

**RESOLUTION NO. 58-2025****RESOLUTION OF THE COUNCIL OF THE TOWNSHIP OF EAST HANOVER  
COMMITTING TO ROUND 4 PRESENT AND PROSPECTIVE NEED  
AFFORDABLE HOUSING OBLIGATIONS**

**WHEREAS**, the Township has a demonstrated history of voluntary compliance as evidenced by its Round 3 record; and

**WHEREAS**, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on July 7, 2015, the Township of East Hanover (hereinafter “East Hanover” or the “Township”) filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan (hereinafter “Fair Share Plan”), to be amended as necessary, satisfies its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine,” and

**WHEREAS**, that culminated in a Court-approved Housing Element and Fair Share Plan and a Final Judgment of Compliance and Repose, which precludes builder’s remedy lawsuits until July 1, 2025; and

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2 (hereinafter “A4” or “Amended FHA”); and

**WHEREAS**, A4 calculates the size of the regional affordable housing need as follows “projected household change for a 10-year round in a region shall be estimated by establishing the household change experienced in the region between the most recent federal decennial census, and the second-most recent federal decennial census. This household change, if positive, shall be divided by 2.5 to estimate the number of low- and moderate-income homes needed to address low- and moderate-income household change in the region, and to determine the regional prospective need for a 10-year round of low- and moderate-income housing obligations...”; and

**WHEREAS**, this means that the regional need equates to 40% of regional household growth; and

**WHEREAS**, the 1985 version of the Fair Housing Act and A4 both prohibit a result that would compel a municipality to spend its own money on compliance; and

**WHEREAS**, the theory which permits a municipality to meet its obligations without municipal subsidy is zoning for “inclusionary zoning”; and

**WHEREAS**, inclusionary zoning most typically requires a 15% or 20% set aside; and

**WHEREAS**, it is not clear how a regional need predicated upon 40% of anticipated growth can be met with 15-20% set asides and without municipal subsidy; and

**WHEREAS**, this is exacerbated by the fact that certain other municipalities in the region have an allocation of 0% of the prospective need (new construction obligation), irrespective of the growth in that particular municipality; and

**WHEREAS**, A4 yields a statewide new construction obligation of over 8,400 affordable units per year; and

**WHEREAS**, this is a substantially higher annual number than was imposed by COAH in the "Prior Round" or any iteration of its Round 3 regulations; and

**WHEREAS**, A4 determines the size of the regional need, but does not calculate allocation of the need to individual municipalities; and

**WHEREAS**, instead, A4 required the Department of Community Affairs ("DCA") to produce non-binding estimates of need on or before October 20, 2024, which it did provide on October 18, 2024 ("DCA Report"); and

**WHEREAS**, the DCA Report calculates the Township's Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 0 units and a Prospective Need or New Construction Obligation of 315 units; and

**WHEREAS**, the Township accepts the conclusions in the DCA Report, except regarding the land capacity allocation factor; and

**WHEREAS**, as to the **Land Capacity Allocation Factor**, the Township notes that the DCA belatedly provided the data it used to establish this factor, i.e., on or about November 27, 2024 instead of by October 20, 2024; and

**WHEREAS**, the Township further notes that the link to the DCA GIS data that the DCA belatedly made available to municipalities includes the following language: The land areas identified in this dataset are based on an the best available data using publicly available data enumerated in N.J.S.A. 52:27D-304.3c.(4) to estimate the area of developable land, within municipal and regional boundaries, that may accommodate development. **It is important to note that the identified areas could be over or under inclusive depending on various conditions and that municipalities are permitted to provide more detailed mappings as part of their participation in the Affordable Housing Dispute Resolution Program.**" (emphasis added); and

**WHEREAS**, the DCA maintains that the areas the DCA identified as developable are indeed overinclusive and, consequently, the Township's Professional Planner, has prepared a report, attached hereto as Exhibit A; and

**WHEREAS**, correcting the allocation factors results in the Township's Round 4 Prospective Need Obligation being 271 units rather than the 315 units the DCA calculated; and

**WHEREAS**, Section 3 of A4 provides that: "the municipality's determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7" of A4; and

**WHEREAS**, Township's calculation of need is entitled to a "presumption of validity" because it complies with Sections 6 and 7 of A4; and

**WHEREAS**, the Township specifically reserves the right to adjust those numbers based on one or any of the foregoing adjustments: 1) a windshield survey or similar survey which accounts for a higher-resolution estimate of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment (whether predicated upon lack of sewer or lack of water); and/or 4) an adjustment predicated upon regional planning entity formulas, inputs or considerations, including, but not limited to the Highlands Regional Master Plan and its build out, the Pinelands or Meadowlands regulations and planning document; and

**WHEREAS**, in addition to the foregoing, the Township specifically reserves all rights to revoke or amend this resolution and commitment, as may be necessary, in the event of a successful challenge to A4 in the context of the Montvale case (MER-L-1778-24), any other such action challenging A4, or any legislation adopted and signed into law by the Governor of New Jersey that alters the deadlines and/or requirements of A4; and

**WHEREAS**, in addition to the foregoing, the Township reserves the right to take a position that its Round 4 Present or Prospective Need Obligations are lower than described herein in the event that a third party challenges the calculations provided for in this Resolution (a reservation of all litigation rights and positions, without prejudice); and

**WHEREAS**, in light of the above, the Mayor and Council finds that it is in the best interest of Township to declare its obligations in accordance with this binding resolution and in accordance with the Act and

**WHEREAS**, in addition to the above, the Acting Administrative Director issued Directive #14-24, dated December 13, 2024, and made the directive available later in the week that followed; and

**WHEREAS**, pursuant to Directive #14-24, a municipality seeking a certification of compliance with the Act shall file an action “in the form of a declaratory judgment complaint . . . within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner”; and

**WHEREAS**, nothing in this Resolution shall be interpreted as an acknowledgment of the legal validity of the AOC Directive and the Township reserves any and all rights and remedies in relation to the AOC Directive; and

**WHEREAS**, the Township seeks a certification of compliance with the Act and, therefore, directs its Affordable Housing Counsel to file a declaratory relief action within 48 hours of the adoption of this resolution; and

**NOW, THEREFORE, BE IT RESOLVED** on this 25<sup>th</sup> day of January, 2025, by the Council of the Township of East Hanover, Morris County, State of New Jersey, as follows:

1. All of the Whereas Clauses are incorporated into the operative clauses of this resolution.

2. The Mayor and Council hereby commit to a Present Need Obligation of 0 units and the Round 4 Prospective Need Obligation of 271 units as described in this resolution subject to all reservations of rights, which specifically include:

a) The right to adjust the number based on a windshield survey, lack of land, sewer, water, regional planning inputs, or any combination thereof;

b) As described in the WHEREAS section, all rights to revoke or amend this resolution in the event of a successful legal challenge, or legislative change, to A4;

c) All rights to take any contrary position in the event of a third party challenge to the obligations.

3. The Township hereby directs its Affordable Housing Counsel to file a declaratory judgment complaint within 48 hours after adoption this resolution attaching this resolution.

4. The Township hereby directs its Affordable Housing Counsel to (a) file this Resolution with the “Program” pursuant to the requirements on A4.

5. The Township hereby directs that this Resolution be published on the municipal website within forty-eight (48) hours of its passage, pursuant to A4.

6. This resolution shall take effect immediately, according to law

I, Nicolette J. Calabro, R.M.C., Township Clerk of the Township of East Hanover, County of Morris, hereby certify the foregoing to be a true copy of a Resolution adopted by the Township Council at a Special Meeting held on January 28, 2025.

  
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Nicolette J. Calabro, R.M.C  
Township Clerk

	YES	NO	ABSTAIN	ABSENT
<b>Councilman DeMaio</b>	✓			
<b>Councilwoman Jandoli</b>	✓			
<b>Councilman Martorelli</b>	✓			
<b>Council President Brokaw</b>	✓			
<b>Mayor Pannullo</b>	✓			

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## Memorandum

To: Joseph Tempesta, Jr., Township Administrator, Township of East Hanover  
From: Darlene A. Green, PP, AICP  
Date: January 20, 2025  
Subject: Review and Findings of DCA Land Capacity Analysis GIS Data  
Project No.: EHT-017A

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This office serves as the Planner for the Township of East Hanover. On March 20, 2024, the Governor signed Bill A4, referred to as P.L. 2024, c.2. This new law modifies the Fair Housing Act, specifically N.J.S.A. 52:27D-304.3, which concerns the methodology to determine the prospective (Fourth Round) affordable housing obligation.

Three factors are employed to allocate the Regional Need to each applicable community – equalized non-residential valuation, income capacity, and land capacity. N.J.S.A. 52-27D-304.3c.(4) describes the land capacity factor and the steps to determine developable land. The law requires the use of the “land use/land cover data” most recently published by the Department of Environmental Protection (“DEP”) as one of the analysis inputs.

P.L. 2024, c.2. tasked the Department of Community Affairs (“DCA”) with calculating the Fourth Round affordable housing obligations. DCA released a report entitled Affordable Housing Obligation for 2025-2035 (Fourth Round) Methodology and Background (“DCA Report”).<sup>1</sup> This report describes the steps taken to compute the Fourth Round Obligation. Page 15 of the report states, “The datasets mandated for use by the legislation have significant limitations in their use. The LULC data reflect a geographic depiction of the classification system established by the U.S. Geological Survey (Anderson Codes) and modified by DEP. Based on aerial imagery from 2020, land areas are identified by category to reflect uses and coverages.”

P.L. 2024, c.2. also modified N.J.S.A. 52:27D-304.1 regarding requirements, specifically subsection a. which states, “Each municipality shall determine its municipal present and prospective need obligations...and may take into consideration the calculations in the report published by the department...”

The DCA Report was released on October 18, 2024. It was accompanied by a detailed spreadsheet illustrating the various calculations used in determining the Fourth Round affordable housing obligations. The spreadsheet includes a tab for each of the three allocation factors (land capacity, equalized non-residential valuation, and income capacity). However, the spreadsheet only noted an

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<sup>1</sup> [https://www.nj.gov/dca/dlps/pdf/FourthRoundCalculation\\_Methodology.pdf](https://www.nj.gov/dca/dlps/pdf/FourthRoundCalculation_Methodology.pdf)

aggregated acreage value for each town. Detailed Geographic Information Systems (“GIS”) mapping illustrating the location of the developable areas was not released until November 27, 2024. The timing of the production of the GIS data has made this exercise more difficult and on a rushed timeline.

Moreover, the link to the DCA GIS data<sup>2</sup>, which includes a description section includes the following language:

"The land areas identified in this dataset are based on an the best available data using publicly available data enumerated in N.J.S.A. 52:27D-304.3c.(4) to estimate the area of developable land, within municipal and regional boundaries, that may accommodate development. **It is important to note that the identified areas could be over or under inclusive depending on various conditions and that municipalities are permitted to provide more detailed mappings as part of their participation in the Affordable Housing Dispute Resolution Program.**" (emphasis added)

This office was tasked with reviewing the detailed GIS mapping for accuracy. On or about December 2, 2024, this office downloaded the GIS data prepared by the DCA.<sup>3</sup> The DCA data was then overlaid with Township parcels, publicly-available environmental constraints data, mapped utility easements, and mapped environmental constraint data sourced from site plan applications and Township files.

The DCA GIS data identifies 54 areas within the Township as developable. These areas total 52.847 acres according to the GIS data. Each area has been assigned a unique “ObjectID” or identification number by DCA. The table attached as **Exhibit A** lists each area’s identification number (see column “DCA ObjectID”), weighted acres, vacant acres, and municipal total identified by DCA.<sup>4</sup> Our office then added a column to identify the block(s) and lot(s) each area encompasses. We then reviewed each identified area to confirm if it was developable. To the extent an area was not objectively developable, it was removed from the inventory. Our detailed findings for each of the 54 identified areas is provided under “Findings/Comments”. Finally, the table contains a column labeled “Adjusted Developable Acres” based upon the results of our area-by-area analysis.

The locations of the 54 identified areas can be viewed in the “Environmental Constraints with NJDCA Land Capacity Analysis Results” maps attached as **Exhibit B** and **Exhibit C**.

This detailed evaluation reveals that DCA’s analysis is over inclusive and only nine of the 54 identified areas are developable. The nine areas encompass 17.938 acres. Therefore, the Township of East Hanover’s developable acreage is 17.938 acres, not 52.847 acres. When this corrected acreage data is entered into DCA’s excel spreadsheet<sup>5</sup> the Township’s Land Capacity Factor is

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<sup>2</sup> <https://njdca-data-hub-njdca.hub.arcgis.com/datasets/land-capacity-analysis-for-p-l-2024-c-2/about>

<sup>3</sup> Ibid.

<sup>4</sup> Note that the DCA GIS attribute table labels this column as “vacant acres” not developable acres.

<sup>5</sup> [https://www.nj.gov/dca/dlps/4th\\_Round\\_Numbers.shtml](https://www.nj.gov/dca/dlps/4th_Round_Numbers.shtml)

amended from 0.99% to 0.33%. The Township's Average Allocation Factor decreases from 1.54% to 1.32% and, accordingly, East Hanover's Fourth Round Obligation is adjusted from 315 to 271.

The below table illustrates the revisions to the allocation factors and Fourth Round Prospective Need Obligation as a result of our analysis.

<b>Allocation Factor/Prospective Need</b>	<b>DCA Calculation</b>	<b>Proposed Revision</b>
Land Capacity Factor	0.99%	<b>0.33%</b>
Equalized Non-residential Valuation Factor	2.56%	2.56%
Income Capacity Factor	1.06%	1.06%
Average Allocation Factor	1.54%	<b>1.32%</b>
Prospective Need Obligation	315	<b>271</b>

DCA's land capacity analysis followed the steps outlined in P.L. 2024, c.2 (N.J.S.A. 52-27D-304.3c.(4)) to determine land capacity. As described above, the base layer of information was the land use/land cover data prepared by DEP, which is based on aerial imagery from 2020. Our review of the data for the Township of East Hanover reveals the following shortcomings with the GIS analysis prepared by the DCA:

- It does not recognize utility rights-of-ways or railroad lines.
- It fails to account for a lack of street frontage.
- It is blind to block and lot lines and identifies portions of existing developed sites as developable.
- It fails to account for area shape and size. For example, areas as narrow as two feet are identified as developable.
- It does not take into account drainage easements.

These issues are illustrated in **Exhibit B** and **Exhibit C**. Furthermore, supplemental documentation regarding specific sites' development restrictions, environmental limitations, and specific features is provided in **Exhibit D**. The Township's tax maps can be found here:

<https://mcweb1.co.morris.nj.us/MCTaxBoard/SearchTaxMaps.aspx>

East Hanover does not dispute the DCA's calculation for Equalized Non-residential Valuation or Income Capacity. Thus, the Township is accepting the DCA analysis, but for the corrections to the Land Capacity Factor described in this memorandum. Correcting the Land Capacity Factor yields a Fourth Round Prospective Need Obligation of 271, not 315.

cc: Michael Edwards, Esq.



Exhibit A

Township of East Hanover: DCA Land Capacity Factor Analysis					Findings/Comments	Adjusted Developable Acres
DCA ObjectID	Weighted Acres	Vacant Acres*	Municipal Total	Block(s) / Lot(s)		
30442	0.6102	0.6102	52,846,791	B128, L82,35	The identified area is irregularly shaped with a length of 306.2 feet and width that varies from 156.9 feet (southeast) to 61 feet (middle of the area). Additionally, wetlands to the northeast and southwest are identified as a habitat for the Indiana Myotis and Northern Myotis, Federal Listed Threatened and Endangered species, and the Little Brown Myotis and Tricolored Bat, State Endangered species, which classifies the wetlands as being of exceptional value and requiring a 150-foot buffer. The buffer encompasses the entire area. Due to these factors, the identified area is not developable.	0
30443	0.090349	0.090349	52,846,791	B127, L1	This trapezoidal area is 104.8 feet long (north) and 55.8 feet deep. The area width tapers to 0 feet (northwest), while the area length tapers to 32.7 feet (south). The total area is 3,935 square feet. Additionally, wetlands to the south are identified as a habitat for the Indiana Myotis, Northern Myotis, Indiana Bat, and Tricolored Bat. The 150-foot wetlands buffer encompasses the entire area. Due to these factors, the identified area is not developable.	0
30444	0.087496	0.087496	52,846,791	B127, L1	This triangular area is 192.8 feet long by 34.9 feet wide. The area width tapers to 0 feet (west). The total area is 3,811 square feet. Additionally, wetlands to the east are of exceptional value due to being identified as a habitat for the Indiana Myotis, Northern Myotis, Little Brown Myotis, and Tricolored Bat. The 150-foot buffer encompasses the eastern two-thirds of the area. Due to these factors, the identified area is not developable.	0
30445	0.503578	0.503578	52,846,791	B127, L1	This irregularly shaped area is a maximum of 480.8 feet long. The area width varies from 75 feet to 13.4 feet. Additionally, wetlands to the west are identified as a habitat for the Indiana Myotis, Northern Myotis, Little Brown Myotis, and Tricolored Bat. The 150-foot wetlands buffer encompasses the entire area. Due to these factors, the identified area is not developable.	0
30446	1.195886	1.195886	52,846,791	B128, L82,35	The identified area is irregularly shaped. There are wetlands to the east, south, and west which are identified as a habitat for the Indiana Myotis, Northern Myotis, Little Brown Myotis, and Tricolored Bat. The 150-foot buffer encompasses 1,187,533 acres of the area. The remaining area is triangular and totals 378.8 square feet, which cannot accommodate development. Due to these factors, the identified area is not developable.	0
30447	0.468480	0.46848	52,846,791	B99, 16, L32	Pursuant to a Plan entitled "Final Plat: Atton Hills - Section Two", prepared by D'Onofrio Engineers, P.C, dated January 10, 1994, revised through April 11, 1994, wetlands are delineated on a majority of lot 30. The delineated wetlands encompass 3,056,45 acres of the identified area. The Plan does not illustrate any associated wetlands transition area for this portion of the wetlands. Due to these factors, developable acres is reduced to 0.636513 developable acres.	0.468480
30448	3.692963	3.692963	52,846,791	B101, L30	The identified area is located on a property labeled as a "Drainage Detention Basin" on Sheet 59 of the Township's Tax Map. The drainage basin is reflected in the 1976 plans for the adjacent subdivision. Said plans also illustrate a sewerage pumping station on the property. It is unclear from the plans, in which directions the underground pipe network traverse. Additionally, wetlands to the west are of exceptional value due to being identified as a habitat for the Little Brown Myotis and Tricolored Bat. The 150-foot buffer is present in the western quarter of the area. Additionally, a tributary of the Birch Brook traverses the southern edge of the identified area. The tributary flows through an area identified as a habitat for the Northern Myotis, which requires a 150-foot Riparian Buffer. Said buffer encompasses the southern two-thirds. Furthermore, steep slopes are present along the southern area boundary. The environmental features total 1,408,841 acres. Due to the drainage and sewer infrastructure and the environmental constraints, the identified area is not developable.	0.636513
30449	1.883586	1.883586	52,846,791	B99, 19, 01		0

**Township of East Hanover: DCA Land Capacity Factor Analysis**

DCA ObjectID	Weighted Acres	Vacant Acres*	Municipal Total	Block(s) / Lot(s)	Findings/Comments	Adjusted Developable Acres
30450	1.124699	1.124699	52.846791	B99.06, L1	The identified area is located on a property shown as a "Drainage Detention Basin" on Sheet 58 of the Township's Tax Map and is 605.7 feet long and 67.8 to 96.5 feet wide. However, a 40' wide drainage easement is also located along the northeastern property line, which reduces the area's width. Additionally, a tributary of the Pinch Brook meanders along the northeastern edge and through an area identified as a habitat for the Northern Myotis, Little Brown Myotis, and Tricolored Bat. The 150-foot Riparian buffer encompasses the entire identified area. Furthermore, an area of steep slopes is present along the northern area boundary. Due to these factors, the identified area is not developable.	0
30451	1.34507	1.34507	52.846791	B101, L30	Pursuant to a Plan entitled "Final Plat, Afton Hills - Section Two", prepared by D'Onofrio Engineers, PC, dated January 10, 1994, revised through April 11, 1994, wetlands are delineated on a majority of Lot 30. The delineated wetlands and associated transition area encompass the entire identified area.	0
30452	0.110527	0.110527	52.846791	B128, L25	This triangular area is 135.4 feet long and 0 feet (north) to 52.5 feet (south) wide. Additionally, wetlands to the west are of exceptional value due to being identified as a habitat for the Indiana Myotis, Northern Myotis, Little Brown Myotis, and Tricolored Bat. The 150-foot buffer encompasses the entire area. Due to these factors, the identified area is not developable.	0
30453	0.547802	0.547802	52.846791	B99.05, L10	The identified area is located on a property shown as a "Drainage Detention Basin" on Sheet 58 of the Township's Tax Map and is 746.8 feet long and 66.5 feet wide (southeast), which tapers to 0 feet in the north. However, a 40' wide drainage easement is also located along the northeastern property line, which reduces the area's width. Additionally, a tributary of the Pinch Brook meanders along the northeastern edge and through an area identified as a habitat for the Northern Myotis, Little Brown Myotis, and Tricolored Bat. The 150-foot Riparian buffer encompasses the entire identified area. Due to these factors, the identified area is not developable.	0
30454	0.150689	0.150689	52.846791	B128, L25	This triangular area is 226.5 feet long and 0 feet (south) to 47.1 feet (north) wide. Additionally, wetlands to the west are identified as a habitat for the Indiana Myotis, Northern Myotis, Little Brown Myotis, and Tricolored Bat. The 150-foot wetlands buffer encompasses the entire area. Due to these factors, the identified area is not developable.	0
30455	0.162117	0.162117	52.846791	B99, L40, 10	This triangular area is located at the corner of Timber Hill Drive and a future 50-foot right-of-way according to Sheet 59 of the Township's Tax Map. The wetlands to the north are identified as a habitat for the Northern Myotis, Little Brown Myotis, and Tricolored Bat. The 150-foot wetlands buffer encompasses the entire area. Additionally, the Pinch Brook is to the north of the area and traverses through the Threatened and Endangered species habitat, which requires a 150-foot Riparian Buffer. Said buffer encompasses the entire area. Due to these factors, the identified area is not developable.	0
30456	1.60906	1.60906	52.846791	B128, L25 & 41	This irregularly shaped area is 834.9 feet long and 34.7 feet wide (east) to 257.3 feet wide (west). The wetlands to the east are identified as a habitat for the Indiana Myotis, Northern Myotis, Little Brown Myotis, and Tricolored Bat. The 150-foot wetlands buffer encompasses the western end of the area (0.44294 acres). Additionally, the identified area is developed with an access road known as "Great Meadows Lane", which is used to access Block 128, Lots 42 and 43 to the west. Due to these factors, the identified area is not developable.	0
30457	0.071299	0.071299	52.846791	B128, L18,30	The identified area is 224.8 feet long by 17 feet wide. The area is entirely within a 100-foot-wide GPU Energy Right-of-Way and on a property shown as a "Drainage Detention Basin" according to Sheet 62 of the Township's Tax Map. Additionally, wetlands to the west are identified as a habitat for the Indiana Myotis, Little Brown Myotis, Tricolored Bat, and Savannah Sparrow, a State Threatened species. The 150-foot wetlands buffer encompasses the entire area. Due to these factors, the identified area is not developable.	0

Township of East Hanover: DCA Land Capacity Factor Analysis

DCA ObjectID	Weighted Acres	Vacant Acres*	Municipal Total	Block(s) / Lot(s)	Findings/Comments	Adjusted Developable Acres
30458	1.131296	1.131296	52,846,791	B100, L20	The identified area is located on a property owned by JCP&L c/o Tax Dept, which is developed with an electric substation north of the identified area. The access driveway to the substation traverses the identified area. The identified area is not developable.	0
30459	0.81221	0.81221	52,846,791	B99, L4	This irregularly shaped area is 607.7 feet long and 28 feet wide along Farinella Drive. The area width varies from as small as 2 feet to 139.7 feet at the rear (southeast). Additionally, wetlands to the southeast are identified as a habitat for the Northern Myotis, Little Brown Myotis, and Tricolored Bat. A tributary of the Pinch Brook flows along the southeastern side of the area and through the Threatened and Endangered species habitat. The 150-foot wetlands and 150-foot Riparian buffers encompass the entire area. Steep slopes are also present in the southern portion of the area. Due to these factors, the identified area is not developable.	0
30460	0.089035	0.089035	52,846,791	B128, L12	The identified area is an irregular "L" shape and wetlands to the north are identified as a habitat for the Indiana Myotis, Northern Myotis, Little Brown Myotis, Tricolored Bat, and Savannah Sparrow. The 150-foot wetlands buffer encompasses the entire area. Therefore, the identified area is not developable.	0
30461	16.589894	16.589894	52,846,791	B96, L47.02, 49, 49.01, 8, 50	There are wetlands to the northwest and southeast of the identified area that are identified as a habitat for the Northern Myotis. The 150-foot wetlands buffer encroaches into the area from the northwest and southeast. Additionally, steep slopes are scattered throughout the area. These environmental features total 3,790,196 acres. Therefore, developable acres is reduced to 12,799,698 acres.	12,799,698
30462	0.131251	0.131251	52,846,791	B130.01, L1	This irregularly shaped area is 245.1 feet long by 6 feet to 37.4 feet wide. Additionally, wetlands to the west are identified as a habitat for the Northern Myotis, Little Brown Myotis, and Tricolored Bat. Furthermore, the Whippany River to the west flows through the Threatened and Endangered species habitat. The 150-foot wetlands and 150-foot Riparian buffers encompass the entire area. Due to these factors, the identified area is not developable.	0
30463	0.125891	0.125891	52,846,791	B130.01, L1	The identified area is 76 feet long by 46.6 feet wide. The length increases to 138.9 feet in the northwest. Wetlands to the west are identified as a habitat for the Northern Myotis, Little Brown Myotis, and Tricolored Bat. Additionally, the Whippany River to the west flows through the Threatened and Endangered species habitat. The 150-foot wetlands and 150-foot Riparian buffers encompass the entire area. Due to these factors, the identified area is not developable.	0
30464	0.230394	0.230394	52,846,791	BA2, L41	The identified area is on a property that has been merged into Block 42, Lot 37 and subsequently subdivided to Lot 37.001. The area is now part of the Valley View Park Inclusionary multi-family development, which is under construction. Therefore, the identified area is not developable.	0
30465	0.218764	0.218764	52,846,791	B79, L14, 10	The identified area is 1,263.9 feet long by 74.1 feet wide. The area width tapers to 19.4 feet to the east. Wetlands to the south and east are identified as a habitat for the Barred Owl, a State Threatened species. Additionally, the Whippany River is to the south of the area and flows through the Threatened species habitat. The 150-foot wetlands and 150-foot Riparian buffers encompass the entire area. Furthermore, steep slopes are located in the eastern quarter of the area. Due to these factors, this area is not developable.	0
30466	1.601432	1.601432	52,846,791	B96, L100	Pursuant to a Plan entitled "Amended Final Plat for Ridgedale Estates", prepared by Page Engineering Consultants, PC, dated May 5, 2000, wetlands are delineated in the east and west corners of Block 100, Lot 96. A wetlands transition area of varying width is also illustrated on the Plan. The wetlands and associated transition areas encompass 0.962686 acres of the area. It should be noted that the distance between the two wetlands transition areas varies from 14.7 feet to 57.9 feet. Based on this information, developable acres is reduced to 0.638746 developable acres.	0.638746

Township of East Hanover: DCA Land Capacity Factor Analysis

DCA ObjectID	Weighted Acres	Vacant Acres*	Municipal Total	Block(s) / Lot(s)	Findings/Comments	Adjusted Developable Acres
30467	0.254627	0.254627	52.846791	B79, L14, 10	The identified area is 238.8 feet long by 64.6 feet wide. The area width tapers to 30.7 feet to the west. The wetlands to the south are of exceptional value due to being identified as a habitat for the Barred Owl. The 150-foot wetlands buffer encompasses the entire area. Additionally, steep slopes are present in the northwest corner of the area. Due to these factors, this area is not developable.	0
30468	3.387395	3.387395	52.846791	B39, L40	Wetlands to the southeast, south, and west of the area are identified as a habitat for the Barred Owl. Additionally, the Whippany River is to the south and flows through the Threatened species habitat. The 150-foot wetlands and 150-foot Riparian buffers are present along the southeast, south, and northwest area boundaries. These environmental features total 1,655,663 acres. Therefore, developable acres is reduced to 1,731,732 acres.	1,731,732
30469	0.083084	0.083084	52.846791	B39, L17	The identified area is irregularly shaped and located on a property that does not have street frontage. Additionally, the area is entirely within a 150-foot wetlands buffer and two-thirds of the area is within a 150-foot Riparian buffer. Due to these factors, the identified area is not developable.	0
30470	4.74673	4.74673	52.846791	B39, L17 & 23	The identified area is irregularly shaped and is located on a property that does not have street frontage. Additionally, a 150-foot wetlands buffer encroaches into the area from the north, southwest, and west. Furthermore, a 150-foot Riparian buffer encroaches into the area from the southeast. Due to these factors, the identified area is not developable.	0
30471	1.095101	1.095101	52.846791	B39, L17	The identified area is irregularly shaped and is located on a property that does not have street frontage. Additionally, a 150-foot wetlands buffer encroaches into the area from the north, east, and south. Due to these factors, the identified area is not developable.	0
30472	0.064576	0.064576	52.846791	B39, L17	This triangular area is located on a property that does not have street frontage. Additionally, a 150-foot wetlands buffer encompasses the entire area. Therefore, the identified area is not developable.	0
30473	0.221963	0.221963	52.846791	B39, L17	This irregularly shaped area is located on a property that does not have street frontage. Additionally, a 150-foot wetlands buffer encompasses the entire area. Therefore, the identified area is not developable.	0
30474	0.063627	0.063627	52.846791	B39, L17	This triangular area is located on a property that does not have street frontage. Additionally, a 150-foot wetlands buffer encompasses the entire area. Therefore, the identified area is not developable.	0
30475	0.408292	0.408292	52.846791	B142, L7 (GIS)	The identified area is located on a property owned by MorrisTown & Erie Railway, Inc., which includes an active railroad line. The area is 735.6 feet long and 24.7 feet wide. Additionally, wetlands to the north are identified as a habitat for the Northern Myotis, Little Brown Myotis, and Tricolored Bat. The 150-foot wetlands buffer encompasses the entire area. Furthermore, the Whippany River to the north flows through the Threatened and Endangered species habitat. The 150-foot Riparian Buffer encompasses the western half of the area. Steep slopes are also present at the west end of the area. Due to these factors, the identified area is not developable. (It should be noted that Sheets 36 and 45 of the Township's Tax Map Identify the property as Block 130, Lot 701.)	0
30476	0.23772	0.23772	52.846791	B142, L7	The identified area is located on a property owned by MorrisTown & Erie Railway, Inc. The area is 560 feet long by 26.5 feet wide (middle of area). Additionally, wetlands to the north and east are identified as a habitat for the Blue-spotted Salamander, a State Endangered species, Little Brown Myotis, and Tricolored Bat. The 150-foot wetlands buffer encompasses the entire area. Furthermore, a tributary of the Whippany River is to the north of the area and flows through the Endangered species habitat. The 150-foot Riparian buffer encompasses the entire area. Due to these factors, the identified area is not developable.	0

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DCA ObjectID	Weighted Acres	Vacant Acres*	Municipal Total	Block(s) / Lot(s)	Findings/Comments	Adjusted Developable Acres
30477	1.88139	1.88139	52.846791	B142, L7 (GIS)	The identified area is located on a property owned by MorrisTown & Erie Railway, Inc. The wetlands to the north are identified as a habitat for the Little Brown Myotis and Tricolored Bat. The 150-foot wetlands buffer encompasses the northeastern quadrant of the area. Additionally, a 325-foot-wide JCP&L Right-of-Way is present on the western two-thirds of the area according to Sheet 36 of the Township's Tax Map. Due to the above conditions, the identified area is not developable. (It should be noted that Sheet 36 of the Township's Tax Map identifies the property as Block 130, Lot 7.02. This lot has no street frontage.)	0
30478	0.384268	0.384268	52.846791	B44, L9	The identified area measures 1,469 feet long. However, the area is only 14.4 feet wide (north), which tapers to 0 feet (south). Most of the area width is 4.3 feet or less. Due to its narrow shape, the area cannot accommodate development. Therefore, the identified area is not developable.	0.384268
30479	0.118195	0.118195	52.846791	B39, L10	Wetlands to the east are identified as a habitat for the Northern Myotis, Blue-spotted Salamander, Red-shouldered Hawk, a State Endangered species, Tricolored Bat, and Bobcat, a State Threatened species. The 150-foot wetlands buffer encompasses the eastern half the area and totals 0.295961 acres. Therefore, developable acres is reduced to 0.354369 acres.	0
30480	0.65033	0.65033	52.846791	B148, L13	The identified area measures 138.6 feet long with a varying width between 46.9 feet (northeast) and 14.7 feet (middle of the area). The area totals 3,064.9 square feet and due to its size and shape, cannot accommodate development. Therefore, the identified area is not developable.	0.354369
30481	0.070374	0.070374	52.846791	B40, L16, 15	Wetlands to the southeast and west are identified as a habitat for the Red-shouldered Hawk, Barred Owl, and Bobcat. The 150-foot wetlands buffer encompasses the southern half and northwest corner of the area. The remaining area totals 4,897.7 square feet, which cannot accommodate development. Due to these factors, the identified area is not developable.	0
30482	0.282085	0.282085	52.846791	B6, L6	The identified area measures 228.9 feet long and 17.4 feet wide and totals 2,682.7 square feet. The size and shape of the area cannot accommodate development. Additionally, the area is entirely within a 150-foot wetlands buffer and the northern half is within a 150-foot Riparian buffer. Due to these factors, the identified area is not developable.	0
30483	0.061598	0.061598	52.846791	B39, L1	Wetlands to the northeast are identified as a habitat for the Red-shouldered Hawk, Barred Owl, and Bobcat. The 150-foot wetlands buffer encompasses the northern half of the area (0.094205 acres). The remaining area measures 40 feet wide by 75.8 feet deep and totals 3,092.2 square feet. The shape and size of the remaining area cannot accommodate development. Due to these factors, the identified area is not developable.	0
30484	0.165192	0.165192	52.846791	B14, L29	Wetlands to the east and south are identified as a habitat for the Red-shouldered Hawk, Barred Owl, and Bobcat. The 150-foot wetlands buffer encompasses the entire area. Additionally, a tributary of the Passaic River meanders along the southern boundary and flows through a Threatened and Endangered species habitat. The 150-foot Riparian buffer encompasses also the entire area. Due to these factors, the identified area is not developable.	0
30485	0.090126	0.090126	52.846791	B17, L46	Wetlands to the south and west are identified as a habitat for the Red-shouldered Hawk, Barred Owl, and Bobcat. The 150-foot wetlands buffer encompasses a majority of the area (0.239888 acres). Therefore, the identified area is not developable.	0
30486	0.266782	0.266782	52.846791	B13, L19	A tributary of the Passaic River is located to the south of the identified area. The tributary flows through an area identified as a habitat for the Red-shouldered Hawk, Barred Owl, and Bobcat. The 150-foot Riparian buffer encompasses over 99% of the area. Therefore, the identified area is not developable.	0
30487	0.229632	0.229632	52.846791	B17, L1		0

**Township of East Hanover: DCA Land Capacity Factor Analysis**

DCA ObjectID	Weighted Acres	Vacant Acres*	Municipal Total	Block(s) / Lot(s)	Findings/Comments	Adjusted Developable Acres
30488	0.229575	0.229575	52.846791	B19, L51	Wetlands to the south are identified as a habitat for the Red-shouldered Hawk, Barred Owl, and Bobcat. The 150-foot wetlands buffer encompasses the southern two-thirds of the area. Additionally, a tributary of the Passaic River meanders along the southeastern boundary of the identified area and flows through the Threatened and Endangered species habitat. The 150-foot Riparian buffer encompasses the entire area. Due to these factors, the identified area is not developable.	0
30489	0.614484	0.614484	52.846791	B69, L17	Wetlands to the south are identified as a habitat for the Red-shouldered Hawk, Barred Owl, and Bobcat. The 150-foot wetlands buffer encompasses over 99% of the area. Therefore, the identified area is not developable.	0.614484
30490	0.266929	0.266929	52.846791	B21, L8	Wetlands to the northeast of the area are identified as a habitat for the Northern Myotis, Blue-spotted Salamander, Little Brown Myotis, Red-shouldered Hawk, Tricolored Bat, Bobcat, and Red-headed Woodpecker, a State Threatened species. The 150-foot wetlands buffer encompasses the eastern half of the area. Additionally, a tributary of the Whippany River to the northeast, flows through the Threatened and Endangered species habitat. The 150-foot Riparian buffer encompasses the eastern quarter of the area. These environmental features total 0.284497 acres. Therefore, developable acres is reduced to 0.309758 acres.	0
30491	0.594255	0.594255	52.846791	B70, L13 & B189, L1	Wetlands to the north and east of the area are identified as a habitat for the Northern Myotis, Blue-spotted Salamander, Little Brown Myotis, Red-shouldered Hawk, Tricolored Bat, Bobcat, and Red-headed Woodpecker. The 150-foot wetlands buffer encompasses the entire area. Additionally, a tributary of the Whippany River to the east flows through the Threatened and Endangered species habitat. The 150-foot Riparian buffer encompasses the eastern half of the area. Due to these factors, the identified area is not developable.	0.309758
30492	0.315395	0.315395	52.846791	B190, L1 & 41	Wetlands to the northeast are identified as a habitat for the Northern Myotis, Blue-spotted Salamander, Little Brown Myotis, Red-shouldered Hawk, Tricolored Bat, Bobcat, and Red-headed Woodpecker. The 150-foot wetlands buffer encompasses the entire area. Additionally, a tributary of the Whippany River to the east flows through the Threatened and Endangered species habitat. The 150-foot Riparian buffer encompasses the eastern half of the area. Due to these factors, the identified area is not developable.	0
30493	0.47245	0.47245	52.846791	B5, L81	Wetlands to the southwest are identified as a habitat for the Northern Myotis, Blue-spotted Salamander, Little Brown Myotis, Red-shouldered Hawk, Tricolored Bat, Barred Owl, and Bobcat. The 150-foot wetlands buffer encompasses the western two-thirds of the area. Additionally, steep slopes are present in the center of the area. These environmental features total 0.387337 acres. The remaining 0.085113 acres (3,707.5 square feet) is undersized. Due to these factors, the identified area is not developable.	0
30494	0.663162	0.663162	52.846791	B207, L2	Wetlands surround this area and are identified as a habitat for the Northern Myotis, Blue-spotted Salamander, Little Brown Myotis, Red-shouldered Hawk, Tricolored Bat, Barred Owl, and Bobcat. The 150-foot wetlands buffer encompasses the entire area. Therefore, the identified area is not developable.	0
30495	0.343486	0.343486	52.846791	B5, L88	Wetlands surround this area and are identified as a habitat for the Northern Myotis, Blue-spotted Salamander, Little Brown Myotis, Red-shouldered Hawk, Tricolored Bat, Barred Owl, and Bobcat. The 150-foot wetlands buffer encompasses the entire area. Therefore, the identified area is not developable.	0
<b>Total</b>	<b>52.846791</b>	<b>52.846791</b>				<b>17.938048</b>

\*The DCA GIS attribute table labels this column as "vacant acres", not developable acres.

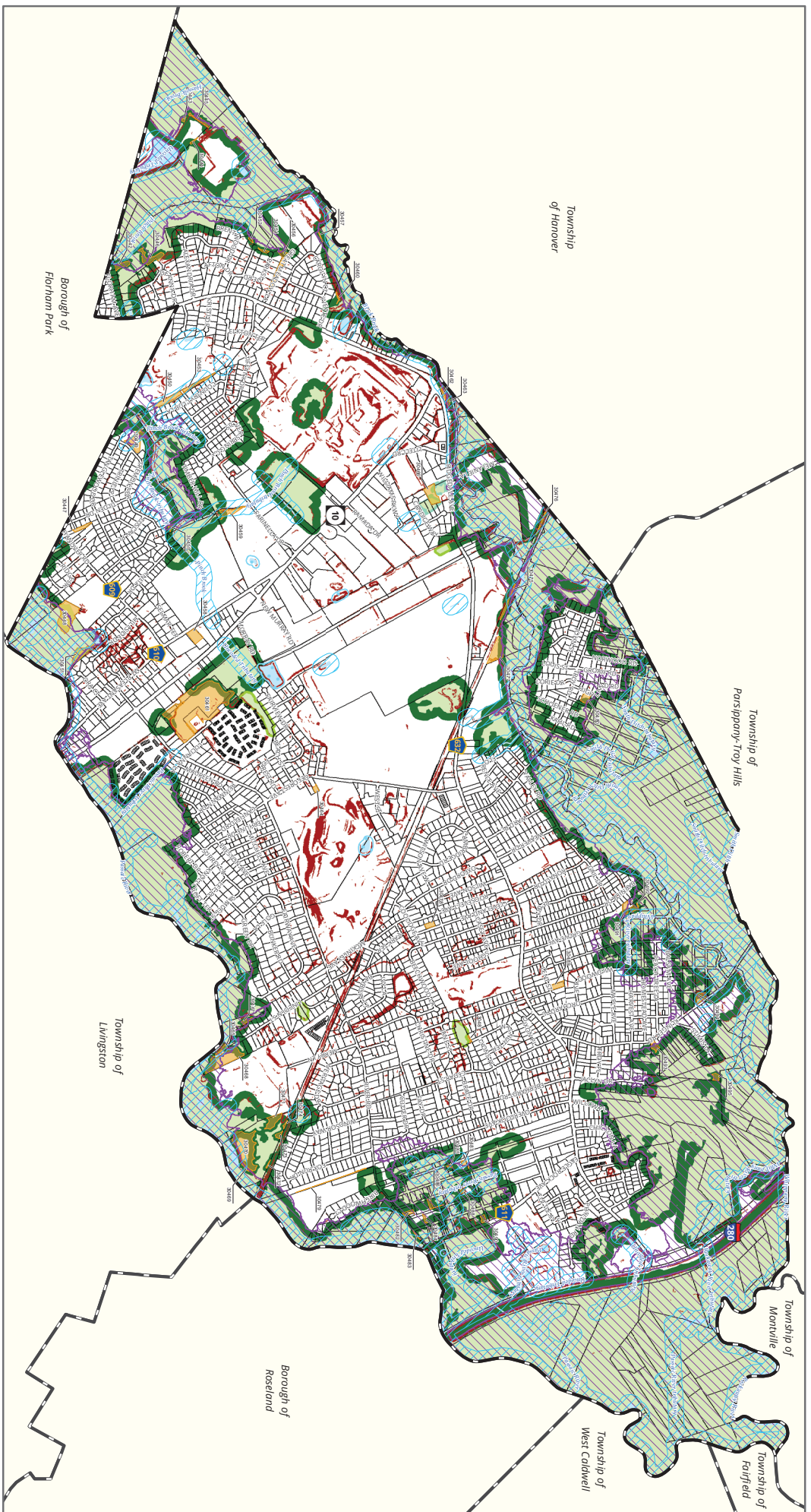
Exhibit B



# ENVIRONMENTAL CONSTRAINTS WITH NJDCALAND CAPACITY ANALYSIS RESULTS

TOWNSHIP OF EAST HANOVER  
MORRIS COUNTY, NEW JERSEY

January 17, 2025  
EHT017A



- Legend**
- Municipal Boundary
  - Parcels
  - NJDCALAND Capacity Analysis Results
  - Water Bodies
  - Non-CI Streams
  - 150-foot Riparian Buffer
  - 50-ft Riparian Buffer
  - Wetlands
  - 50-ft Wetlands Buffer
  - 150-ft Wetlands Buffer
  - Mapped Wetlands Transition Area
  - FEMA Special Flood Hazard Area
  - Areas with slopes 15% or greater



Exhibit C