

HOUSING ELEMENT AND FAIR SHARE PLAN

Township of Pohatcong
Warren County, New Jersey

April 26, 2010

Prepared By:



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INTRODUCTION

In the case of Southern Burlington County NAACP v. the Township of Mount Laurel, (commonly known as Mount Laurel I), the New Jersey Supreme Court established the doctrine that developing municipalities in New Jersey have a constitutional obligation to provide a realistic opportunity for the construction of low and moderate income housing in their communities. In its Mount Laurel decision, decided on January 20, 1983 (Mount Laurel II), the Supreme Court expanded the Mount Laurel doctrine by stating that this constitutional responsibility extended to all municipalities in New Jersey. The Court also established various remedies, including the “builder remedy” or court-imposed zoning, to ensure that municipalities actually addressed this obligation.

In response to the Mount Laurel II decision, the New Jersey Legislature adopted the Fair Housing Act in 1985 (Chapter 222, Laws Of New Jersey, 1985). The Fair Housing Act established a Council on Affordable Housing (COAH) as an administrative alternative to the courts. COAH was also given the responsibility of establishing various housing regions in the state, determining regional and municipal fair share affordable housing obligations and adopting regulations establishing the guidelines and approaches that municipalities may use in addressing their affordable housing need.

Under COAH's regulations, low income households are defined as those with incomes no greater than 50 percent of the median household income, adjusted for household size, of the housing region in which the municipality is located, and moderate-income households are those with incomes no greater than 80 percent and no less than 50 percent of the median household income, adjusted for household size, of the housing region. For the Township of Pohatcong, the housing region is defined by COAH as Region 2 and is comprised of Warren, Essex, Morris and Union counties. In Region 2 the median income for a four-person household is \$87,514, the moderate-income level is \$70,011 and low income is \$43,757.

Pursuant to both the Fair Housing Act and the Municipal Land Use Law (MLUL), municipalities in New Jersey are required to include a housing element in their master plans. The principal purpose of the housing element is to provide for methods of achieving the goal of access to affordable housing to meet the municipality's low and moderate income housing needs. The statutory required contents of the housing element are:

- a. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated;
- b. A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing, for the ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
- c. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
- d. An analysis of the existing and probable future employment characteristics of the municipality;
- e. A determination of the municipality's present and prospective fair share for low and moderate income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low and moderate income housing; and
- f. A consideration of the lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.

COAH THIRD ROUND METHODOLOGY

Unlike the previous two rounds, the Third Round methodology determines a municipality's affordable housing need based on the growth of the municipality. The need for affordable housing in a municipality is calculated through the sum of the following:

- Existing Deficient housing units within the municipality occupied by low and moderate income households which is referred to as rehabilitation share;
- Remaining Prior Round (1987 – 1999) Obligation assigned to a municipality by the Council or the court for the period 1987 through 1999; and

- The share of the affordable housing need generated by a municipality's actual growth (2004 – 2018) based upon the number of new housing units constructed and the number of new jobs created as a result of non-residential development.

The rehabilitation share for affordable housing is the number of existing housing units as of April 1, 2000 that are both deficient and occupied by households of low or moderate income and is calculated by COAH. The Remaining Prior Round (1987 – 1999) Obligations from the first and second fair share rounds have been recalculated to include data from the 2000 Census and are also provided by COAH.

With the Third Round Rules, the Council has implemented a growth share approach to affordable housing, thereby linking the actual production of affordable housing with municipal development and growth, based upon the number of new housing units constructed and the number of new jobs created as a result of non-residential development.

When developing a Housing Element and Fair Share Plan to provide affordable housing between 2004 and 2018, municipalities may rely on the COAH Growth Projections as the baseline for potential growth over the 2004-2018 period. However, the official growth share obligation accrued by each municipality as calculated by 2018 will be based on actual residential and non-residential growth.

Projected growth from COAH is converted into the affordable housing obligation, which the municipality must plan for by applying the following ratios:

- For every five residential units constructed, the municipality shall be obligated to include one affordable unit (i.e. 1 affordable unit in every 5 residential units for inclusionary development or 1 affordable unit for every four market rate units).
- For every 16 jobs created, the municipality shall be obligated provide one affordable unit. (i.e. 1 affordable unit for every 16 jobs created).

The projected growth share obligation will be converted into an actual growth share obligation when the ratios above are applied to market-rate units and newly constructed and expanded non-residential developments receiving permanent certificates of occupancy.

HIGHLANDS REGIONAL MASTER PLAN (RMP) HOUSING AND EMPLOYMENT PROJECTIONS

Pohatcong Township has indicated, by Township Council Resolution, its intent to conform to the Highlands Regional Master Plan (RMP) in the Highlands Planning Area and is relying upon the RMP for determining the projected Municipal Growth Share Obligation. Therefore, this Housing Element and Fair Share Plan has been modified to incorporate RMP provisions as a basis for housing and employment growth projections. These projections have been recalculated using the Highlands Council Municipal Build-Out Analysis results for the Township, including consideration of water availability, septic system yield, and water and wastewater utility capacity. Housing and employment projections are required to determine the municipal "Growth Share" component of the overall Fair Share Housing obligation. Consistent with the Substantive Rules (N.J.A.C. 5:97) of the Council on Affordable Housing (COAH), the municipal affordable housing need is measured as a percentage of residential and non-residential growth from 2004-2018. COAH ratios require general one (1) affordable unit for every four (4) new market rate housing units and one (1) affordable unit for every 16 new jobs (calculated on the basis of new non-residential square footage by Uniform Construction Code Use Group designation). Pursuant to COAH Rules, the overall housing obligation also includes a Rehabilitation Share and the Prior Round Obligation; each of these is offset in the final analysis by eligible credits, reductions and adjustments, as appropriate.

GOALS AND OBJECTIVES

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

1. To the extent feasible, the zone plan will guide anticipated new residential development into compact, center-based projects.
2. To provide a realistic opportunity for the provision of the municipal share of the region's present and prospective needs for housing for low- and moderate-income families.
3. To the maximum extent feasible, to incorporate affordable housing units into any new residential construction that occurs within the Highlands Area including any mixed use, redevelopment, and/or adaptive reuse projects.
4. To preserve and monitor existing stocks of affordable housing.

5. To reduce long term housing costs through:
 - a. The implementation of green building and energy efficient technology in the rehabilitation, redevelopment and development of housing. Recent innovations in building practices and development regulations reflect significant energy efficiency measures, and therefore cost reductions, through building materials, energy efficient appliances, water conservation measures, innovative and alternative technologies that support conservation practices, and common sense practices such as recycling and re-use.
 - b. The promotion of the use of sustainable site design, efficient water management, energy efficient technologies, green building materials and equipment, and retrofitting for efficiencies.
 - c. Maximizing the efficient use of existing infrastructure, through such means as redevelopment, infill and adaptive reuse.
6. To use a smart growth approach to achieving housing needs:
 - a. Use land more efficiently to engender economically vibrant communities, complete with jobs, houses, shopping, recreation, entertainment and multiple modes of transportation.
 - b. Support a diverse mix of housing that offers a wide range of choice in terms of value, type and location. In addition, seek quality housing design that provides adequate light, air, and open space.
 - c. Target housing to areas with existing higher densities and without environmental constraints, within walking distance of schools, employment, services, transit and community facilities with sufficient capacity to support them.

MUNICIPAL SUMMARY

Pohatcong Township is 13.37 square miles in size and situated in the southwestern portion of Warren County. The Township surrounds the Borough of Alpha. The more developed areas of the Township are extensions of the Borough of Alpha and the Town of Phillipsburg. The villages within its limits are Finesville, Springtown, Riegelsville, Carpentersville, Warren Glen and Kennedy's. The main highways servicing the Township are US Route 22, State Route 57 and State Route 22. Interstate Highway 78, while it carries interstate and regional traffic, has no local interchange in the Township. The Interstate forms a loop around the Borough of Alpha. The Township is generally rolling, gently sloping hills and well suited for agricultural purposes, as well as proposed housing developments. However large portions of the Township are underlain by karst topography and are subject to sinks and seeps.

The Township is bound by the Town of Phillipsburg, and the Townships of Lopatcong and Greenwich in Warren County and by Holland Township in Hunterdon County. In addition to the municipal boundaries that surround the Township, the Pohatcong is also bound by the Delaware River to the west and northwest and the Musconetcong River to the south. Together with the Pohatcong Creek, these major water bodies are significant, since they affect the development potential of the majority of lands within the Township.

According to the 2000 Census, the population of Pohatcong Township decreased from 3,591 in 1990 to 3,416 in 2000. The median age was 39.8 years, which was more than two years older than the Warren County median age of 37.6 years. The average household size dropped from the 1990 level of 2.73 persons to 2.54 persons in 2000.

The housing stock of the Township is predominantly single-family, detached housing. Most of the structures were built before the 1960s. The Township is not a job intensive area, but offers employment opportunity on par with other municipalities in Warren County. According to the guidelines established by COAH, Pohatcong Township is located in affordable housing Region 2, a region that consists of Warren, Essex, Morris, and Union counties.

According to the Third Round rules Pohatcong Township has a rehabilitation obligation of no (0) units and a prior round (1987-1999) obligation of 47 units. In accordance with the COAH growth projections for the Township, it is expected the Township will grow by 133 residential units and will produce 959 jobs in non-residential development giving the Pohatcong a Growth Share obligation of 87 units.

However, the Municipal Growth Share Obligation is recalculated by comparing growth projected by COAH with actual growth based on certificates of occupancy that have been issued from 2004 through 2008 and the Highlands Council Municipal Build-Out Analysis. These projections have been recalculated using the Highlands Council Municipal Build-Out Analysis results for the Township, including consideration of water availability, septic system yield, and water and wastewater utility capacity. Housing and employment projections are required to determine the municipal "Growth Share" component of the overall Fair Share Housing obligation. The Highlands RMP analysis results in a revision to the COAH-generated growth projection.

In accordance with the Highlands RMP analysis, it is expected the Township will grow by 86 residential units and will produce 121 jobs. After the residential exclusions of 136 units for the EAI Hamptons are applied to the residential growth of 86 units, and accounting for the non-residential growth of 121 jobs, Pohatcong Township has residential growth share of 0 plus a non-residential growth share of 7.58 for a total Highlands Adjusted Growth Share Obligation of 8 affordable units.

	COAH Projected Growth Share	Growth Share Based on Highlands RMP
Residential Growth	133	86
Residential Exclusions	136	136
Net Residential Growth	-3	-50
Residential Growth Share	0	
Non-Residential Growth	959	121
Non-Residential Exclusions	0	0
Net Non- Residential Growth	959	121
Non-Residential Growth Share	59.94	7.58
Total Growth Share	60	8

The Township proposes to address its overall 55-unit obligation (prior round plus growth share) through the following:

- Continued Use of Developers Fee Ordinance
- Utilization of Existing Credits

This report constitutes the Housing Element/Fair Share Plan of Pohatcong Township. It consists of six parts, as follows:

PART I.	DEMOGRAPHIC CHARACTERISTICS
PART II.	EXISTING HOUSING CHARACTERISTICS
PART III.	EMPLOYMENT DATA
PART IV.	DETERMINING THE FAIR SHARE OBLIGATION
PART V.	ZONING ANALYSIS
PART VI.	CREDITS AND ADJUSTMENTS
PART VII.	AMENDED AND REVISED THIRD ROUND FAIR SHARE PLAN

I. DEMOGRAPHICS CHARACTERISTICS

POPULATION

Though the population of Pohatcong increased significantly from 1930 to 1970, it has been in a slow, but steady decline since the 1970s. The population trends experienced in Pohatcong Township, Warren County and the State of New Jersey from 1930 through 2000 are shown below. There were 3,416 residents in Pohatcong Township in 2000, which was a decrease of 175 people from the 1990 population. Bearing some similarity to Warren County and the State of New Jersey as a whole, Pohatcong experienced its greatest population growth in the forties, fifties and, to a lesser extent, the sixties. Its population peaked in 1970, when 3,924 people lived in the Township. However, in the last three decades, Pohatcong has seen a mild but consistent decrease in population, in contrast to the growing populations in the County and the State.

Populations Trends, 1930 to 2000									
Year	Pohatcong Township			Warren County			New Jersey		
	Population	Change		Population	Change		Population	Change	
		Number	Percent		Number	Percent		Number	Percent
1930	1,974			49,319			4,041,334	-	-
1940	2,029	55	2.8	50,181	862	1.7	4,160,165	118,831	2.9
1950	2,540	511	25.2	54,374	4,193	8.4	4,835,329	675,164	16.2
1960	3,543	1,003	39.5	63,220	8,846	16.3	6,066,782	1,231,453	20.3
1970	3,924	381	10.8	73,960	10,740	17.0	7,171,112	1,104,330	18.2
1980	3,856	-68	-1.7	84,429	10,469	14.2	7,365,011	463,899	6.5
1990	3,591	-265	-6.9	91,607	7,178	8.5	7,730,188	365,177	5.0
2000	3,416	-175	-4.9	102,437	10,830	11.8	8,414,350	684,162	8.9

POPULATION COMPOSITION BY AGE

There were less young people and more adults according to the 2000 Census. The largest decreases in the Township occurred in the 25 to 34 and 15 to 24 year old cohorts, which experienced decreases of 31.6 percent and 26.6 percent, respectively. There was also a moderate loss in the 55 to 64 year old cohort, which experienced an 11.8 percent decrease. Conversely, there was a significant increase in the population of 45 to 54 year olds (24.2%), and moderate growth in the 35 to 44 year age cohort (9.2%).

Population by Age 1990 and 2000, Pohatcong Township						
	1990		2000		Change, 1990 to 2000	
Population	Number		Number		Number	
Under 5	228	6.3	221	6.5	-7	-3.1
5 to 14	431	12.0	452	13.2	21	4.9
15 to 24	428	11.9	314	9.2	-114	-26.6
25 to 34	588	16.4	402	11.8	-186	-31.6
35 to 44	585	16.3	639	18.7	54	9.2
45 to 54	401	11.2	498	14.6	97	24.2
55 to 64	390	10.9	344	10	-46	-11.8
65 and over	540	15.0	546	16	6	1.1
Total	3,591	100	3,416	100	-175	-4.9

Warren County also experienced shifts in the age make-up of its population. Like Pohatcong, the County saw a significant decrease in its young adult population. The 25 to 34 year old cohort lost 18 percent and the 15 to 24 year age cohort also experienced a moderate loss of 7.8 percent. The County also experienced the greatest increase in population among those aged 45 to 54 (increasing by 50%) and 35 to 44 (increasing 28.8%).

Population by Age, 1990 and 2000, Warren County						
	1990		2000		Change, 1990 to 2000	
Population	Number	Percent	Number	Percent	Number	Percent
Under 5	6,942	7.6	7,032	6.9	90	1.3
5 to 14	12,270	13.4	15,424	15.1	3,154	25.7
15 to 24	11,605	12.7	10,695	10.4	-910	-7.8
25 to 34	15,969	17.4	13,089	12.8	-2,880	-18.0
35 to 44	14,713	16.1	18,947	18.5	4,234	28.8
45 to 54	9,938	10.9	14,929	14.6	4,991	50.2
55 to 64	8,027	8.8	9,115	8.9	1,088	13.6
65 and over	12,143	13.3	13,206	12.9	1,063	8.8
Total	91,607	100	102,437	100	10,830	11.8

The median age of residents in Pohatcong Township in 2000 was 39.8 years. Analysis of age group characteristics provides insight into the actual changes in population. This comparison is helpful in determining impacts these changes have on housing needs, community facilities and services for the municipality and the County overall.

HOUSEHOLDS

A household is defined as one or more persons, either related or not, living together in a housing unit, which includes rental apartments, condominiums, houses, etc. In 2000, there were a total of 1,341 households in Pohatcong Township. A majority (58.8%) of the households were occupied by less than two persons. The average number of persons per household for the Township was 2.54, slightly lower than the County's average of 2.61. Both the Township's and the County's largest percentage of households consisted of two-persons. The next most common household size for both the Township and the County was one person.

HOUSEHOLD SIZE- Occupied Housing Units Pohatcong Township and Warren County				
	Township	Percent	County	Percent
Total Households	1,341	100	38,660	100
1-person household	295	22.0	9,270	24.0
2-person household	493	36.8	12,487	32.3
3-person household	229	17.1	6,563	17.0
4-person household	218	16.3	6,381	16.5
5-person household	78	5.8	2,804	7.3
6-person household	21	1.6	798	2.1
7-or-more-person household	7	0.5	357	0.9
Average Household Size	2.54		2.61	

Family households are defined as two or more persons living in the same household, related by blood, marriage or adoption. Most households in Pohatcong Township were families, comprising 73.8 percent of all households. The average family size was just under three persons (2.99). The majority of family households were married-couple families, of which 41 percent had children under the age of 18. Of the one-person households, about 55 percent were female and 45 percent were male.

In providing more detail of American households, the 2000 Census included the sub-groups of non-traditional households: 'Other family' and 'Non-family' households. 'Other family' households made up 11.2 percent of all households. Non-family households are defined as households that consist of a householder living alone or sharing the home exclusively with people with whom he/she is not related. Non-family households only comprised 4.2 percent of all households in the Township.

Household Size and Type Pohatcong Township		
	Total	Percent
Total Households	1,341	100.0
1-person household:	295	22.0
<i>Male householder</i>	133	45.1
<i>Female householder</i>	162	54.9
2 or more person household:	1,046	78.0
Family households:	990	73.8
<i>Married-couple family:</i>	840	84.8
With own children under 18 years	344	41.0
No own children under 18 years	496	59.0
Other family:	150	11.2
<i>Male householder, no wife present:</i>	35	23.3
With own children under 18 years	12	34.3
No own children under 18 years	23	65.7
<i>Female householder, no husband present:</i>	115	76.7
With own children under 18 years	49	42.6
No own children under 18 years	66	57.4
Non-family households:	56	4.2
<i>Male householder</i>	40	71.4
<i>Female householder</i>	16	28.6
Average Family Size	2.99	

INCOME

Households in Pohatcong Township tended to earn lower median incomes compared to both Warren County and the State of New Jersey. In 1999 the median income in Pohatcong Township was \$52,188, a total of \$3,912 less than the County, and \$2,958 less than the State's median income.

Per Capita and Household Income 1999 Pohatcong Township, Warren County, New Jersey		
	1999 Per Capita (\$)	1999 Median Household (\$)
Pohatcong Township	24,754	52,188
Warren County	25,728	56,100
New Jersey	27,006	55,146

Most households in Pohatcong earned \$35,000 or more in income in 1999. Almost 28 percent of the households in Pohatcong earned between \$50,000 and \$74,999, while 19.8 percent earned between \$35,000 to \$49,999. A total of 12.5 percent earned \$100,000 or more, while slightly less than 15 percent earned below \$25,000. In Warren County, the most common income bracket was also the \$50,000 to \$74,999 bracket, with slightly more than 23 percent of all households earning that much.

Households Income In 1999 Pohatcong Township and Warren County				
	Pohatcong Township		Warren County	
	Number	Percent	Number	Percent
Total households	1,341	100	38,675	100
Less than \$10,000	52	3.9	2,243	5.8
\$10,000 to \$14,999	70	5.2	1,944	5.0
\$15,000 to \$24,999	72	5.4	3,252	8.4
\$25,000 to \$34,999	158	11.8	3,413	8.8
\$35,000 to \$49,999	266	19.8	5,917	15.3
\$50,000 to \$74,999	373	27.8	8,974	23.2
\$75,000 to \$99,999	182	13.6	5,836	15.1
\$100,000 to \$149,999	126	9.4	5,086	13.2
\$150,000 to \$199,999	24	1.8	1,157	3.0
\$200,000 or more	18	1.3	853	2.2
Median household income	52,188		56,100	

POVERTY STATUS

Of the 3,416 persons in Pohatcong, 148 individuals, or 4.3 percent, lived in poverty. Of those in poverty, most (48%) were in the age range of 18 to 64 years old. About a quarter of the individuals living in poverty were considered elderly (over 65), while almost 30 percent were children (under the age of 18).

Poverty Status 1999 - Pohatcong Township and Warren County				
	Pohatcong Township		Warren County	
	Number	Percent	Number	Percent
Total persons	3,416	100	102,437	100
Total persons below poverty level	148	4.3	5,492	5.4
Under 18	43	29.1	1,620	29.5
18 to 64	71	48.0	3,031	55.2
65 and over	34	23.0	841	15.3

HOUSEHOLD COSTS

The tables below show the expenditures for housing for those who owned and rented in Pohatcong Township in 2000. Nearly a quarter of owner-occupied households spent 30 percent or more of their household income on housing. In contrast, only 18 percent of renter-occupied households spent 30 percent or more of their household income on housing. General affordability standards set a bar at spending 30 percent of gross income for housing costs.

Selected Monthly Owner Costs As A Percentage Of Household Income Pohatcong Township 1999		
	Number	Percent
Total owner-occupied housing units	1,053	100
Less than 15 percent	294	27.9
15 to 19 percent	193	18.3
20 to 24 percent	179	17.0
25 to 29 percent	129	12.3
30 to 34 percent	104	9.9
35 percent or more	147	14.0
Not computed	7	0.7

Gross Rent As A Percentage Of Household Income Pohatcong Township 1999		
	Number	Percent
Total renter-occupied housing units	166	100.0
Less than 15 percent	17	10.2
15 to 19 percent	41	24.7
20 to 24 percent	28	16.9
25 to 29 percent	35	21.1
30 to 34 percent	12	7.2
35 percent or more	18	10.8
Not computed	15	9.0

II. EXISTING HOUSING CONDITIONS

HOUSING UNIT DATA

According to the 2000 Census, the Township had a total of 1,411 housing units, an increase of 33 units from 1990. A majority of units (82.4%) were owner-occupied, while 12.7 percent were renter-occupied. Housing construction has been dropping since 1979, before which over 93 percent of all the Township's housing was built. The median year of construction for the housing stock in Pohatcong Township was 1949.

Housing Data, 2000 Pohatcong Township		
	Total	Percent
HOUSING UNITS		
Total	1,411	100
TENURE		
Owner occupied	1,162	82.4
Renter occupied	179	12.7
YEAR STRUCTURE BUILT		
Built 1995 to March 2000	22	1.6
Built 1990 to 1994	33	2.3
Built 1980 to 1989	39	2.8
Built 1970 to 1979	127	9.0
Built 1960 to 1969	172	12.2
Built 1950 to 1959	280	19.8
Built 1940 to 1949	186	13.2
Built 1939 or earlier	552	39.1
Median year structure built	1949	

HOUSING TYPE AND SIZE

A great majority of the housing stock in Pohatcong Township is single-family, detached housing and most structures have at least five rooms. In 2000, there were 1,217 single-family, detached homes representing 86.3 percent of the housing stock. The second largest type, with only 7.6 percent, was single-family attached housing. Multi-family housing represented only about 6 percent of the housing stock within the Township, and no single structure contained more than nine units.

The median number of rooms per unit within housing structures in the Township was 6, with the largest percentage of structures (23.8%) having six rooms. Almost 85 percent of the structures had five or more rooms, while only 15 percent had four or less rooms.

Housing Type and Size 2000, Pohatcong Township		
UNITS IN STRUCTURE	Total	Percent
Total	1,411	100
1, detached	1,217	86.3
1, attached	107	7.6
2	26	1.8
3 or 4	42	3.0
5 to 9	19	1.3
10 to 19	0	0.0
20 to 49	0	0.0
50 or more	0	0.0
Mobile home	0	0.0
Boat, RV, van, etc.	0	0.0
ROOMS		
1 room	7	0.5
2 rooms	6	0.4
3 rooms	42	3.0
4 rooms	159	11.3
5 rooms	318	22.5
6 rooms	336	23.8
7 rooms	246	17.4
8 rooms	181	12.8
9 or more rooms	116	8.2
Median number of rooms	6	

OCCUPANCY

According to the 2000 Census, out of the 1,411 units in Pohatcong Township, 1,341 units or 95 percent were occupied, while 70 units or 5 percent were vacant. Of those units that were vacant, 60 percent were used for seasonal, recreational or occasional use. Other prominent vacant uses included non-specified vacancies (18.6%), units sold or rented already but not yet occupied (11.4%), and units available on the market for rent (10%).

OCCUPANCY STATUS 2000, Pohatcong Township		
	Total	Percent
Total	1,411	100
Occupied	1,341	95.0
Vacant	70	5.0

VACANCY STATUS		
Total	70	100
For rent	7	10.0
For sale only	0	0.0
Rented or sold, not occupied	8	11.4
For seasonal, recreational, or occasional use	42	60.0
For migrant workers	0	0.0
Other vacant	13	18.6

HOUSING VALUES AND CONTRACT RENTS

Housing values for owner-occupied housing units are listed in the table below along with mortgage status data. Almost 45 percent of owner-occupied housing units were valued at \$100,000 to \$149,999 and another 22 percent were valued at \$150,000 to \$199,999. Less than 19 percent of the units were valued between \$50,000 to \$99,000. The median value of a housing unit was \$135,100. Though most units were covered by a mortgage (68.9%), a significant number (327 units, or 31.1%) had no mortgage at all.

VALUE FOR ALL OWNER-OCCUPIED HOUSING UNITS 2000, Pohatcong Township		
	Total	Percent
Total	1,053	100
Less than \$50,000	6	0.6
\$50,000- \$99,999	199	18.9
\$100,000- \$149,999	471	44.7
\$150,000- \$199,999	231	21.9
\$200,000 to \$299,999	102	9.7
\$300,000 to \$499,999	44	4.2
\$500,000 +	0	0.0
Median value	\$135,100	
MORTGAGE STATUS		
Housing units with a mortgage, contract to purchase, or similar debt	726	68.9
With either a second mortgage or home equity loan, but not both	181	17.2
Second mortgage only	41	3.9
Home equity loan only	140	13.3
Both second mortgage and home equity loan	0	0.0
No second mortgage and no home equity loan	545	51.8
Housing units without a mortgage	327	31.1

Of the few renter-occupied units within the Township, most cost under \$900 per month. The median contract rent in Pohatcong Township in 2000 was \$717. The largest percent (41%) have a contract rent cost between \$500 and \$699.

CONTRACT RENT 2000, Pohatcong Township		
	Total	Percent
Total renter occupied units	166	100
Less than \$200	8	4.8
\$200- \$499	30	18.1
\$500-\$699	68	41.0
\$700-\$899	40	24.1
\$900 to \$999	5	3.0
\$1,000 to \$1,999	0	0.0
\$2,000 or more	0	0.0
No cash rent	15	9.0
Median Contract Rent	\$717	

HOUSING CONDITIONS

The table below details the condition of housing within Pohatcong Township based on heating fuel, plumbing facilities, kitchen facilities, telephone service and overcrowding. These factors are utilized in determining housing deficiency and general housing problems. According to the data, 80.6 percent of all households used fuel oil or kerosene as its heating fuel. Only six owner-occupied housing units experienced over-crowding, while no renter-occupied units were over crowded. There were no units lacking in complete plumbing or kitchen facilities, and only eight (8) occupied housing units, less than one percent of the total, had no telephone service.

Housing Conditions 2000, Pohatcong Township		
	Total	Percent
House Heating Fuel- Occupied housing units		
Total	1,341	100
Utility gas	88	6.6
Bottled, tank, or LP gas	18	1.3
Electricity	55	4.1
Fuel oil, kerosene, etc.	1,081	80.6
Coal or coke	19	1.4
Wood	80	6.0
Solar energy	0	0.0
Other fuel	0	0.0
No fuel used	0	0.0
Occupants per Room-Occupied housing units		
Total	1,341	100
Owner Occupants per Room (Over 1.0)	6	0.4
Renter Occupants per Room (Over 1.0)	0	0.0
Facilities- Total units		
Total	1,341	100
Lacking complete plumbing facilities	0	0.0
Lacking complete kitchen facilities	0	0.0
Telephone Service- Occupied housing units		
Total	1,341	100
No service	8	0.6

III. EMPLOYMENT DATA

The following tables detail changes in employment characteristics from 1998 to 2008 for Pohatcong Township, Warren County, and New Jersey. As the table shows, employment and the resident labor force in Pohatcong Township has risen slowly but steadily in the past decade, excepting a drop in 2007 and 2008. The unemployment rate has been increasing since 2000, and was measured at 4.6 percent in 2008. The lowest point of unemployment rate was 1.6 percent in 2000, and the highest point was 4.6 percent in 2008. Both the County and the State of New Jersey saw an increase in labor force and employment over the past ten years, and rising unemployment rates since 2000.

Employment and Resident Labor Force, 1998 - 2008, Pohatcong Township				
	Labor Force	Employment	Unemployment	Unemployment Rate
1998	2,062	2,015	47	2.3
1999	2,131	2,081	50	2.3
2000	2,248	2,211	37	1.6
2001	2,283	2,239	44	1.9
2002	2,324	2,261	64	2.7
2003	2,323	2,257	65	2.8
2004	2,023	1,954	68	3.4
2005	2,065	1,989	75	3.6
2006	2,089	2,010	79	3.8
2007	2,054	1,983	72	3.5
2008	2,066	1,971	95	4.6

Employment and Resident Labor Force, 1998 - 2008, Warren County				
	Labor Force	Employment	Unemployment	Unemployment Rate
1998	51,312	49,245	2,067	4.0
1999	53,043	50,857	2,186	4.1
2000	55,661	54,042	1,619	2.9
2001	56,663	54,717	1,946	3.4
2002	58,038	55,250	2,788	4.8
2003	58,035	55,166	2,869	4.9
2004	58,304	55,749	2,555	4.4
2005	59,091	56,748	2,343	4.0
2006	59,804	57,349	2,455	4.1
2007	58,782	56,554	2,229	3.8
2008	59,177	56,230	2,947	5.0

Employment and Resident Labor Force, 1998 - 2008, New Jersey				
	Labor Force	Employment	Unemployment	Unemployment Rate
1998	4,144,300	3,953,000	191,300	4.6
1999	4,205,500	4,012,200	193,200	4.6
2000	4,187,900	4,030,500	157,400	3.8
2001	4,179,500	4,003,800	175,700	4.2
2002	4,367,800	4,112,800	255,000	5.8
2003	4,375,000	4,118,000	256,983	5.9
2004	4,373,000	4,157,500	215,500	4.9
2005	4,431,600	4,232,800	198,700	4.5
2006	4,492,800	4,283,600	209,200	4.7
2007	4,462,300	4,271,700	190,600	4.3
2008	4,496,700	4,251,200	245,500	5.5

CLASS OF WORKER AND OCCUPATION

Most workers (78.5%) living in Pohatcong Township were a part of the private wage and salary worker group, which includes people who worked for wages, salary, commission, tips, etc, for private for-profit, private not-for-profit, tax-exempt employers, or a charitable organization. The second largest category was government worker (13.4%) followed by those who were self-employed (8.1%).

Class of Worker 2000, Pohatcong Township		
	Number	Percent
Total	1,797	100
Private wage and salary worker	1,411	78.5
Government worker	240	13.4
Self-employed worker	146	8.1
Unpaid family worker	0	0

Those that worked within the private wage field were concentrated in management, professional and related occupations (35%); and sales & office occupations (28.2%), together totaling over 63 percent of all employees. Other important occupations included construction, extraction & maintenance (13.5%); service (13.1%); and production, transportation & material moving (9.8%).

Occupation, 2000 Pohatcong Township		
	Number	Percent
Employed civilian population 16 years and over	1,797	100
Management, professional, and related occupations	629	35
Service occupations	236	13.1
Sales and office occupations	506	28.2
Farming, fishing, and forestry occupations	6	0.3
Construction, extraction, and maintenance occupations	243	13.5
Production, transportation, and material moving occupations	177	9.8

COMMUTING TO WORK

According to the 2000 Census, the mean travel time for those who lived in the Township was approximately 32 minutes. Only 14.7 percent traveled more than an hour to get to work while 51.2 percent of the commuters traveled less than 30 minutes to work. The largest proportion of workers commuted by automobile (93.2%) and a majority (87%) of commuters drove alone, while only 6.2 percent carpooled. Only one percent of commuters used public transportation.

Travel Time To Work, 2000 Pohatcong Township		
	Number	Percent
Workers who did not work at home	1,681	100
Less than 10 minutes	269	16.0
10 to 14 minutes	179	10.6
15 to 19 minutes	186	11.1
20 to 24 minutes	166	9.9
25 to 29 minutes	61	3.6
30 to 34 minutes	217	12.9
35 to 44 minutes	159	9.5
45 to 59 minutes	197	11.7
60 to 89 minutes	132	7.9
90 or more minutes	115	6.8
Mean travel time to work (minutes)	31.7	

Means Of Commute, 2000 Pohatcong Township		
	Number	Percent
Workers 16 years and over	1,744	100
Car, truck, or van	1,626	93.2
Drove alone	1,518	87
Carpooled	108	6.2
Public transportation	18	1
Walked	27	1.5
Other means	10	0.6
Worked at home	63	3.6

COVERED EMPLOYMENT

There is currently very limited information available on actual job opportunities within municipalities. The Department of Labor collects information on covered employment, which is employment and wage data for employees covered by private unemployment insurance. The tables below provide a snapshot of private employment within Pohatcong Township.

The table below reflects the number of jobs covered in private employment from 2006 through 2008. According to data from the New Jersey Department of Labor and Workforce Development, the peak was seen in 2006, when 852 jobs were reported as being covered by unemployment insurance. The low point of 464 covered jobs was experienced in 2007, after a loss of 388 jobs from 2006. The last year of data available was 2008, when 628 jobs were covered.

Private Wage Covered Employment* 2006-2008, Hope Township			
Year	Number of Jobs	# Change	% Change
2006	852	-	-
2007	464	-388	-46
2008	628	+164	+35

*Third Quarter Numbers

The table below reflects the disbursement of jobs by industry and salaries in 2003. It provides a snapshot of private employers located within Pohatcong Township, and reflects disbursement of jobs by industry and salaries in 2003. It can be seen the largest number of jobs was in the professional/technical services industry while the highest wages are found in the manufacturing industry.

Private Employment and Wages 2003, Pohatcong Twp.						
	Employment				Wages	
Industry	March	June	Sept	Dec	Weekly	Annual
Construction	21	30	35	28	\$549	\$28,557
Manufacturing	28	42	43	53	\$2,272	\$118,146
Wholesale trade	.	.	.	.	.	.
Retail trade	.	.	.	.	.	.
Transportation and warehousing	9	9	10	11	\$318	\$16,559
Information	.	.	.	.	.	.
Finance and insurance	.	.	.	.	.	.
Real estate and rental and leasing	.	.	.	.	.	.
Professional and technical services	433	437	447	459	\$1,655	\$86,034
Administrative and waste services	19	28	36	41	\$706	\$36,706
Health care and social assistance	.	.	.	.	.	.
Arts, entertainment, and recreation	.	.	.	.	.	.
Accommodation and food services	137	124	118	143	\$288	\$14,991
Other services, except public administration	60	63	66	66	\$451	\$23,458
Unclassified entities	16	9	16	8	\$663	\$34,450
Total/ Average	1,720	1,810	1,843	1,996	\$1,408	\$73,209

IV. DETERMINING THE FAIR SHARE OBLIGATION

The Housing Element has been/ modified to incorporate Highlands RMP provisions as the basis for housing and employment growth projections. These projections have been recalculated using the Highlands Council Municipal Build-Out Analysis results for the Township, including consideration of water availability, septic system yield, and water and wastewater utility capacity. Housing and employment projections are required to determine the municipal "Growth Share" component of the overall Fair Share Housing obligation. Consistent with the Substantive Rules (N.J.A.C. 5:97) of the Council on Affordable Housing (COAH), the municipal affordable housing need is measured as a percentage of residential and non-residential growth from 2004 - 2018. COAH ratios require in general one (1) affordable unit for every four (4) new market rate housing units and one (1) affordable unit for every 16 new jobs (calculated on the basis of new non-residential square footage by Uniform Construction Code Use Group designation). Pursuant to COAH Rules, the overall housing obligation also includes a Rehabilitation Share and the Prior Round Obligation; each of these is offset in the final analysis by eligible credits, reductions and adjustments, as appropriate.

Rehabilitation Share and Prior Round Obligation

As per Appendices B and C of NJAC 5:97, Pohatcong's rehabilitation share is zero (0) units and prior round obligation is forty-seven (47) units.

Pohatcong Twp. Obligation	
Rehabilitation Share	0
Prior Round Obligation	47

Growth Share Obligation

The Township is relying upon the RMP build-out analysis for determining the projected Municipal Growth Share Obligation. Workbook D, issued by COAH, provides the projected Municipal Growth Share Obligation by comparing growth projected by COAH with actual growth based on certificates of occupancy that have been issued from 2004 through 2008 and the RMP build-out analysis conducted under Module 2 of the Highlands RMP conformance process. Within this workbook, the projected Growth Share Obligation of a municipality may be modified based on exclusions permitted by N.J.A.C. 5:97-2.4. The attached Workbook D details the projected growth share obligation for Pohatcong based on COAH generated Growth Projections included in Appendix F(2) of the revised Third Round Rules, Highlands Council build-out figures and actual growth based on COs as published by the DCA Division of Codes and Standards in The Construction Reporter.

The attached Workbook D shows the Municipal Growth Share of Pohatcong. As shown in Worksheet D, the Highlands RMP analysis results in a revision to the COAH-generated growth projection - Pohatcong Township has residential growth share of 0 plus a non-residential growth share of 7.58 for a total Highlands Adjusted Growth Share Obligation of 8 affordable units.

Pohatcong Township Obligation	
Rehabilitation Share 1999-2014	0
Prior Round Obligation 1987-1999	47
Growth Share	8
Total Obligation	55

V. ZONING ANALYSIS – Meeting the Need

A zoning analysis, as required in the new Third Round regulations, is utilized to help determine how the Township will meet its expected growth and affordable housing need. This analysis covers how existing zoning and planned zoning changes provide adequate capacity to accommodate residential and non-residential growth projections and includes the following:

- An analysis of the available existing and planned infrastructure
- The anticipated demand for types of uses permitted by zoning based on present and anticipated future demographic characteristics of the Borough and anticipated land use patterns
- The Township's economic development policies and constraints on development with existing or planned measures to address constraints

Infrastructure

Sewer –The only portion of the Township that is sewerred is in the northeastern section of the Township between the Borough of Alpha and Lopatcong Township. The treatment plant owned and operated by Phillipsburg provides treatment and disposal for this area. The remainder of the area is served by individual septic systems for wastewater disposal.

The sanitary sewer plan proposes extending sewer service into medium to high density residential or industrial and commercial zoning areas. These include the previously designated affordable housing zone in the northwest of the Township, and the industrial areas along Still Valley Road and Edge Road in the east of the Township. A large portion of the Industrial zone, which is south of Interstate 78, is now in the Highlands Preservation area and it is doubtful that sewer service would ever be extended into the area. Existing medium density residential development is within the current sewer service area and the remainder of the low-density zoning will remain on septic systems.

Water –Much like sewer service, the portions of the Township with public water supply are in the medium and high-density development in the northeastern section of the Township between the Borough of Alpha and Lopatcong Township. The franchise water company is the Aqua New Jersey Water Company. Aqua New Jersey Water also serves portions of Lopatcong Township, Greenwich Township, and most of the Town of Phillipsburg. With the exception of the communities of Warren Glen and Reigelsville, which is also serviced by Garden State Water, the remainder of the Township is served by individual wells. There are no water supply wells or

storage facilities in Pohatcong. The majority of the Aqua New Jersey Water Company facilities are located within the Town of Phillipsburg and Lopatcong Township.

Anticipated Demand and Land Use Patterns

Demand

Pohatcong Township is 13.37 square miles in size and the more developed areas of the Township are extensions of the Borough of Alpha and the Town of Phillipsburg. The villages within its limits are Finesville, Springtown, Riegelsville, Carpentersville, Warren Glen and Kennedy's. The Township is generally rolling, gently sloping hills and well suited for agricultural purposes, as well as proposed housing developments. However large portions of the Township are underlain by karst topography and are subject to sinks and seeps.

Pohatcong's 1993 Master Plan (and 2000 Master Plan Reexamination Report) addressed its land use needs based on demographics, planning assumptions, stated vision and community goals and objectives. The Land Use Plan outlined a comprehensive framework to guide the physical, economic, environmental and social development of the Township. The Land Use Plan created the Township's current zoning regulations, which establish 14 different zoning districts.

According to the MPO projections, Pohatcong will have an additional 740 households and 30 jobs by 2015. The growth share analysis that was completed showed a number that was greater for both residential and employment growth. This current and anticipated demand for residential and employment growth, based on the analyses completed, will be met through Pohatcong's prior development plan approvals and its current zoning. The larger projected projects outlined in this Plan fall under anticipated future development that can be meet under current zoning.

Land Use

The current and anticipated demand for residential and employment growth projected in this plan can be met through Pohatcong's current zoning. This section details the capacity of the existing zoning to accommodate the growth projections outlined within this Plan and acknowledges that the projections outlined in this Plan are greater and most likely more accurate than the MPO household and employment growth numbers for the Township. The Township recognizes that the MPO projections are not as high and is planning conservatively to meet a greater need.

Residential

R-1 Rural Residential

The majority of the Township has been designated R-1. This land use zoning district area was created to maintain and promote the prevailing rural agricultural character found within the Musconetcong and Pohatcong Valley areas and to safeguard the environmental attributes identified in the Township Master Plan. These areas are significant to the Townships plans for agricultural land retention and open space preservation. The farms in both valley areas in the zone are all found in areas of prime agricultural soils. The density of the R-1 is one unit per five acres.

The majority of this zone is south of Interstate Route 78 and therefore in the Highlands Preservation Area. This represents a little less than 80% of the total land area of the Township. The only other zoning designations in the preservation area are; the Quarry zone around the active quarry operation, the Agricultural Preservation Zone in the northeast, portions of the Industrial zone, and pockets of R-3, R-43 and R-4V that represent small assemblages of residential housing and villages within the large matrix of very low density rural residential and agriculture.

R-3 Medium Density Residential

The portions of the Township which are designated R-3 are on existing developed areas in the area of Warren Glen-Bloomsbury Road (Route 639) and south of Mellicks Woods Road towards Route 519. Two vacant areas exist along the northeast borders, adjacent to Lopatcong and Phillipsburg. The allowable density is 0.66 to 2.5 dwelling units per acre, depending upon the existing development pattern and the availability of public sewer. Clustering is an option for new development with public sewer and water only. New lots are required to have an acre and a half if they are on septic systems.

R-3A Medium Density Residential

That portion of the Township which is designated R-3A is on New Brunswick Avenue west of Route 22. The allowable density shall be 0.66 to 12 dwelling units per acre, depending upon the existing development pattern and the availability of public sewer. Clustering is an option for new development with public sewer and water only. New lots are required to have an acre and a half if they are on septic systems.

R-4 High Density Residential

The areas of the Township, which are designated R-4, are found throughout the Township, with the majority consisting of previously built small lots. Any new lots that do not have public sewer or water available will have to develop on larger lots. Those areas designated as R-4 consist of those areas adjacent to the Borough of Alpha and the Town of Phillipsburg, most of which have public water and sewer service.

R-4V High Density Village Residential

The lands designated R-4V are similar to those classified as R-4, but the R-4V category includes certain neighborhood commercial uses. The density in the R-4V land category is 4.65 dwelling units per acre and 0.25 F.A.R. for commercial uses. There are three R-4V areas, all in the southern portion of the Township and located along either County Route 519 or a major local roadway. These are all existing hamlets in the Township

Affordable Housing Zones

AH- Age Restricted Housing Overlay Zone

This land use zoning district area was created as the product of a settlement of litigation. This land use zoning district area allows age-restricted housing developments to be developed on the approximately 86 acres of land on the easterly side of Interstate Route 78, which are identified as Block 95/Lots 2 and 2.06 on the Township Tax Maps. It allows for a density of two units per gross acre or a total of 168 units.

AH Affordable Housing Development Zone

This land use zoning district is also the subject of a settlement of litigation and a revised application will be back before the Land Use Board for subdivision and preliminary site plan approval. The maximum density for this zone is 4.5 units per acre with no total greater than 550 units.

The purposes of the Affordable Housing zone are as follows:

- To encourage innovation in design and reflect changes in land development technology
- To provide for necessary commercial facilities and services
- To provide for the opportunity for a range of housing densities
- To satisfy the need for low- and moderate-income housing
- To ensure compatibility among land uses

- To encourage the highest quality urban design and architecture
- To conserve the value of land
- To encourage more efficient use of land, public services and facilities
- To encourage better movement and transportation of people
- To prevent strip commercial development
- To encourage attractive and safe residential neighborhoods
- To preserve the residential integrity of adjacent areas
- This use shall be permitted only in the areas of the AH District designated on the Zoning Map

Commercial

B-1 Professional Office Business

The B-1 category is located in the northeastern corner of the Township. The zone currently is largely developed. The B-1 land area accommodates office buildings, single and multifamily housing and office/home combinations. Density and lot areas vary according to the type of use.

B-2 Neighborhood Business

There are several small areas designated B-2. All of these tracts are in the northeastern section of the Township except for one, which is located along the southern boundary with Holland Township. The B-2 land category includes the same business uses as in B-1, but also includes retail stores and shops, restaurants, professional offices, business and personal services, municipal facilities, churches and institutional uses.

B-3 Highway Business

There are several areas in the northeastern section of the Township which have been designated Highway Business. These land areas are largely built-out and include the land on which the Phillipsburg Mall is located. B-3 areas accommodate commercial uses similar to those in the B-2 areas, but also include such highway dependent uses such as motels/hotels, auto sales, fast-food restaurants, and industrial operations, exclusive of bulk storage operations.

OR-B-3 Office Research, Business Option

One lot, approximately 42 acres in size, adjacent to the most developed section of the Township, has been designated Office Research. The uses permitted in this area should be primarily office buildings and research facilities, but they can be developed within a contained office research park as a campus setting and should give careful attention to avoiding any adverse impacts to adjacent residential areas.

Specifically, the OR Zone should include a two-hundred-foot buffer between office research uses and any residential use or residentially zoned land. Access to any land area should be from nonresidential streets, which in turn, direct traffic flows to Route 22. Since the passage of this ordinance, a Wal-Mart retail center has occupied the site, creating a retail land use and precluding the office use.

BR Business Residential Mixed Use District

The BR Business Residential Mixed Use District is specifically created for the development/redevelopment of the Shimer School property (Block 44, Lot 1). The purpose of the zone is to facilitate the adaptive re-use of the existing, historically significant building on the site, uniquely located at the intersection of locally important arterial roadways. The intent of the BR land category is to create a mixed use zone that includes professional offices, financial institutions, restaurants, and certain assembly and institutional uses. Additionally, in the BR Business Residential Mixed Use District retail sales, retail services, multi-family residential housing, shall also be a permitted use upon meeting certain conditions. The District can also be developed with certain medical or supportive residential uses, such as assisted living residences, health care services, medical professional offices and supportive and special needs housing if they are developed in a comprehensive manner.

Industrial

I- Industrial

The areas of the Township previously zoned I-1 and I-2 are combined into one land use category, Industrial Lands, in this category include two small areas along the border with Holland Township and a large area located around the east and southeast perimeter of Alpha Borough. This large area surrounds a portion of the Central Railroad Right-of-Way and much of Springtown Road. Access to the Springtown Road areas is currently limited by the Pohatcong Creek. The main access could be from Springtown Road or through the Borough of Alpha. Industrial parks within the I category should include at least 15 acres. Other industrial and professional uses should be located on minimum five-acre lots.

Other

AP- Agricultural Preservation

The zone is to recognize the deed restricted farmland and grasslands in the northern part of the Township.

Q- Quarry

The quarry designation is assigned to the area currently dedicated to the quarry operation on Carpentersville Road. A two-hundred-foot buffer requirement should be included for this area to minimize impacts to adjoining properties.

W- Water-Related Recreation

A new land designation is created for the islands in the Delaware River, which are currently unzoned. The islands should be developed with water-oriented recreation of a low intensity. Special care should be given to environmental considerations for these areas.

Economic Policies and Constraints on Development

Economic

The Pohatcong Master Plan is the only economic development plan that the Township has enacted. There is an Industrial Commission that has struggled to find appropriate tenants for the Industrial zoned areas. The Land Use Plan provides opportunities for commercial development in various locations around the community. The B-1 land area accommodates office buildings, single and multifamily housing and office/home combinations. The B-2 land category includes the same business uses as in B-1, but also includes retail stores and shops, restaurants, professional offices, business and personal services, municipal facilities, churches and institutional uses. B-3 areas accommodate commercial uses similar to those in the B-2 areas, but also include such highway dependent uses such as motels/hotels, auto sales, fast-food restaurants, and industrial operations, exclusive of bulk storage operations. The Industrial, Quarry and Water Related Recreation provide their own specific opportunities. Much of these areas are developed with very little ability for expansion.

Environmental Constraints

Wetlands and Floodplains

Most of Pohatcong Township is not constrained from development by wetlands or floodplain areas. The majority of the Township is well-drained agricultural soils. Those areas of the Township that are constrained by wetlands or floodplains are found along the three main watercourses, the Delaware River, Pohatcong Creek and Musconetcong River and their tributaries and streams that flow through Pohatcong Township.

Topography

While most of Pohatcong Township is rolling farmland and is not constrained from development

by steep slope areas, there are significant areas where the slope exceeds 15% and begin to constrain development. The majority of the Township has slopes less than 10%. Those areas that are constrained are found primarily along the heights above the Delaware River and south of the Pohatcong Creek and north of the Musconetcong River. The remaining areas of considerable slope are found along the Musconetcong River.

Natural Heritage Priority Sites

There are several priority sites within the Township which restrict the ability for development including:

- Phillipsburg Bluffs - Phillipsburg Bluffs is located primarily along the northwestern border of Pohatcong Township.
- Pohatcong Mountain - Pohatcong Mountain is located entirely within Pohatcong Township along the southwestern border.
- Alpha Grasslands - Alpha Grasslands is centrally located within Pohatcong Township bordering around Alpha Borough.
- Vince's Ravine - Vince's Ravine is located on the eastern border of Pohatcong Township.
- Riegelsville Bluffs- Riegelsville Bluffs is located along southwestern border of Pohatcong Township along the Delaware River.

Water Supply Well Head Protection Areas

There is one known water supply wellhead in the Township and three additional wellhead protection areas that occur in Pohatcong Township according to the NJDEP. The water supply well is Well 1 for the Consumers New Jersey Water Company of Warren Glen; this water supply company does supply water to Pohatcong Township. This water supply company serves Warren Glen Township. There are three water supply wells in Alpha Borough, Wells 1, 2 & 3 of the Alpha Municipal Water Works; this water supply authority does not serve Pohatcong Township.

Known Contaminated Sites

The New Jersey Department of Environmental Protection maintains a list of contaminated sites in New Jersey. The *Known Contaminated Sites in New Jersey* report is a municipal listing of sites where contamination of soil and/or ground water is confirmed at levels greater than the applicable cleanup criteria or standards. The table below shows the 3 sites listed as known contaminated in Pohatcong Township. An 'ACTIVE' status means that the site has been assigned to a specific remedial program area.

Sites with On-site Source(s) of Contamination—Pohatcong Township		
Site Name	Site Address	Status
99 Cemetery Road	99 Cemetery Rd	Active
Carrs Automotive LLC	182 Rt 627	Active
Riegel Products Corporation	Riegelsville Warren Glen Rd	Active

Land Ownership

According to the MODIV tax assessor's data, there are 275 acres of vacant land in the Township the majority of this vacant land is owned by individual landowners. Public property totals 790 acres, 227 acres of which are municipally owned, while NJDEP owns another 264 acres and 128 acres are classified as preserved farmland. A full breakdown is shown below.

Pohatcong Township Land Classification Summary*		
Tax Classification	Total Acreage	% of Total
Vacant Land	275.14	3.33%
Residential	824.03	9.98%
Apartment	1.68	0.02%
Public School Property	25.53	0.31%
Other School Property	7.10	0.09%
Public Property - NJDOT	131.70	1.59%
Public Property - NJDEP	263.85	3.19%
Public Property - Pohatcong	226.93	2.75%
Public Property - Bd. Of Ed	39.73	0.48%
Public Property - Farm	128.09	1.55%
Public Property Total	790.30	9.57%
Church and Charitable Property	6.83	0.08%
Cemeteries and Graveyards	0.39	0.00%
Other Exempt properties	9.26	0.11%
Farm (Regular)	119.90	1.45%
Farm (Qualified)	5,655.93	68.47%
Farm Total	5,775.83	69.92%
Commercial	188.85	2.29%
Industrial	190.95	2.31%
Railroad	165.06	2.00%
Personal Property Telephone	0.00	0.00%
Total	8,260.95	100.00%

* Based on 2005 Township of Pohatcong MOD IV Electronic Tax File

Regional Planning Regulations

State Development and Redevelopment Plan

The State Planning Commission adopted the State Development and Redevelopment Plan (SDRP) on March 1, 2001. The SDRP also undergoes a periodic cross acceptance process with State, County and local officials reconciling the State Plan with local conditions and zoning. The SDRP contains a number of goals and objectives regarding the future development and redevelopment of New Jersey. The primary objective of the SDRP is to guide development to areas where infrastructure is available. New growth and development should be located in 'centers', which are 'compact' forms of development, rather than in 'sprawl' development. The overall goal of the SDRP is to promote development and redevelopment that will consume less land, deplete fewer natural resources, and use the State's infrastructure more efficiently.

The 2001 SDRP identifies Pohatcong as part of seven different planning areas. These areas include PA 1 Metropolitan (556 acres of 6.5% total land area), PA 2 Suburban (253 acres of 3% total land area), PA 4 Rural (2,030 acres of 23.6% total land area), PA 4A Rural Environmentally Sensitive (3,894 acres or 45.3% total land area), PA 5 Environmentally Sensitive (1,106 acres or 12.9% total land area) and two different park designations (753 acres or 8.5% total land area).

State Development and Redevelopment Plan- Pohatcong Township			
Planning Area	Planning Area Label	Acre	% of Total
1	METROPOLITAN	556.32	6.47%
2	SUBURBAN	252.60	2.94%
4	RURAL	2,030.69	23.63%
4B	RURAL ENVIRONMENTALLY SENSITIVE	3,894.50	45.32%
5	ENVIRONMENTALLY SENSITIVE	1,105.97	12.87%
6	LOCAL PARK - GREEN ACRES	508.76	5.92%
8	STATE PARK	244.62	2.85%
	Total	8,593.45	100.00%

According to the SDRP, both PA1 and PA2 are the focus areas for providing much of the States future development and redevelopment. Planning Areas 4, 4B, and 5 should be sensitive to the existing environs and work to revitalize the exiting cities and towns and concrete any growth or development in concentrated centers. Moreover, the SDRP states that, Rural Planning Areas need strong Centers and that Centers should attract private investment that otherwise might not occur.

New Jersey Highlands Water Protection and Planning Act - Planning Areas

Pohatcong Township is a part of the Highlands Region. The Highlands Water Protection and Planning Act, signed into law in August 2004, serves to protect, preserve and enhance water resources, open space and natural resources within the Highlands Region, limit development, which is incompatible with such preservation, and encourage appropriate development consistent with the State Plan.

Under the Highlands Water Protection and Planning Act, the majority (81%) of Pohatcong Township is designated as part of the Preservation Area of the Highlands. The remainder (19%) of the Township, that portion of the Township that is north of Interstate Route 78, is in the Planning area. Nearly all the lands in the Township designated as Preservation Area are zoned R-1 Rural Residential, AP Agricultural Preservation, or are smaller pockets of R-3, R-4 and B-2 that are directly associated with the small hamlets and villages in the Township such as Finesville, Springtown, Riegelsville, Carpentersville, Warren Glen and Kennedy's. These areas do not have public sewer or water service and are expected to either remain as farmland or develop at extremely low, rural residential densities.

The Planning Area is the portion of the Highlands that is not subject to the same mandatory land use controls as the Preservation Area; however, the Highlands Regional Master Plan has created a comprehensive approach to land use designed to protect drinking water supplies for most of northern New Jersey.

The Highlands Water Protection and Planning Act states that the goal of the Regional Master Plan (RMP) shall be to protect and enhance the significant values of natural resources in the entire Highlands Region. The RMP, inclusive of the Land Use Capability Map (LUCM) series was adopted on July 17, 2008. Per the plan, implementation of the RMP is guided in significant part by the LUCM series in that it provides a comprehensive evaluation of resource protection and potential growth areas. Both the Preservation Area and Planning Areas have been divided into three zones: Conservation Zone, Protection Zone and Existing Community Zone. The purposes of each zone are to:

- Protection Zone: protect and enhance natural resources that are important to maintaining water quality, quantity and other significant ecological processes by implementing growth control measures; and prioritize land acquisition and areas in need of restoration and enhancement of important resources. The Protection Zone is seen as an area of high

resource value lands for maintaining water quality and quantity. Land acquisition is a priority and development activities will be subject to stringent limitations.

- Conservation Zone: protect and enhance agricultural resources that are important to maintaining a viable agricultural industry; and prioritize farmland appropriate for preservation. The Conservation Zone is seen as an area with significant agricultural lands and interspersed environmental features with development potential being limited.
- Existing Community Zone: identify land appropriate for providing for economic growth opportunities with an emphasis on promoting the efficient use of previously developed lands; prioritize public investment in infrastructure in appropriate areas based on the Existing Community Zones; and provide opportunity for TDR Receiving Areas, which serve as voluntary development and redevelopment areas that allow for increased densities in specific sites that are not environmentally constrained and where infrastructure is available or feasible. The Existing Community Zone is an area that consists of concentrated development signifying existing communities.

The Township has submitted an initial Petition for Highlands Plan Conformance. As indicated by the Township Council Resolution that is included with the Petition, the Township is indicating its intent to conform to the Highlands Regional Master Plan in the Highlands Planning Area. However, there are certain properties for which the Township has already approved or has reviewed site plans for, that are included in the Protection and Conservation Zones of the Planning Area and the Township may be seeking Map Adjustments or designations of Highlands Redevelopment Areas in order to agree to Full Plan Conformance in the Planning Area so as not to jeopardize the Township's Substantive Certification from the Council on Affordable Housing or the last remaining opportunities for environmentally sensitive development of commercial properties to ensure a balanced land use approach in the Township .

VI. CREDITS AND ADJUSTMENTS

Second Round/Prior Round Obligation

Through Pohatcong's Second Round certified plan, much of the Prior Round Obligation had been addressed and credited. The Third Round regulations have recalculated the new construction number and Pohatcong now has a Prior Round new construction obligation of 47 units. The credits that were approved as part of the Second Round Plan will now be applied to the new 47-unit obligation.

Supportive and Special Needs Housing/Group Home

COAH's "Substantive Rules" permit municipalities to use Supportive and Special Needs Housing, commonly referred to as "group homes", as a method of satisfying its "fair share" affordable housing obligation. The unit of credit for a group home is the number of bedrooms occupied by "low" or "moderate" income persons.

A group home is located within the Township at 415 Liggett Boulevard. The home is a supervised apartment for low income disabled individuals, which is owned and operated by Alternatives, Inc., a non-profit corporation helping individuals with developmental disabilities live in communities rather than institutions.

The group home at 415 Liggett Boulevard opened on May 8, 2002 and is in the process of qualifying for funding by the Federal Department of Housing and Urban Development. This residence contains 3 bedrooms and, as such, can be credited as 3 units against Township's fair share obligation.

Senior Rental Housing

In accordance with the October 26, 1999 report issued by COAH, the Township is eligible to receive credits for existing age-restricted units within the "Biding Peace" housing project for senior citizen and developmentally disabled individuals.

The "Biding Peace" housing project was completed on December 21, 1987 and is located on Red School Lane in Lopatcong Township. The project consists of 82 total units, which were developed under the section 202 program of the department of Housing and urban Development. Of the 82 units, 21 units have been distributed to the Township of Pohatcong. The Township is eligible to credit all 21 units towards its Fair Share obligation.

Inclusionary Family Rental Housing

The Hamptons at Pohatcong site (Block 93, Lots 4 & 5) is located in the western portion of the Township with the railroad right-of-way to the north and Interstate 78 to the south. EAI Investments - Hamptons at Pohatcong has received preliminary subdivision approval on a 170-acre property to create 401 single-family lots, two apartment buildings containing a total of 44 low and moderate-income flats, and one lot for future retail, all of which are to be served by sewer and water.

The project is in Pohatcong Township's AH Affordable Housing zoning district, which is the product of prior round affordable housing litigation and a key component of the Township's current Affordable Housing Plan, which is currently under court jurisdiction. The standards for this particular development are regulated by the settlement agreement. The RMP has placed the parcel in the Conservation Environmentally Constrained Zone of the Planning Area. Based on Highlands's analysis, about 150 acres of the site are developable and 20 acres are environmentally constrained lands.

According to recent correspondence, EAI has met with NJDEP and the Highlands Council to discuss a revised waste water management plan. The project has been reconfigured as a cluster development, with 45 acres of the 170 being developed and the remaining 125 acres to be preserved as open space. The total number of units has been reduced from 396 to 242 units (44 affordable housing apartments, 122 single-family homes and 76 townhomes).

The property is not located in existing wastewater service area. By court order, the site will receive service of 120,950 gallons per day (contract of 0.1205 million gallons per day). However, the Highlands data specifies the type used for build-out calculations to be septic. Similarly, the site is not in an existing public potable water service area served. However, the site has a status of unconditional HUL water availability (0.39 million gallons per day).

The Township will need to work with the Highlands Council to resolve these issues and make a final determination of the ability to develop this key component of the Township's current Affordable Housing Plan either through Map Updates, Map Adjustments or other methodology prior to a final commitment to conform to the Highlands Regional Master Plan in the Planning Area.

In accordance with the "Report of the Special Master, EAI Investments VS Township of Pohatcong and Pohatcong Planning Board, dated July, 23 2003" prepared by Francis J. Banisch III, the Court Master in this matter, all 44 of the affordable units in the proposed EAI development are to be non-age-restricted rental units and therefore, the 44 non-age-restricted rental affordable units, are eligible for credit against the Townships fair share obligation.

VII. AMENDED AND REVISED THIRD ROUND FAIR SHARE PLAN

The Highlands RMP analysis results in a revision to the COAH-generated growth projection, and the Township has residential growth share of zero (0) plus a non-residential growth share of 7.58 for a total Highlands Adjusted Growth Share Obligation of 8 affordable units. In addition to the Growth Share Obligation, as per Appendices B and C of NJAC 5:97, the Township needs to address a rehabilitation share of 0 units and a Prior Round obligation of 47 units.

The municipal Fair Share Plan has been redrawn to the extent necessary to address the affordable housing obligation, while at the same time complying with Highlands Area density and resource constraints and the referenced changes to the Fair Housing Act. Prior plans for the provision of affordable housing units, which have not yet been implemented, have been reevaluated for consistency with these provisions and altered accordingly.

As stated in the October 2008 Third Round regulations, a Fair Share Plan shall include at least the following requirements:

- Descriptions of any credits intended to address any portion of the fair share obligation.
- Descriptions of any adjustments to any portion of the fair share obligation.
- Descriptions of any mechanisms intended to address the prior round obligation, the rehabilitation share, and the growth share obligation.
- An implementation schedule that sets forth a detailed timetable for units to be provided within the period of substantive certification.
- Information and data to support a vacant land adjustment or a household and employment growth projection adjustment.
- Draft Fair Share Ordinances necessary for the implementation of the programs and projects designed to satisfy the fair share need.
- Demonstration that existing zoning or planned changed in zoning provide adequate capacity to accommodate any proposed inclusionary developments.
- Demonstration of existing or planned water and sewer capacity sufficient to accommodate all proposed mechanisms and;
- A spending plan, if the municipality intends on establishing an affordable housing trust fund.

As outlined previously, Pohatcong Township has a total obligation of 55 units, 47 Prior Round units and 8 in Growth Share. Pohatcong Township is part of Region 2 where the median income for a

four-person household is \$87,514, the moderate-income level is \$70,011 and low income is \$43,757. The Townships Fair Share obligation is shown in the table below:

Pohatcong Township Obligation, 2004-2014	
<i>Rehabilitation Share 1999-2014</i>	0
<i>1987-1999 Prior Round Obligation</i>	47
<i>Growth Share Obligation</i>	8
Total Fair Share Obligation	55

The following outlines the measures that the Township will enlist to meet its Fair Share and constitutes the Township's Fair Share Plan.

Prior Round Obligation

The Township's 47-unit Prior Round obligation is met through one Supportive and Special Needs Housing (Alternative, Inc. Group Home) with 3 units, a senior rental project (Biding Peace) of 21 units and court settled inclusionary development of family rental units (EAI) of 44 units:

- *Group Home:* The Township proposes crediting all 3 units from the Alternatives, Inc. Group Home towards its Prior Round obligation.
- *Senior Rental:* The Township proposes to utilize 11 of the 21 units from Biding Peace Senior Rental project, along with the 3 bonus credits, against its Prior Round obligation.
- *Inclusionary Family Rental:* The Township proposes to utilize 21 of the 44 units, along with the 12 family-rental bonus credits, against its Prior Round obligation.

An outline of how Pohatcong plans to meet its Prior Round obligation is shown in the table below.

Prior Round	47
<i>Supportive and Special Needs Housing, Alternative Inc. Group Home (3-unit Group Home)</i>	-3
<i>Biding Peace (21-unit Senior Rental project)</i>	-11
<i>EAI (44-unit Inclusionary Family Rental)</i>	-21
<i>EAI (12 units of Family Rental bonus credits)</i>	-12
Prior Round Obligation	0

Growth Share Obligation Requirements

As stated previously, the Township has residential growth share of zero (0) plus a non-residential growth share of 7.58 for a total Highlands Adjusted Growth Share Obligation of 8 affordable units. Per the requirements of COAH's Third Round rules, Pohatcong must meet the following minimums and maximums when addressing this obligation.

- Age-Restricted: A maximum of 25% of the Township's obligation can be met with age-restricted housing.
- Family: A minimum of 50% of the growth share obligation must be addressed with family housing.
- Rental: A minimum of 25% of the Township's obligation must be addressed with rental housing.
- Rental and Age-Restricted: No more than 50% of the Township's rental housing obligation can be met with age-restricted housing.
- Very Low Income: A minimum of 13% of the growth share obligation must be affordable to very low income households. Very low income households are defined as those households earning less than 30% of the regional median income.

As explained in "VI. Credits and Adjustments", the Township is eligible to receive credit for one Supportive and Special Needs Housing (Alternative, Inc. Group Home) with 3 units, a senior rental project (Biding Peace) of 21 units and court settled inclusionary development of family rental units (EAI) of 44 units, for a total of 68 units. The Township proposes to utilize 35 units, and the associated bonus credits, to meet its Prior Round Obligation. After meeting its prior Round Obligation the Township has a remainder of 33 units, along with the associated bonus credits, that can be utilized to meet the Growth Share Obligation:

- *Senior Rental Housing*: The Township proposes to utilize 10 of the 21 units from the Biding Peace Senior Rental project, against its Growth Share obligation.
- *Inclusionary Family Rental Housing*: Township proposes to utilize 23 of the 44 units from EAI Hamptons Inclusionary Family Rental project, along with the 2 family-rental bonus credits, against its Growth Share obligation.

An outline of how Pohatcong plans to meet its Growth Share obligation is shown in the table below.

Growth Share	8
<i>Biding Peace (21-unit Senior Rental project)</i>	<i>-10</i>
<i>EAI (44-unit Inclusionary Family Rental)</i>	<i>-23</i>
<i>EAI (12 units of Family Rental bonus credits)</i>	<i>-2</i>
Growth Share Obligation	0 (27 excess)

THIRD ROUND FAIR SHARE OBLIGATION

Since Pohatcong has credits to apply to their obligation, for the Plan timeframe of January 1, 2004 to January 1, 2014, Pohatcong has a no (0) Rehabilitation Obligation, no (0) Prior Round Obligation and a Growth Share Obligation of zero (0) units, with an excess of 27 credits

THIRD ROUND FAIR SHARE PLAN

Pohatcong recognizes that the obligation is based on projected future growth realized through analysis completed in this Plan. The Township understands that the Growth Share Obligation will be based on actual certificates of occupancy issued and that COAH will be monitoring that number at the three, five and eight year mark of the certified plan. Even though the Township technically does not have an obligation, it will utilize COAH approved mechanisms to ensure affordable opportunities will continue through:

- Continued Use of Developers Fee Ordinance
- Utilization of Existing Credits

Appendix A

Workbook D

Summary of Adjusted Growth Share Projection Based On Land Capacity **(Introduction to Workbook D)**

Municipality Code: 2120

[Muni Code Lookup](#)

Municipality Name: Pohatcong Township

This workbook is to be used for determining the projected Municipal Growth Share Obligation by comparing growth projected by COAH with actual growth based on certificates of occupancy that have been issued from 2004 through 2008 and the RMP build-out analysis conducted under Module 2 of the Highlands RMP conformance process. Data must be entered via the "tabs" found at the bottom of this spreadsheet which may also be accessed through the highlighted links found throughout the spreadsheet. This workbook consists of five worksheets that, when combined on this introduction page, provide a tool that allows the user to enter exclusions permitted by N.J.A.C. 5:97-2.4 to determine the projected Growth Share Obligation. COAH-generated Growth Projections included in Appendix F(2) of the revised Third Round Rules, Highlands Council build-out figures based on Mod 2 Reports and actual growth based on COs as published by the DCA Division of Codes and Standards in The Construction Reporter are imported automatically upon entry of the Municipal Code.

[Click Here to enter COAH and Highlands Council data](#)

Municipalities seeking to request a revision to the COAH-generated growth projections based on opting in to the Highlands RMP may do so by providing this comparative analysis of COAH and RMP build-out projections. After completing this analysis, the growth projections may be revised based on the Highlands RMP build-out analysis. Actual growth must first be determined using the Actual Growth worksheet. The RMP adjustment applies only to RMP capacity limitations that are applied to growth projected from 2009 through 2018.

[Click Here to Enter Actual Growth to Date](#)

[Click Here to Enter Permitted Exclusions](#)

[Click Here to View Detailed Results from Analysis](#)

Summary Of Worksheet Comparison

	COAH Projected Growth Share	Growth Share Based on Highlands RMP
Residential Growth	133	86
Residential Exclusions	136	136
Net Residential Growth	-3	-50
Residential Growth Share	0.00	0.00
Non-Residential Growth	959	121
Non-Residential Exclusions	0	0
Net Non- Residential Growth	959	121
Non-Residential Growth Share	59.94	7.58
Total Growth Share	60	8

The Highlands RMP analysis results in a revision to the COAH-generated growth projection. Pohatcong Township may file this Workbook and use a Residential Growth Share of 0 plus a Non-residential Growth Share of 7.58 for a total Highlands Adjusted Growth Share Obligation of 8 affordable units

Growth Projection Adjustment - Actual Growth

Actual Growth 01/01/04 to 12/31/08

Municipality Name: Pohatcong Township

Residential COs Issued

As Published by D C S	19
Per Municipal Records (if different)	19
Qualified Residential Demolitions	

Note: To **qualify** as an offsetting residential demolition, the unit must be the primary residence of the household for which the demolition permit has been issued, it had to be occupied by that owner for at least one year prior to the issuance of the demolition permit, it has to continue to be occupied by that household after the re-build and there can be no change in use associated with the property. (See N.J.A.C. 5:97-2.5(a)1.v.) A Certification Form must be completed and submitted for each qualifying demolition.

[Get Demolition Certification Form](#)

Non-residential CO's by Use Group	Square Feet Added (COs Issued) As Published by D C S	Square Feet Added (COs Issued) per Municipal Records (if different)	Square Feet Lost Demolition Permits Issued)	Jobs Per 1,000 SF	Total Jobs
B	1,500	1,500		2.8	4.20
M	61,400	61,400		1.7	104.38
F	0	0		1.2	0.00
S	3,716	3,716		1.0	3.72
H	0	0		1.6	0.00
A1	0	0		1.6	0.00
A2	0	0		3.2	0.00
A3	0	0		1.6	0.00
A4	0	0		3.4	0.00
A5	0	0		2.6	0.00
E	0	0		0.0	0.00
I	0	0		2.6	0.00
R1	0	0		1.7	0.00
Total	66,616	66,616	0		112.30

[Return to Main Page \(Workbook D Intro\)](#)

[Proceed to COAH Data and RMP Module 2 Build-out Data](#)

[Proceed to Exclusions Tab](#)

Affordable and Market-Rate Units Excluded from Growth

Municipality Name: Pohatcong Township

Prior Round Affordable Units NOT included in Inclusionary Developments Built Post 1/1/04

Development Type	Number of COs Issued and/or Projected
Supportive/Special Needs Housing	
Accessory Apartments	
Municipally Sponsored and 100% Affordable	
Assisted Living	
Other	
Total	0

Market and Affordable Units in Prior Round Inclusionary Development Built post 1/1/04

N.J.A.C. 5:97-2.4(a)

(Enter Y for yes in Rental column if affordable units are rentals)

Development Name	Rentals? (Y/N)	Total Units	Market Units	Affordable Units	Market Units Excluded
EAI HAMPTONS	Y	136	115	21	115
		0			0
		0			0
		0			0
		0			0
Total		136	115	21	115

Jobs and Affordable Units Built as a result of post 1/1/04 Non-Residential Development

N.J.A.C. 5:97-2.4(b)

Development Name	Affordable Units Provided	Permitted Jobs Exclusion
		0
		0
		0
		0
Total	0	0

[Return to Main Page \(Workbook D Intro\)](#)

[Return to COAH Data and RMP Module 2 Build-out Data](#)

[Return to Actual Growth](#)

[View Detailed Results from Analysis](#)

COAH Growth Projections and Highlands Buildout Data

Must be used in all submissions

Municipality Name: Pohatcong Township

The COAH columns have automatically been populated with growth projections from Appendix F(2) found at the back of N.J.A.C. 5:97-1 et seq. The Highlands RMP Build-out columns have automatically been populated with residential and non-residential build-out figures from the municipal build-out results with resource and utility constraints found in Table 4 of the RMP Module 2 report. Always check with the Highlands Council for updates. If figures have been updated, enter updated build-out results. Use the Tabs at the bottom of this page or the links within the page to toggle to the exclusions worksheet of this workbook. After entering all relevant exclusions, toggle back to the introduction page to view the growth share obligation that has been calculated based on each approach.

COAH Projections

From Appendix F(2) found at the back of N.J.A.C. 5:97-1 et seq.
Allocating Growth To Municipalities

Residential	Non-Residential
133	959

Highlands RMP Buildout Analysis

From Module 2
Table 4 – Municipal Build-Out Results With Resource and Utility Constraints
Updated as of September 8, 2009

	Preservation Area	Planning Area	Totals
Residential units –			
Sewered	0	21	21
Septic System Yield	27	19	46
Total Residential Units	27	40	67
Non-Residential Jobs –			
Sewered	0	9	9

Note: Always check with the Highlands Council for updated municipal Build-out numbers. Enter build-out figures in the appropriate boxes only if revised figures have been provided by the Highlands Council.

[Click Here to link to current Mod 2 Build-Out Reports](#)

[Proceed to Enter Prior Round Exclusions](#)
[Retrun to Enter Actual Growth](#)
[Return to Main Page \(Workbook D Intro\)](#)

Comparative Analysis Detail For Pohatcong Township

The following chart applies the exclusions permitted pursuant to N.J.A.C 5:97-2.4 to both the COAH growth projections and the projected growth that results from the Highlands RMP build-out analysis plus actual growth for the period January 1, 2004 through December 31, 2008.

COAH			Highlands		
	Residential	Non-Residential		Residential	Non-Residential
Projected Growth From COAH Appendix F(2)	133	959	RMP Build-out results from Mod2 Table 4	67	9
			Actual Growth from COs issued 2004 through 2008	19	112
Residential Exclusions per 5:97-2.4(a) from "Exclusions" tab			Residential Exclusions per 5:97-2.4(a) from "Exclusions" tab		
COs for prior round affordable units built or projected to be built			COs for prior round affordable units built or projected to be built		
Inclusionary Development	21		Inclusionary Development	21	
Supportive/Special Needs Housing	0		Supportive/Special Needs Housing	0	
Accessory Apartments	0		Accessory Apartments	0	
Municipally Sponsored or 100% Affordable	0		Municipally Sponsored or 100% Affordable	0	
Assisted Living	0		Assisted Living	0	
Other	0		Other	0	
Market Units in Prior Round Inclusionary development built post 1/1/04	115		Market Units in Prior Round Inclusionary development built post 1/1/04	115	
Subtract the following Non-Residential Exclusions per 5:97-2.4(b) from "Exclusions" tab			Subtract the following Non-Residential Exclusions per 5:97-2.4(b) from "Exclusions" tab		
Affordable units	0		Affordable units	0	
Associated Jobs		0	Associated Jobs		0
Net Growth Projection	-3	959	Net Growth Projection	-50	121
Projected Growth Share (Residential divided by 5 and jobs divided by 16)	0.00	59.94	Projected Growth Share (Residential divided by 5 and jobs divided by 16)	0.00	7.58
Total Projected Growth Share Obligation	60	Affordable Units	8	Affordable Units	

[Return to Main Page \(Workbook D Intro\)](#)
[Return to COAH Data and RMP Module 2 Build-out Data](#)
[Return to Actual Growth](#)
[Return to Exclusions](#)

Appendix B

Land Use Board Resolution

*Note : The adopted resolution will be
delivered under separate cover.*

**POHATCONG TOWNSHIP LAND USE BOARD
RESOLUTION MEMORIALIZING THE APPROVAL
AND ADOPTION OF AN UPDATED HOUSING PLAN ELEMENT
AND FAIR SHARE PLAN ELEMENT OF THE
SUBSISTING MASTER PLAN FOR THE DEVELOPMENT
OF POHATCONG TOWNSHIP
(N.J.S.A. 40:55D-28, 89)**

WHEREAS, the Pohatcong Township Planning Board, pursuant to its obligation to do so as imposed by the Municipal Land Use Law, particularly N.J.S.A. 40:55D-28, has previously adopted a Master Plan for the development of the Township of Pohatcong, which Master Plan was adopted in 1993 and which was revised with respect to the Traffic Circulation Plan Element and other revisions in 1996; and,

WHEREAS, it is required by the Municipal Land Use Law, particularly N.J.S.A. 40:55D-89, that:

The governing body shall, at least every six years, provide for a general reexamination of its master plan and development regulations by the planning board which shall prepare and adopt by resolution a report of the findings of such reexamination, a copy of which report and resolution shall be sent to the county planning board and the municipal clerk of each adjoining municipality. The first such reexamination shall have been completed by August 1, 1982. The next reexamination shall be completed by August 1, 1988. Thereafter, reexamination shall be completed at least once every six years from the previous reexamination.

WHEREAS, in accordance with the mandate for a periodic reexamination, at least every six years, the Pohatcong Township Planning Board undertook to employ the services of Clarke · Caton · Hintz, Professional Planning Consultants of Trenton, New Jersey, to undertake a general re-examination of the subsisting (as previously reexamined and updated) Master Plan for the development of Pohatcong Township; and,

WHEREAS, by report entitled: *Land Use Plan Amendment and Housing Plan Amendment* and dated September 29, 1992, Carl E. Hintz, PP of the firm of Clarke · Caton · Hintz, the Planning Board's professional planning consultant, prepared a report of the Planning Board upon the Board's general reexamination of its Master Plan, said report being constituted of one (1) page; and,

WHEREAS, Eugene N. Weber, P.E., of Cherry, Weber and Associates, the Planning Board's professional engineer undertook, pursuant to the Board's direction and authorization in that regard, to prepare revisions of an engineering nature to various other elements of the subsisting Pohatcong Township Master Plan, particularly to the Traffic Circulation Plan Element, including a Circulation Plan Map, the Sanitary Sewer Element, the Storm Sewer Element and the Potable Water Element, all prepared and presented in a report entitled, as aforesaid (with respect to the

individual elements), being undated but bearing revision dates of June 10, 1996, and May 13, 1998; and,

WHEREAS, the Township Council of the Township of Pohatcong having engaged the services of Richard T. Coppola, P.P. of Coppola & Coppola Associates of Princeton Junction, New Jersey, to undertake a general reexamination of the Master Plan and Development Regulations of the Township of Pohatcong and provide the results of and recommendations with respect to such general reexamination to the Planning Board in a report entitled: *Township of Pohatcong, Warren County, New Jersey - Master Plan and Development Regulations, Periodic Reexamination Report* dated April, 2000, being constituted of twenty-six (26) pages, exclusive of the Addenda attached thereto; and,

WHEREAS, the subsisting Master Plan for the development of the Township of Pohatcong, as prepared, adopted, amended and re-examined as specifically set forth hereinabove did not, as of May 17, 2000, the date of adoption of a Resolution memorializing the approval and adoption of the *Periodic Re-examination Report, Township of Pohatcong, Warren County, New Jersey* and said report dated April, 2000 did not include a Open Space and Recreation Plan Elements which are optional elements of the Municipal Master Plan as set forth in N.J.S.A. 40:55D-28(b.)(7)(8)); and,

WHEREAS, the Township of Pohatcong, being desirous of including within its subsisting Master Plan for the development of the Township of Pohatcong, both an Open Space Plan Element and a Recreation Plan Element, undertook to engage the services of the Morris Land Conservancy of Boonton, New Jersey, to prepare said plan in concert with Pohatcong Township Councilman Stephen Kehayes; and,

WHEREAS, in response thereto, the Morris Land Conservancy, in concert with Pohatcong Township Councilman Stephen Kehayes, prepared a report entitled: *Pohatcong Township Open Space and Recreation Plan* which is constituted of a total of seventy-seven (77) pages and includes the following components:

- *Executive Summary*
- *The Foundation: Geology & Landscape*
- *Natural Features*
- *The People & History of Pohatcong Township*
- *Growth & Development*
- *The Open Space Program in Pohatcong Township*
- *Consistency with State, County and Local Plans*
- *Preservation Efforts*
- *Inventory of Outdoor Resources in Pohatcong Township*
- *Outdoor Needs*
- *The Open Space System in Pohatcong Township*

- *Proposed Greenways & Preservation Corridors*
- *Action Plan & Recommendations*
- *Preservation Tools*
- *Preservation Partners & Funding Sources*
- *References*

WHEREAS, at the regular meeting of the Board convened on January 11, 2005, the Board determined, by a vote of seven (7) in favor; one (1) opposed and no abstentions to approve and adopt the Pohatcong Township Open Space and Recreation Plan Element of the subsisting Master Plan of the development of the Township of Pohatcong, as prepared by the Morris Land Conservancy in concert with the Pohatcong Township Councilman Stephen Kehayes and constituted of seventy-seven (77) pages containing the elements and components specifically identified hereinabove; and,

WHEREAS, the Official Action taken by the Pohatcong Township Land Use Board was memorialized by Resolution dated and adopted August 29, 2005; and,

WHEREAS, in furtherance of its obligation imposed by the Municipal Land Use Law, and the *Fair Housing Act of 1985* (C. 222, L.1985) it is required of the Township of Pohatcong and all municipalities in this State to develop and include in its Master Plan a *Housing Plan Element and Fair Share Plan* in order to provide for methodology of achieving the goals of access to affordable housing to meet the Township's low and moderate income housing needs, which Master Plan elements are required to include the following components:

- An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated.
- A projection of the municipality's housing stock, including the probable future consideration of low and moderate income housing, for the ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
- An analysis of the municipality's demographic characteristics, including but not limited to household size, income level and age.
- An analysis of the existing and probable future employment characteristics of the municipality.

- A determination of the municipality's present and prospective fair share for low and moderate income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low and moderate income housing.
- A consideration of the lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.

WHEREAS, in furtherance of its obligation in that regard, the Township of Pohatcong has engaged the services of Paul Gleitz, P.P. of Heyer, Gruel & Associates of New Brunswick, New Jersey, to undertake preparation of the Housing Plan Element and Fair Share Plan; and,

WHEREAS, Paul Gleitz, P.P. of Heyer, Gruel & Associates, in accordance with its assignment by the Township so to do, has prepared a document entitled: *Housing Element and Fair Share Plan, Pohatcong Township, Warren County, New Jersey* and dated November, 2005 which was amended on November 28, 2005, with respect to pages 29, 31, 32, 44 and 45 thereof; and,

WHEREAS, in accordance with the provisions of the Municipal Land Use Law, particularly N.J.S.A. 40:55D-13, the Pohatcong Township Land Use Board convened a public hearing on the proposed adoption of the Housing Plan Element and Fair Share Plan identified hereinabove, which hearing was convened at the regular meeting of the Land Use Board held on November 28, 2005, proper, timely and adequate notice thereof having been provided in accordance with N.J.S.A. 40:55D-13; and,

WHEREAS, the Pohatcong Township Land Use Board has determined that the *Housing Plan Element and Fair Share Plan* are consistent with the goals and objectives of the Township of Pohatcong and its subsisting Master Plan and that the adoption and implementation of said *Housing Plan Element and Fair Share Plan* are in the public interest and will tend to protect the public health and safety and promote the general welfare;

WHEREAS, at the regular meeting of the Pohatcong Township Land Use Board convened on November 28, 2005, the Board determined, by a unanimous vote of the members then in attendance and participating, a quorum being present, to approve and adopt the *Housing Element and Fair Share Plan* elements of the subsisting Master Plan for the development of the Township of Pohatcong and as prepared by Paul Gleitz, P.P. of Heyer, Gruel & Associates, said plan dated November 2005 being subject to the revisions being presented to the Land Use Board and its November 28, 2005 meeting, said *Housing Plan Element and Fair Share Plan* being constituted of forty-six (46) pages exclusive of the plats included therein and exclusive of the Appendix attached thereto; and,

WHEREAS, the Board's taking of the Official Action (approval and adoption of the *Housing Plan Element and Fair Share Plan*) was memorialized by Resolution dated and adopted December 13, 2005; and,

WHEREAS, in furtherance of its continuing obligation proposed by the Municipal Land Use Law and the *Fair Housing Act of 1985* (C. 222, L. 1985) it is the continuing obligation of the Township of Pohatcong and all municipalities in this State to develop, adopt and amend, from time-to-time, as the need therefor is identified, revised Housing Plan Elements/Fair Share Plans in order to remain current as to the methodology of achieving the goals of the provision of affordable housing to meet the Township's low and moderate income housing needs; and,

WHEREAS, in furtherance of its obligation in that regard, the Township of Pohatcong has again engaged the services of Paul Gleitz, P.P. of Heyer, Gruel & Associates to undertake preparation of a revised and updated *Housing Plan Element and Fair Share Plan*; and,

WHEREAS, Paul Gleitz, P.P. of Heyer, Gruel & Associates, in accordance with its assignment by the Township to do so, has prepared a document entitled: *Housing Plan Element and Fair Share Plan, Township of Pohatcong, Warren County, New Jersey* dated April 2010, said *Housing Plan Element and Fair Share Plan* being constituted of forty-seven (47) pages, exclusive of the five (5) addenda thereto; and,

WHEREAS, in accordance with the provisions of the Municipal Land Use Law, particularly N.J.S.A. 40:55D-13, the Pohatcong Township Land Use Board convened a public hearing on the proposed adoption of the Housing Plan Element and Fair Share Plan identified hereinabove, which hearing was convened at the regular meeting of the Land Use Board held on April 26, 2010, proper, timely and adequate notice thereof having been provided in accordance with N.J.S.A. 40:55D-13; and,

WHEREAS, the Pohatcong Township Land Use Board has determined that the updated *Housing Plan Element and Fair Share Plan* are consistent with the goals and objectives of the Township of Pohatcong and its subsisting Master Plan and that the adoption and implementation of said updated *Housing Plan Element and Fair Share Plan* are in the public interest and will tend to protect the public health and safety and promote the general welfare

NOW, THEREFORE, BE IT RESOLVED, by the Land Use Board of the Township of Pohatcong that, pursuant to the provisions of the Municipal Land Use Law, the Fair Housing Act (C. 222, L.1985) and pursuant to the New Jersey Administrative Code (N.J.A.C. 5:94-2.2(a); N.J.A.C. 5:94-4.1(a) and N.J.A.C. 5:94-4.1(b.)) the Board does herewith **APPROVE** and **ADOPT** the updated **HOUSING ELEMENT AND FAIR SHARE PLAN** elements of the subsisting Master Plan for the development of the Township of Pohatcong as prepared by Paul Gleitz, P.P. of Heyer, Gruel & Associates, dated April 2010 and subject to the revisions presented to the Land Use Board on April 26, 2010, said updated *Housing Plan Element and Fair Share Plan* being constituted of forty-seven (47) pages, exclusive of five (5) addenda thereto.

POHATCONG TOWNSHIP LAND USE BOARD

MARC METZGER, CHAIRMAN

WENDY ACEVEDO, SECRETARY

I hereby certify the foregoing Resolution to be a true and complete memorialization of the Official Action taken by the Pohatcong Township Land Use Board at its regular meeting held on April 26, 2010, by a motion and vote as follows:

MOTION TO APPROVE AND ADOPT THE (UPDATED) HOUSING ELEMENT AND FAIR SHARE PLAN OF THE MASTER PLAN FOR THE DEVELOPMENT OF THE TOWNSHIP OF POHATCONG, SUBJECT TO REVISIONS PRESENTED TO THE BOARD ON APRIL 26, 2010:

IN FAVOR: Chairman Metzger, Mayor Babinsky, Ms. Frey, Mr. Luzzetti, Mr. Weihz, Mr. Willever, Mr. Slack, Mr. Mitschele.

OPPOSED: None.

ABSTAIN: None.

ATTEST:

WENDY ACEVEDO, SECRETARY

Dated: June 8, 2010

PLUB: Approve & Adopt Updated Housing Plan Element & Fair Share Plan of Master Plan. Reso.

Appendix C

Governing Body Resolution

RESOLUTION

AUTHORIZE FILING OF A DECLATORY RELIEF ACTION FOR APPROVAL OF THE TOWNSHIP OF POHATCONG'S ADOPTED HOUSING ELEMENT AND FAIR SHARE PLAN IN ACCORDANCE WITH SECTION 313(f) OF THE FAIR HOUSING ACT

WHEREAS, the Land Use Board of the Township of Pohatcong, County of Warren, State of New Jersey, adopted the "Amended and Revised Housing Element and Fair Share Plan" of the Master Plan (hereinafter "Housing Element") on April 26, 2010, and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Housing Element is attached pursuant to N.J.A.C. 5:96-2.2(a)2, and

WHEREAS, the Township of Pohatcong wishes to endorse the Housing Element; authorize the Township's professionals to file the Housing Element with COAH and to thereafter seek approval of the amended Housing Element from the Court.

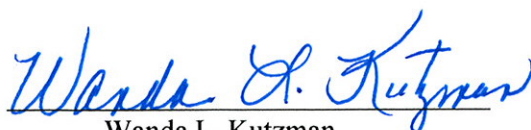
NOW THEREFORE BE IT RESOLVED BY THE COMMITTEE OF THE TOWNSHIP OF POHATCONG:

1. That it hereby endorses the Housing Element as adopted by the Land Use Board of the Township of Pohatcong.
2. That, pursuant to the provisions of N.J.S.A. 52:27D-313 et seq., it authorizes and directs its representatives to file this Housing Element and Fair Share Plan and the resolutions of the Land Use Board and Township adopting same with COAH and to file an amendment to the Township's declaratory relief action in Court seeking approval of said Housing Element by the Court and to seek to maintain the temporary immunity that currently exists in conjunction therewith so that the Court can review the plan and so that the Township can respond to any judicial concerns free from unnecessary lawsuits brought on the basis of the Mount Laurel doctrine.
3. That notice of the application for approval of the Township's plan shall be published in a newspaper of regional circulation, and the Township shall otherwise provide all the notice the Court deems appropriate of the date the Court sets a hearing on whether the Housing Element satisfies the Township's affordable housing responsibilities under applicable laws. Said notice shall give the public sufficient time to review the Township's Housing Element and offer any comments that individual or entity may deem appropriate.

Certification:

I, Wanda L. Kutzman, Township Clerk of the Township of Pohatcong, County of Warren and State of New Jersey, DO HEREBY CERTIFY that this is a true and correct copy of a Resolution adopted by the Township Council of the Township of Pohatcong at their regular meeting held on June 1, 2010.

WITNESS, my hand and seal of the Township of Pohatcong on this 2nd day of June, 2010.

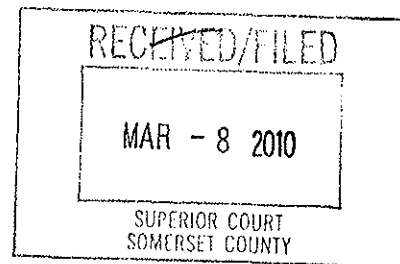


Wanda L. Kutzman
Township Clerk

Appendix D

Consent Order

TRUE COPY



BENBROOK & BENBROOK, L.L.C.
1734 Route 31 North, Suite 1
Clinton, New Jersey 08809
(908) 735-8100
Attorneys for Petitioner, Township of Pohatcong

In the Matter of the Application of
THE TOWNSHIP OF POHATCONG, a
Municipal Corporation of the State of New
Jersey,

Petitioner.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
SOMERSET COUNTY

Docket No. L-1767-05
Docket No. SOM-L-625-04

Civil Action
(Mount Laurel)

**CONSENT ORDER
TO EXTEND
JUDGMENT OF REPOSE**

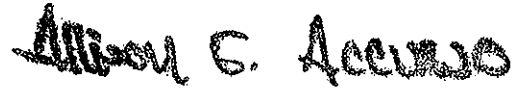
This matter having been opened to the Court by Kevin P. Benbrook, Esq., attorney for Township of Pohatcong, and Ronald C. Morgan, Esq., attorney for EAI Investments, LLC, and the parties having agreed and consented to the within Order and good cause being shown;

It is on this 8th day of MARCH, 2010, **ORDERED** as follows:

I. This Court's April 15, 2009 Order Extending the Township's Judgment of Repose be and is hereby is modified to extend the Township's Repose from December 8, 2009, through June 8, 2010 in furtherance of the Resolution adopted on August 12, 2009, by the Council on Affordable Housing pursuant to which it extended its waiver for Highlands Municipalities an additional six months from the December 8, 2009 filing deadline.

2. Except as specifically modified in paragraph 1 above, all other terms and conditions of this Court's April 15, 2009 Order shall remain in full force and effect.

3. A copy of this Order shall be served upon all parties within 7 days of the date of the within order.

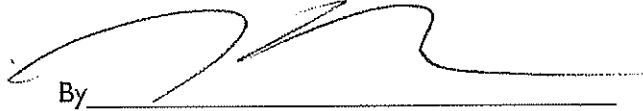


ALLISON E. ACCURSO, J.S.C.

We hereby consent to the form and entry of the within Order.

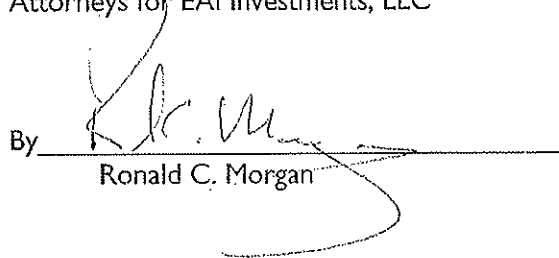
BENBROOK & BENBROOK, LLC
Attorneys for Pohatcong Township

Dated: March 2010

By 
Kevin P. Benbrook

PARKER, McCAY & CRISCUOLO, PA
Attorneys for EAI Investments, LLC

Dated: March 2010

By 
Ronald C. Morgan