

2026 AMENDMENT

TO THE

2025 FOURTH ROUND HOUSING PLAN

HOUSING ELEMENT & FAIR SHARE PLAN
COLTS NECK TOWNSHIP
MONMOUTH COUNTY
NEW JERSEY

ADOPTED BY THE PLANNING BOARD

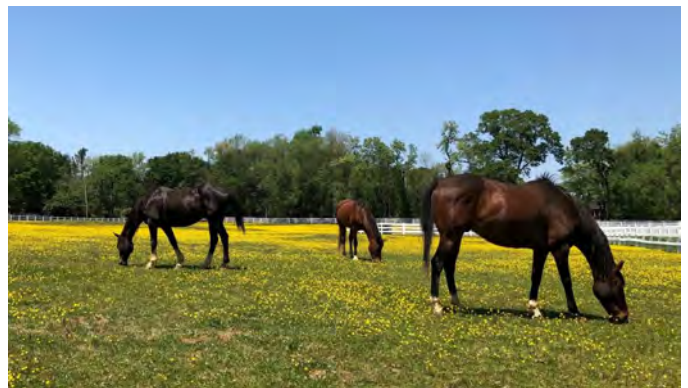
ENDORSED BY THE TOWNSHIP COMMITTEE

PREPARED BY:



ELIZABETH MCMANUS, PP, AICP, LEED AP
NEW JERSEY PROFESSIONAL PLANNER LICENSE 5915
KYLE + McMANUS ASSOCIATES

SIGNED AND SEALED ORIGINAL IS ON FILE WITH THE TOWNSHIP CLERK





TOWNSHIP PLANNING BOARD

George Corsi, Class IV, Chair

Robert Lutkewitte, Class IV, Vice Chair

Michael Viola, Class I

Brian Caswell, Class II

Dan Buzzetta, Class III

Michael Taeschler, Class IV

Tom Sullivan

Evan Stivala

Christopher Montalvo

Patrick Lesbirel, Alternate 1

Michael Taylor, Alternate 2

Krista Hill Kane, Secretary

Timothy Anfuso, PP, Township Planner

Michael B. Steib, Esq., Planning Board Attorney

MAYOR & TOWNSHIP COMMITTEE

Michael Viola, Mayor

Dan Buzzetta, Deputy Mayor

Frank Rizzuto

John Tobia

Tara Torchia Buss

Kathleen M. Capristo, Secretary to the Mayor and Township Committee

Meghan Ann Bennett, Esq., Township Attorney

Thomas J. Trautner, Esq., Affordable Housing Attorney

Ronald Israel, Esq., Affordable Housing Attorney



Colts Neck Township adopted the *2025 Fourth Round Housing Element and Fair Share Plan* on June 9, 2025 ("*Fourth Round Housing Plan*") and subsequently submitted it to the Affordable Housing Dispute Resolution Program (the "Program"). The Township's submission received three objections - Fair Share Housing Center ("FSHC"), 68 Obre Owner, LLC ("Obre"), and Active Acquisitions, LLC ("Active Acquisitions").

The objections were not resolved during the Township's participation in the Program. On March 4, 2026, the Program Judge, Hon. Mary C. Jacobson, A.J.S.C. (Ret.), issued her *Program Decision and Recommendation* with the Special Adjudicator's Recommendation and Statement of Reasons, dated March 3, 2026 appended thereto. The County Housing Judge, Hon. Linda Grasso Jones, J.S.C. issued an order shortly thereafter on March 9, 2026 titled *Decision and Order Regarding Housing Element and Fair Share Plan for the Fourth Round Housing Cycle*. The Order is consistent with the *Program Decision and Recommendation* and states the Township's Fourth Round Housing Plan is not consistent with the New Jersey Fair Housing Act (*N.J.S.A. 52:27D-301 et seq.*) ("FHA"). The Order goes on to state the following actions must be taken, by the deadlines specified, for the Township to be compliant with the FHA; failure to comply with the specified deadlines will result in "immediate revocation of immunity from exclusionary zoning litigation".

The Plan is adopted under protest and pursuant to the March 4, 2026 Program Decision and March 9, 2026 Order issued by the Hon. Linda Grasso Jones, J.S.C. This Order requires the Township to include the following provisions in the Plan and adopt the following ordinances, under the timeline as set forth in the March 9, 2026 Order as follows:

- April 8, 2026. Amendment of the Township's Fourth Round Housing Plan to incorporate the 3 properties proposed for inclusionary development – 68 Obre Road, proposed by Obre, 318-22 Route 537 and 151 Dutch Lane Road, both proposed by Active Acquisitions. Additionally, the Township is directed to incorporate the 3 properties at the densities specified.
- May 13, 2026. Adopt ordinances enabling each of the above referenced properties at the densities specified.
- Within 30 days of a request from the developer, endorse the application by each of the above referenced properties to the identified regulatory agencies.

The Township agrees to comply with the Court Order of March 9, 2026 and include the foregoing provisions in the Plan and adopt the ordinances, albeit under protest, and adopts this Plan under protest with the intent to appeal the Program Decision and Recommendation and March 9, 2026 Order once the matter is deemed final. The Township reserves all rights and positions in connection with any appeal.

In addition to amendments pursuant to the March 9, 2026 Order, this Amended Housing Plan also incorporates the Township's ongoing extension of expiring controls program.

This Plan supersedes the applicable portions of the adopted Fourth Round Housing Plan and will serve as the foundation for the Township's application to Superior Court for that approval, referred to as a Judgment of Compliance and Order of Repose.



REHABILITATION OBLIGATION & SATISFACTION

There is no amendment to the Township’s Rehabilitation obligation of 0 units.

FIRST & SECOND ROUNDS OBLIGATION & SATISFACTION

There are no amendments to the Township’s First and Second Rounds obligation of 218 units or how it shall be satisfied.

THIRD ROUND OBLIGATION & SATISFACTION

There is no amendment to the Township’s Third Round Obligation of 306.

The Township’s June 2025 Fourth Round Housing Plan utilized existing credits, inclusionary housing, all of which is constructed or approved, and a durational adjustment to meet the Third-Round obligation of 306 units. Each of these third round strategies were approved as part of the Township’s April 21, 2025 Third Round Final Judgement of Compliance and Repose.

June 2025 Satisfaction of the 306-unit Third Round Obligation					
Mechanism	Unit Type	Units	Bonus	Credits	Durational Adjustment?
Mauro (Route 704 / Cross Street)	Family For-Sale	2	0	2	No
Reflections at Colts Neck	Assisted Living	7	0	7	No
Colts Neck Building Associates	Family Rental	72	72	144	Yes
Countryside Developers	Family For-Sale	15	0	15	Yes
Durational Adjustment	Family For-Sale / Rental	138	0	138	Yes
Total Third Round Credits		234	72	306	

As stated above, the March 4, 2026 Program Decision and March 9, 2026 Order issued by the Hon. Linda Grasso Jones, J.S.C. requires the Township to utilize 3 inclusionary housing sites to satisfy a portion of the affordable housing obligation. The following table identifies how the 68 Obre Road property, the Route 537 property and 45 units at the 151 Dutch Lane Road property complete satisfaction of the Township’s Third Round Obligation.



Amended Satisfaction of the 306-unit Third Round Obligation				
Strategy	Unit Type	Units	Bonus	Credits
Mauro (Route 704 / Cross Street)	Family For-Sale	2	0	2
Reflections at Colts Neck	Assisted Living	7	0	7
Colts Neck Building Associates	Family Rental	72	72	144
Countryside Developers	Family Sale	15	0	15
68 Obre Road	Family For-Sale / Rental	40	0	40
318-322 Route 537	Family For-Sale / Rental	53	0	53
151 Dutch Lane Road	Family For-Sale / Rental	45 (of 78)	0	45
Total Third Round Credits		138	72	306

68 Obre Road

This site is located in the eastern area of the Township on Block 50, Lot 7. It is incorporated into this Amended Housing Plan under protest. The property is approximately 35.7 acres and is within the Agriculture District. It is environmentally constrained with wetlands at the rear, which require a 150 foot buffer, as well as smaller areas of isolated wetlands toward the front of the property and steep slopes; these environmentally constrained areas total approximately 16.5 acres of the site. Additionally, a substantial portion of the property – approximately 19.1 acres – is within the 3,000 foot Military Influence Area of the NWS Earle Military Base. Of the 35.7 acres, approximately 14.2 acres are not environmentally constrained and are outside of the 3,000 foot Review Line of Naval Weapons Station Earle (overlap occurs between environmentally constrained land and lands within the 3,000 foot Review Line). The property is developed as a farm with an associated single-family home and farm improvements.

As directed by the March 9, 2026 Order, the site will receive zoning to permit 5.6 units per gross acre – approximately 204 units - and will require a 20% set-aside of very low, low and moderate income households. The rezoning of the site is being done under protest. The Township will permit development of townhouses and stacked townhouses, with integrated affordable homes, and will further require that no housing unit is within the 3,000 foot Military Influence Area of the NWS Earle Military Base except as may be unavoidably required to permit 5.6 units per gross acre to permit approximately 204 units.



The 20% set-aside applied to a maximum of 204 units will yield 40 affordable units. Each of these units will satisfy a portion of the Round 3 obligation. Additionally, the development and the affordable units will be consistent with the Township's affordable housing regulations (Section 102-97.1), the NJ Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), and the Uniform Housing Affordability Control rules (N.J.A.C. 5:80-26.1 et seq.). Compliance with these regulations will require, for example, affordability controls of 30 years for sale units or 40 years for rental units, phasing, affirmative marketing, and income and bedroom distribution of the affordable units.

This Plan commits to implementing the *Program Decision and Recommendation* and the Court's March 9, 2026 Order, albeit under protest, with the intent to appeal the *Program Decision and Recommendation* and the Court's March 9, 2026 Order once the matter is deemed final. The Township reserves all rights and positions in connection with any appeal.

While neither the March 9, 2026 Order nor the Program Recommendation directly address suitability, the *Special Adjudicator's Recommendation and Statement of Reasons*, dated March 3, 2026 ("Special Adjudicator Report"), addresses the topic but does not provide an independent analysis. The following excerpt is from page 10 of the Special Adjudicator Report.

N.J.A.C. 4.3(a) above requires a review of sites. In this case, the sites are the challenger's sites that have been presented to the AHDRP. Both challengers have presented sufficient documentation to conclude that it is realistic to obtain a Water Quality Management Plan (WQMP) amendment for an on-site wastewater treatment system, and in the case of the Active Route 537 site an extension of sewer from one of the area providers. Site suitability analyses were also submitted to the Program from each of the challengers that convincingly suggest each of the three (3) sites are available, approvable, developable and suitable for inclusionary zoning.

The following suitability analysis is provided pursuant to N.J.A.C. 5:97-3.13:

- *"Available site" means a site with clear title, free of encumbrances which preclude development for low and moderate income housing.*

The property is not known to have any conflicts of ownership or other encumbrances that would prohibit the site from being developed with affordable housing.

- *"Developable site" means a site that has access to appropriate water and sewer infrastructure, and is consistent with the applicable areawide water quality management plan (including the wastewater management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by DEP.*

The property is not within a sewer service area or public water area and is therefore not currently developable. The Developer is proposing a package treatment facility and well water to serve the property. The developer must submit an amendment to the water quality management plan and approval of the well to demonstrate the property is developable.



- *“Suitable site” means a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.*

The property is surrounded by farms and the associated single-family residences. Obre Road is a rural and local road with no shoulder, sidewalks or bike lanes. The suitability of Obre Road to accommodate the 204 units, and any necessary improvements, has not been assessed. These topics will be addressed at the time of the request for site plan approval.

Approximately 16.5 acres of the site is constrained with wetlands and steep slopes. The majority of wetlands are located at the rear and require a 150 foot buffer, although smaller areas of isolated wetlands are also located toward the front of the property. These environmental constraints do not appear to preclude the site’s development with affordable housing.

- *“Approvable site” means a site that may be developed for low and moderate income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low and moderate income housing.*

The site appears to be developable consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21. It does not contain any historic or architecturally important structures and is not within an historic zone.

While not an “agency with jurisdiction over the site”, approximately 19.1 acres of the site is within the 3,000 foot Military Influence Area of NWS Earle Military Base at the southern and western portions of the Township as provided by the *2017 Naval Weapons Station (NWS) Earle Joint Land Use Study (“2017 JLUS”)* and the *2022 Next Steps to Compatibility Planning Study (“2022 JLUS Next Steps”)*, a “follow-up” to the 2017 JLUS. The 2017 JLUS and 2022 JLUS Next Steps provide for a 3,000 foot line from NWS Earle Military Base and a 3,000 foot line from Normandy Road. The intent of the 3,000 foot development line and 3,000 foot buffer of Normandy Road is to encourage compatible development, which for residential uses is defined as single-family detached homes, in proximity to the base boundaries where munitions are stored, transported, handled and tested. NWS Earle’s mission is to move equipment and munitions. The goals of the 2017 JLUS and 2022 JLUS Next Steps include:

To encourage local governments, together with Monmouth County, to work closely with the military installation to implement measures to encourage the introduction of new civilian development that is compatible with the continued operational utility of the military installation, and to preserve and protect the public health, safety and welfare of those working on and living near this active military installation.

The 2017 JLUS found that attached housing and affordable housing is “less compatible” within 3,000 feet of the military use; the 2022 JLUS Next Steps, states, “[m]ore compatible uses should be encouraged, while less compatible development should be directed to areas outside of the 3,000-foot notification boundary and Primary Study Area, to alleviate potential safety issues



associated with munitions operations.” In response to these recommendations and consistent with the developer’s prior commitment, the zoning will require that no housing units will be within the 3,000 foot buffer, except as may be unavoidably required to permit 5.6 units per gross acre to permit approximately 204 units..

- *In addition to determining whether the sites and proposed development are suitable pursuant to the above definitions, COAH’s rules, in N.J.A.C. 5:97-3.13, provide guidance as to where in the state inclusionary housing is encouraged. COAH’s rules rely on the 2001 State Development and Redevelopment Plan (SDRP) for this guidance and state Planning Areas 1, 2, and Centers are the preferred location to address municipal affordable housing obligations.*

The largely undeveloped property is not within a preferred Planning Area. Instead, it is within the Rural / Environmentally Sensitive Planning Area, which is characterized by land in agricultural use with a strong potential for soils with local importance, prime and unique soils, or soils of statewide importance, or undeveloped woodland, and is characterized by environmental features.

318-322 Route 537

This site, which is also known as Wellspring Farm, is located in the central area of the Township on Block 48, Lots 25.01, 26 and 27. It is incorporated into this Amended Housing Plan under protest. The property is approximately 171.8 acres and is within the Agriculture District. It is environmentally constrained with approximately 76.6 acres of wetlands, stream corridor and steep slopes. The wetlands require a 150 foot buffer. Additionally, a substantial portion of the property – approximately 146.0 acres – is within the 3,000 foot Military Influence Area of the NWS Earle Military Base. Of the approximate 171.8 acres, 25.2 acres are not environmentally constrained and are outside of the 3,000 foot Military Influence Area (overlap occurs between environmentally constrained lands and lands within the 3,000 foot Review Line). The property is developed as a farm with an associated single-family home and farm improvements.

As directed by the March 9, 2026 Order, the site will receive zoning to permit 1.52 units per gross acre, with a maximum of 263 units, and will require a 20% set-aside of very low, low and moderate income households. The rezoning of the site is being done under protest. The Township will permit development of single-family detached homes, townhouses and stacked townhouses, with integrated affordable homes. The zoning will further require that no townhouse or stacked townhouse is within the 3,000 foot Review Line of the NWS Earle Military Base, except as may be unavoidably required to permit 1.52 units per gross acre to permit up to 263 units, and that building heights not exceed the tree line. These zoning parameters are consistent with the 2017 JLUS and the 2022 JLUS Next Steps, as well as the Preliminary Review of the development proposal dated October 6, 2025 and prepared by K.D. Smith, Captain, U.S. Navy.

The 20% set-aside applied to a maximum of 263 units will yield 53 affordable units. Each of these units will satisfy a portion of the Round 3 obligation. Additionally, the development and the affordable units will be consistent with the Township’s affordable housing regulations (Section 102-97.1), the NJ Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), and the Uniform Housing Affordability Control rules (N.J.A.C.



5:80-26.1 et seq.). Compliance with these regulations will require, for example, affordability controls of 30 years for sale units or 40 years for rental units, phasing, affirmative marketing, and income and bedroom distribution of the affordable units.

This Plan commits to implementing the *Program Decision and Recommendation* and the Court's March 9, 2026 Order, albeit under protest, with the intent to appeal the *Program Decision and Recommendation* and the Court's March 9, 2026 Order once the matter is deemed final. The Township reserves all rights and positions in connection with any appeal.

While neither the Order nor the Program Recommendation directly address suitability, the Special Adjudicator Report addresses the topic but does not provide an independent analysis. The following excerpt is from page 10 of the Special Adjudicator Report.

N.J.A.C. 4.3(a) above requires a review of sites. In this case, the sites are the challenger's sites that have been presented to the AHDRP. Both challengers have presented sufficient documentation to conclude that it is realistic to obtain a Water Quality Management Plan (WQMP) amendment for an on-site wastewater treatment system, and in the case of the Active Route 537 site an extension of sewer from one of the area providers. Site suitability analyses were also submitted to the Program from each of the challengers that convincingly suggest each of the three (3) sites are available, approvable, developable and suitable for inclusionary zoning.

The following suitability analysis is provided pursuant to N.J.A.C. 5:97-3.13:

- *"Available site" means a site with clear title, free of encumbrances which preclude development for low and moderate income housing.*

The property is not known to have any conflicts of ownership or other encumbrances that would prohibit the site from being developed with affordable housing.

- *"Developable site" means a site that has access to appropriate water and sewer infrastructure, and is consistent with the applicable areawide water quality management plan (including the wastewater management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by DEP.*

The property is not within a sewer service area or public water area and is therefore not currently developable. The Developer is proposing a package treatment facility or to extend sewer from the direction of Tinton Falls via the Two Rivers Water Reclamation Authority and well water to serve the property. The developer must secure an amendment to the water quality management plan and approval of the well to demonstrate the property is developable.

- *"Suitable site" means a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.*

The property is largely surrounded by farms and the associated single-family residences. Approximately 76.6 acres of the approximate 171.8 acre tract is environmentally constrained with



wetlands, stream corridor and steep slopes. Northeast of the site, across Route 537, is a distillery and further east is the Dorbrook Recreation Area. Along the southern boundary is Normandy Road, a rail line and road, used by NWS Earle to transport munitions. Normandy Road triggers application of the 3,000 foot Military Influence Area. South of Normandy Road is agricultural uses and NWS Earle.

Route 537 is a two lane County road with shoulders. While the suitability of Route 537 to accommodate up to 263 units, and any necessary improvements, has not been assessed, it is anticipated the County Road will be able to accommodate the vehicles associated with the development. These topics will be further addressed at the time of the request for site plan approval.

- *“Approvable site” means a site that may be developed for low and moderate income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low and moderate income housing.*

The site appears to be developable consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21. It does not contain any historic or architecturally important structures and is not within an historic zone.

While not an “agency with jurisdiction over the site”, approximately 146.0 acres of the property is within the 3,000 foot Military Influence Area of NWS Earle Military Base at the southern and western portions of the Township. The 2017 JLUS found that attached housing and affordable housing is “less compatible” within 3,000 feet of the military use; the 2022 JLUS Next Steps, a “follow-up” to the 2017 JLUS states, “[m]ore compatible uses should be encouraged, while less compatible development should be directed to areas outside of the 3,000-foot notification boundary and Primary Study Area, to alleviate potential safety issues associated with munitions operations.” Consistent with the 2017 JLUS and 2022 JLUS Next Steps, as well as the as the Preliminary Review of the development proposal dated October 6, 2025 and prepared by K.D. Smith, Captain, U.S. Navy, the zoning will require that no townhouse or stacked townhouse is within the 3,000 foot Review Line of the NWS Earle Military Base, except as may be unavoidably required to permit 1.52 units per gross acre to permit up to 263 units, and that building heights not exceed the tree line.

- *In addition to determining whether the sites and proposed development are suitable pursuant to the above definitions, COAH’s rules, in N.J.A.C. 5:97-3.13, provide guidance as to where in the state inclusionary housing is encouraged. COAH’s rules rely on the 2001 State Development and Redevelopment Plan (SDRP) for this guidance and state Planning Areas 1, 2, and Centers are the preferred location to address municipal affordable housing obligations.*

The largely undeveloped property is not within a preferred Planning Area. Instead, it is within the Rural / Environmentally Sensitive Planning Area, which is characterized by land in agricultural use



with a strong potential for soils with local importance, prime and unique soils, or soils of statewide importance, or undeveloped woodland, and is characterized by environmental features.

151 Dutch Lane Road

This site is located on the western municipal boundary with Marlboro Township on Block 11, Lot 3.02. It is incorporated into this Amended Housing Plan under protest. The property is 38.9 acres and is within the Agriculture District. The property has road frontage along Dutch Neck Lane Road and Boundary Road. There are approximately 4.5 acres at the rear of the property constrained with wetlands and steep slopes, and there is a 15 foot landscape easement along Dutch Lane Road and a 25 foot landscape easement along Boundary Road. No portion of the property is within the 3,000 foot Military Influence Area of the NWS Earle Military Base. The property is developed as a farm with an associated single-family home and farm improvements. The lot was created as a result of a Major Subdivision approval granted by the Planning Board in 2001 (preliminary approval was granted in 2000) in which 8 new lots, and one remainder lot – the subject property – was created through lot size averaging. The homes approved by the subdivision are constructed and occupied. The Final Plat, filed after the subdivision was perfected, restricts further development of the site as follows:

The lot was subdivided pursuant to the lot size averaging provisions published in 102–86F(3)(b) of Chapter 102, Development Regulations, of the Code of the Township of Colts Neck. The further subdivision of the lot which is described herein is prohibited, unless specifically authorized by the terms of the resolution, approving the subdivision of such lot, and the lot size averaging development of which said a lot is a part. This restriction shall run with the land described here in and is binding upon any and all errors, successors and assigns entitled from and after the date of this deed and shall be enforceable by the Township of Colts Neck.

As directed by the March 9, 2026 Order, the site will receive zoning to permit 10 units per gross acre, with a maximum of 389 units, and will require a 20% set-aside of very low, low and moderate income households. The rezoning of the site is being done under protest. The Township will permit development of townhouses and stacked townhouses, with integrated affordable homes.

The 20% set-aside applied to a maximum of 389 units will yield 78 affordable units. Forty-five (45) of the 78 units will satisfy a portion of the Round 3 obligation. Additionally, the development and the affordable units will be consistent with the Township’s affordable housing regulations (Section 102-97.1), the NJ Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), and the Uniform Housing Affordability Control rules (N.J.A.C. 5:80-26.1 et seq.). Compliance with these regulations will require, for example, affordability controls of 30 years for sale units or 40 years for rental units, phasing, affirmative marketing, and income and bedroom distribution of the affordable units.

This Plan commits to implementing the *Program Decision and Recommendation* and the Court’s March 9, 2026 Order, albeit under protest, with the intent to appeal the *Program Decision and Recommendation*



and the Court’s March 9, 2026 Order once the matter is deemed final. The Township reserves all rights and positions in connection with any appeal.

While neither the Order nor the Program Recommendation directly address suitability, the Special Adjudicator Report addresses the topic but does not provide an independent analysis. The following excerpt is from page 10 of the Special Adjudicator Report.

N.J.A.C. 4.3(a) above requires a review of sites. In this case, the sites are the challenger’s sites that have been presented to the AHDRP. Both challengers have presented sufficient documentation to conclude that it is realistic to obtain a Water Quality Management Plan (WQMP) amendment for an on-site wastewater treatment system, and in the case of the Active Route 537 site an extension of sewer from one of the area providers. Site suitability analyses were also submitted to the Program from each of the challengers that convincingly suggest each of the three (3) sites are available, approvable, developable and suitable for inclusionary zoning.

The following suitability analysis is provided pursuant to *N.J.A.C. 5:97-3.13*:

- *“Available site” means a site with clear title, free of encumbrances which preclude development for low and moderate income housing.*

The property does not appear to be available due to the restriction against further subdivision applied as a condition of the 2001 subdivision. As such, it does not appear the property can be subdivided, including creation of fee-simple townhouses. While the restriction does not directly address development of multiple units on a single property, as may be the case for a rental development, the context of the site is that of single-family homes in an area outside of a sewer service area and the approval occurred prior to today’s relative widespread use of package treatment plants. Accordingly, the restriction is clearly intended to prohibit future development of the site with multiple homes.

This restriction was recognized in in the *Program Recommendation*. However, there are no findings in the *Program Recommendation* or by the Special Adjudicator about the applicability or enforceability of the restriction.

- *“Developable site” means a site that has access to appropriate water and sewer infrastructure, and is consistent with the applicable areawide water quality management plan (including the wastewater management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by DEP.*

The property is not within a sewer service area or public water area and is therefore not currently developable. The Developer is proposing a package treatment facility and well water to serve the property. The developer must secure an amendment to the water quality management plan and approval of the well to demonstrate the property is developable.



- *“Suitable site” means a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.*

The property is surrounded by single-family residences. Northwest of the site, across Boundary Road and in Marlboro Township, are light industrial uses. The majority of land – approximately 34.4 acres of the 38.9 lot area – is free of environmental constraints.

Dutch Lane Road is C.R. Route 46 and consists of two lanes with shoulders. Boundary Road is a two lane local and rural road with no shoulders or bike lane. While the suitability of Dutch Lane Road and Boundary Road to accommodate the 389 units, and any necessary improvements, has not been assessed, it is anticipated the County Road and local road will be able to accommodate the vehicles associated with the development. These topics will be further addressed at the time of the request for site plan approval.

- *“Approvable site” means a site that may be developed for low and moderate income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low and moderate income housing.*

The site appears to be developable consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21. It does not contain any historic or architecturally important structures and is not within an historic zone.

- *In addition to determining whether the sites and proposed development are suitable pursuant to the above definitions, COAH’s rules, in N.J.A.C. 5:97-3.13, provide guidance as to where in the state inclusionary housing is encouraged. COAH’s rules rely on the 2001 State Development and Redevelopment Plan (SDRP) for this guidance and state Planning Areas 1, 2, and Centers are the preferred location to address municipal affordable housing obligations.*

The largely undeveloped property is not within a preferred Planning Area. Instead, it is within the Rural / Environmentally Sensitive Planning Area, which is characterized by land in agricultural use with a strong potential for soils with local importance, prime and unique soils, or soils of statewide importance, or undeveloped woodland, and is characterized by environmental features.

Distribution of Third Round Units

In addition to meeting the total 306-unit third round obligation, the Township must also meet a rental obligation, maximum senior units, family obligation, very low income obligation, and maximum bonus credits as set forth in the November 21, 2024 third round Order of Judgement of Fairness and Conditional Compliance and Repose. The following provides the calculation of each sub-obligation, as well as its satisfaction pursuant to the November 21, 2024 third round Order of Judgement of Fairness and Conditional Compliance and Repose.



Distribution of Third Round Units

In addition to meeting the total 306-unit third round obligation, the Township must also meet a rental obligation, maximum senior units, family obligation, very low income obligation, and maximum bonus credits as set forth in the November 21, 2024 third round Order of Judgement of Fairness and Conditional Compliance and Repose. The following provides the calculation of each sub-obligation, as well as its satisfaction pursuant to the November 21, 2024 third round Order of Judgement of Fairness and Conditional Compliance and Repose.

Maximum Bonus = 76 credits

- Maximum bonus credits = 25% (obligation) | $25\% (306) = 76.5$, rounded down to 76 credits.
- Satisfied with Colts Neck Building Associates (72 units)

Minimum Rental = 77 units

- Minimum rental units = 25% (obligation) | $25\% (306) = 76.5$, rounded up to 77 units
- Satisfied with Reflections at Colts Neck (7 units) and Colts Neck Building Associates (72 units).

Maximum Senior = 76 units

- Maximum age-restricted units = 25% (obligation) | $25\% (306) = 76.5$, rounded down to 76 units
- Satisfied using only 7 units at Reflections at Colts Neck.

Minimum Family = 117 units

- Minimum family units = 50% (units) | $50\% (234) = 117$ units
- Satisfied with Mauro, Colts Neck Building Associates (72 units), Countryside Developers (15 units) and 68 Obre Road (40 units), 318-322 Route 537 (53 units), and 151 Dutch Lane Road (45 units of 78 units).

Minimum Family Rental = 39 units

- Minimum family rental units = 50% (rental obligation) | $50\% (77) = 38.5$, rounded up to 39 units
- Satisfied with Colts Neck Building Associates (72 units).

Minimum Very Low Income = 30 units

- Minimum very low income units = 13% (affordable units created or approved on or after July 1, 2008) | $13\% (229) = 29.77$, rounded up to 30 units
- Developments contributing to this calculation and its satisfaction include Colts Neck Building Associates (10 of 72 units), Countryside Developers (2 of 15 units), 68 Obre Road (5 of 40 units) units, 318-322 Route 537 (7 of 53 units), and 151 Dutch Lane Road (6 of 45 units).



Minimum Family Very Low Income = 15 units

- Minimum family very low income units = 50% (very low income obligation) | 13% (30) = 15 units
- Satisfied with Colts Neck Building Associates (10 of 72 units), Countryside Developers (2 of 15 units), 68 Obre Road (5 of 40 units) units, 318-322 Route 537 (7 of 53 units), and 151 Dutch Lane Road (6 of 45 units).

FOURTH ROUND OBLIGATION & SATISFACTION

There is no amendment to the Township’s Fourth Round Obligation of 101. The Fourth Round Housing Plan relied on continuation of the durational adjustment to satisfy the obligation. Incorporation of the remaining affordable units at the 151 Dutch Lane Road property and the Township’s extension of expiring controls satisfy the majority of the Fourth Round Obligation.

The following table identifies how the new strategies satisfy a substantial portion of the Round 4 obligation and reduce the extent of the durational adjustment.

Satisfaction of the 101-unit Fourth Round Obligation				
Strategy	Unit Type	Units	Bonus	Credits
151 Dutch Lane Road	Family For-Sale / Rental	33 (of 78)	0	33
Extensions of Expiring Controls – The Grande, Sale	Family For-Sale	34	0	34
Extensions of Expiring Controls – The Grande, Rental	Family Rental	14	7	21
Durational Adjustment	Family For-Sale / Rental	13	0	13
Total Fourth Round Credits		94	7	101

151 Dutch Lane Road

This site is located on the western municipal boundary with Marlboro Township on Block 11, Lot 3.02. It is incorporated into this Amended Housing Plan under protest. The Township will utilize the 33 affordable units that are not necessary to satisfy the Third Round Obligation to satisfy a portion of the Fourth Round Obligation. See the Third Round description of this site for more information.



Extensions of Expiring Controls – The Grande

This inclusionary development is located off New Jersey Route 18 and Stone Hill Road on Blocks 41.01 and 41.02. The development was completed in 1995, with some units receiving a certificate of occupancy in 1994. It consists of 276 units that are a combination of single family and townhouse homes, including 88 low- and moderate-income units, of which 66 are for-sale and 22 are rental units. Affordable housing credit for the development was approved as part of the Township’s 2004 *Judgment of Compliance and Repose* as well as the Township’s November 21, 2024 third round *Order of Judgment of Fairness and Conditional Compliance and Repose*.

The Township is in the process of extending the expiring affordability controls on 47 affordable units – 14 rental units and 34 for-sale units. The Township executed an agreement with the owner of the rental units to extend the controls on 14 of the 22 affordable rental units for an additional 30 years, for a total of 60 years. The property owner will extend the controls on the 14 units in exchange for \$33,571.42 per unit, for a total aggregate payment of \$470,000. Additionally, the Township is working with homeowners of 34 of the 66 for-sale affordable units to extend controls for an additional 30 years, in exchange for a payment of \$40,000 each, for a total aggregate payment of \$1,360,000. These extensions will not only generate credits against the Township’s obligation but will ensure that more than half of the 88 households in the affordable units will be able to remain in Colts Neck in homes that are affordable to them.

The affordable units are eligible for extension since each of the units were created after 1986, the original 30 year affordability controls have expired. Additionally, the total period of affordability controls will be 60 years, consistent with N.J.A.C. 5:80-26.6(a) and N.J.A.C. 5:80-26.12(a). The newly applied affordability controls will be compliant with the provisions of the Uniform Housing Affordability Control rules (N.J.A.C. 5:80-26.1 et seq). The Township will be eligible for one credit for each unit whose controls are extended and .5 bonus credit for each of the 14 rental units (N.J.S.A. 52:27D-311.k.(7)).

Distribution of Fourth Round Units

In addition to meeting the total 101-unit fourth round obligation, the Township must also meet a rental obligation, maximum senior units, family obligation, very low income obligation, and maximum bonus credits, as set forth in the Fair Housing Act. These obligations may be amended should bonus credits be applied to the fourth round obligation.

Maximum Bonus = 25 credits

- Maximum bonus credits = 25% (obligation) | 25% (101) = 25.25, rounded down to 25 units.
- Satisfied with the extension of expiring controls program (14 units; 7 bonus credits).



Minimum Rental = 24 units

- Minimum rental units = 25% (of units meeting the obligation) | 25% (94) = 23.5, rounded up to 24 units
- Satisfied with the extension of expiring controls program (14 units), the durational adjustment and any rental units developed at the 151 Dutch Lane Road site.

Maximum Senior = 28 units

- Maximum age-restricted units = 30% (units meeting the obligation) | 30% (94) = 28.2, rounded down to 28 units
- There are no senior units currently proposed.

Minimum Family = 47 units

- Minimum family units = 50% (units meeting the obligation) | 50% (94) = 47 units.
- Satisfied with the extension of expiring controls program (48 units), Dutch Lane Road site (33 units) and the durational adjustment.

Minimum Family Rental = 12 units

- Minimum family rental = 50% (rental obligation) | 50% (24) = 12 units
- Satisfied with the extension of expiring controls program (14 units). Family rental units may also be developed at the 151 Dutch Lane Road site and as part of the durational adjustment.

Minimum Very Low Income = 12 units

- Minimum very low income units = 13% (fourth round units created or approved on or after July 1, 2008) | 13% (94) = 12.22, rounded up to 12 units
- Satisfied with the 151 Dutch Lane property (4 units) and the durational adjustment.

Minimum Family Very Low Income = 6 units

- Minimum family very low income units = 50% (very low income obligation) | 50% (12) = 6 units
- Satisfied with the 151 Dutch Lane property (4 units) and the durational adjustment.

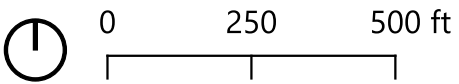


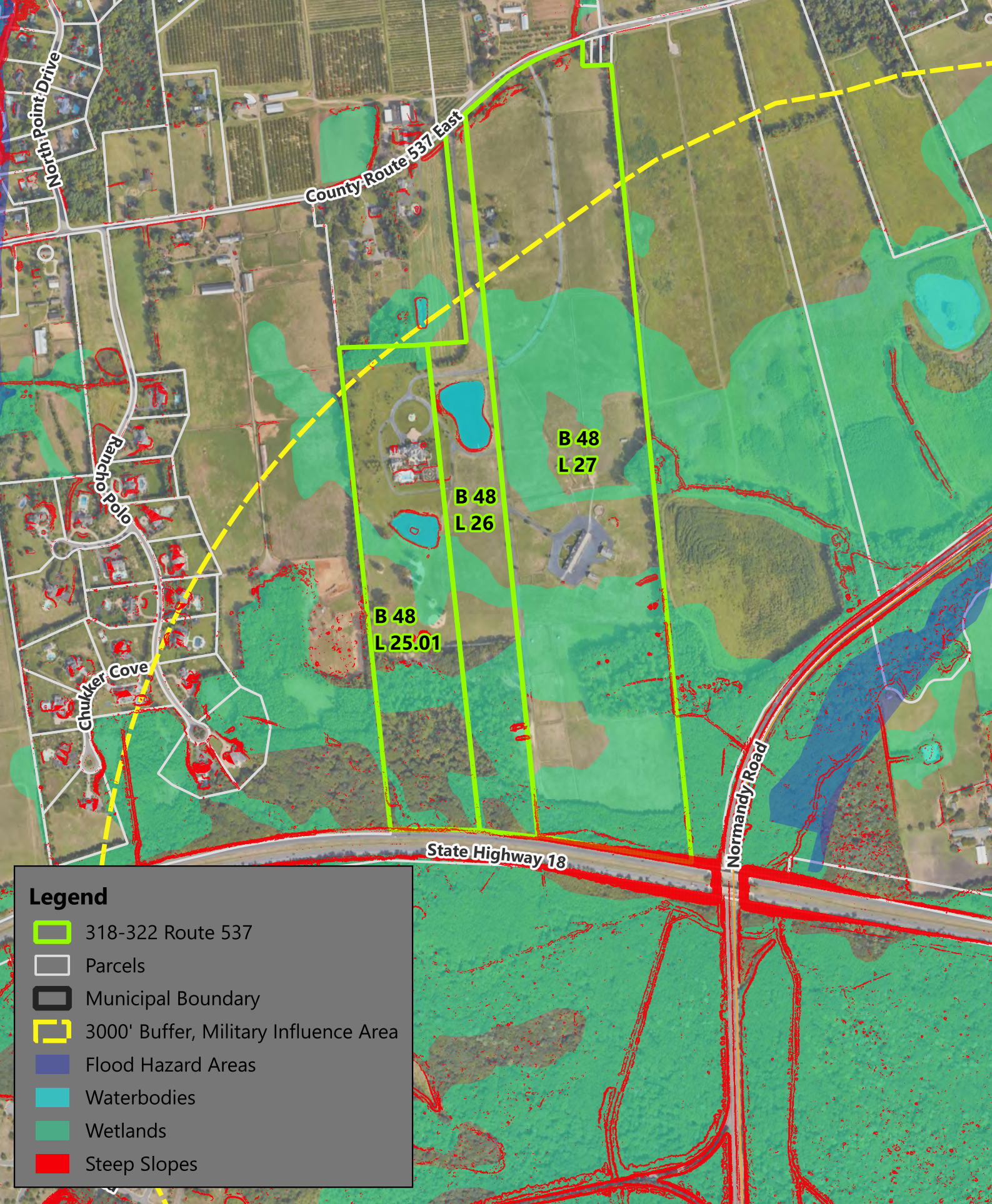
Legend

- 68 Obre Road
- Parcels
- Municipal Boundary
- 3000' Buffer, Military Influence Area
- Flood Hazard Areas
- Waterbodies
- Wetlands
- Steep Slopes



68 OBRE ROAD
BLOCK 50, LOT 7
 MONMOUTH COUNTY | TOWNSHIP OF COLTS NECK
DATA SOURCES: Parcels, NJGIN; Streets, NJDOT;
Steep Slopes via USGS; Other Environmental
Constraints via NJDEP



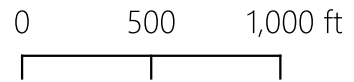


Legend

- 318-322 Route 537
- Parcels
- Municipal Boundary
- 3000' Buffer, Military Influence Area
- Flood Hazard Areas
- Waterbodies
- Wetlands
- Steep Slopes



318-322 ROUTE 537
BLOCK 48, LOTS 25.01, 26, 27
 MONMOUTH COUNTY | TOWNSHIP OF COLTS NECK
DATA SOURCES: Parcels, NJGIN; Streets, NJDOT;
Steep Slopes via USGS; Other Environmental
Constraints via NJDEP





**151 DUTCH LANE ROAD
BLOCK 11, LOT 3.02**

MONMOUTH COUNTY | TOWNSHIP OF COLTS NECK
 DATA SOURCES: Parcels, NJGIN; Streets, NJDOT;
 Steep Slopes via USGS; Other Environmental
 Constraints via NJDEP