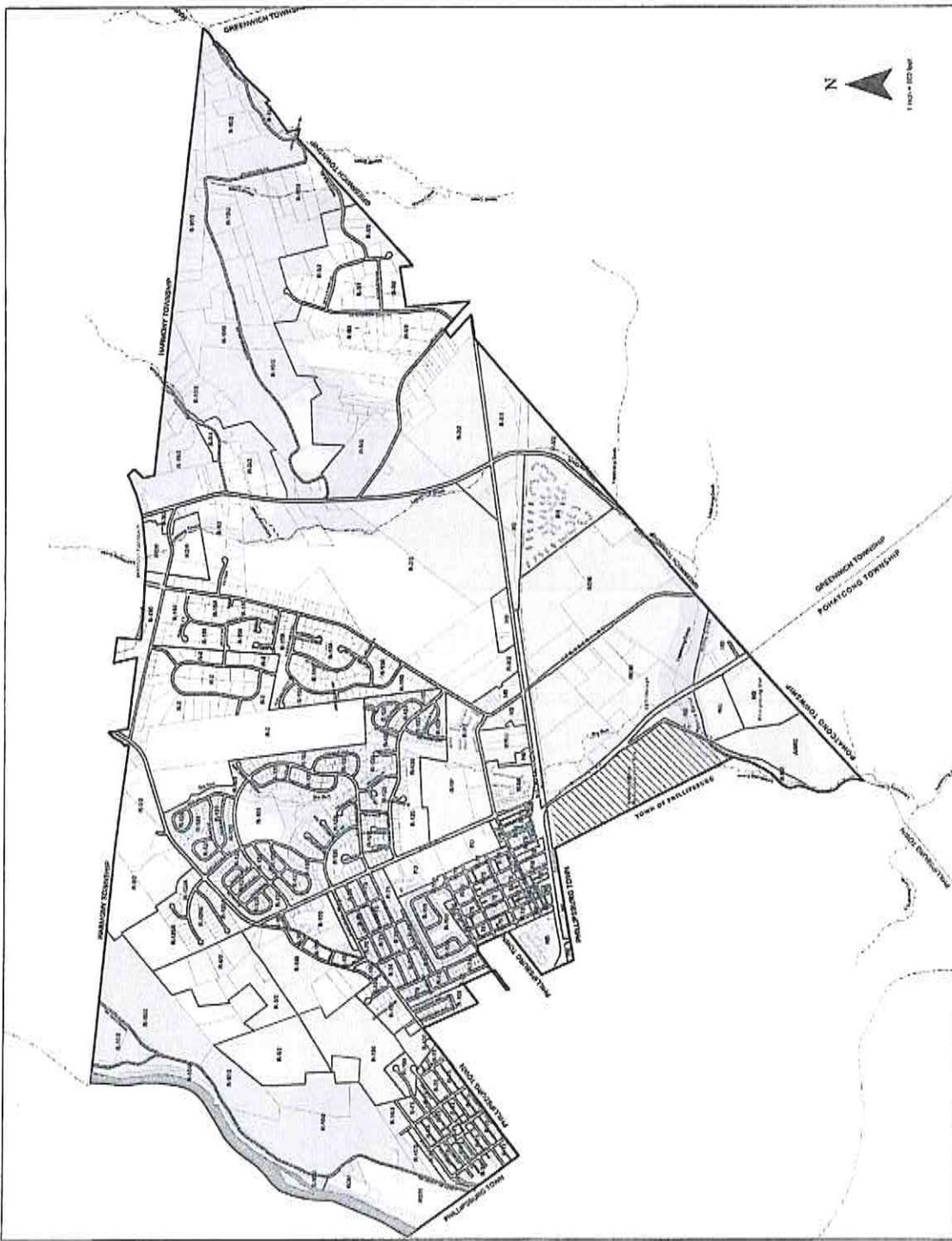
Existing structures appropriate for conversion to affordable housing may include ranch-style homes, which may be cost effective to buy and convert to an alternative living arrangement. As for structures suitable for rehabilitation, according to the Rehabilitation Obligation, 0 homes within the Township are in need of a major system repair (e.g. roof, electric, plumbing, etc.).

Potential Affordable Housing Developers

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

Anticipated Development Patterns

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



- Legend**
- TOWNSHIP ZONES**
- MFI II Multi-Family Age-Restricted
 - R-75 Residential (9,000 SF)
 - R-100 Residential (15,000 SF)
 - R-120 Residential (20,000 SF)
 - R-120A Residential (20,000 SF)
 - R-150 Residential (20,000 SF)
 - R-2 Residential (2-Acre)
 - R-3/2 Residential (3-Acre)
 - R-5/2 Residential (5-Acre)
 - R-10/2 Residential (10-Acre)
 - R-MF Residential Multi-Family
 - MFI Multi-Family Incubation
 - AH Affordable Housing
 - AAARC Active Adult Residential
 - RB Retail Business
 - HB Highway Business
 - PO Professional Office
 - RDM Research Office Manufacturing
 - PCSRD Overlay Zone
 - PD Overlay Zone
 - / Legalist Redevelopment Area
- HIGHLANDS ZONES**
- ZONE ID**
- P Protection
 - C Conservation
 - CEC Conservation Environmentally Sensitive
 - EC Estuary Community
 - CECX Existing Community Environmentally Sensitive
 - CEH Existing Highway Corridor
 - HES Historic Environmental Sensitive Site
 - WMA Wildlife Management Area

ZONING MAP
Township of Lopatcong
Warren County, NJ

prepared for:
 Township of Lopatcong
 232 South Third Street
 Phillipsburg, New Jersey 08865

prepared by:
 Ruggiero Plante Land Design LLC
 5900 Ridge Avenue
 Philadelphia, PA 19128

Date: April 2, 2012



Scale: 1/8" = 100' (Horizontal) 1/16" = 100' (Vertical) (Vertical Scale is for Reference Only)

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

IX. State Development & Redevelopment Plan Consistency

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

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

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

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

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

FAIR SHARE PLAN

X. 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.

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

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

2025 Regional Income Limits (Region 2)

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

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

XI. Lopatcong's Affordable Housing Obligation

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

Four-Part Obligation

Rehabilitation

Lopatcong accepted DCA's Rehabilitation Obligation of 0 units for the Fourth Round.

Prior Round (1987-1999)

Lopatcong received Second Round Substantive Certification in 2000 from COAH. The Township had 1987-1999 pre-credited need of 105 affordable units, comprised of 56 new construction units and 49 rehabilitation units.

Third Round (1999-2025)

For the Third Round, Lopatcong's Third Round HEFSP addressed a 93-unit prospective need for the 1999-2025 period, as well as a rehabilitation share of 3 units.

Fourth Round (2025-2035)

As indicated in the 2025 Order setting the Fourth Round obligations, Lopatcong's Fourth Round Obligation is 81 units.

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

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

Highlands Build-out Analysis

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 Lopatcong, 19 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 only 3 parcels in Lopatcong are vacant and available for development:

- Lot 10 in Block 100 is a 1.83-acre parcel located along Route 22 in the sewer service area. The parcel contains 1.36 acres of developable (unconstrained) land.
- Lot 67 in Block 86 (informally known as the "Bowling Alley" lot) is a 108.5-acre farmland parcel located along Belvidere Road. The parcel contains 106.61 acres of developable (unconstrained) land.
- Lot 30 in Block 95 is a 114-acre farmland parcel located along State Route 57 and County Route 519, adjacent to the Architects Golf Club. The parcel contains 75.47 acres of developable (unconstrained) land.

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

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.

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 Township. 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.

For Lopatcong, the one developable parcel in the sewer service area is assigned a density of 6 units per acre, which yields 8 total units, and an RDP of 1.6 units. The two parcels outside of the sewer service area are calculated development potential based on the septic density assigned by the Highlands Council, which yields a total of 26.5 units, and an RDP of 5.3 units. In total, Lopatcong's realistic development potential is 5.3 affordable units.

In addition to the build-out, the Township must identify properties that may be suitable for redevelopment. There are presently no sites identified in Lopatcong as being in need of redevelopment. The Township had previously declared two parcels in need of redevelopment which have already been redeveloped and are no longer available. The former Ingersol Rand site was redeveloped with a warehouse and Lot 44 in Block 2 was redeveloped with the Phillipsburg High School. The former Phillipsburg Mall site, located in both Lopatcong and Pohatcong Townships, has been approved for redevelopment with a warehouse and is presently under construction. No other sites have been identified as potential redevelopment areas in Lopatcong.

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 6 units.

Notwithstanding the results of the Highlands Buildout, Lopatcong Township is not seeking a vacant land adjustment pursuant to N.J.A.C. 5:93-4.2. The Township intends to comply with the 81 unit Fourth Round prospective need obligation with existing affordable housing developments.

XII. 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) | 3 units

Lopatcong applied 3 new construction credits from the Overlook at Lopatcong development to satisfy the Third Round rehabilitation share (1999-2025).

Fourth Round Rehabilitation Share (2025-2035) | 0 units

Lopatcong operates a rehabilitation program. Since the Township has a Fourth Round rehabilitation share of 0 units, there is no obligation to continue the program for the 2025-2035 period.

Prior Round (1987-1999) Mechanisms & Credits | 105 units

Existing Credits

1. *Lopatcong Area Senior Housing (Clymer Village)*

The Lopatcong Senior Housing (Clymer Village) located on Red School Lane is a 100 percent affordable age-restricted development containing a total of 81 age-restricted rental units, of which 14 units are applied to the Prior Round obligation. Age-restricted units are capped at 25 percent of the Prior Round obligation, which is 14 for Lopatcong (56 unit obligation x 25% = 14 units max). The Township is applying 14 units and 2 rental bonus credits from Clymer Village to the Prior Round.

2. *Overlook at Lopatcong*

Overlook at Lopatcong is an inclusionary townhouse and condominium development built in 2001 containing 386 total units, including 22 non-age-restricted owner-occupied affordable housing units. Lopatcong is applying 16 of the 22 units towards the Prior Round Obligation.

3. *Sycamore Landing*

Sycamore Landing is an inclusionary rental development built in 2017 containing 247 total units, including 50 non-age-restricted affordable rental units. Lopatcong is applying 12 of the 50 units towards the Prior Round Obligation. The Township is applying 12 units and 12 rental bonus credits from Sycamore Landing to the Prior Round.

4. *Rental Bonus Credits*

Pursuant to N.J.A.C. 5:93-5.15(d), as a bonus, the Township 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 Prior Round are capped at the rental obligation, which is 25 percent of the new construction obligation. For the Prior Round, Lopatcong has a rental obligation of 14 units and therefore, may apply up to 14 bonus credits. Lopatcong will utilize 14 rental bonus credits for units within Clymer Village and Sycamore Landing to satisfy the Prior Round obligation.

Summary of Prior Round Credits

As shown in the table below, the Township has total of 42 affordable units and 14 rental bonus credits to address the Prior Round obligation.

PRIOR ROUND CREDITS							
Project	Credit Type	Status	Total Units	Available Credits	Prior Round		
					Units	Bonus	Total
Lopatcong Senior Housing (Clymer Village)	AR/R	Existing	81	81	14	2	16
Overlook at Lopatcong	NAR/S	Existing	386	22	16	0	16
Sycamore Landing	NAR/R	Existing	247	50	12	12	24
Total					42	14	56
Obligation					56		
Key: NAR/R – Family Rental NAR/S - Family Sale AR/R – Senior Rental AR/S – Senior Sale							

Third Round (1999–2025) Mechanisms & Credits | 93 units

Existing Credits

1. Lopatcong Senior Housing (Clymer Village)

Lopatcong Senior Housing (Clymer Village) located on Red School Lane is a 100 percent affordable age-restricted development containing a total of 81 age-restricted rental units, of which 23 units are applied to the Third Round obligation. Age-restricted units are capped at 25 percent of the Third Round obligation, which is 32.25 for Lopatcong (93 unit obligation x 25% = 23.25 units max).

2. Overlook at Lopatcong

Overlook at Lopatcong is an inclusionary townhouse and condominium development built in 2001 containing 386 total units, including 22 non-age-restricted owner-occupied affordable housing units. Lopatcong is applying 3 of the 22 units towards the Third Round obligation.

3. Sycamore Landing

Sycamore Landing is an inclusionary rental development built in 2017 containing 247 total units, including 50 non-age-restricted affordable rental units. Lopatcong is applying 38 of the 50 units towards the Third Round Obligation. The Township is applying 38 units and 24 rental bonus credits from Sycamore Landing to the Third Round.

4. Supportive & Special Needs

Lopatcong has claimed 11 units of credit for supportive and special needs housing:

- ARC of Warren County operates a four-bedroom group home on Hampton Court, which is available for 4 units of credit for the Third Round.
- Alternative's, Inc. operates a three-bedroom group home on 7th Street, which is available for 3 units of credit for the Third Round.
- Alternative's, Inc. operates a four-bedroom group home on James Avenue, which is available for 4 units of credit for the Third Round.

Lopatcong will apply 5 supportive and special needs credits towards the Third Round obligation.

5. Rental Bonus Credits

Pursuant to N.J.A.C. 5:93-5.15(d), the Township 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, Lopatcong has a rental obligation of 24 units and therefore, may apply up to 24 bonus credits. Lopatcong will utilize 24 rental bonus credits for units within Sycamore Landing to satisfy the Third Round obligation.

Summary of Third Round Credits

As shown in the table below, the Township has total of 69 affordable units and 24 rental bonus credits to address the Third Round obligation.

THIRD ROUND CREDITS							
Project	Credit Type	Status	Total Units	Available Credits	Third Round		
					Units	Bonus	Total
Lopatcong Senior Housing (Clymer Village)	AR/R	Existing	81	81	23		23
Overlook at Lopatcong	NAR/S	Existing	386	22	3		3
Sycamore Landing	NAR/R	Existing	247	50	38	24	62
Supportive & Special Needs	SSN	Existing		11	5		5
Total					69	24	93
Obligation					93		
<i>Key: NAR/R – Family Rental NAR/S - Family Sale AR/R – Senior Rental AR/S – Senior Sale</i>							

Fourth Round (2025-2035) Mechanisms & Credits | 81 units

1. Lopatcong Senior Housing (Clymer Village)

Lopatcong Senior Housing (Clymer Village) located on Red School Lane is a 100 percent affordable age-restricted development containing a total of 81 age-restricted rental units, of which 20 units are being applied to the Fourth Round obligation. Age-restricted units are capped at 30 percent of the units addressing the Fourth Round obligation, which is 20 unit for Lopatcong (67 units x 30% = 20 units max). The Township is applying 20 units and 10 age-restricted bonus credits from Clymer Village to the Fourth Round.

2. Supportive & Special Needs

Lopatcong has claimed 11 units of credit for supportive and special needs housing:

- ARC of Warren County operates a four-bedroom group home on Hampton Court, which is available for 4 units of credit for the Third Round.
- Alternative's, Inc. operates a three-bedroom group home on 7th Street, which is available for 3 units of credit for the Third Round.
- Alternative's, Inc. operates a four-bedroom group home on James Avenue, which is available for 4 units of credit for the Third Round.

Lopatcong will apply 6 supportive and special needs credits and 6 bonus credits towards the Fourth Round obligation.

3. Delaware Park School Apartment

There is an existing one-bedroom apartment constructed in 2016 located on North Second Street. Lopatcong will apply 1 unit of credit towards the Fourth Round.

4. Autumn Ridge

Autumn Ridge is an existing inclusionary family rental development located along State Route 57. Autumn Ridge contains 198 total units constructed in 2001, including 40 family rental affordable units. Lopatcong will apply 40 units of credit towards the Fourth Round.

5. Bonus Credits

In accordance with A4, the Township may claim 1.5 units of credit for age-restricted units or 2 units of credits for special needs credits for the Fourth Round. Bonuses for the Fourth Round are capped at the rental obligation, which is 25 percent of the RDP. For the Fourth Round, Lopatcong has a rental obligation of 21 units and therefore, may apply up to 21 bonus credits. Lopatcong will utilize 10 age-restricted bonus credits from Clymer Village and 6 special needs bonus credits to satisfy the Fourth Round obligation.

FOURTH ROUND CREDITS							
Project	Credit Type	Status	Total Units	Available Credits	Fourth Round		
					Units	Bonus	Total
Lopatcong Senior Housing (Clymer Village)	AR/R	Existing	81	81	20	10	30
Supportive & Special Needs	SSN	Existing		11	6	6	12
Delaware Park School Apartment	NAR/R	Existing	1	1	1		
Autumn Ridge	NAR/R	Existing	198	40	40		40
Total					67	16	82
Obligation					81		
Key: NAR/R – Family Rental NAR/S - Family Sale AR/R – Senior Rental AR/S – Senior Sale							

Excess Credits to be Carried

The Township intends to reserve the following existing or proposed credits to be applied towards future affordable housing obligations in conformance with then-applicable law:

1. Lopatcong Senior Housing (Clymer Village)

Lopatcong Senior Housing (Clymer Village) located on Red School Lane is a 100 percent affordable age-restricted development containing a total of 81 age-restricted rental units. Due to age-restricted caps for the Prior Round, Third Round, and Fourth Round, the Township is only able to claim credit for 57 of the 81 age-restricted units in Clymer Village, leaving 24 units available for credit in future rounds.

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		
					Units	Bonus	Total	Units	Bonus	Total	Units	Bonus	Total
Lopatcong Senior Housing (Clymer Village)	AR/R	Existing	81	81	14	2	16	23		23	20	10	30
Overlook at Lopatcong	NAR/S	Existing	386	22	16	0	16	3		3			
Sycamore Landing	NAR/R	Existing	247	50	12	12	24	38	24	62			
Supportive & Special Needs	SSN	Existing		11				5		5	6	6	12
Delaware Park School Apartment	NAR/R	Existing	1	1							1		1
Autumn Ridge	NAR/R	Existing	198	40							40		40
Total					42	14	56	69	24	93	67	16	83
Obligation					56			93			81		
Age-Restricted					14			23			20		
Max Age-Restricted					14			23			20		
Max Bonus					14			24			21		
<i>Key: NAR/R – Family Rental NAR/S - Family Sale AR/R – Senior Rental AR/S – Senior Sale</i>													

XIII. Appendix