

EXHIBIT “1”

TOWNSHIP OF MONTVILLE

RESOLUTION NO. 2025 - 78

RESOLUTION OF THE TOWNSHIP OF MONTVILLE, COUNTY OF MORRIS AND STATE OF NEW JERSEY, ADOPTING THE TOWNSHIP'S AFFORDABLE HOUSING PRESENT AND PROSPECTIVE NEED OBLIGATIONS FOR THE PERIOD OF JULY 1, 2025 THRU JULY 1, 2035 IN ACCORDANCE WITH P.L. 2024 C.2, AND RESERVING ALL RIGHTS.

WHEREAS, the Township of Montville (hereinafter "Township") has a demonstrated history of voluntary compliance with the Mount Laurel doctrine and the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq.; and

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), in July 2015, the Township filed a Declaratory Judgment Action in Superior Court, Law Division, Morris County, under Docket No. MRS-L-1633-15 ("2015 Action") seeking, amongst other things, a judicial declaration that the Township's 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, the Township's 2015 Action ultimately culminated in a Court-approved Housing Element and Fair Share Plan and a Final Judgment of Compliance and Repose, entered on September 19, 2019, which entitles the Township to immunity and precludes Mount Laurel lawsuits and exclusionary zoning litigation, including builder's remedy lawsuits and constitutional compliance lawsuits, from being filed against the Township until after July 1, 2025; and

WHEREAS, on March 20, 2024, Governor Murphy signed into law, P.L. 2024, c.2, which among other things, amended various provisions of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. ("FHA"), abolished the Council on Affordable Housing ("COAH") and established the Affordable Housing Dispute Resolution Program ("Program"); and

WHEREAS, P.L. 2024, c.2, sets forth that Fourth Round period of affordable housing obligations shall run from July 1, 2025 through June 30, 2035 ("Fourth Round" or "Round Four"); and

WHEREAS, pursuant to P.L. 2024, c.2, the Township is located in Region 2, which is comprised of Essex, Morris, Union and Warren counties; and

WHEREAS, the amendments to the FHA require the Department of Community Affairs ("DCA") to prepare and publish a report on the calculations of the regional need and each municipality's present and prospective need affordable housing obligations for the Fourth Round within seven months of March 20, 2024; and

WHEREAS, on October 18, 2024 the DCA published its report on the calculations with respect to Statewide regional need and municipal present and prospective need affordable housing obligations for the Fourth Round (the “DCA Report”); and

WHEREAS, pursuant to P.L. 2024, c.2, the DCA has calculated the total statewide prospective need obligation to be 84,698 units, which equates to a statewide new construction obligation of over 8,400 affordable units per year; and

WHEREAS, the DCA Report calculates the Township’s non-binding Round 4 obligations as follows: 1) a Present Need or Rehabilitation obligation of “9”; and 2) a Prospective Need or New Construction Obligation of “410”; and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1e of the FHA, the calculations in the DCA Report are not binding on municipalities; and

WHEREAS, rather, pursuant to N.J.S.A. 52:27D-304.1 of the FHA, each municipality is required to determine its respective Fourth Round present and prospective need fair share obligations, and adopt a binding resolution describing the basis for the municipality’s determination on or before January 31, 2025; and

WHEREAS, P.L. 2024, c.2, each municipality shall determine its Fourth Round present and prospective need fair share obligations, with consideration of the calculations in the DCA Report, and in accordance with the formulas established in N.J.S.A. 52:27D-304.2 and -304.3 of the FHA using “necessary datasets that are updated to the greatest extent practicable”; and

WHEREAS, the Township Planner, Municipal Attorney and Tax Assessor have reviewed the DCA Report along with the underlying data and data sets relied upon by the DCA in reaching its non-binding calculations for the Township, and have carefully considered and analyzed the most up-to-date localized data pertaining to the Township, including amongst other verifiable data, local land use approvals, environmental constraints and other site specific information, construction permits, and MOD-IV data maintained and on file with the Township with regard to the land capacity and equalized non-residential valuation allocation factors; and

WHEREAS, based upon same, the Township has determined to accept the estimate set forth in the DCA Report with respect to the Township’s Present Need Obligation of “9” at this time; and

WHEREAS, however, based upon the above analysis, the Township Planner has further determined that the DCA’s non-binding calculation of the Township’s prospective need obligation of “410” is incorrect and erroneous for multiple reasons; and

WHEREAS, in particular, the Township Planner has confirmed that the DCA arrived at the Township’s land capacity factor using incorrect assumptions and inaccurate

data to erroneously determine that approximately 158.032 acres of land within the Township is “developable”; and

WHEREAS, using the most up-to-date localized verifiable data and information available to the Township, the Township Planner has determined that only 88.105 acres of land within the Township is “developable” after consideration is given to the applicable preserved land, deed restrictions, environmental constraints and restrictions (including wetlands, wetland buffers, steep slopes, and floodways), land use board approvals, construction permit data, and MOD-IV data, amongst other localized data and updated verifiable information; and

WHEREAS, the Township Planner has further independently calculated the Township’s Fourth Round Prospective Need affordable housing obligation based on the formulas, criteria, methodology and datasets required by sections 6 and 7 of P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.2 and -304.3), and has arrived at a Fourth Round Prospective Need Obligation that accurately reflects the most up-to-date pertinent factual data specific to the Township; and

WHEREAS, based upon the calculations and analysis performed by the Township Planner, the Township has determined that its Fourth Round Prospective Need or New Construction obligation is 321; and

WHEREAS, the Township Planner has prepared a report setting forth this analysis, a summary of all relevant factors, and the basis for such conclusions, which are summarily incorporated by reference above and which is attached hereto as Exhibit “A”; and

WHEREAS, N.J.S.A. 52:27D-304.1f(1)(b) 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 P.L. 2024, c.2 ... [;]” and

WHEREAS, the Township’s calculation of its Present Need and Prospective Need obligations is/are entitled to a “presumption of validity” because it complies with Sections 6 and 7 of P.L. 2024, c.2; and

WHEREAS, the Township, however, specifically reserves the right to adjust its Present Need and Prospective Need Obligations, including for any of the foregoing adjustments: 1) a Structural Conditions Survey or similar exterior survey which accounts for a lower resolution 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; and

WHEREAS, in addition to the foregoing, the Township specifically reserves all rights to revoke this resolution and commitment in the event of: (1) a successful challenge to P.L. 2024, c.2 as a result of the pending litigation entitled: Borough of Montvale et al. v. State of New Jersey, et al., Docket No.: MER-L-1778-24; (2) any other successful

challenge to P.L. 2024, c.2, or any directive or regulation adopted pursuant thereto; and/or (3) any subsequent legislative or regulatory enactment which alters or changes the deadlines, calculations, methodology and/or other requirements of P.L. 2024, c.2; and

WHEREAS, the Township further specifically 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 addition to the foregoing, nothing in P.L. 2024, c. 2 requires or can require an increase in the Township's Round 4 Present or Prospective Need Obligations based on a successful downward challenge of any other municipality in the region since the plain language and clear intent of P.L. 2024, c.2, is to establish, for example, unchallenged numbers by default as of March 1, 2025; and

WHEREAS, in light of the above, the Township Committee of the Township of Montville finds that it is in the best interest of the Township to declare its commitment to the above-listed Fourth Round obligations by resolution in accordance with P.L. 2024, c.2.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville, in the County of Morris, and State of New Jersey as follows:

1. All of the Whereas Clauses set forth above are hereby incorporated into the operative clauses of this Resolution by reference.

2. The Township Committee hereby commits to a Fourth Round Present Need Obligation of "9" and the Fourth Round Prospective Need Obligation of "321," as described in this resolution, and which such commitment to the Township's Fourth Round Affordable Housing Obligations be and is hereby subject to the Township's reservation of all rights it may have, as described in this resolution or otherwise, to revoke, repeal, suspend, amend or modify this Resolution by further action of the Township, including but not limited to, the following:

- a) The right to adjust, modify, cancel, withdraw or revoke the Township's commitment to its Fourth Round Present Need and/or Prospective Need Obligations, and/or to otherwise revoke, repeal, suspend, amend, or modify this Resolution should additional information or evidence become available or discoverable to the Township in the future;
- b) The right to adjust the Township's Present Need Obligation based on the results of a structural conditions survey;
- c) The right to adjust the Township's Present and/or Prospective Need Obligation based on lack of available vacant and developable land, sewer, water, and/or due to regional planning inputs, formulas or

considerations, including, but not limited to the Highlands Regional Master Plan and its build out, or any combination of the above;

- d) All rights to revoke this Resolution in the event of a successful legal challenge to P.L. 2024, c.2, a legislative change to P.L. 2024, c. 2, or any successful challenge to any directive or regulation adopted pursuant to P.L. 2024, c.2, or any change or amendment to such directives or regulations;
- e) All rights to take a position that the Township's Fourth Round Present and/or Prospective Need Obligation(s) are lower than described herein in the event that a third party challenges the calculations provided for or relied upon in this Resolution; and/or
- f) All rights to take a position that the Township's Fourth Round Present and/or Prospective Need Obligation(s) is/are lower than described herein in the event a third-party claims the Township's Round 4 Present and/or Prospective Need Obligations require an increase based on a reallocation or modification of the Regional present or prospective Need Obligations allegedly due from successful reduction of the allocated present and prospective need obligations assigned to another municipality in the Region.

3. The Township's calculation of Present and Prospective Need Obligations is/are entitled to a "presumption of validity" because the calculations comply with sections 6 and 7 of P.L. 2024, c.2.

4. In accordance with N.J.S.A. 52:27D-304.1, the Township hereby directs the Township Attorney to file an action with the Affordable Housing Dispute Resolution Program along with this Resolution and to take all necessary and proper steps to address any challenges to same by any interested parties.

5. The Township further commits to adopt its housing element and fair share plan pursuant to N.J.S.A. 52:27D-304.1f(2) based on this determination on or before June 30, 2025, and hereby further directs the Township Attorney, Township Planner and Township Engineer to begin taking steps to prepare same.

6. A copy of this resolution, along with filing date of Township's action with the Program, shall be placed on the Township's website.

7. A copy of this resolution shall remain on file in the Township Clerk's office and available for public inspection.

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

Adopted: January 21, 2025



Stacy Kostka, Township Clerk

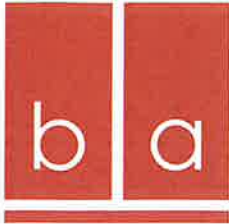


Matthew S. Kayne, Mayor

EXHIBIT "A"

Fourth Round Present and Prospective Need Analysis

Township of Montville
Morris County, New Jersey



Community Planning
Land Development and Design
Landscape Architecture

B U R G I S
A S S O C I A T E S , I N C .

Principals:
Joseph H. Burgis PP, AICP
Edward Snieckus, Jr. PP, LLA, ASLA
David Novak PP, AICP

Fourth Round Present and Prospective Need Analysis

Township of Montville
Morris County, New Jersey

Prepared for the Township of Montville
Mayor and Committee

BA# 4152.16

The original document was appropriately signed and sealed on January 16, 2025 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners

Joseph H. Burgis, AICP, PP
Professional Planner #2450

Robyn K. Welch, AICP, PP
Professional Planner #5971

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Executive Summary

The following Present and Prospective Need Analysis has been prepared for the Township of Montville in Morris County, New Jersey.

By way of background, Governor Murphy signed A-40/S-50 into law on March 20, 2024 after the Senate and Assembly adopted it. This legislation (hereinafter "Amended FHA" or "Act") overhauled the Fair Housing Act (FHA) by abolishing the Council on Affordable Housing (COAH) and created a new process that involved the Department of Community Affairs (DCA) and the Administrative Office of the Courts (AOC).

The Amended FHA directed the New Jersey Department of Community Affairs ("DCA") to report the present need (also referred to as the rehab obligation) and the prospective need for Round Four based upon the standards set forth in the Act. The DCA issued its report on October 18, 2024; and, in accordance with the Act, made clear that the report was advisory only. For Montville, the DCA Report identifies a Present Need of 9 and a Prospective Round Four Need of 410.

Since the DCA report is non-binding, each municipality has the opportunity to study and define why its obligations should be different based on the standards in the Act. However, the municipality must adopt a binding resolution by January 31, 2025, identifying the present and prospective need obligation to which it is committing.

As to the Present Need (also known as the rehab obligation), the Act allows municipalities to rely on COAH standards that the Act has not eliminated. N.J.S.A 52:27D-311(m). Over each housing cycle, COAH permits municipalities to adjust their rehab obligation through a structural conditions survey. Accordingly, while the Township could conduct a structural conditions survey pursuant to NJAC 5:93-5.2(a) to more accurately reflect those units in need of rehabilitation, the Township has chosen to accept the DCA statistical calculation of the Township's Present Need Obligation of 9 units at this time. The Township reserves the right to perform such structural conditions survey in accordance with the applicable regulations at a later time.

As to the Round Four Prospective Need of 410 units that the DCA reported on October 18, 2024, the methodology used to determine a municipality's prospective fair share obligation requires an initial determination of the regional prospective need. The region that Montville is in consists of all municipalities in Essex, Morris, Union and Warren counties. To determine a municipality's share of the regional need, the Act requires a calculation of three factors: (1) the equalized nonresidential valuation factor; (2) the income capacity factor; and (3) the land capacity factor. The Act then requires these three factors to be averaged and applied to the regional need to determine the share of the regional need for each municipality that is not a Qualified Urban Aid Municipality ("QUAM"). The Act therefore imposes no prospective need obligation on QUAMs; it instead distributes the obligation to the other municipalities in the respective housing region.

The Township does not dispute the DCA's calculation of the Equalized Nonresidential Valuation Factor or the Income Capacity Factor. However, the Township does dispute the calculation of the Land Capacity Factor. More specifically, the Township accepts the DCA's invitation to examine the Land Capacity Factor and the lands that the DCA deemed developable for purposes of calculating this factor.

For the reasons set forth herein, the DCA calculation under the Land Capacity Factor analysis was overinclusive. Once appropriate corrections are made to the land that is developable, the Township's Prospective Need Obligation should be adjusted from the 410 figure the DCA reported to 321 units. With the findings in this report, the following summarizes the comparison of the three allocation factors as adjusted by the analysis provided herein.

Table 1: Summary of Adjusted Factors

	Equalized Nonresidential Valuation Factor	Income Capacity Factor	Land Capacity Factor
DCA Analysis	1.19%	1.86%	2.95%
Township Analysis	1.19%	1.86%	1.64%

Accordingly, the remainder of this report reviews the Land Capacity Factor calculated by the DCA. It finds that an analysis of the lands identified as being "developable" by the DCA revealed several inaccuracies. Correcting these inaccuracies adjusts the Township's weighted land area from 158.032 acres to 88.105 acres. This results in an adjustment of the Township's calculated share of the region's land capacity from 2.95% to 1.64%.

The methodology used to identify and exclude parcel types listed in the analysis contained within this report is consistent with the published DCA Report. The data, data sources, methodology, criteria and formulas relied upon in completing this analysis and arriving at these opinions, including the calculation of the Township's Prospective Need Obligation, was performed in accordance with sections 6 and 7 of P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.2 and N.J.S.A. 52:27D-304.3). All opinions and conclusions set forth herein are within a reasonable degree of professional planning certainty. We reserve the right to amend and supplement our findings, opinions and conclusions should additional information be made available at a later date.

Land Capacity Factor Analysis

The DCA issued the data and mapping that was the basis for the land capacity factor on November 25th, over a month after the DCA deadline to issue its non-binding numbers under the Amended FHA.

The following language is contained in the link to the DCA GIS data and the description section (<https://njdca.maps.arcgis.com/home/item.html?id=12acdf0a5104f8f8a2f604e96063e74>):

"The land areas identified in this dataset are based on an [sic] 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)

The areas identified as developable in the DCA's calculation of the Land Capacity Factor are indeed overinclusive. Accordingly, we believe that the land capacity allocation factor should be adjusted from 158.032 acres to 88.105 acres. When this correction is made, Montville's Round Four Prospective Need number should be 321 instead of the 410-unit figure identified by DCA.

While the basis for removing land treated as developable in the DCA's calculation is set forth below, it is important to note that the analysis to correct the land allocation factor is different than the analysis used to determine a municipality's entitlement to a vacant land adjustment. While the analysis to correct the Land Capacity Factor focuses on developable land, the analysis to support a vacant land adjustment focuses on land suitable for inclusionary development. Therefore, just because a site was not removed for purposes of calculating the Land Capacity Factor has no bearing on whether it should be removed to calculate entitlement to a vacant land adjustment.

In this regard, the Township secured court approval of a vacant land adjustment in Round Three and will necessarily seek an adjustment in Round Four in conjunction with its preparation of a Housing Element and Fair Share Plan. Nothing herein should be construed as a waiver of those rights that are explicitly reserved.

An analysis of the lands identified by the DCA as being "developable" revealed several inaccuracies. In summary, these inaccuracies generally included lands which were: artifacts of error as described by the DCA; constrained by wetland transition area buffers; located on developed properties or inaccessible lots; located on open space or common element properties; located on properties presently under construction; and located on properties with active site plan approvals. Correcting these inaccuracies adjusts the Township's weighted land area from 158.032 acres to 88.105 acres. This results in an adjustment of the Township's calculated share of the region's land capacity from 2.95% to 1.64%.

1: Basis of Calculation

As per the adopted legislation, a municipality's Land Capacity Factor shall be determined by:

"estimating the area of developable land in the municipality's boundaries, and regional boundaries, that may accommodate development through the use of the 'land use / land cover data' most recently published by the Department of Environmental Protection, data from the American Community Survey and Comprehensive Housing Affordability Strategy dataset thereof, MOD-IV Property Tax List data from the Division of Taxation in the Department of the Treasury, and construction permit data from the Department of Community Affairs and weighing such land based on the planning area type in which such land is located. After the weighing factors are applied, the sum of the total developable land area that may accommodate development in the municipality and in the region shall be determined. The municipality's share of its region's developable land shall be its land capacity factor. Developable land that may accommodate development shall be weighted based on the planning area type in which such land is located."

The legislation identifies the primary data sources and weighing factors to utilize in calculating a municipality's land capacity factor. However, unlike the equalized nonresidential valuation factor and the income capacity factor, the legislation did not establish a delineated process to combine the aforementioned data sources into one comprehensive and coherent formula.

The DCA subsequently released a workbook entitled "Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background" (herein referred to as the "DCA Workbook" or the "Workbook") which established that department's interpretation on how to calculate the land capacity factor. In summary, that workbook identified the following steps:

1. First, the DCA divided the weighing regions established by the legislation by municipality.
2. Next, land use/land cover areas were used to identify vacant, developable lands. The workbook identifies the codes and descriptions of the land use/land cover data used in this process. In short, they include: cropland and pastureland; orchards/vineyards/nurseries/horticultural areas; deciduous forest areas; coniferous forest areas; plantations; mixed forest areas; old field areas; phragmites dominate old field areas; deciduous brush/shrubland; coniferous brush/shrubland; mixed deciduous/coniferous brush/shrubland; severe burned upland vegetation; and undifferentiated barren lands.
3. These initial vacant, developable lands were then refined to remove rights-of-way as well as developed properties. For the latter, the DCA utilized MOD-IV tax data and selected underlying tax parcels with property class codes for residential, commercial, industrial, apartment, railroad, and school.

4. Construction permit data was then analyzed to capture more recent development activities that may not have otherwise been reflected by the land use/land cover data or MOD-IV tax data.
5. Other limiting factors were utilized to remove initial vacant, developable lands. These include: open space, preserved farmland, category 1 waterways and wetlands (and associated buffers based on special area restrictions), steep slopes exceeding 15 percent, and open waters.
6. Due to limitations resulting from inconsistencies between data sources, the resulting mapping included instances of small land areas caused by an incongruous alignment of geospatial layers. To eliminate these "slivers" of leftover land, the DCA eliminated any feature part with an area of less than 2,500 square feet. This presumed that a 25' by 100' foot area could be a developable property.
7. Finally, the resulting land area for each municipality was summed with the resulting land areas for all other municipalities within each housing region to then determine the municipal percentage of land capacity for the housing region.

2: Analysis of Calculation

The calculation conducted by the DCA determined that the Township has 158.032 acres of developable land which accounts for a 2.95% share of the region's land capacity factor. Overall, the Township finds the general methodology utilized by the DCA to calculate its land capacity factor acceptable. However, an analysis of the DCA's resultant mapping discovered the following:

1. Several of the lands identified as "developable" by the DCA represent slivers which "are considered artifacts of error that are common when overlaying polygons and vectors from non-coincident data sources." The DCA initially tried to eliminate these slivers by deleting any feature parts with an area of less than 2,500 square feet. However, areas less than the minimum 25' width threshold identified by DCA for developability were nevertheless identified as developable.
2. Several other lands identified by the DCA as "developable" are either fully or partially constrained by wetland transition area buffers or patches of steep slope area larger than 5,000 square feet, despite DCA specifically identifying these features as factors for removal in their methodology.
3. Many lands identified as "developable" by the DCA are located on properties with development. To eliminate "developable" lands on developed properties, the DCA had removed any lands where the underlying tax parcels had property class codes for residential, commercial, industrial, apartments, railroad, and school. However, the property classifications identified by the DCA did not account for houses of worship, properties developed with nonprofit facilities, and properties developed with public facilities.

4. Several lands identified as "developable" by the DCA were in fact located on open space, common elements for homeowner's associations, or properties containing infrastructure (e.g. detention basins, flood collection areas, rights-of-way, etc.).
5. Some "developable" areas did not account for areas restricted by the regulatory floodway of streams and other mapped watercourses.
6. There were several instances of lands identified as "developable" by the DCA being located on properties which are presently under construction. This is likely due to a lag in construction permit reporting.
7. Finally, some lands identified as "developable" by the DCA are located on properties with active site plan approvals which are no longer available for development.

These discrepancies are summarized in Table 2 utilizing the Land Capacity Analysis and are detailed in the mapping in Appendix A of this analysis. Removing these lands would adjust the Township's weighted land area from 158.032 acres to 88.105 acres. This results in an adjustment of the Township's calculated share of the region's land capacity from 2.95% to 1.64%.

Irrespective of the land capacity factor analysis established herein, the Township reserves the right to conduct a vacant land adjustment (VLA) to determine its realistic development potential (RDP) at a later date.

Table 2: Summary of Land Capacity Factor Analysis – Montville

Shapefile Object ID*	Initial Weighted Area* (acres)	Developable?	Comments	Weighted Area Recalculated (acres)
31440	0.1440	No	Not vacant. Developed with municipal pumping station.	0.0000
31441	0.3890	Yes		0.3890
31442	0.3216	Yes		0.3216
31443	0.8421	Partial	0.082 ac on lot under construction for inclusionary housing (Montville Residency), but remainder developable.	0.7606
31444	0.0740	No	All but 0.027 ac constrained by wetland buffers (remainder is <2,500 sq ft threshold to qualify as developable).	0.0000
31445	0.4729	Yes		0.4729
31446	2.1241	Yes		2.1241
31447	1.0123	No	Under construction for single-family dwelling.	0.0000
31448	0.6534	Partial	0.295 ac developable, but remainder constrained by 50-ft wetland buffers.	0.2954
31449	0.1928	Yes		0.1928
31450	0.0668	No	Not vacant. Developed with municipal water tank.	0.0000
31451	0.0670	No	Not vacant. Developed with municipal water tank.	0.0000
31452	0.2623	Yes		0.2623
31453	0.1192	No	Public utility owned by Jersey City Water.	0.0000
31454	2.3606	No	Public utility owned by Jersey City Water.	0.0000
31455	0.6130	Partial	Block 163 Lot 22 is public utility owned by Jersey City Water, but remainder developable.	0.5359
31456	0.0752	No	Dedicated open space (on ROSI). Also, <25' wide.	0.0000
31457	0.1460	No	Dedicated open space (on ROSI). Also, <25' wide.	0.0000
31458	1.1720	Yes		1.1720
31459	0.6107	Yes		0.6107
31460	0.4460	No	Dedicated open space (on ROSI).	0.0000
31461	3.5992	No	Block 139 Lot 5.2 developed with single-family dwelling and Block 139 Lot 5.1 under construction for single-family dwelling.	0.0000
31462	0.5136	No	Developed with single-family dwelling.	0.0000
31463	0.1979	Yes		0.1979
31464	0.1807	No	All but 977 sf constrained by 50-ft wetland buffers (remainder is <2,500 sq ft threshold to qualify as developable).	0.0000
31465	1.6638	No	Not vacant. Developed with Pinto of Montville trash hauling business.	0.0000
31466	1.0069	No	Under construction for flex industrial building.	0.0000
31467	0.5727	No	Both parcels under construction for single-family dwellings.	0.0000

Shapefile Object ID*	Initial Weighted Area* (acres)	Developable?	Comments	Weighted Area Recalculated (acres)
31468	0.4466	No	Lot 17.02 under construction for flex industrial building and Lot 17.03 developed with Pinto of Montville trash hauling business. Also, fully constrained by 50-ft wetland buffers.	0.0000
31469	0.1086	Yes		0.1086
31470	0.7578	No	Under construction for flex industrial building.	0.0000
31471	2.1649	Partial	0.494 constrained by 50-ft wetland buffers, but remainder developable.	1.6709
31472	0.4247	Partial	338 sf constrained by 50-ft wetland buffers and <25' wide, but remainder developable.	0.4169
31473	0.2396	Yes		0.2396
31474	1.3778	Partial	All but 0.25 ac constrained by 50-ft wetland buffers, but remainder developable.	0.2495
31475	0.6329	Yes		0.6329
31476	1.0877	Partial	0.28 ac constrained by 50-ft wetland buffers, but remainder developable.	0.8052
31477	0.3067	Yes		0.3067
31478	0.2034	Partial	All but 0.103 ac constrained by 50-ft wetland buffers and/or <25' wide, but remainder developable.	0.1031
31479	0.0578	No	Sliver less than 25' wide.	0.0000
31480	0.0720	No	All but 750 sf constrained by 50-ft wetland buffers (remainder is <2,500 sq ft threshold to qualify as developable).	0.0000
31481	0.0809	No	Sliver less than 25' wide.	0.0000
31482	0.5758	Partial	0.053 ac constrained by 50-ft wetland buffers and/or floodway, but remainder developable.	0.5224
31483	0.4161	No	Lot 11.3 is not vacant (developed with fire station) and Lot 10 is common open space owned by HOA.	0.0000
31484	0.0735	No	Only 1,212 sf is at least 25' wide (<2,500 sq ft threshold to qualify as developable).	0.0000
31485	12.0992	Partial	2.81 ac constrained by 50-ft wetland buffers and floodway, but remainder developable.	9.2892
31486	0.2758	No	Not vacant. Developed with place of worship and cemetery.	0.0000
31487	0.6092	No	Not vacant. Lot 12 developed with place of worship & cemetery and Lot 13.1 developed with animal shelter.	0.0000
31488	0.0712	Yes		0.0712
31489	0.6746	Yes		0.6746
31490	1.6526	Partial	Portion on Lot 8.2 (0.49 ac) is developable, but Lot 22.5 is developed with a single-family dwelling.	0.4932
31491	0.1056	Partial	All but 0.061 ac is <25' wide, but remainder is developable per 2,500 sq ft threshold.	0.0606

Shapefile Object ID*	Initial Weighted Area* (acres)	Developable?	Comments	Weighted Area Recalculated (acres)
31492	17.9292	Yes		17.9292
31493	0.8501	No	Not vacant. Developed with single-family dwelling.	0.0000
31494	0.3311	No	Not vacant. Developed with single-family dwelling.	0.0000
31495	12.7725	Yes		12.7725
31496	0.3990	Yes		0.3990
31497	2.4897	Partial	1.31 ac portion constrained by steep slope area >5,000 sf, but remainder is developable.	1.1756
31498	0.6959	No	Elimination of bad curve (not developable).	0.0000
31499	0.0636	Yes		0.0636
31500	0.3633	Yes		0.3633
31501	0.1133	No	Not vacant. Developed with place of worship.	0.0000
31502	0.1378	No	Not vacant. Developed with place of worship and parochial school.	0.0000
31503	0.6696	No	Not vacant. Developed with place of worship and parochial school.	0.0000
31504	0.3412	Yes		0.3412
31505	0.5370	Yes		0.5370
31506	0.1091	No	Not vacant. Developed with place of worship and parochial school.	0.0000
31507	0.1326	No	Not vacant. Developed with place of worship and parochial school.	0.0000
31508	0.9864	No	Not vacant. Developed with place of worship.	0.0000
31509	0.8599	No	Not vacant. Developed with place of worship and parochial school.	0.0000
31510	1.6440	No	Not vacant. Developed with single-family dwelling.	0.0000
31511	0.1931	No	Developable area completely within conservation easement.	0.0000
31512	4.9076	Partial	Lots 30.4, 30.5, 30.6 & 30.7 developed with single-family dwellings; Lots 29 & 31 contain existing and former bed of historic Morris Canal (listed on National, State & Local Registers); and majority of Lot 30.8 constrained by conservation easement, but remainder of Lot 30.8 (0.256 ac) is developable.	0.2562
31513	0.1759	No	Contains existing and former bed of historic Morris Canal (listed on National, State & Local Registers).	0.0000
31514	0.1371	No	Lot 30.2 partially constrained by conservation easement. Remaining developable area on Lot 30.2 is <25' wide and <2,500 sq ft threshold to qualify as developable. Remaining developable area on Lot 31 reduced to <2,500 sf developable area after factoring out portions <25' wide. Lot 31 also contains existing and former bed of historic Morris Canal (listed on National, State & Local Registers).	0.0000

Shapefile Object ID*	Initial Weighted Area* (acres)	Developable?	Comments	Weighted Area Recalculated (acres)
31515	0.2099	No	Retention pond.	0.0000
31516	0.2016	No	Contains existing and former bed of historic Morris Canal (listed on National, State & Local Registers).	0.0000
31517	0.1145	Yes		0.1145
31518	0.0705	No	Sliver less than 25' wide.	0.0000
31519	0.2548	No	Fully constrained by 50-ft wetland buffers and floodway.	0.0000
31520	0.4025	No	JCP&L utility wires/right-of-way.	0.0000
31521	0.6873	No	NJ Transit railroad right-of-way	0.0000
31522	0.2258	Yes		0.2258
31523	1.0172	Yes		1.0172
31524	1.1842	Yes		1.1842
31525	4.8631	Yes		4.8631
31526	0.8007	Yes		0.8007
31527	0.1539	No	Sliver less than 25' wide.	0.0000
31528	0.0765	No	Sliver less than 25' wide.	0.0000
31529	0.0803	No	Site Plan Approval for Sterling - 3rd Round Unmet Need Compliance Site (not developable for 4th Round).	0.0000
31530	0.1196	No	NJ Transit railroad right-of-way.	0.0000
31531	0.0857	No	Sliver less than 25' wide.	0.0000
31532	0.0659	Yes		0.0659
31533	0.1275	No	Sliver less than 25' wide.	0.0000
31534	0.0617	No	Sliver less than 25' wide.	0.0000
31535	0.3015	Yes		0.3015
31536	0.1212	No	Sliver less than 25' wide.	0.0000
31537	0.1557	No	Site Plan Approval for Sterling - 3rd Round Unmet Need Compliance Site (not developable for 4th Round).	0.0000
31538	0.4300	Yes		0.4300
31539	0.0788	No	Sliver less than 25' wide. No street access.	0.0000
31540	0.2185	No	NJ Transit railroad right-of-way.	0.0000
31541	0.0689	No	Majority of developable area <25' wide and remainder <2,500 sq ft threshold. No street access.	0.0000
31542	0.0846	No	Not vacant. Developed with single-family dwelling.	0.0000
31543	0.1033	Yes		0.1033
31544	0.5860	No	Not vacant. Developed with Morris County public works buildings.	0.0000
31545	0.1641	No	Parcel not accessible (no street access).	0.0000
31546	0.2621	No	Not vacant. Developed with single-family dwelling.	0.0000
31547	1.2515	Partial	0.294 ac constrained by 50-ft wetland buffers, but remainder developable.	0.9573
31548	0.1178	No	Sliver less than 25' wide.	0.0000

Shapefile Object ID*	Initial Weighted Area* (acres)	Developable?	Comments	Weighted Area Recalculated (acres)
31549	0.1890	Yes		0.1890
31550	0.0700	Yes		0.0700
31551	5.8562	Partial	Block 44 Lot 5 is NJ Transit railroad right-of-way and 0.492 ac of Block 81 Lot 6 constrained by 50-ft wetland buffers, but remainder of Block 81 Lot 6 is developable.	2.5247
31552	0.0820	No	Sliver less than 25' wide.	0.0000
31553	1.3129	Yes		1.3129
31554	0.3016	Yes		0.3016
31555	0.1455	No	NJ Transit railroad right-of-way.	0.0000
31556	0.1630	Partial	Block 44 Lot 2 is NJ Transit railroad right-of-way, but remaining area on Block 18 Lot 32 (0.067 ac) is developable.	0.0671
31557	0.1716	Partial	Block 59 Lot 7.2 developed with municipal pumping station, but Block 59 Lot 7.1 is developable.	0.0928
31558	0.7087	Partial	Block 44 Lot 2 is NJ Transit railroad right-of-way, but remaining area on Block 82.9 Lot 12.2 (0.543 ac) is developable.	0.5431
31559	0.0796	No	Sliver less than 25' wide.	0.0000
31560	0.2152	No	Block 39.6 Lot 99.1 is NJ Transit railroad right-of-way and remainder under construction for single-family development.	0.0000
31561	0.6814	Partial	0.086 ac is <25 wide, but remainder developable.	0.5953
31562	0.0596	No	Sliver less than 25' wide.	0.0000
31563	0.1020	No	Under construction for single-family development.	0.0000
31564	0.6577	No	Not vacant. Developed with place of worship.	0.0000
31565	0.5425	No	Under construction for single-family development.	0.0000
31566	0.2029	No	Block 39.6 Lot 99.1 is NJ Transit railroad right-of-way and remainder <25' wide and under construction for single-family development.	0.0000
31567	0.1473	No	NJ Transit railroad right-of-way.	0.0000
31568	0.0600	No	Fully constrained by 50-ft wetland buffers.	0.0000
31569	1.5186	No	Block 39.6 Lot 99.1 is NJ Transit railroad right-of-way and remainder under construction for single-family development.	0.0000
31570	0.2945	No	Under construction for single-family development.	0.0000
31571	0.6174	Partial	0.124 ac <25' wide, but remainder developable.	0.4930
31572	0.3535	No	Block 39.6 Lot 99.1 is NJ Transit railroad right-of-way and remainder under construction for single-family development.	0.0000
31573	1.1306	Partial	Block 44 Lot 5 is NJ Transit railroad right-of-way, but portion on Block 81 Lot 13 is developable.	0.4151

Shapefile Object ID*	Initial Weighted Area* (acres)	Developable?	Comments	Weighted Area Recalculated (acres)
31574	0.0748	No	All but 763 sf constrained by 50-ft wetland buffers (remainder <2,500 sq ft threshold to qualify as developable).	0.0000
31575	0.2007	No	Under construction for single-family development.	0.0000
31576	0.3433	No	NJ Transit railroad right-of-way.	0.0000
31577	1.3953	Yes		1.3953
31578	2.0941	No	Block 44 Lot 2 is NJ Transit railroad right-of-way and Block 56 Lot 6.3 not accessible (no street access).	2.0941
31579	0.0703	No	NJ Transit railroad right-of-way.	0.0000
31580	0.2274	No	Not vacant. Developed with place of worship. Also, 5,069 sf constrained by 50' wetland buffer.	0.0000
31581	0.6035	No	NJ Transit railroad right-of-way.	0.0000
31582	0.0875	No	Not vacant. Developed with single-family dwelling.	0.0000
31583	0.9825	Partial	Block 95 Lot 13 contains existing and former bed of historic Morris Canal (listed on National, State & Local Registers), but portion on Block 95 Lots 1 and 2 (0.37 ac) is developable.	0.3749
31584	0.1218	No	NJ Transit railroad right-of-way.	0.0000
31585	0.4444	No	Not vacant. Developed with place of worship.	0.0000
31586	0.0875	No	NJ Transit railroad right-of-way.	0.0000
31587	0.1825	No	NJ Transit railroad right-of-way.	0.0000
31588	0.1289	No	Contains existing and former bed of historic Morris Canal (listed on National, State & Local Registers). Also, majority (0.16 ac) consists of portions <25' wide.	0.0000
31589	1.1678	No	NJ Transit railroad right-of-way.	0.0000
31590	0.3108	No	Contains existing and former bed of historic Morris Canal (listed on National, State & Local Registers). Also, majority (0.16 ac) consists of portions <25' wide.	0.0000
31591	0.3929	No	Common open space owned by HOA.	0.0000
31592	0.4645	Yes		0.4645
31593	0.1390	No	Common open space owned by HOA.	0.0000
31594	0.2401	No	Not vacant. Developed with place of worship.	0.0000
31595	0.0841	No	Sliver less than 25' wide.	0.0000
31596	0.0825	No	Not vacant. Developed with place of worship.	0.0000
31597	0.1191	No	Deed restricted for open space.	0.0000
31598	0.5324	No	Deed restricted for open space.	0.0000
31599	0.0870	No	Developable area <25' wide and/or constrained by 50-ft wetland buffers.	0.0000
31600	0.0971	No	Not vacant. Developed with place of worship.	0.0000
31601	0.2206	No	NJ Transit railroad right-of-way.	0.0000
31602	4.5818	No	Not vacant. Developed with place of worship.	0.0000

Shapefile Object ID*	Initial Weighted Area* (acres)	Developable?	Comments	Weighted Area Recalculated (acres)
31603	2.1393	Yes		2.1393
31604	0.8151	Partial	0.278 ac constrained by 50-ft wetland buffers. Block 100 Lot 2 is not vacant (developed with place of worship), but remainder of Block 100 Lot 5.2 (outside of wetland buffers) is developable.	0.2797
31605	0.6917	Yes		0.6917
31606	0.4120	No	Common open space owned by HOA. Also, all but 318 sf constrained by conservation easement and/or 50-ft wetland buffers.	0.0000
31607	0.2730	Yes		0.2730
31608	0.1436	No	NJ Transit railroad right-of-way.	0.0000
31609	1.0057	No	NJ Transit railroad right-of-way.	0.0000
31610	0.5844	Yes		0.5844
31611	0.6511	Yes		0.6511
31612	0.1121	Partial	Block 109 Lot 7 contains existing and former bed of historic Morris Canal (listed on National, State & Local Registers). Remainder on Block Lot 12 is <2,500 sq ft threshold to qualify as developable. (Also, all but 0.08 ac consists of portions <25' wide.)	0.0000
31613	0.1331	Partial	1,058 sf is <25' wide, but remainder developable.	0.1088
31614	0.1196	No	Contains existing and former bed of historic Morris Canal (listed on National, State & Local Registers). Also, majority (0.16 ac) consists of portions <25' wide.	0.0000
31615	0.0585	No	Sliver less than 25' wide. Also, contains existing and former bed of historic Morris Canal (listed on National, State & Local Registers).	0.0000
31616	0.8087	No	NJ Transit railroad right-of-way.	0.0000
31617	0.4114	No	NJ Transit railroad right-of-way.	0.0000
31618	0.2152	No	Common open space owned by HOA. Also, 4,861 sf constrained by 50-ft wetland buffers and/or is <25' wide.	0.0000
31619	0.1268	No	NJ Transit railroad right-of-way.	0.0000
31620	0.1448	No	NJ Transit railroad right-of-way.	0.0000
31621	1.1074	No	NJ Transit railroad right-of-way.	0.0000
31622	2.9234	Partial	1.277 ac is constrained by 50-ft wetland buffers, but remainder is developable.	1.6462
31623	1.6293	No	Dedicated open space (on ROSI).	0.0000
31624	0.3993	Partial	0.211 ac is constrained by 50-ft wetland buffers, but remainder is developable.	0.1880
31625	0.0861	No	Sliver less than 25' wide.	0.0000
31626	0.1623	No	Public utility owned by JCP&L.	0.0000

Shapefile Object ID*	Initial Weighted Area* (acres)	Developable?	Comments	Weighted Area Recalculated (acres)
31627	0.0714	Yes		0.0714
31628	0.1965	Yes		0.1965
31629	0.1625	No	Dedicated open space (on ROSI). Misalignment of open space and parcel shapefiles.	0.0000
31630	0.0899	No	Dedicated open space (on ROSI). Misalignment of open space and parcel shapefiles.	0.0000
31631	3.2417	Yes		3.2417
31632	0.2184	Yes		0.2184
31633	0.4298	No	Parcel not accessible (no street access)	0.0000
31634	0.9496	No	Not vacant. Developed with single-family dwelling.	0.0000
31635	0.1177	No	Dedicated open space (on ROSI). Also, entirely constrained by 50-ft wetlands buffers.	0.0000
31636	0.1721	No	Under construction for single-family dwelling.	0.0000
		TOTAL		88.105

* Object ID and area computations identified were obtained from the NJDCA published Vacant and Developable Land Analysis.

Appendix A: Land Capacity Factor Analysis Map

The following map shows in more detail the specific mapping of the various land capacity areas as identified in the DCA analysis provided through the Land Capacity Analysis for P.L. 2024, c.2. They are obtained from the web based ArcGIS online mapping utilizing feature layers (hosted) by NJDCA and incorporating other layer features available through NJDEP and ArcGIS Online services.

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**4th Round
 Affordable
 Housing**
 TOWNSHIP OF KINNELON
 LAND USE PLAN, 2024



Legend

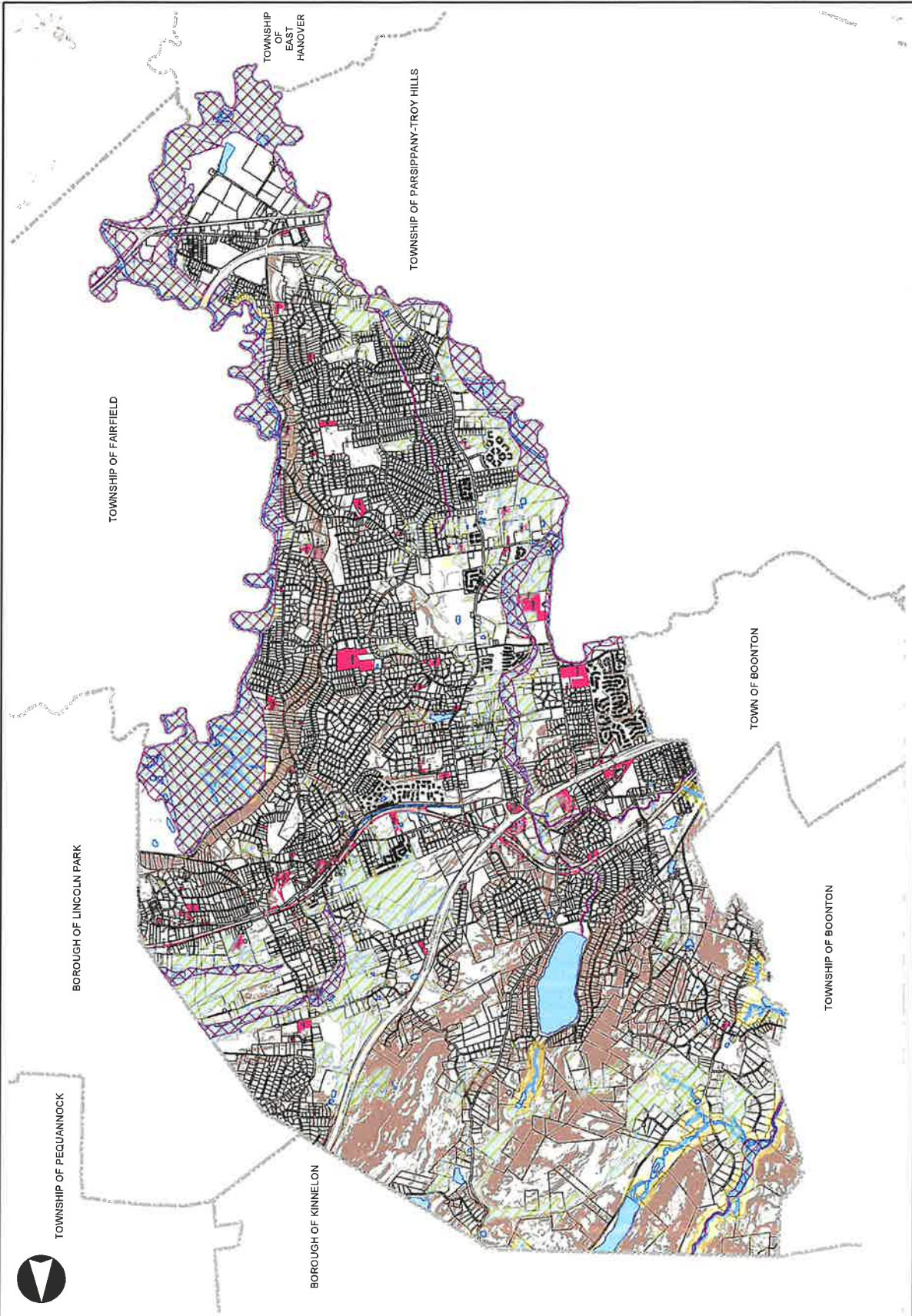
- Parcel
- Designable Area Per DCA
- Water Bodies
- Wetlands
- 50 ft Wetlands Buffer
- Category One Stream
- 300 ft Category One Stream Buffer
- Flooding
- Slopes < 15%
- Slopes 15% or >

Scale

0 500 1,000 1,500 Feet

**Analysis of DCA
 Land Capacity Factor**

Category	Area (Acres)	Percentage
Category 1	1,234	12.3%
Category 2	2,345	23.4%
Category 3	3,456	34.5%
Category 4	4,567	45.6%
Category 5	5,678	56.7%
Category 6	6,789	67.8%
Category 7	7,890	78.9%
Category 8	8,901	89.0%
Category 9	9,012	90.1%
Category 10	10,123	101.2%



TOWNSHIP OF PEQUANNOCK

BOROUGH OF LINCOLN PARK

TOWNSHIP OF FAIRFIELD

TOWNSHIP OF EAST HANOVER

TOWNSHIP OF PARSIPPANY-TROY HILLS

BOROUGH OF KINNELON

TOWN OF BOONTON

TOWNSHIP OF BOONTON

