

WHITE TOWNSHIP  
WARREN COUNTY, NEW JERSEY

RESOLUTION # 2025-14

**RESOLUTION REGARDING FAIR SHARE AFFORDABLE HOUSING  
OBLIGATIONS FOR THE FOURTH ROUND**

**WHEREAS**, the New Jersey Supreme Court, through its rulings in Southern Burlington County NAACP v. Mount Laurel, 67 13 N.J. 151 (1975) and Southern Burlington County NAACP 14 v. Mount Laurel, 92 N.J. 158 (1983), has determined that every municipality in New Jersey has a constitutional obligation to provide through its land use regulations a realistic opportunity for its fair share of its region's present and prospective needs for housing for low- and moderate-income families; and

**WHEREAS**, on March 20, 2024, Governor Murphy signed P.L.2024, c.2 into law, establishing a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et al.); and

**WHEREAS**, pursuant to N.J.S.A. 52:27D-304.1(f)(1)(b), each municipality must adopt a binding resolution no later than January 31, 2025 determining its present and prospective fair share obligation for the Fourth Round; and

**WHEREAS**, pursuant to Administrative Directive #14-24 issued by the Administrative Office of the Courts on December 13, 2024, "[a] municipality seeking a certification of compliance with the [Fair Housing Act] shall file an action in the form of a declaratory judgment complaint and Civil Case Information Statement (Civil CIS) in the county in which the municipality is located" within 48 hours of adopting the municipal resolution of fair share obligations; and

**WHEREAS**, pursuant to N.J.S.A. 52:27D-304.1(d), the New Jersey Department of Community Affairs issued "a report on the calculations of regional need and municipal obligations for each region of the State" on or about October 18, 2024 (the "DCA Report"); and

**WHEREAS**, on or about November 20, 2024, DCA provided a GIS data set that was used to calculate each municipality's land capability factor in the DCA Report.

**WHEREAS**, the webpage associated with such data set (<https://njdca.maps.arcgis.com/home/item.html?id=12acdf0a5104f8f8a2f604e96063e74>) notes:

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).

**WHEREAS**, the DCA Report set the municipal obligation for White Township as follows:

Present Need: 100  
Prospective Need: 322

**WHEREAS**, the Township accepts the conclusions set forth in the DCA Report, except those regarding the land capacity allocation factor applicable to the Township; and

**WHEREAS**, pursuant to N.J.S.A. 52:27D-304.1(f)(1)(a), a municipality may determine its present and prospective fair share obligation for affordable housing consistent with the established methodologies; and

**WHEREAS**, DCA maintains that the areas the DCA identified as developable may be “overinclusive;” and

**WHEREAS**, the Township’s Professional Planner, has determined that such data set is “overinclusive” and has prepared a report dated January 29, 2025 stating such, which is attached hereto as Exhibit A; and

**WHEREAS**, the data compiled by DCA to calculate the Township’s “land capacity factor” erroneously included approximately 212.68 acres as vacant and developed land as outlined in the attached report from the Township Planner (**Exhibit A**); and

**WHEREAS**, removing such property from the inventory of vacant land in the Township reduces the total vacant land from 250.218 acres to 37.541549 acres, as outlined in the report attached hereto as **Exhibit A**; and

**WHEREAS**, the correction of the land capacity factor and the average allocation factor reduces the Township’s prospective affordable housing obligation from **322 to 53**, as outlined in the report attached hereto as **Exhibit A**; and

**WHEREAS**, N.J.S.A. 52:27D-304.1(f)(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 need is entitled to a “presumption of validity” because it complies with Sections 6 and 7 of P.L. 2024, c. 2; and

**WHEREAS**, the Township specifically reserves its rights to:

- a. Adjust the Township’s fair share obligations based on a Vacant Land Adjustment, a lack of public water or sewer infrastructure (i.e. a Durational Adjustment), Highlands Build Out Analysis, a structural conditions survey pursuant to N.J.A.C.

5:93-5.2(a), and / or all other applicable adjustments, permitted in accordance with applicable statute, regulations or law;

- b. Revoke or amend this Resolution and the Township's Fourth Round Affordable Housing Obligations to account for decisions of a court of competent jurisdiction or a change in applicable legislation; and
- c. The right to take any contrary position, or adjust its Fourth Round Affordable Housing Obligations, in the event of a third party challenge to the Township's Fourth Round Affordable Housing Obligations.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Committee of the Township of White, Warren County, New Jersey, as follows:

2. White Township hereby determines, based on the DCA Report, corrections to the data utilized therein, and advice of the Municipal Planner and Attorney, to adopt the following obligations as its binding Fourth Round Affordable Housing Obligations:

Present Need: 100

Prospective Need: 53

3. The adoption of this Resolution and the aforementioned Fourth Round Affordable Housing Obligations is subject to all reservations of rights, which specifically include, without limitation, the following:
  - a. The right to adjust the Township's fair share obligations based on a Vacant Land Adjustment, a lack of public water or sewer infrastructure (i.e. a Durational Adjustment), Highlands Build Out Analysis, a structural conditions survey pursuant to N.J.A.C. 5:93-5.2(a), and all other applicable adjustments, permitted in accordance with applicable statute, regulations or law with such adjustments to be adopted as part of the municipality's Fourth Round Housing Element and Fair Share Plan.;
  - b. The right to revoke or amend this Resolution and the Township's Fourth Round Affordable Housing Obligations to account for decisions of a court of competent jurisdiction or a change in applicable legislation; and
  - c. The right to take any contrary position, or adjust its Fourth Round Affordable Housing Obligations, in the event of a third party challenge to the Township's Fourth Round Affordable Housing Obligations.
4. The Municipal Clerk and Municipal Attorney are authorized to take all actions required by N.J.S.A. 52:27D-304.1(f)(1)(b), including:
  - a. Filing a Declaratory Judgment Complaint, along with this Resolution and a Case Information Statement, in the appropriate venue with the Program or any other such

entity as may be determined to be appropriate, to initiate an action within 48 hours of the adoption of this Resolution pursuant to the requirements of P.L.2024, c.2, and AOC Directive #14-24

- b. Publishing this Resolution on the Township's website.
- 5. The Municipal Attorney, Municipal Planner, and Planning Board are authorized to take all actions to draft documents necessary to comply with all Fourth Round affordable housing obligations, including drafting a Housing Element and Fair Share Plan, an Affordable Housing Trust Fund Spending Plan, and effectuating ordinances and resolutions.
- 6. This Resolution shall take effect immediately.

Skoog: yes

Hyndman : Yes

Herb: Yes

*I hereby certify the foregoing to be a true copy of a Resolution adopted by the Mayor and Committee of White Township at a meeting held on January 30, 2025.*

  
Brielle Walsh, Deputy Clerk

  
Jeff Herb, Mayor

Shelbourne at Hunterdon  
53 Frontage Road, Suite 110  
Hampton, New Jersey 08827  
Main: 877 627 3772



## Memorandum

To: White Township  
From: Daniel N. Bloch, PP, AICP, EADA  
Date: January 29, 2025  
Subject: Fourth Round Allocation Factors  
Project No.: WHL008A

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P.L. 2024, c.2 specifies the formula and process by which Fourth Round affordable housing obligation numbers are to be calculated. The Department of Community Affairs (DCA) was charged with the preparation of the Fourth Round numbers. DCA published their report on or about 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). However, the spreadsheet only noted an 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 allocation process starts with a state-wide number. DCA has calculated this number to be 84,698. This number is allocated amongst the six affordable housing regions. White Township is located in Region 2 – Essex, Morris, Union, and Warren. Region 2 has a Fourth Round obligation of 20,506.

The regional need is then distributed to the non-urban aid municipalities based on three allocation factors:

- Equalized Non-residential Valuation
- Income Capacity
- Land Capacity

Equalized non-residential valuation is determined by the change in value for commercial and industrial parcels between 1999 and 2023. The Township value change is divided by the change in value of Region 2, which produces a percentage. This percentage is the Equalized Non-residential Valuation factor.

Income capacity measures the extent to which the Township's income level differs from that of the lowest-income municipality in its Region. For Region 2, Newark has the lowest median income. The analysis reviews the income difference and does account for number of households in each community. Once again, each community is compared to the Region's aggregate median income difference. Essentially, the higher median income a community has, the higher percentage it is allocated.

Land capacity estimates the total acreage that is developable based on 2020 aerial imagery. The Township's developable acreage is divided by the Region's total acreage, which produces a percentage. This percentage is the Land Capacity factor.

The three factors are then averaged for each community. That average is then multiplied by the obligation for the municipality's Region.

The information below summarizes the three allocation factors and the average allocation assigned to White Township.

- Non-residential ~ -0.05%
- Land Capacity ~ 4.67%
- Income ~ 0.09%
- Average allocation is 1.57%; therefore, the Fourth Round Obligation is 322 (1.57% x 20,506)

DCA provided a detailed excel workbook with their data inputs and calculations. Below is a summary of the data we reviewed and our findings.

#### **Equalized Non-residential Valuation**

- 2023 commercial and industrial values are correct (total = \$98,063,700)
- 2023 State Equalization Table Average Ratio – 75.23% from state table on website is correct
- 1999 commercial and industrial values are correct (total = \$128,200,870)
- 1999 State Equalization Table Average Ratio – 89.74% is correct
- The calculations for White Township are correct

#### **Income Capacity**

- 2022 number of households is correct (2,234) [2023 number of households is 2,209]
- 2022 median income is correct (\$56,731) [2023 median income is \$69,519]
- Region 2 minimum median income was Newark with \$46,460, correct
- Difference from median household floor with household weight is correct
- Household weighted income difference percentage is correct
- Difference from median household income floor is correct
- Income difference percentage of region is correct
- Income capacity allocation calculations for White Township are correct
- *DCA used 2022 5-year data, which is the latest available. 2023 5-year data was released today and is included above in brackets for reference.*

#### **Land Capacity**

- Table states 250.219 acres – we do not agree with this assessment.  
 -The DCA GIS data identifies 63 areas within the Township as developable. These areas total 250.218 acres according to the GIS data. Each area has been assigned a unique "ObjectID" or identification number. The table attached as **Exhibit A** lists each area's identification

number (see column "DCA ObjectID"), and the associated vacant acres identified by DCA.<sup>1</sup> Our office then added a column to identify the block(s) and lot(s) each area encompasses. We then reviewed each area to confirm if it was developable as it stands at the time of this review. Our findings for each of the 63 areas is provided under "Comments". Finally, the table contains a column labeled "Adjusted Developable Acres" based upon the results of our area-by-area analysis.

This detailed evaluation reveals that only 4 of the 63 identified areas are developable. The six areas encompass 37.541549 acres. Therefore, White Township's developable acreage is 37.54 acres, not 250.218 acres. When this corrected acreage data is entered into DCA's excel spreadsheet<sup>2</sup> the Township's Land Capacity Factor decreased from 4.68% to 0.7%. The Township's Average Allocation Factor decreased from 1.57% to 0.26% and, accordingly, White Township's Fourth Round Obligation is reduced to 53 units.

Based upon our review of the data for White Township, the GIS analysis prepared by DCA has the following shortcomings:

- It does not capture conservation easements or deed restrictions.
- 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. Many of these instances occur in rear and side yard setback areas.
- It fails to account for area shape and size. For example, areas as narrow as 2 feet are identified as developable.
- It does not take into account utility easements.

Our analysis has identified discrepancies with the data for the allocation factors, specifically the land capacity factor. Once analyzed and updated to reflect the status of developable land, the land capacity factor was reduced which led to a reduction to the overall average allocation factor. Therefore, there was a decrease in the calculated obligations for the Township. As a result, we have reason to object to the Fourth Round obligation DCA has calculated for White Township and requires that the obligation be reduced to 53 units.

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<sup>1</sup> Note that the DCA GIS attribute table labels this column as "vacant acres" not developable acres.

<sup>2</sup> [https://www.nj.gov/dca/dlps/4th\\_Round\\_Numbers.shtml](https://www.nj.gov/dca/dlps/4th_Round_Numbers.shtml)

## Exhibit A: DCA Land Capacity Factor Analysis

DCA ObjectID	Weighted Acres	Vacant Acres	Block(s) / Lot(s)	Comments	Adjusted Developable Acres
32665	21.204019	21.204019	B21/L14	Property is preserved open space by Warren County	0
32666	0.349557	0.349557	B21/L6	Area is irregularly shaped and is a thin sliver of tree buffers between the residential use and farmland use. Identified as undevelopable	0
32667	0.165253	0.165253	B33/L22	Property is part of the active quarry and is not developable	0
32668	0.275315	0.275315	B33/L22	Property is part of the active quarry and is not developable	0
32669	0.078065	0.078065	B33/L22	Property is part of the active quarry and is not developable	0
32670	16.514759	16.514759	B30/L10.02	Property is designated open space by the Highlands council and is public property. Area is undevelopable	0
32671	0.073381	0.073381	B28/L2	Property is developed with buildings associated with adjacent farmland. Selection is a part of the vehicle and tools storage yard of the existing use. Identified as undevelopable	0
32672	0.232084	0.232084	B28/L2	Property is developed with buildings associated with adjacent farmland. Selection is a part of the yard of the existing use. Identified as undevelopable	0
32673	0.094888	0.094888	B28/L2	Property is developed with buildings associated with adjacent farmland. Selection is a part of the yard of the existing use. Identified as undevelopable	0
32674	0.755054	0.755054	B25/L1	Property is developed with the Warren County municipal utilities authority. Selection is part of the front/side yard of the property and a portion is within the 150ft wetland buffer. Identified as undevelopable.	0
32675	0.074298	0.074298	B33/L23	Property is part of the active quarry and is not developable	0
32676	0.596327	0.596327	B33/L23	Property is part of the active quarry and is not developable	0
32677	0.073473	0.073473	B33/L23	Property is part of the active quarry and is not developable	0
32678	0.109602	0.109602	B32/L15	Property is part of the active quarry and is not developable	0
32679	0.097768	0.097768	B32/L15	Property is part of the active quarry and is not developable	0
32680	0.095203	0.095203	B32/L15	Property is part of the active quarry and is not developable	0
32681	1.556229	1.556229	B32/L15	Property is part of the active quarry and is not developable	0
32682	0.118809	0.118809	B32/L13	This selection entirely contains the right-of-way known as Mt. Pisgah Ave. Identified as undevelopable	0



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DCA ObjectID	Weighted Acres	Vacant Acres	Block(s) / Lot(s)	Comments	Adjusted Developable Acres
32683	0.062317	0.062317	B32/L12	This area is part of the Warren County District Solid Waste landfill and is undevelopable	0
32684	0.272205	0.272205	B34/L16	The selection is irregularly shaped as it appears to be a thin sliver of trees along the property containing farmland. Identified as undevelopable	0
32685	0.279472	0.279472	B32/L12	This area is part of the Warren County District Solid Waste landfill and is undevelopable	0
32686	0.345205	0.345205	B32/L12	This area is part of the Warren County District Solid Waste landfill and is undevelopable	0
32687	0.513882	0.513882	B32/L12	This area is part of the Warren County District Solid Waste landfill and is undevelopable	0
32688	0.088146	0.088146	B34/L16	The selection is irregularly shaped as it appears to be a thin sliver of trees along the property containing farmland. Identified as undevelopable	0
32689	0.79916	0.79916	B32/L12	This area is part of the Warren County District Solid Waste landfill and is undevelopable	0
32690	0.116614	0.116614	B32/L12	This area is part of the Warren County District Solid Waste landfill and is undevelopable	0
32691	7.048784	7.048784	B42/L5	Area can be developed.	7.048785
32692	0.296262	0.296262	B64/L8	Selection is irregularly shaped and is of a small width surrounded by steep slopes. Identified as undevelopable	0
32693	0.091914	0.091914	B63/L9	Area is irregularly shaped, no access to roadway, and part of the front yard of a quarry. Identified as undevelopable	0
32694	1.698394	1.698394	B43/L2	Property is part of the active quarry and is not developable	0
32695	0.104147	0.104147	B63/L9	Area is irregularly shaped with no access to roadways, and surrounded by steep slopes, and is on the property with a mining use. Identified as undevelopable	0
32696	0.085683	0.085683	B51/L4.01	Selection is irregularly shaped, has no access to roadways, and is identified as undevelopable	0
32697	0.277311	0.277311	B63/L9	Area has no access to roadways, and surrounded by steep slopes, and is within the 500ft buffer for the adjacent mining uses on property. Identified as undevelopable	0
32698	0.331794	0.331794	B63/L9	Area is irregularly shaped with no access to roadway, and is within the 500ft buffer for the adjacent mining uses on property. Identified as undevelopable	0
32699	6.21359	6.21359	B63/L6 & L9	Area is part of the active Hoffman Mine.	0
32700	0.837215	0.837215	B51/L5	Selection is part of the developed solar panel property. Identified as undevelopable	0
32701	0.09873	0.09873	B63/L9	Selection is irregularly shaped, and is part of the mine on the parcel. Identified as undevelopable	0
32702	0.083511	0.083511	B62/L24	Area is part of a preserved farmland use. Identified as undevelopable	0

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Engineering  
& Design

DCA ObjectID	Weighted Acres	Vacant Acres	Block(s) / Lot(s)	Comments	Adjusted Developable Acres
32703	0.07877	0.07877	B51/1	Area is the rear yard of a residential and farm parcel. Identified as undevelopable	0
32704	15.462742	15.462742	B63/L2 & L 3	Selection spans two parcels (Lot 2 and 3). Area is partially developed with structures on Lot 3. Developable area is limited to only Lot 2.	7.946228
32705	7.555647	7.555647	B52/L10	Selection is partially developed and used as a range for the Belvidere Police Dept. The remainder of the selection is part of the DSM-Firmenich factory. Identified as undevelopable	0
32706	6.355999	6.355999	B52/L8 & 9 & 10	Selection spans across 3 parcels. The entire portion within Lots 8 and 9 is vacant and developable. The portion on Lot 10 is part of the buffer between the DSM- Firmenich factory and adjacent parcels. Identified as partially developable	4.16031
32707	0.147176	0.147176	B52/L10	Area is irregularly shaped and part of the DSM-Firmenich factory site. Identified as undevelopable	0
32708	18.753783	18.753783	B62/L3	Area is farmland, slight irregularity which has been removed from calculation, identified as developable.	18.386226
32709	49.297382	49.297382	B51/L4 & 1 & 5 & 4.02	Majority of area is considered rear yards of properties and/or irregularly shaped and unsuitable for development, they have been removed from calculation. Area which spans on Lot 4.02 is developable	0
32710	0.146288	0.146288	B52/L10	Irregularly shaped and considered unsuitable for development. Part of the buffer area for the DSM-Firmenich factory	0
32711	0.144079	0.144079	B52/L10	Area is part of the front yard for the DSM-Firmenich factory. Identified as undevelopable.	0
32712	0.878916	0.878916	B52/L10	Selection is irregularly shaped, part of the buffer between DSM- Firmenich factory and adjacent properties. Identified as undevelopable	0
32713	1.75625	1.75625	B52/L10	Selection is irregularly shaped, part of the buffer between DSM- Firmenich factory and adjacent properties. Identified as undevelopable	0
32714	0.154108	0.154108	B62/L2	Area is part of the Oscar W. Unangst Memorial recreational field, Identified as undevelopable	0
32715	0.574317	0.574317	B52/L10	Area is irregularly shaped and is part of the buffer between the DSM- Firmenich factory and the farmland on the same property. Identified as undevelopable.	0
32716	0.099812	0.099812	B54.01/L1	Property has development approvals. Not considered developable.	0
32717	0.105667	0.105667	B52/L10	Area is irregularly shaped and borders along the railroad, identified as undevelopable	0
32718	23.488029	23.488029	B51/L1	Area is part of the Immaculate Conception Convent property. Areas which contain buildings and are considered yards and buffers are removed from calculation. Vacant area with access to roadways is developable	0

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DCA ObjectID	Weighted Acres	Vacant Acres	Block(s) / Lot(s)	Comments	Adjusted Developable Acres
32719	17.646661	17.646661	B52/L10	Area is primarily cornfields and part of the DSM-Firmenich factory property. Wooded areas provided a buffer between factory and the selection. Identified as developable.	0
32720	10.286385	10.286385	B54.01/L1 & 2	Property is developed with a self-storage facility and the remainder of the is to remain agricultural as a condition of the resolution.	0
32721	11.581914	11.581914	B54.01/L2	Property is developed with a self-storage facility and the remainder of the is to remain agricultural as a condition of the resolution.	0
32722	0.406334	0.406334	B52/L10	Selection is irregularly shaped and is part of the DSM-Firmenich factory. Identified as undevelopable	0
32723	12.401448	12.401448	B52/L10	Selection is irregularly shaped and is part of the DSM-Firmenich factory site. Identified as undevelopable	0
32724	0.139584	0.139584	B52/L10	Selection is irregularly shaped and is part of the DSM-Firmenich factory site. Identified as undevelopable	0
32725	0.156389	0.156389	B52/L10	Selection is irregularly shaped and is part of the DSM-Firmenich factory site. Identified as undevelopable	0
32726	0.334376	0.334376	B52/L10	Selection is irregularly shaped and is part of the DSM-Firmenich factory site. Identified as undevelopable	0
32727	9.343301	9.343301	B52/L10	Area is primarily cornfields and part of the DSM-Firmenich factory property. Wooded areas provided a buffer between factory and the selection. Identified as developable.	0
32728	0.814993	0.814993	B52/L10	Selection is irregularly shaped and is part of the DSM-Firmenich factory site. Identified as undevelopable	0
	<b>250.21877</b>				<b>37.541549</b>