

APPENDIX A

Planning Board Resolution Adopting the Housing Element and Fair Share Plan

WHEREAS, Franklin Township, Somerset County prepared a Housing Element and Fair Share Plan (HEFSP) that was the subject of Substantive Certification received from the Council on Affordable Housing (COAH) in July 2010; and

WHEREAS, on September 26, 2013, the New Jersey Supreme Court affirmed the Appellate Division's invalidation of COAH's "growth share methodology" on the basis that the "growth share" methodology, incorporated into the Third Round Rules, were beyond the purview of the rulemaking authority delegated to COAH because they conflicted with the FHA; and

WHEREAS, on March 10, 2015 the New Jersey Supreme Court stripped COAH of its administrative duties relating to the affordable housing certification process, dissolved the substantive certification process before COAH and created a judicial process by which a municipality can file a declaratory judgment action with the court seeking a judicial determination that their housing element satisfied their "third round" affordable housing obligation; and

WHEREAS, the New Jersey Supreme Court appointed "Mount Laurel" judges for each of the state's fifteen judicial vicinages to hear and decide these actions;

WHEREAS, in response to the Supreme Court's March 10, 2015 decision, Franklin Township on June 30, 2015 filed a declaratory judgment action with the Superior Court which action sought judicial determination of compliance with the Township's Third Round affordable housing obligation; and

WHEREAS, Franklin Township and Fair Share Housing Center (FSHC), a Supreme Court-designated interested party in this matter appeared before the Ho. Thomas C. Miller, P.J.Cv., and worked with the Court-appointed Special Master, Francis J. Banisch, II, A.I.C.P., P.P., to review the Township's affordable housing plans; and

WHEREAS, through this process, the Township and FSHC agreed to settle this litigation and present the settlement to the trial court with jurisdiction over this matter; and

WHEREAS, the Township of Franklin entered into a Settlement Agreement with the FSHC dated November 3, 2017 for its 1999-2025 affordable housing obligations, which Settlement Agreement requires that the Township adopt and endorse a HEFSP and an Affordable Housing Trust Fund Spending Plan consistent with the outline of a HEFSP attached to the Settlement Agreement; and

WHEREAS, the Court's Special Master provided a Report of the Special Master dated December 8, 2017, finding that the Township's Settlement Agreement will adequately protect the interests of low moderate income households; and


WHEREAS, the Hon. Thomas C. Miller, P.J.Cv. held a Fairness Hearing and determined on December 11, 2017 that the aforementioned Settlement Agreement was fair and reasonable to the interests of lower-income households; and

WHEREAS, the Conditional Order of Compliance issued by Judge Miller requires that the Township submit to the Special Master for review and comment a new HEFSP for the Township, an Affordable Housing Trust Fund Spending Plan, and all Resolutions and Ordinances necessary to implement the HEFSP and Affordable Housing Trust Fund Spending Plan; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board of Franklin Township, Somerset County, held a public hearing(s) on the Housing Element and Fair Share Plan on April 24, 2018; and

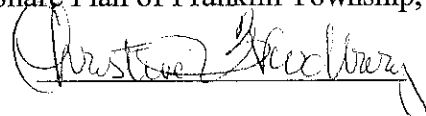
WHEREAS, the Planning Board has determined that the Housing Element and Fair Share Plan are consistent with the goals and objectives of Franklin Township's Master Plan and that adoption and implementation of the Housing Element and Fair Share Plan are in the public interest and protect public health and safety and promote the general welfare.

NOW THEREFORE BE IT RESOLVED by the Planning Board of Franklin Township, Somerset County, State of New Jersey, that the Planning Board hereby adopts the April 2018 Housing Element and Fair Share Plan.



Chairman of Planning Board

I hereby certify that this is a true copy of the resolution adopting the Housing Element and Fair Share Plan of Franklin Township, Somerset County, on *April 24, 2018*.



Christine Woodbury
Planning Board Secretary



RESOLUTION - ENDORSING THE HOUSING ELEMENT AND FAIR SHARE PLAN AND AFFORDABLE HOUSING TRUST SPENDING PLAN

WHEREAS, Franklin Township, Somerset County prepared a Housing Element and Fair Share Plan (HEFSP) that was the subject of Substantive Certification received from the Council on Affordable Housing (COAH) in July 2010; and

WHEREAS, Franklin Township received COAH approval of its Affordable Housing Trust Fund Spending Plan on May 5, 2010 and has received subsequent COAH approvals on several updates to its Affordable Housing Trust Fund Spending Plan; and

WHEREAS, on September 26, 2013, the New Jersey Supreme Court affirmed the Appellate Division's invalidation of COAH's "growth share methodology" on the basis that the "growth share" methodology, incorporated into the Third Round Rules, were beyond the purview of the rulemaking authority delegated to COAH because they conflicted with the FHA; and

WHEREAS, on March 10, 2015 the New Jersey Supreme Court stripped COAH of its administrative duties relating to the affordable housing certification process, dissolved the substantive certification process before COAH and created a judicial process by which a municipality can file a declaratory judgment action with the court seeking a judicial determination that their housing element satisfied their "third round" affordable housing obligation; and

WHEREAS, the New Jersey Supreme Court appointed "Mount Laurel" judges for each of the state's fifteen judicial vicinages to hear and decide these actions; and

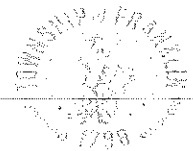
WHEREAS, in response to the Supreme Court's March 10, 2015 decision, Franklin Township on June 30, 2015 filed a declaratory judgment action with the Superior Court which action sought judicial determination of compliance with the Township's Third Round affordable housing obligation; and

WHEREAS, Franklin Township and Fair Share Housing Center (FSHC), a Supreme Court-designated interested party in this matter appeared before the Ho. Thomas C. Miller, P.J.Cv., and worked with the Court-appointed Special Master, Francis J. Banisch, II, A.I.C.P, P.P., to review the Township's affordable housing plans; and

WHEREAS, through this process, the Township and FSHC agreed to settle this litigation and present the settlement to the trial court with jurisdiction over this matter; and

WHEREAS, the Township of Franklin entered into a Settlement Agreement with the FSHC dated November 3, 2017 for its 1999-2025 affordable housing obligations, which Settlement Agreement requires that the Township adopt and endorse a HEFSP and an Affordable Housing Trust Fund Spending Plan consistent with the outline of a HEFSP attached to

Franklin Township



In Somerset County

the Settlement Agreement; and

WHEREAS, the Court's Special Master provided a Report of the Special Master dated December 8, 2017, finding that the Township's Settlement Agreement will adequately protect the interests of low moderate income households; and

WHEREAS, the Hon. Thomas C. Miller, P.J.Cv. held a Fairness Hearing and determined on December 11, 2017 that the aforementioned Settlement Agreement was fair and reasonable to the interests of lower-income households; and

WHEREAS, the Conditional Order of Compliance issued by Judge Miller requires that the Township submit to the Special Master for review and comment a new HEFSP for the Township, an Affordable Housing Trust Fund Spending Plan, and all Resolutions and Ordinances necessary to implement the HEFSP and Affordable Housing Trust Fund Spending Plan; and

WHEREAS, a new Housing Element and Fair Share Plan, dated April 2018, has been prepared and has been noticed pursuant to N.J.S.A. 40:55D-13 for a public hearing before, and adoption by, the Franklin Township Planning Board; and

WHEREAS, the April 2018 Housing Element and Fair Share Plan contains a new Affordable Housing Trust Fund Spending Plan, in Appendix O, that outlines anticipated revenues and expenditures, in conformance with applicable rules, during the 2018-2025 timeframe; and

NOW THEREFORE BE IT RESOLVED that the Township Council of Franklin Township, Somerset County, hereby endorses the April 2018 Housing Element and Fair Share Plan and the Affordable Housing Trust Fund Spending Plan and directs that both be submitted to the Special Master for review and comments as required by the Conditional Order of Compliance.

CERTIFICATION

I, Ann Marie McCarthy, Township Clerk of the Township of Franklin, in the County of Somerset, do hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the Township Council at a Work Session/Regular Meeting held on the 4/24/2018.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of said Township this 4/25/2018.

A handwritten signature in cursive script that reads "Ann Marie McCarthy".

Ann Marie McCarthy
Township Clerk

APPENDIX B

AMENDED DEVELOPMENT AGREEMENT

This Agreement is made this 6 day of ^{January 2015} ~~December, 2014~~, by and between Raritan Valley Habitat for Humanity, Inc. (hereinafter referred to as "RVHFH") and the Township of Franklin (hereinafter referred to as the "Township"), a municipal corporation, and supersedes the Agreement made by and between RVHFH and the Township on the 24th day of June, 2008. Specifically:

Raritan Valley Habitat for Humanity, Inc.
P.O. Box 6275
Bridgewater, New Jersey 08807

Township of Franklin
475 DeMott Lane
Somerset, New Jersey 08873

WHEREAS:

- RVHFH is a non-profit organization providing affordable housing for low-income households; and
- The Township, is a municipal corporation in the State of New Jersey, having an interest in meeting its affordable housing obligation, as established by the New Jersey Council on Affordable Housing (hereinafter referred to as "COAH");
- The Township and RVHFH are mutually interested in cooperating to provide for enhanced affordable housing opportunities in the Township; and
- RVHFH intends to construct affordable housing on properties located within the Township, subject to Council approval, as designated on Schedule A; and

THEREFORE, it is the intent of this Agreement to set forth the terms and conditions whereby the Township may obtain credit for affordable houses constructed by RVHFH and RVHFH may receive the benefits of municipal cooperation in furtherance of its mission.

I. Situation

The Township is the owner of the real property listed on Schedule A (hereinafter referred to as the "Properties"). RVHFH plans to construct homes on the Properties, which will conform to the requirements set forth by COAH with respect to affordability for low-income households, maintenance of affordability in perpetuity, and conformance with re-sale price requirements. The homes covered under this Agreement shall be covered by declarations and covenants established by COAH rules and regulations. The Township and RVHFH specifically agree to a deed restriction whereby the Properties will be held as affordable units in perpetuity.

RVHFH will undertake the initial family (buyer) selection process in conformance with COAH rules and regulations, so that each partner family (buyer) is qualified under the rules of COAH, and thereby, eligible for inclusion in the Township's Affordable Housing Plan. RVHFH reserves the right to impose additional criteria for family selection to conform to RVHFH's rules and protocols, so long as such additional criteria does not conflict with COAH rules and regulations.

Thereafter, if the initial family (buyer), chosen by RVHFH, wishes to sell the home, the Township would administer the selection of the next low-income buy from its affordable housing list.

II. RVHFH Commitments

1. RVHFH will provide the Township with copies of Sales Agreements and deed restrictions to be imposed upon each home when such contract are executed between RVHFH and its partner families (buyers) and when such transactions are closed between RVHFH and its partner families (buyers). The Agreements and deed restrictions will comply with the COAH rules and regulations, current at the time, unless specifically waived for RVHFH in writing by COAH. RVHFH will not apply for a waiver from COAH's rules and regulations without first obtaining consent from the Township.
2. RVHFH will supply information concerning the affordable housing deed restrictions to the Township Tax Assessor who will review and apply such information in accordance with New Jersey Law.
3. RVHFH will provide the Township Municipal Housing Liaison with any information relating to the provisions of this Agreement that may be required for COAH monitoring reports.
4. RVHFH will retain a deed covenant to be notified in the event the Habitat family wishes to sell the Property.
5. RVHFH will contact the Township in the event that any home built on the designated Properties becomes available for re-sale. In the event of a re-sale, the Township will retain the right to administer the selection of the next low-income buyer from the Township's affordable housing list.
6. RVHFH shall provide a mortgage to the initial family (buyer) who purchases the property. This mortgage shall be recorded first and shall take priority above any and all other liens on the Property. In the event of a re-sale, the mortgage provided by RVHFH will be paid off at the time of closing.
7. Notwithstanding anything herein to the contrary, the units to be constructed by RVHFH on the Properties designated in Section I above will be constructed, marketed, occupied and maintained in accordance with the COAH rules and regulations current at the time the partner families (buyers) are selected.
8. RVHFH will compensate the Township in the amount of \$5,000 per buildable lot for the Properties.
9. RVHFH will construct up to six (6) affordable housing units on the Properties prior to December 31, 2019. The number of units to be built within this timeframe will be

determined based on RVHFH's ability to obtain the necessary funding for construction and infrastructure improvements, as well as their ability to obtain all necessary approvals.

10. RVHFH will, at its own cost, obtain all necessary governmental approvals necessary to develop the Properties, however RVHFH shall not be obligated to (1) pursue any litigation or appeal to obtain such approvals, and (2) may in its own discretion abandon the pursuit of approval or permit as RVHFH deems necessary.

III. Township Commitments

1. The Township will include homes built on the specified Properties in the Township's Affordable Housing Plan, and will establish such authority as required by COAH to monitor re-sale price. The Township will have final responsibility for assuring COAH compliance, RVHFH will cooperate with the Township as required.
2. The Township will waive all fees associated with permits and applications and use its best efforts to process any application, permits or approvals as expeditiously as the law allows. RVHFH acknowledges that the Township makes no representations that approval will be granted by any Township Agency.
3. The Township will transfer title to the Properties to RVHFH at the time RVHFH is ready to obtain a building permit for the property in question. The transfer of property is contingent upon the adoption of the appropriate ordinance pursuant to the Local Lands and Building Law, NJSA 40A:12-1 et seq, authorizing the transfer of the real property.
4. The Township shall reimburse RVHFH for the cost of infrastructure improvements necessary for the construction of affordable housing units on the Properties. Such reimbursement shall be made solely from the Township's Affordable Housing Trust Fund, subject to any limitations or restrictions imposed by COAH for such expenditure. Such reimbursement shall be limited to "hard" costs for necessary infrastructure improvements (e.g., roadway improvements, utility extension(s) such as water and/or sewer lines) and shall be made after submittal of invoices and inspection by the appropriate government authority(ies) that such work has been satisfactorily completed. "Soft" costs for construction of the units (e.g., engineering and architectural fees) shall be the responsibility of RVHFH. Total reimbursement shall not exceed \$72,320, which is the amount remaining from the prior Agreement and the amount currently authorized by COAH as part of the Township's Amended Spending Plan.

IV. Mutual Commitments

1. The Township and RVHFH will cooperate in the execution of necessary documents to assure household (buyer) eligibility and maintenance of appropriate re-sale prices for the homes.
2. The Township and RVHFH agree that this Agreement shall terminate on December 31, 2019.

3. The parties acknowledge that the order of development of the Properties shall be at the sole discretion of RVHFH. Further, RVHFH shall have the sole discretion to not pursue the development of any of the Properties.

IN WITNESS WHEREOF, the parties hereby set their hands and seals on the date set forth below.

FOR RARITAN VALLEY HABITAT FOR HUMANITY, INC

By DOREEN BLANC ROCKSTROM Date 1-6-2015

Doreen Blanc Rockstrom
(name)

Executive Director
(title)

FOR THE TOWNSHIP OF FRANKLIN

By: Kimberly Concesi Date: 1-6-2015

Ann Marie McCarty Date: 1-6-2015

SCHEDULE A

140 Churchill Avenue; Block 95, Lots 33-34 (potential for 1 building lot)

234 Ralph Street; Block 207, Lots 1-8 (potential for 2 building lots)

589 Howard Avenue; Block 534, Lots 6-9 (potential for 1 building lot)

178 Churchill Avenue; Block 95, Lots 15-16 (potential for 1 building lot)

Delmonico Avenue; Block 93, Lots 40-41 (potential for 1 building lot)

**ADDENDUM TO DEVELOPER'S AGREEMENT BY AND BETWEEN
FRANKLIN TOWNSHIP AND SUMMERFIELDS AT FRANKLIN, L.L.C.**

**THIS ADDENDUM TO DEVELOPER'S AGREEMENT BY AND BETWEEN
FRANKLIN TOWNSHIP AND SUMMERFIELDS AT FRANKLIN, L.L.C.**

(hereinafter the "Addendum") entered into this 24th day of February 2015 by and between the **Township of Franklin**, a municipal corporation, in the County of Somerset, State of New Jersey, with offices located at 475 DeMott Lane, Somerset, New Jersey (the "Township" or "Franklin") and **Summerfields At Franklin LLC**, with offices located at 812 Central Avenue, Westfield, NJ 07090, (the "Developer") (collectively, the "Parties").

WITNESSETH:

WHEREAS, in accordance with the Township zoning ordinance, the Site previously received General Development Plan Approval on September 21, 2005, as memorialized by Resolution of the Planning Board adopted on December 7, 2005 and received Preliminary Site Plan and Subdivision Approval on September 20, 2006, as memorialized by Resolution adopted by the Planning Board on January 3, 2007 (hereinafter the "2007 Resolutions"), for a predominately age-restricted development consisting of 900 units based on the following housing mix: 750 senior units in the form of single-family detached, townhouse and apartment



BRETT A. RADI COUNTY CLERK
SOMERSET COUNTY, NJ
2015 MAR 24 09:52:14 AM
BK:6780 PG:3254-3264
INSTRUMENT # 2015011088

units and 150 non-age-restricted units in the form of single-family detached units; and

WHEREAS, the Developer sought and received Amended General Development Plan Approval in accordance with S-2577/A-3772, signed into law by the Governor on July 2, 2009, which allows developers to seek the conversion of certain age-restricted units to non-age restricted market rate units; and

WHEREAS, by Resolution of the Planning Board of Franklin Township adopted on February 3, 2010 (the "2010 Resolution") the Developer sought and received Amended General Development Plan Approval for a "converted development" pursuant to P.L. 2009, Chapter 82 (S-2577/A-3772) and as codified at N.J.S.A. 45:22A-46.3 et seq., at premises known as Block 516, Lots 4.04, 6.04 and 15 at Randolph Road and Schoolhouse Road consisting of approximately 168 acres located in the Planned Adult Community (PAC) District (the "Site" or "Property"); and

WHEREAS, by Resolution of the Planning Board of Franklin Township adopted on December 17, 2014 (the "2014 Resolution") the Developer sought and received Second Amended General Development Plan Approval which Amendment clarified that 150 single-family detached units which are not, and have never been, age restricted were not "converted" by the 2010 Resolution and therefore not subject to the 20% affordable housing requirement of S-2577/A-3772; and

WHEREAS, the 2014 Resolution correspondingly reduced the number of required rental affordable housing units from 180 to 150 and requires the payment of the one percent (1.0%) Affordable Housing fee, per Township ordinance, owed in connection with the 150 single-family detached units which are not, and have never been, age restricted;

WHEREAS, the Parties have previously entered into two Developer's Agreements that each address, in part, the provision of affordable housing within the development;

WHEREAS, the Developer's Agreement entered into on May 25th 2010 obligated the Developer to provide 180 affordable rental units of which 50 would be restricted to seniors and at least 24 would be very-low income non-age-restricted units (the "May 2010 Developer's Agreement")

WHEREAS, the Developer's Agreement entered into on November 5th 2010, in items 8.a through 8.e on pages 4 and 5, provided certain additional stipulations regarding the provision of affordable housing including ownership and management responsibilities for the affordable units, the dispersal of the non-age restricted affordable housing amongst market units and phasing (the "November 2010 Developer's Agreement")

WHEREAS, to date, a Certificate of Occupancy (hereinafter "CO") has already been issued for the majority of the never-converted single-family detached units; and

WHEREAS, a fee, totaling approximately \$730,000.00, would have been paid at the time that the CO's were issued for the 150 never-converted single-family detached units if they were originally subject to the collection of this fee; and

WHEREAS, the Developer has requested that the fee be paid over a period of time; and

WHEREAS, the Parties have agreed to amend the May 2010 Developer's Agreement and the November 2010 Developer's Agreement.

NOW THEREFORE, the Parties hereby agreed to amend the May 2010 Developer's Agreement and the November 2010 Developer's Agreement as follows:

1. All of the terms, conditions and findings of fact outlined in the 2007 Resolutions, the 2010 Resolution, the 2014 Resolution are incorporated herein by reference.

2. With respect to the provision of affordable housing, the Proposed Development shall include a total of 150 rental affordable housing units of which 50 shall continue to be restricted to seniors and no less than 24 shall continue to be very-low income non-age-restricted affordable rental housing units as defined in the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

3. The Developer shall pay 1.0% of the cumulative total equalized assessed value for the 150 never-converted single-family detached units in accordance with the following schedule:

a. The Developer shall pay \$65,000 on the first of each month following execution of this agreement until the total payment equals 1.0% of the cumulative total equalized assessed value for the 150 never-converted single-family detached units.

b. No such payment shall be less than \$65,000 unless such lesser amount is the amount necessary to complete the Developer's obligation to pay 1.0% of the cumulative total equalized assessed value of the 150 single-family detached units.

c. Developer's failure to make any of these payments shall result in the cessation of permits being issued to the converted development. Such cessation shall occur ten (10) business days after the first of the month and shall remain in effect until the required payment is made. Should the Developer fail to cure a nonpayment within 30 days the remaining balance due to satisfy the obligation of this paragraph shall immediately be due and owing.

4. Item 7 in the November 2010 Developer's Agreement shall be replaced with the following:

Housing Mix. As authorized by the project approvals, the Developer is permitted to construct up to 900 units of which 750 may be market-rate units consisting of 200 single-family detached units, 100 townhouse units and 450 apartments.

5. Item 8.d in the November 2010 Developer's Agreement shall be replaced with the following:

Phasing of the affordable units shall be in accordance with COAH rules and Section 81-3.B of the Township Code. The first 25 affordable units provided shall consist of senior affordable units.

6. Item 8.e in the November 2010 Developer's Agreement shall be replaced with the following:

The balance of 100 non-age restricted affordable units, intended to be constructed in Section F, shall be dispersed throughout the market-rate units.

7. Item 9 in the November 2010 Developer's Agreement shall be replaced with the following:

~~**Bedroom Mix.** The bedroom count for the project shall be as follows:~~

- 134 four- to five-bedroom single-family detached units
- 66 three-bedroom single-family detached units;
- 100 three-bedroom townhouse units;
- 360 two-bedroom market-rate apartment units;
- 90 one-bedroom market-rate apartment units; and
- The converted development shall comply with the bedroom mix requirements of the Uniform Housing Affordability Controls. However, the number of 3-bedroom affordable units shall not exceed 20% + 1 units.

8. All notices shall be served by Certified Mail, return receipt requested and regular mail upon the Parties at the

addresses shown below, and copies of all notices shall be delivered to the Parties' attorneys via regular mail.

To the Township: Township of Franklin
475 DeMott Lane
Somerset, New Jersey 08873-6704
Attention: Township Manager

Copy to: Louis N. Rainone, Esq.
DeCotiis FitzPatrick & Cole, LLP
500 Frank W Burr Blvd., Suite 31
Teaneck, NJ 07666-6802

To Developer: Summerfields at Franklin, LLC
812 Central Avenue
Westfield, NJ 07090

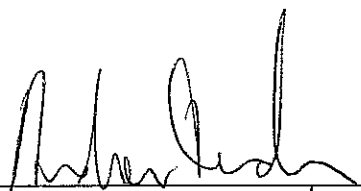
Copy to: Peter U. Lanfrit, Esq.
Law Office of Peter U. Lanfrit, LLC
3000 Hadley Road, Suite 1C
South Plainfield, NJ 07080

9. In all other respects except as above modified, the May 2010 Developer's Agreement and the November 2010 Developer's Agreement shall remain in full force and effect.

[SIGNATURES INTENTIONALLY MOVED TO THE FOLLOWING PAGE]

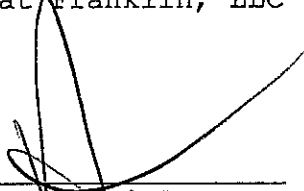
IN WITNESS WHEREOF, the parties have duly executed this Developer's Agreement as of the day and year first above written.

WITNESS:


Name: Andrew Tandler

DEVELOPER:

Summerfields at Franklin, LLC

By: 
Name: Anatol Hiller
Title: Managing Member

Township of Franklin

ATTEST:


Ann Marie McCarthy, Clerk

By: 
Chris Kelly, Mayor

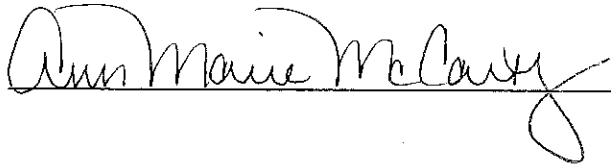
STATE OF NEW JERSEY :

SS:

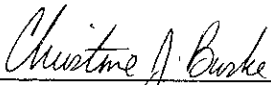
COUNTY OF SOMERSET :

I HEREBY CERTIFY that on February 24, 2015, Ann Marie McCarthy personally came before me and this person acknowledged under oath, to my satisfaction, that:

1. Chris Kelly is the Mayor of the Township of Franklin, the corporation named in this Developer's Agreement;
2. This Developer's Agreement was signed and delivered by the Corporation as its voluntary act duly authorized by a proper resolution of the Planning Board of the Township of Franklin;
3. This person knows the proper seal for the corporation which is affixed to this Developer's Agreement; and
4. This person signed this proof to attest to the truth of these facts.


Ann Marie McCarthy

Signed and Sworn before me
On this 24th day of February, 2015



A Notary Public of the
State of New Jersey

Christine Jean Burke
Notary Public of New Jersey
ID No. 2333159
My Commission Expires August 24, 2016

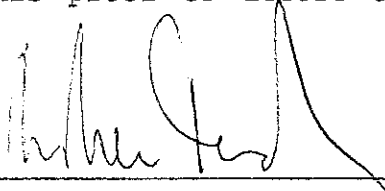
STATE OF NEW JERSEY :

SS:

COUNTY OF Somerset :

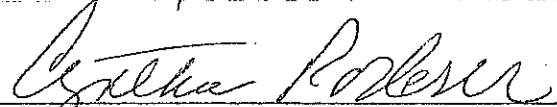
I HEREBY CERTIFY that on February 17, 2015, Anatol Hiller personally came before me and this person acknowledged under oath, to my satisfaction, that:

1. this person is the Managing Member of Summerfields at Franklin, LLC, the limited liability corporation named in this document;
2. this person is the attesting witness to the signing of this document by the proper corporate officer who is Anatol Hiller, the Managing Member of the limited liability corporation;
3. this document was signed and delivered by the limited liability corporation as its voluntary act duly authorized by a proper resolution of its Members;
4. this person knows the proper seal of the limited liability corporation which was affixed to this document; and
5. this person signed this proof to attest to the truth of these facts.



Signed and sworn to before me on

February 17, 2015



Notary Public of the
State of New Jersey

CYNTHIA RODERER
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires September 24, 2016

RECORD AND RETURN TO:
Peter U. Lanfrit, Esq.
Law Office of Peter U. Lanfrit, LLC
3000 Hadley Road, Suite 1C
South Plainfield, NJ 07080

A



BRETT A. RADI
SOMERSET COUNTY CLERK
20 GROVE STREET
P.O. BOX 3000
SOMERVILLE, NJ 08876-1262

Recorded: 03/24/2015 09:52:14 AM
Book: OPR 6780 Page: 3254-3264
Instrument No.: 2015011088
TWP AGTDEED 11 PGS \$11.00

Recorder: ADAMUS

DO NOT DISCARD



2015011088

APPENDIX C

FACT SHEET

SUBSTANTIVE CERTIFICATION

253
324
+ 63
+ 61-286

Municipality - Franklin Township

County - Somerset

Region - 3

Court-Transferred - Yes

Pre-credited Number - 745

Indigenous Need - 71

Credits - 253

Adjustments - N/A

Fair Share Number - 492 (559)*

Rehabilitation Component - This was satisfied through credits (71)

Inclusionary Component:

a. Low/moderate units to be zoned - N/A

b. Low/moderate units zoned - 6 DU/acre (179 ac.)=1,074 units 15%=161 1/m
8 DU/acre (179 ac.)=1,432 units 20%=286 1/m
(These are in excess of the fair share obligation)

c. Low/moderate approved - 528 plus 31 bonus rental credits=559*

Accessory Apartment Component - N/A

Regional Contribution Agreement - N/A

Federal/State Grants - N/A

Waivers Requested - 1) to the rental bonus credit rule
2) pricing stratification for 318 units at Franklin Field
3) to the low/mod split of the inclusionary units for individual projects.

Mediation/Objectors - Brener Associates, JZR Associates,
Public Advocate, Receko

Recommendation - Grant Substantive Certification

*Franklin Township has provided for more than the fair share obligation.

EXECUTIVE SUMMARY
FRANKLIN TOWNSHIP/SOMERSET COUNTY
REGION #3

Franklin Township, Somerset County has a precredited need of 745 units which includes 71 indigenous units. The housing element contains crediting documentation for 253 units; 71 were rehabilitated and 182 were new construction since 1980. Therefore, Franklin had to provide for 492 units in the fair share plan.

The Township's fair share plan is based on four approved development projects that total 559 units. The plan also requires the rezoning of 179 acres which requires a 15% low/moderate set aside @ 6DU/acre and a 20% set aside @ 8DU/acre that could yield between 161 to 286 low/mod units.

Franklin's total precredited need is 745 units. With the Township's credits of 253 units and inclusionary units of 559 a total of 812 low/moderate units are provided. Thus Franklin has exceeded its precredited need by 63 units. This excess does not include the potential units from the rezoned 179 acres in the Township.

Therefore, Franklin Township has met its fair share number and its housing element meets COAH's substantive rules, as amended, substantive certification is recommended.

212 63

JB/py

d0450e

COAH REPORT
FRANKLIN TOWNSHIP/SOMERSET COUNTY
REGION #3
MAY 13, 1987

Franklin Township, Somerset County is approximately 47 square miles located in the central portion of the state. The Township development pattern is very diverse with the Route 287 corridor very densely developed and the rest of the Township either suburban or even rural in character.

However, the Township is faced with much growth pressure. In 1980 the population was 31,358 and the latest population estimate for 1990 puts the total population at 45,724. This would be projected increase of 31% in one decade.

This growth pressure is further substantiated by the growth in housing units and jobs. In 1980 there were 10,060 housing units; by 1986 this figure was estimated at 12,141. This is a 20% increase in the last six years. At this pace by 1990 the total housing units could be 13,529 units, an almost 35% increase in ten years.

Job growth in Franklin was even more substantial than housing. In 1980 there were 10,700 jobs in the Township and by 1985 there were 15,300 jobs. This is a better than a 50% increase which changed the job to household ratio from 1:1 in 1980 to 1.25:1 in 1985.

NUMBER

The COAH preccredited need of Franklin Township is 745 units. This includes 71 indigneous units.

CREDITS

Franklin Township is seeking credit for 253 units which includes both rehabilitation and new construction. These credits are contained in three basic projects. They are as follows:

<u>PROJECT NAME</u>	<u>NUMBER</u>	<u>TYPE</u>
Parkside Public Housing	71	Rehabilitation (100 units capped at indigenous need of 71 units)
Central Jewish Home For the Aged	100	New construction (completed before 1987)
Franklin Field	82	New construction (completed before 1987)
TOTAL	253	

These credits meet all of COAH's rules and regulations regarding crediting. This includes the newly constructed units that were approved by the courts.

FAIR SHARE PLAN

A. REHABILITATION COMPONENT

The Township did not have to include this because their credits fulfilled their entire indigenous need.

B. INCLUSIONARY COMPONENT

The inclusionary component of the Township's fair share plan is based on two distinct elements. First, the 559 units that are set aside from four approved housing projects (Quail Crest, Franklin Field, White Hall Manor, JZR Associates) including rental bonus credits. They are as follows:

<u>PROJECT NAME</u>	<u>LOW/MODERATE UNITS</u>
Quail Crest	27
Franklin Field	318
White Hall Manor (rental)	100
JZR Associates	83
Rental Bonus Credits	<u>-31</u>
TOTAL	559

All four of these projects were approved under a 1972 ordinance which established the low/moderate split as 5% low and 10% moderate. Since these projects were approved based on an ordinance that pre-dates COAH the Township will need to request a waiver to the 50/50 split for these individual projects. The ordinance will be amended to reflect COAH's criteria. However, the final obligation achieves a 50/50 low and moderate split.

The Franklin Field PUD was also part of a settlement in a Mount Laurel I case. The pricing stratification for these units was assigned by the court. Therefore, the Township will also need a waiver for this element of the project.

The Township also intends to rezone 179 acres of land. The new zoning district will allow either 6 DU/acre with a 15% set aside or 8 DU/acre with a 20% set aside. This zoned acreage could yield somewhere between 161 to 286 low/moderate units. Franklin is also amending its zoning ordinance section #405 so that their low/moderate income income qualifications, affordability controls, etc. will all be in compliance with COAH's substantive rules. After this amendment all of the inclusionary requirements and approved developments will meet COAH's rules.

POST MEDIATION REVIEW

There were four objectors to the Township's housing element and fair share plan. The objectors included: the Office of the Public Advocate; JZR and Receko (developers within the C-R zone); and the Brenar Associates. Most of

the objections involved credits claimed by Franklin and the ability of the Township to provide sewer to the C-R zone in a timely manner.

The objections pertaining to sewer (JZR and Receko) were successfully mediated and agreements have been signed. The sewer capacity will be provided in two phases. As a result of mediation all the developers will receive limited capacity in Phase I. The Township has unconditionally agreed to provide Phase II within three and one-half years. Due to these agreements, JZR and Receko withdrew all of their objections.

However, the objections to the credits were not immediately withdrawn. The Public Advocate objected the Public Housing Rehabilitation and the 318 units at Franklin Field. Brenar Associates objected to the 318 units at Franklin Field. It should be noted that all of Franklin's credits were reviewed by COAH staff and a COAH task force and were found to be consistent with COAH's procedural and substantive rules. The Council determined this was not a contested case. The mediation report is attached.

WAIVERS

Franklin Township has submitted the following waiver for substantive certification:

- A. A waiver allowing Franklin to include their rental bonus credits.
- B. A waiver for the pricing stratification of the 318 units at Franklin Field that were approved prior to COAH's rules.
- C. A waiver allowing the pre-approved inclusionary units to provide only 5% low income units and 10% moderate income units of the 15% set aside agreed to.

The waiver request is attached.

RECOMMENDATIONS

It is recommended that this plan be granted substantive certification subject to Franklin Township fulfilling the following conditions:

- A. The Township must adopt their fair share plan as part of their zoning ordinance.
- B. All of the waivers mentioned above are granted.

attachments

JB/py
0451e

RESOLUTION GRANTING SUBSTANTIVE CERTIFICATION No. 17

WHEREAS, on January 5, 1987, Franklin Township, Somerset County submitted an adopted housing element and fair share plan dated November 3, 1987 and prepared by John Chadwick, P.P. to the Council on Affordable Housing (COAH); and

WHEREAS, since Franklin Township is a court transferred matter, the submission of its adopted housing element and fair share plan was deemed to be a petition for substantive certification pursuant to N.J.A.C. 5:91-4.2; and

WHEREAS, Franklin Township published notice of its petition for substantive certification in the Home News and the Somerset Spectator, both of which are newspapers of general circulation within the municipality and county, on January 5, 1987, pursuant to N.J.S.A. 52:27D-313 and N.J.A.C. 5:91-4.3; and

WHEREAS, valid objections were filed to Franklin Township's substantive certification within 45 days from the publication of its notice of petition for substantive certification, pursuant to N.J.S.A. 52:27D-314 and N.J.A.C. 5:91-et. seq.; and

WHEREAS, as a result of the filing of valid objections, COAH engaged in mediation with the objectors and Franklin Township pursuant to N.J.S.A. 52:27d-315 and N.J.A.C. 5:91-7.1 et. seq.; and

WHEREAS, mediation resulted in the resolution of objections and agreement between the parties as detailed in the mediator's report which is attached to this resolution as Appendix A and is incorporated herein; and

WHEREAS, COAH having considered the mediator's report, and the COAH review report which is attached hereto as Appendix B; and

WHEREAS, COAH having reviewed Franklin Township's petition for substantive certification to determine whether it is consistent with the rules and criteria adopted by COAH and the achievement of low and moderate income housing needs of the region; and

WHEREAS, COAH further having reviewed the Township of Franklin's petition for substantive certification to determine whether the combination of the elimination of unnecessary housing cost-generating features from the municipal land use ordinances and regulations, and the affirmative measures in the housing element and implementation plan make the achievement of the municipality's fair share of low and moderate income housing realistically possible; and

WHEREAS, COAH has determined that Franklin Township's precredited need is 745; and

WHEREAS, the Council has determined that Franklin Township is entitled to 182 credits for pre-approved affordable housing units; and

WHEREAS, the Council has determined that Franklin Township is entitled to 71 credits for rehabilitation of public housing units; and

WHEREAS, the Council has determined that Franklin Township has provided for more than its fair share obligation in that it has zoned for low and moderate income housing in excess of its fair share obligation as detailed in the attached staff report, and, therefore in light of the above Franklin Township would be entitled to substantive certification notwithstanding the 71-credits; and

WHEREAS, COAH has determined that Franklin Township's final need number is 492 since there are credits and adjustments; and

NOW THEREFORE BE IT RESOLVED that Franklin Township's petition for substantive certification of its housing element and Fair Share plan is hereby granted; and

BE IT FURTHER RESOLVED that a waiver is granted to allow Franklin Township to include their rental bonus credits; and

BE IT FURTHER RESOLVED that a waiver is granted for the pricing stratification of 318 units at Franklin Field due to their approval pre-dating COAH's rules; and

BE IT FURTHER RESOLVED that a waiver is granted allowing the pre-approved inclusionary units in individual projects to provide only 5% low income units and 10% moderate income units of the 15% set aside agreed to as the total of fair share units meet the 50/50 low and moderate income housing split; and

BE IT FURTHER RESOLVED that Franklin Township shall adopt its fair share housing ordinance within 45 days of the date of the granting of substantive certification; and

BE IT FURTHER RESOLVED that this certification shall be for a period of six years from the date of its certification; and

BE IT FURTHER RESOLVED that Franklin Township shall provide COAH with a certified copy of the adopted fair share housing ordinance within one week of the adoption; and

BE IT FURTHER RESOLVED that any changes in the facts upon which this certification is based, or any deviations from the terms and conditions of this certification, which affects Franklin Township's ability to provide for the realistic opportunity for its fair share of low and moderate income housing and which Franklin Township fails to remedy, may render this certification null and void.

I hereby certify that this resolution was duly adopted by the Council on Affordable Housing at its public meeting on 10/15/11

Arthur R. Kondrup
Chairman, Council on Affordable Housing

d0449e

APPENDIX D



CHRISTINE TODD WHITMAN
Governor

State of New Jersey
COUNCIL ON AFFORDABLE HOUSING
CN-813
TRENTON NJ 08625-0813
609-292-3000
FAX: 609-633-6056
TDD#: (609) 278-0175

JANE M. KENNY
Chairman
SHIRLEY M. BISHOP, P.P.
Executive Director

July 9, 1997

Honorable Kimberly Francois
Franklin Township
475 De Mott Lane
Somerset, New Jersey 08873-4153

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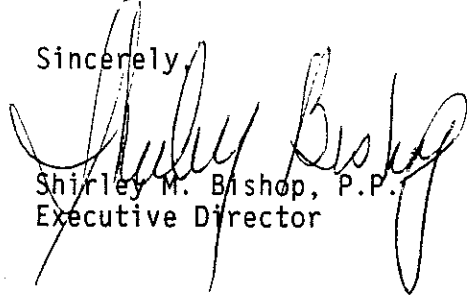
Dear Mayor Francois:

Congratulations!

Enclosed is a copy of the resolution by the Council on Affordable Housing (COAH) at the July 9, 1997 meeting that granted your municipality substantive certification. Please take note that all implementing ordinances including applicable zoning must be adopted no later than 45-days from the grant of substantive certification.

If you have any questions or need further information, please call Monica Etz, COAH planner, at (609)292-4646.

Sincerely,



Shirley M. Bishop, P.P.
Executive Director

encl.

cc: attached service list
Monica Etz, COAH planner

d3741w/1



RESOLUTION GRANTING SUBSTANTIVE CERTIFICATION No.

81-99

WHEREAS, Franklin Township, Somerset County, petitioned COAH for substantive certification of its 12-year cumulative housing obligation on March 6, 1995; and

WHEREAS, Franklin Township published notice of its petition in the Courier News and the Home News on March 9, 1995; and

WHEREAS, the publication of notice initiated a 45-day objector period which resulted in one objection from J. DuFour & Associates and Providence Corporation (DuFour); and

WHEREAS, Franklin Township's 12-year (1987-1999) cumulative obligation is 819 units: 53 rehabilitation and 766 new construction; and

WHEREAS, Franklin Township has completed a 29-unit regional contribution agreement (RCA), is eligible for 182 prior cycle credits, may receive credit for 289 for-sale units completed at Franklin Field, 28 for-sale units at Quail Crest, 48 rental units completed at Rolling Hills, 100 rental units approved at Whitehall Manor, 80 units approved at Westminster Mews, as well as 146 rental bonus credits; and

WHEREAS, Franklin Township is eligible for credits and reductions totaling 903 units to address an 819-unit precredited need, thereby meeting and exceeding its 12-year cumulative obligation; and

WHEREAS, in response to the objection from DuFour, mediation was initiated on October 31, 1995; and

WHEREAS, DuFour objected to its site being omitted from the housing element and fair share plan as an inclusionary site; and

WHEREAS, during the course of mediation, a zone change was negotiated on the DuFour site and mediation was concluded on July 3, 1996; and

WHEREAS, a mediation report dated May 23, 1997 was issued (see attached Exhibit A) and presented to COAH and received no comments or objections during the 14-day comment period; and

WHEREAS, COAH issued a COAH Compliance Report (see attached Exhibit 1) dated June 6, 1997 recommending that substantive certification be granted to Franklin Township, Somerset County.

NOW THEREFORE BE IT RESOLVED that COAH has reviewed Franklin Township's petition for substantive certification of its housing element and fair share plan and determines that it is consistent with the rules and criteria adopted by COAH and the achievement of low and moderate income housing needs of the region; and

BE IT FURTHER RESOLVED that COAH finds that the housing element and fair share plan submitted by Franklin Township comport with the standards set forth in N.J.S.A. 52:27D-314 and are consistent with the rules and criteria adopted by COAH; and

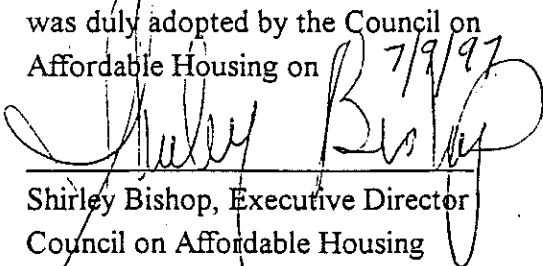
BE IT FURTHER RESOLVED that Franklin Township has met and exceeded its 12-year cumulative obligation of 819 units; and

BE IT FURTHER RESOLVED that Franklin Township has an excess of 83 units which may be credited towards a future obligation as COAH regulations permit; and

BE IT FURTHER RESOLVED that COAH hereby grants substantive certification to Franklin Township's housing element and fair share plan for a period of six years; and

BE IT FURTHER RESOLVED that any change in the facts upon which this certification is based or any deviation from the terms and conditions of this certification which affects the ability of the municipality to provide for the realistic opportunity of its fair share of low and moderate income housing and which the municipality fails to remedy may render this certification null and void.

I hereby certify that this resolution was duly adopted by the Council on Affordable Housing on


Shirley Bishop, Executive Director
Council on Affordable Housing

7/9/97



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CHRISTINE TODD WHITMAN
Governor

State of New Jersey
COUNCIL ON AFFORDABLE HOUSING
CN-813
TRENTON NJ 08625-0813
609-292-3000
FAX: 609-633-6056
TDD#: (609) 278-0175

JANE M. KENNY
Chairman
SHIRLEY M. BISHOP, P.P.
Executive Director

COAH SUMMARY FACT SHEET: 1987 TO 1999

July 9, 1997

Municipality	<u>Franklin Township</u>	Petition for Certification	<u>March 6, 1995</u>
County	<u>Somerset</u>	COAH Mediation Report	<u>May 23, 1997</u>
Region	<u>#3</u>	COAH Compliance Report	<u>June 6, 1997</u>
		Substantive Certification	<u>July 9, 1997</u>
Planning Areas	<u>1, 2, 3, 4 and 5</u>		
Staff Reviewer	<u>Monica S. Etz</u>		

PRECREDITED NEED 1987 TO 1999.....	819 (53 rehabilitation / 766 new units)
Prior cycle credits	-182
RCA - completed	- 29
Franklin Field (for-sale units) - completed	-289
Quail Crest (for-sale units) - completed	-28
Rolling Hills (rentals) -completed	-48
Whitehall Manor (rentals) - approved	- 100
Westminster Mews - approved	-80
Rental bonus credits	<u>-146</u>
	0 (83 surplus units*)

Recommendation
GRANT SUBSTANTIVE CERTIFICATION

*Franklin Township has 83 surplus units which may be credited toward a future obligation as COAH regulations permit.



EXECUTIVE SUMMARY - Substantive Certification
FRANKLIN TOWNSHIP, SOMERSET COUNTY
July 9, 1997

BACKGROUND

On March 6, 1995, the Council on Affordable Housing (COAH) received Franklin Township's petition for substantive certification. One objection to the township's housing element and fair share plan was filed.

MEDIATION

One party objected to the township's housing element and fair share plan. The party objected that its site was omitted from Franklin's plan. Mediation was initiated in October 1995 and after negotiating a zone change for the site, mediation concluded in July 1996. The site will not contribute any affordable housing units.

CREDITS and REDUCTIONS

Franklin Township has a 12-year cumulative obligation of 819 units: 53 rehabilitation and 766 new construction. Franklin Township has a total of 903 eligible credits and reductions, thereby meeting and exceeding its obligation by 83 units.

CONCLUSIONS and RECOMMENDATIONS

Franklin's precertified need of 819 units has been met and exceeded through prior housing activity. The surplus affordable housing units will be documented and may be applied to a third round obligation as permitted by COAH regulations.

Based on this review, it is recommended that Franklin Township, Somerset County, be granted substantive certification.

EXHIBIT 1

COMPLIANCE REPORT - Substantive Certification
FRANKLIN TOWNSHIP, SOMERSET COUNTY
- June 6, 1997
Prepared by Monica Etz, Principal Planner

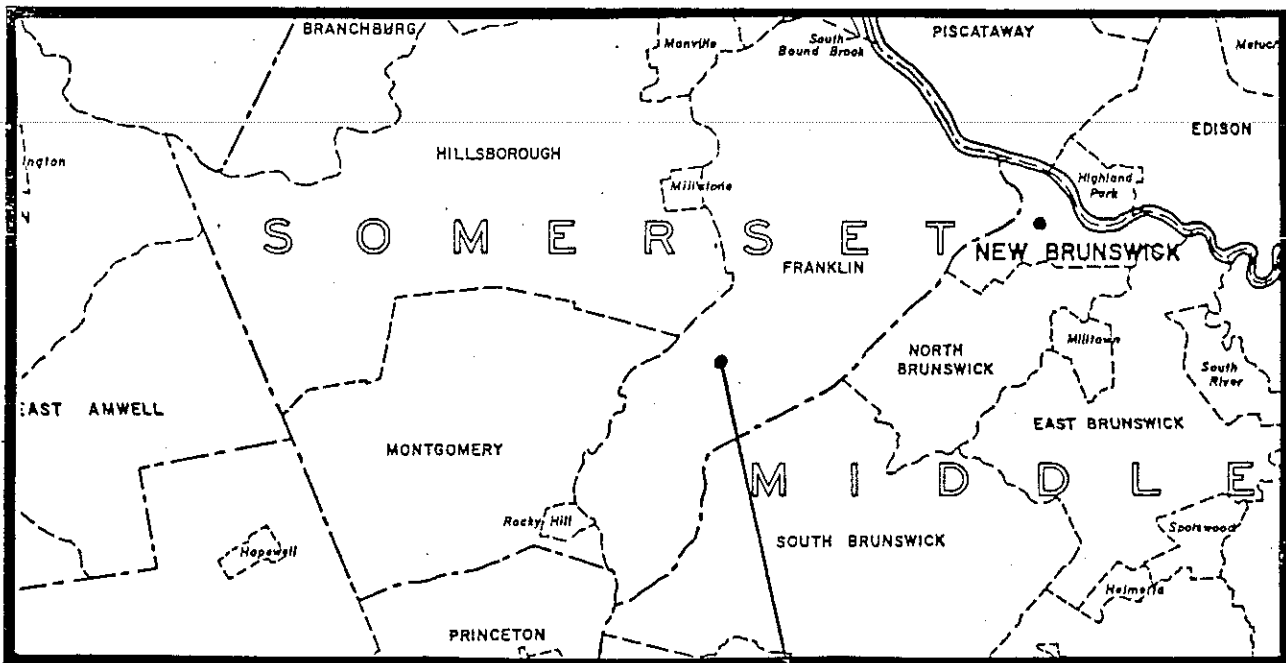
I. INTRODUCTION

Franklin Township, Somerset County, first received substantive certification from the Council on Affordable Housing (COAH) on September 28, 1987 and received interim certification on November 10, 1993.

On March 6, 1995, COAH received Franklin Township's adopted housing element and a resolution from the governing body requesting substantive certification. Franklin Township published notice of its petition for substantive certification in the Courier News and the Home News on March 9, 1995. The publication of notice initiated a 45-day objection period which ended on April 24, 1995. During the 45 days, one party submitted an objection to Franklin Township's housing element and fair share plan.

II. HOUSING STOCK INVENTORY, PROJECTION and ANALYSIS

Franklin Township has provided housing inventory and analysis based on the 1990 census information. Housing stock, age of housing stock, condition of housing, housing values, occupancy characteristics and types, projection of the housing stock, demographic characteristics, household size, household income and employment data have been submitted in conformance with N.J.A.C. 5:93-5.1(b).



FRANKLIN TOWNSHIP, SOMERSET COUNTY

III. CREDITS and REDUCTIONS

Franklin Township has a 12-year cumulative obligation of 819 housing units: 53 rehabilitation and 766 new construction. The township has met and exceeded its obligation through a combination of prior-cycle credits, a regional contribution agreement (RCA), new construction completed since 1987, three inclusionary developments which have final approvals and rental bonus credits.

(a) Prior Cycle Credits

Prior cycle credits are units that were constructed between 1980 and 1986. Franklin received credit for 182 prior cycle credits when it received substantive certification from COAH on September 28, 1987. That number reflects 100 units in the Central Jersey Jewish Home for the Aged and 82 for-sale units in Franklin Field (Society Hill). [182 prior cycle credits]

(b) Regional Contribution Agreement

A 29-unit RCA with the City of Perth Amboy was completed during Franklin Township's first period of substantive certification. [29 units]

(c) Inclusionary Developments - completed

Franklin Township indicated that 316 units of new construction have been completed since 1987. These units consist of an additional 289 for-sale units in the Franklin Field project and 28 for-sale units constructed in the Quail Crest project. Both projects were proposed as part of the township's first certification. [317 units]

(d) Inclusionary Zoning - approvals granted

As part of Franklin's first certification, the municipality zoned three additional tracts of land for inclusionary developments: 100 rental units at Whitehall Manor, 48 rental units at Rolling Hills and 83 for-sale units at Westminster Mews. All three projects have received final approvals. As per a letter from Franklin Township dated November 12, 1996, when final approval was granted for Westminster Mews, it included only 80 affordable units. Therefore, the three projects once completed will yield 228 units. [228 units]

(e) Rental Component and Rental Bonus Credits

According to N.J.A.C. 5:93-5.14(a), every municipality has an obligation to create a realistic opportunity for rental units. The rental obligation is calculated as follows:

$$\begin{aligned} &= (.25)(\text{precredited need} - \text{prior cycle credits} - \text{the rehabilitation component}) \\ &= (.25)(819 - 182 - 53) \\ &= (.25)(584) \\ &= 146 \end{aligned}$$

Based on this calculation, Franklin Township's 12-year cumulative obligation for rental units is 146. The housing element and fair share plan include two affordable rental projects: Whitehall Manor with 100 affordable rental units and Rolling Hills with 48 affordable rental units. Both projects have received final approvals. Therefore, the township has addressed this obligation.

According to N.J.A.C. 5:93-5.13(d), a municipality may receive a two-for-one rental bonus credit for affordable rental units that are not age-restricted. The maximum number of family units that are eligible for the bonus is defined by the same calculation as for the rental obligation: 146 as shown above.

Franklin has requested the maximum rental bonus credits. At this time, both rental projects have received final approvals. To date, 48 affordable rentals have now been completed and leased at Rolling Hills (now known as Countryside) and Whitehall Manor has started construction. Although Franklin Township has 148 family rental units, the township may only receive 146 rental bonus credits as per the calculation shown above. **[146 rental bonus credits]**

(f) Substantial Compliance

The municipality also requested reductions for substantial compliance. Franklin Township was certified in 1987 with zoning for 547 affordable housing units. At the time that Franklin petitioned for "second round" substantive certification on March 6, 1995, 316 units had been constructed within Franklin Township. This represents 57.7 percent for purposes of calculating substantial compliance. According to N.J.A.C. 5:93-3.6, a municipality receives substantial compliance reductions at 70 percent of completion. In this case, Franklin Township is not eligible for any reductions. **[0 credits]**

SUMMARY OF HOUSING ACTIVITY

<u>12- Year CUMULATIVE OBLIGATION</u>	819 (53 rehab/766 new)
a) Prior Cycle Credits	- 182
b) RCA - completed	-29
c) Franklin Field - completed	- 289
d) Quail Crest -completed	- 28
e) Westminster Mews - approved	- 80
f) Whitehall Manor (rentals) - approved	-100
g) Rolling Hills (rentals) - completed	- 48
h) Rental bonus credits	<u>- 146</u>
	= 83 surplus units

IV. EXCESS ZONING

In Franklin Township's previously certified fair share plan, there were 179 acres within the municipality (C-R and GB zones) which had inclusionary zoning in place. The zoning, which would provide excess units, required a 15 percent setback if developed at six units per acre or a 20 percent setback at eight units per acre. Based on these densities, the land could produce between 161 and 286 excess units.

At the time of petitioning in March 1995, Franklin had indicated that there were 173 acres within the C-R and GB zones which could produce excess units. Franklin acknowledged that the zoning was not needed to certify Franklin's plan since credits, reductions and rental bonuses reduce the fair share number to zero. Franklin stated in its housing element and fair share plan that it was revisiting the excess zoning to determine if the zoning would remain in place. Since the excess zoning is not part of Franklin's certified plan, the township does not need COAH's approval for zone changes to these sites.

V. MEDIATION

During the 45-day comment period, one objection was received from J. DuFour & Associates/Providence Corporation, contract purchasers of Block 11.01, Lot 10.01 in Franklin Township. The party objected to the omission of its site from Franklin's housing element and fair share plan. According to the objector, the site was zoned for inclusionary development as part of a negotiated settlement in court and was identified in Franklin's 1987 certified plan as one of several sites zoned in excess of its obligation. As part of the 1987 certified plan, the objectors claimed that the site was protected under N.J.A.C. 5:93-5.11 and could not be omitted from Franklin's plan.

Mediation opened on October 31, 1995 and concluded on July 3, 1996. The parties negotiated and agreed upon a zone change which deleted the affordable housing obligation on the objector's site. A Mediation Report, dated May 23, 1997, was issued to all parties. (See attached Exhibit A.)

VI. IMPLEMENTATION OF THE AFFORDABLE HOUSING PLAN

Franklin Township has addressed its 12-year cumulative obligation. However, the township must address the following implementation measures as per N.J.A.C. 5:93.

(a) Fair Share Ordinances

Franklin Township is required to adopt the updated fair share ordinances within 45 days of substantive certification and forward the adopted ordinances to COAH. The updated ordinance will include regulations regarding low/moderate income unit split as per N.J.A.C. 5:93-7.2(a), bedroom distribution as per N.J.A.C. 5:93-7.3, affordability controls as per N.J.A.C. 5:93-9 and establishing rents and prices of units as per N.J.A.C. 5:93-7.4. (See attached Exhibit B.)

(b) Affirmative Marketing Plan

Franklin is responsible for adopting the updated affirmative marketing ordinance within 45 days of substantive certification. The affirmative marketing ordinance, prepared in conformance with N.J.A.C. 5:93-11, will replace the previous affirmative marketing plan.

(c) Administrative Entity

In accordance with N.J.A.C. 5:93-9.1(a), municipalities must designate an entity with the responsibility of ensuring the affordability of for-sale and rental units over time. The entity is also responsible for income qualification of low and moderate income households, applicant selection

and rentals as they become available during the period of affordability. Franklin Township has contracted with the Somerset County Coalition on Affordable Housing (SCCOAH) to handle the administration of the affordable units.

(d) Development Fee Ordinance

Although Franklin Township has expressed an interest in pursuing a development fee ordinance, to date, the township has not submitted one. Franklin Township may pursue a development fee ordinance at any time during the period of substantive certification.

VII. CONCLUSION

Franklin Township has a cumulative 12-year obligation of 819 housing units: 53 rehabilitation and 766 new construction. The township has met and exceeded the obligation through a combination of 182 prior-cycle credits, a 29-unit RCA, 317 units in two (completed) inclusionary developments, 228 units in three approved inclusionary developments and 146 rental bonus credits. Franklin Township has met its obligation with a surplus 83 units which may be applied to a third round obligation as COAH regulations permit.

COAH staff recommends that substantive certification be granted. Franklin Township must adopt the implementing ordinances (fair share ordinance and affirmative marketing plan) within 45 days of substantive certification and forward the ordinances to COAH.

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EXHIBIT A

MEDIATION REPORT
FRANKLIN TOWNSHIP/SOMERSET COUNTY
REGION 3
PREPARED BY: SEAN THOMPSON, MEDIATOR
May 23, 1997

INTRODUCTION

This report summarizes the mediation that occurred between Franklin Township, Somerset County, and J. DuFour & Associates and Providence Corporation, contract purchasers of a site not designated for inclusionary development in the township's February 28, 1995 housing element and fair share plan. Mediation began on October 1995 and ended on July 3, 1996. Mediation resulted in a settlement agreement between the parties.

BACKGROUND

Franklin Township received its first substantive certification from the Council on Affordable Housing (COAH) on September 28, 1987 based on a final fair share number of 492. The township's fair share plan included zoning and rental bonus credits for 559 units.

Franklin Township petitioned COAH for substantive certification of its 12-year cumulative (1987-1999) obligation on February 28, 1995 and published notice on March 6, 1995. The plan submitted includes a request for credits and reductions that reduce the township's cumulative obligation to zero. During the 45-day objector period, one objection was filed (Dufour).

OBJECTION

J. DuFour & Associates and Providence Corporation, contract purchasers of block 11.01, lot 10.01 (66.7 acres), objected to Franklin's fair share plan and housing element. J. DuFour & Associates and Providence Corporation stated that their site was omitted from Franklin's housing element and fair share plan and should be included because a development application had been filed with the Franklin Township Planning Board that contained low and moderate income units.

MEDIATION

The first mediation session was held on October 31, 1995. However, during the course of mediation, the township mediation team was changed due to an election and the new members

requested additional time. On December 15, 1995, COAH granted a 60-day extension of mediation. On April 8, 1996, COAH received confirmation that Thomas J. Cafferty, Esq., former township attorney, and Robert Mettler, council member, were to be replaced by Kimberly Francois, mayor of Franklin Township; Harold Weber, planning board member; and Philip E. Heathcote, Esq., new township attorney. Ellen Ritchie, P.P., township planner, participated on both teams.

Mediation continued on April 25, 1996 with the new township team and the objector. During that time, both parties drafted a negotiated agreement conditioned upon a zoning change. On July 3, 1996 mediation ended with the expectation that the zoning change would be enacted by the Franklin Township governing body at its earliest meeting.

POST-MEDIATION

The zoning change was introduced on July 1996 and scheduled for adoption on August 13, 1996, but the governing body carried over action to October 8, 1996. These delays occurred because Sidney Kuchin and the Estate of Evelyn Fisher, property owners, filed an emergent motion with COAH on August 8, 1996. As a result of the emergent motion, COAH found that Franklin Township had to notice property owners in the Phase I zone and Franklin proceeded to do so. Because of this notice requirement, the township decided not to act on the zoning change since the notification initiated a 45-day objector period and the township did not know if there would be new objectors.

On June 19, 1996, Franklin Township amended its master plan designating DuFour's site as suburban-residential use and on February 17, 1997 adopted Ordinance No. 1921 which deleted the affordable housing obligation on the J. DuFour & Associates and Providence Corporation site. This ordinance was the focus of an amendment on May 13, 1997.

From February 17, 1997 to the present, no signed agreement has been forwarded to COAH. However, the zoning was changed to reflect the objector's concerns.

MEDIATED AGREEMENT

There are no contested issues of fact. With the enactment of the zoning, the objections of J. DuFour & Associates and Providence Corporation are resolved.

APPENDIX E



State of New Jersey
Council on Affordable Housing

101 SOUTH BROAD STREET
PO BOX 813
TRENTON, NJ 08625-0813
(609) 292-3000
(609) 633-6056 (FAX)

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

LORI GRIFA
Commissioner

SEAN THOMPSON
Acting Executive Director

July 19, 2010

The Honorable Brian D. Levine
Franklin Township
475 DeMott Lane
Somerset, NJ 08873

RE: SUBSTANTIVE CERTIFICATION

Dear Mayor Levine:

Congratulations!

Enclosed is a Resolution approved by the Council on Affordable Housing (COAH) granting third round substantive certification to Franklin Township/Somerset County.

Pursuant to N.J.A.C. 5:96-6.3(e), Franklin Township has 45 days from the grant of this substantive certification to adopt all implementing Fair Share Ordinances, or COAH's grant of substantive certification shall be void and of no force or effect.

If you have any questions, please contact Maria Connolly, COAH Principal Planner at (609) 292-4317. We appreciate the opportunity to work with you on your affordable housing planning and thank you for your ongoing commitment to affordable housing.

If you would like to be contacted via email regarding the future information/correspondence for Franklin Township, please provide COAH with your email address.

Sincerely,

A handwritten signature in blue ink that reads "Sean Thompson".

Sean Thompson
Acting Executive Director

Encls

cc: Attached Service List

RESOLUTION GRANTING THIRD ROUND SUBSTANTIVE CERTIFICATION #66-18

Franklin Township, Somerset County

WHEREAS, Franklin Township, Somerset County, petitioned the Council on Affordable Housing (COAH) for third round substantive certification on December 31, 2008 of a Housing Element and Fair Share Plan addressing its total 1987-2018 affordable housing obligation; and

WHEREAS, Franklin's petition was deemed complete on April 13, 2009; and

WHEREAS, pursuant to N.J.S.A. 52:27D-313 and N.J.A.C. 5:96-3.5, Franklin Township published notice of its petition in the *Courier News* on April 22, 2009, which is a newspaper of general circulation within the county; and

WHEREAS, during the 45-day objection period, which ended June 6, 2009, COAH received objections to Franklin's Housing Element and Fair Share Plan from Art Bernard, PP, on behalf of American Properties, at Cedar Grove Lane, LLC (American Properties); Steven Firsker, Esq. and Paul Grygiel, PP/AICP, on behalf of JP Nash/Edgewood Properties (JP Nash); Steve Rubin on behalf of Kings Row Homes, LLC (KRH); and Louise LeGoff of behalf of the Franklin Township Community Force (FTCF); and

WHEREAS, the Fair Share Housing Center (FSHC) submitted comments to the Township's plan that the Township has addressed; and

WHEREAS, a COAH Pre-mediation Report Requesting Additional Information was issued on January 6, 2010; and

WHEREAS, mediation between the Township and the parties took place in COAH's offices in Trenton on April 6, 2010; and

WHEREAS, the mediation in these matters did not result in settlements and the mediator determined that further mediation before COAH would not result in negotiated settlements; and

WHEREAS, the mediator finds that there are no contested issues of material fact which necessitate referral to the Office of Administrative Law (OAL); and

WHEREAS, Franklin Township's fair share plan addresses its 142-unit rehabilitation obligation, 766-unit prior round obligation and 965-unit net projected growth share obligation pursuant to Appendix F of N.J.A.C. 5:97; and

WHEREAS, Franklin Township's plan proposes to address its 16-unit rehabilitation obligation with 60 credits for units rehabilitated subsequent to April 1, 2000 through the Township's own rehabilitation program, and an 82-unit municipally sponsored rehabilitation program; and

WHEREAS, Franklin Township's plan proposes to address its 766-unit prior round obligation with 766 credits, including: 100 prior cycle credits for age-restricted units in the Central Jersey Home for the Aging; 26 prior cycle credits for family sale units in the Society Hill I inclusionary development; 100 credits and 100 rental bonuses for completed family rental units in the Whitehall Gardens inclusionary development; 48 credits and 40 rental bonuses for completed family rental units in the Countryside Apartments inclusionary development; 56 credits for completed family sale units in the Society Hill II inclusionary development; 64 credits for completed family sale units in the Society Hill III inclusionary development; 73 credits for completed family sale units in the Beacon Hill/Society Hill V inclusionary development; 37 credits for completed family sale units in the Society Hill VI inclusionary development; 27 credits for completed family sale units in the Quailbrook East/Quailcrest inclusionary development; 66 credits for group home/special needs bedrooms; and 29 RCA credits through completed RCAs with Perth Amboy; and

WHEREAS, Franklin Township's plan proposes to address a portion of its 965-unit net projected growth share obligation with 35 surplus credits for completed family sale units in the Society Hill VI inclusionary development; 79 credits for completed family sale units in the Wynnefield/ Society Hill VIII inclusionary development; 84 credits for completed family rental units in the Somerset Park/Westminster Mews inclusionary development; four credits and one rental bonus for the Devereux New Jersey group home; four credits and one rental bonus for the Enable, Inc. II group home; three credits and one rental bonus for the Phoenix Corp. group

home; 11 credits for Habitat for Humanity sale units; 85 credits for age-restricted rental units in the Hidden Brook at Franklin 100% affordable development; one credit for a family sale unit in the Fama inclusionary development; five credits for family sale units in the Florez inclusionary development; one credit for a family sale unit in the Horne development; 65 credits and 65 rental bonuses for family rental units in the Franklin Commons 100% Affordable Redevelopment Project; one credit for a family rental unit in the Kovacs inclusionary development; 28 credits for family rental units in the Cedar Manor inclusionary development; 92 credits and 88 rental bonuses for family rental units in the Berry Street Commons/Blair Avenue 100% Affordable Redevelopment Project; one credit for a family rental unit in the Ramirez inclusionary development; and eight credits for family sale units in the Somerset Douglas inclusionary development, for a total of 663 credits and bonuses; and

WHEREAS, Franklin Township's plan proposes to address its remaining 302-unit projected growth share obligation with five proposed family sale Habitat for Humanity units; 130 proposed family rental units and 50 proposed age-restricted rental units in the Summerfields inclusionary development; 58 proposed family rental units in the Laduree inclusionary development; 38 proposed age-restricted rental units in the Springhill inclusionary development; 24 family sale units in a proposed municipally sponsored 100% affordable project on Campus Drive; 105 family sale units and 35 redevelopment bonuses in the Leewood Redevelopment Area; 68 family rental units and 68 age-restricted rental units in a proposed municipally sponsored 100% affordable project known as Parkside; and 50 family rental units and 50 rental bonuses in a proposed municipally sponsored 100% affordable project to be developed by Pennrose; and

WHEREAS, Franklin Township's plan results in a 379-unit surplus; and

WHEREAS, pursuant to N.J.A.C. 5:97-3.2(a)4, Franklin has provided an implementation schedule that sets forth a detailed timetable that demonstrates a realistic opportunity as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.7 for the future proposed 24-unit municipally sponsored 100 percent affordable housing project(s) on Campus Drive; and

WHEREAS, pursuant to N.J.A.C. 5:96-6.2(a)2, on June 21, 2010, COAH issued a Mediation Report and a Compliance Report (Exhibit A) recommending approval of Franklin Township's petition for third round substantive certification; and

WHEREAS, there was a 14-day comment period to submit comments to the COAH Compliance Report and Mediation Report pursuant to N.J.A.C. 5:96-6.2(b), and COAH received comments from Adam M. Gordon, on behalf of Fair Share Housing Center (FSHC), that have been responded to in a separate report dated July 15, 2010 (Exhibit B); and

WHEREAS, the comments received from FSHC do not alter the COAH Compliance or Mediation Report.

NOW THEREFORE BE IT RESOLVED that the Housing Element and Fair Share Plan submitted by Franklin Township comports to the standards set forth at N.J.S.A. 52:27D-314 and meets the criteria for third round substantive certification pursuant to N.J.A.C. 5:96-6.3; and

BE IT FURTHER RESOLVED that the COAH Mediation Report for Franklin Township is accepted; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.3(a) and after having reviewed and considered all of the above, COAH hereby grants third round substantive certification to Franklin Township; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.3(e), Franklin Township shall adopt all implementing Fair Share Ordinances within 45 days of the grant of substantive certification, which includes the affordable housing ordinance, resolution of intent to bond and all zoning ordinances; and

BE IT FURTHER RESOLVED that if Franklin Township fails to timely adopt its Fair Share Ordinances, COAH's grant of substantive certification shall be void and of no force and effect; and

BE IT FURTHER RESOLVED that Franklin shall submit all Fair Share Ordinances to COAH within seven days of adoption; and

BE IT FURTHER RESOLVED that Franklin shall comply with COAH monitoring requirements as set forth in N.J.A.C. 5:96-11, including reporting Franklin's actual growth pursuant to N.J.A.C. 5:97-2.5; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-10.1, COAH shall conduct biennial plan evaluations upon substantive certification of Franklin's Housing Element and Fair Share Plan to verify that the construction or provision of affordable housing has been in proportion to the actual residential growth and employment growth in the municipality and to determine that the mechanisms addressing the projected growth share obligation continue to present a realistic opportunity for the creation of affordable housing; and

BE IT FURTHER RESOLVED that if upon any biennial review the difference between the number of affordable units constructed or provided in Franklin and the number of units required pursuant to N.J.A.C. 5:97-2.5 results in a prorated production shortage of 10 percent or greater, the Township is not adhering to its implementation schedules pursuant to N.J.A.C. 5:97-3.2(a)4, or the mechanisms addressing the projected growth share obligation no longer present a realistic opportunity for the creation of affordable housing, COAH may direct Franklin Township to amend its plan to address the shortfall; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:97-2.5(e), if the actual growth share obligation determined is less than the projected growth share obligation, Franklin shall continue to provide a realistic opportunity for affordable housing to address the projected growth share; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.3(b), Franklin's substantive certification shall remain in effect until December 31, 2018; and

BE IT FURTHER RESOLVED that any changes to the facts upon which this substantive certification is based or any deviations from the terms and conditions of this substantive certification which affect the ability of Franklin Township to provide for the realistic opportunity of its fair share of low and moderate income housing and which the Township fails to remedy, may render this certification null and void.

I hereby certify that this resolution was
duly adopted by the Council on Affordable
Housing at its public meeting on July 15, 2010

A handwritten signature in cursive script that reads "Renée Reiss". The signature is written in black ink and is positioned below the certification text.

Renée Reiss, Secretary
Council on Affordable Housing

Exhibit A



**Council on Affordable Housing
Compliance Report
June 21, 2010**



Municipality: Franklin Township
County: Somerset County

COAH Region: 3
Planning Area: 1, 2, 3, 4, 4B, 5
Special Resource Area: None

Housing Element and Fair Share Plan Adopted: 12/8/2008
Petition for 3rd Round Substantive Certification: 12/31/2008
Completeness Determination: 4/13/2009
Date of Publication: 4/22/2009

Objections Received: Yes

1. American Properties at Cedar Grove Lane, LLC
2. JP Nash/Edgewood Properties
3. Kings Row Homes, LLC
4. Franklin Township Community Force
5. Comment Received by: Fair Share Housing Center

Mediation Commenced: April 6, 2010
Mediation Concluded: April 6, 2010

Petition Includes:

VLA: No
GPA: No
Waiver: No

Date of Site Visit: November 20, 2009

History of Approvals:

	COAH	JOC	N/A
First Round:	9/28/1987		
Second Round:	7/9/1997		
Extended Certification:	3/9/2005		

Plan Preparer: James N. Bell, P.P., AICP – Melvin Design Group
Municipal Housing Liaison: Mark Healey, P.P., AICP – Director of Planning
Recommendation: Grant Substantive Certification

SUMMARY OF FAIR SHARE OBLIGATION

Rehabilitation Share	142
Prior Round Obligation	766
Projected Growth Share Obligation (Net)	965

ACTUAL GROWTH and GROWTH SHARE through September 2008¹

Res Units (#)	Actual Res Growth Share	Jobs (#)	Actual Non-Res Growth Share	Actual TOTAL Growth Share
2,371	474.2	4,122	257.6	732 units

COMPLIANCE PLAN SUMMARY

Obligation	Credit/ Mechanism Type	# Units Completed	# Units Proposed	TOTAL
Rehabilitation: 142 units				
Credits	Post-April 1, 2000	60		60
Program(s)	Municipal		82	82
Rehabilitation Subtotal				142
NEW CONSTRUCTION:				
Prior Round: 766 units				
Credits	Prior Cycle	126		126
	Post-1986	471		471
	RCA	29		29
Prior Round Bonus(es)	Rental	140		140
Prior Round Subtotal				766
Growth Share: 965 units				
Credits	Post-1986	507		507
Proposed Mechanism(s)	Inclusionary Development		276	276
	Municipally Sponsored 100% Affordable		215	215
	Redevelopment		105	105
Growth Share Bonus(es)	Rental	156	85	241
Growth Share Subtotal				1,344
Surplus				+379

¹ This growth share number does not take into account allowable exclusions permitted under N.J.A.C. 5:97-2.4; therefore, the actual growth share may vary.

I. HOUSING ELEMENT

Pursuant to N.J.S.A. 40:55D-28(b), the Housing Element is a required section of the Municipal Master Plan. The Housing Element must be designed to achieve the goal of access to affordable housing to meet existing and future housing needs, with special attention given to low- and moderate-income households. The housing needs analysis must include demographic information on existing and projected housing stock and employment characteristics, a quantification of low- and moderate-income housing need, and a consideration of the lands within the municipality that are most appropriate to accommodate such housing. Franklin's Housing Element includes sufficient information regarding housing stock, demographic and employment characteristics and population trends pursuant to N.J.S.A. 52:27D-310.

Under N.J.A.C. 5:97-2.1(b), the Housing Element must also set forth the municipality's fair share obligation, which is the sum of the rehabilitation share, the prior round obligation, and the growth share.

A. Rehabilitation Share

The rehabilitation share is the number of existing housing units within a municipality as of April 1, 2000, that are both deficient and occupied by households of low or moderate income. As indicated in Appendix B of N.J.A.C. 5:97, Franklin Township's rehabilitation share is 142 units.

B. Prior Round Obligation

The prior round obligation is the cumulative 1987-1999 new construction obligation provided in Appendix C of N.J.A.C. 5:97. Franklin has a prior round obligation of 766 units.

C. Projected Growth Share

The projected growth share is initially calculated based on household (residential) and employment (non-residential) 2004-2018 projections. Pursuant to Appendix F of N.J.A.C. 5:97, Franklin has a residential projection of 3,583 units and a non-residential projection of 6,853 jobs, which results in an initial projected growth share obligation of 1,145 affordable units.

On July 2, 2009, P.L. 2009, c. 82 was signed into law allowing developers to request that previously approved age-restricted developments be converted to non-age-restricted developments as long as 20 percent of the units are deed restricted for low- or moderate-income households. The law also states, “no affordable housing units complying with applicable Council on Affordable Housing standards or market-rate housing units associated with such a converted development shall be construed as generating any fair share affordable housing obligation for a municipality.” The Summerfields project received approval as a “converted development” pursuant to P.L. 2009, c. 82. According to the legislation, the units associated with this development are eligible to be deducted from the Township’s projected residential growth for the purpose of calculating a growth share obligation.

Franklin’s total projected growth for the period 1999-2018 is 3,583 residential units. With the conversion of the Summerfields development, 900 residential units are subtracted from this projection, for a total net residential project of 2,681 units. In addition, the Township subtracted other allowable exclusions itemized in Worksheet A (Attachment 1). However, the supportive/special needs projects were not excluded properly. N.J.A.C. 5:97-2.4(a)1.ii provides that only projects addressing a prior round obligation may be excluded from the residential growth. In addition, group homes are not excluded by the bedroom, but excluded by the certificate of occupancy issued for the building. Only two group homes addressing the Township’s prior round obligation were constructed after January 1, 2004. As a result, the Township may only exclude two group homes’ certificates of occupancies. Therefore, the Township’s revised growth share therefore consists of a 536.2-unit residential component, and a 428.31-unit non-residential component, for a net projected growth share of 965 affordable units.²

² Pursuant to N.J.A.C. 5:97-2.2(d), Franklin’s residential projection of 2,681 is divided by 5 to yield 536.2 units and the nonresidential projection of 6,853 jobs is divided by 16 to yield 428.31 units. Franklin’s total projected growth share is therefore 945 units (536.2 + 428.31).

SUMMARY OF FAIR SHARE OBLIGATION

Rehabilitation Share	142
Prior Round Obligation	766
Projected Growth Share Obligation (Net)	965

II. FAIR SHARE PLAN

A Fair Share Plan, as required under N.J.A.C. 5:97-3.1, describes the completed or proposed mechanisms and funding sources, if applicable, that will be utilized to specifically address a municipality’s rehabilitation share, prior round obligation, and growth share obligation and includes the draft ordinances necessary to implement that plan. Affordable housing must be provided in direct proportion to the growth share obligation generated by the actual growth.

Franklin Township’s Fair Share Plan, and the supporting documentation incorporated by reference therein, address the requirements of N.J.A.C. 5:97-3.1 as follows:

A. Plan to Address Rehabilitation Share

Rehabilitation Share Credits

Franklin is requesting credit for 60 units rehabilitated subsequent to April 1, 2000, through the Township’s own rehabilitation program. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

Rehabilitation Credits

Rehabilitation Program	# Credits
Franklin Rehab Program	60
TOTAL	60

Proposed Rehabilitation Program(s)

Franklin Rehabilitation Program

Franklin currently implements a municipally sponsored rehabilitation program for the rehabilitation of deficient units within the Township. The rehabilitation program must adhere to the regulations in N.J.A.C. 5:97-6.2, including having the program available to both owner-occupied and renter-occupied units. All units undergoing rehabilitation must have 10-year controls on affordability in place. In addition, the rehabilitation investment for hard costs must average at least \$10,000 per unit, address all safety code violations, and include the rehabilitation of a major system. Franklin has provided an operating manual and affirmative marketing plan for the administration of the program, which includes a rental rehabilitation program. The rehabilitation program is funded through Community Development Block Grants (CDBG) that the Township receives directly from HUD and Neighborhood Preservation Program (NPP) funds from DCA. Franklin will fund the rental rehabilitation program with various funding sources including the Township's affordable housing trust fund. The Township has provided an implementation schedule for the rehabilitation program that provides sufficient dollars to fund no less than half of the municipal rehabilitation component by the mid-point of the substantive certification period. Franklin has submitted a draft resolution of intent to bond in the event of a shortfall in funding. The resolution must be adopted within 45 days of substantive certification.

[82-unit rehabilitation program]

Proposed Rehabilitation Program(s)

Rehabilitation Program	# Units
Franklin Rehab Program	82
TOTAL	82

B. Plan to Address Prior Round Obligation

Prior Round Credits

Franklin is addressing its 766-unit prior round obligation with 126 prior cycle credits and 500 post-1986 credits and 140 bonuses, totaling 766 credits. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

Prior Cycle Credits

Project/Development Name	Year Built or Approved	Type of Affordable Unit	# Units/Bedrooms	Total Units/Bedrooms
Central Jersey Home for the Aging	1986	Age-restricted Rental	100	100
Society Hill I Inclusionary Development	1985	Family For-Sale	26	26
TOTALS			126	126

Post-1986 Credits

Project/Development Name	Year Built or Approved	Type of Affordable Unit	# Units/Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Whitehall Gardens Inclusionary Development	1994	Family Rental	100	Rental	100	200
Countryside Apartments Inclusionary Development	1995	Family Rental	48	Rental	40	88
Society Hill II Inclusionary Development	1986	Family For-Sale	56	-	-	56
Society Hill III Inclusionary Development	1988	Family For-Sale	64	-	-	64

Beacon Hill/Society Hill V Inclusionary Development	1989	Family For-Sale	73	-	-	73
Society Hill VI Inclusionary Development ³	1990	Family For-Sale	37			37
Quailbrook East/Quailcrest Inclusionary Development	1988	Family For-Sale	27	-	-	27
Alternatives, Inc. I	1988	Supportive/Special Needs Housing	11	-	-	11
ARC group home	1987	Supportive/Special Needs Housing	3			3
Venice Avenue Community Residence	1994	Supportive/Special Needs Housing	3	-	-	3
Center for Family Support group home	1998	Supportive/Special Needs Housing	5	-	-	5
Developmental Disabilities group home	1999	Supportive/Special Needs Housing	3	-	-	3
Enable, Inc. I	2001	Supportive/Special Needs Housing	4	-	-	4
Matheny Group Home I	1997	Supportive/Special Needs Housing	5	-	-	5
Matheny Group Home II	2001	Supportive/Special Needs Housing	6	-	-	6
NJ Assoc. of Deaf/Blind Inc. group home	2003	Supportive/Special Needs Housing	4	-	-	4
Allies group home	2004	Supportive/Special Needs Housing	5	-	-	5
Allisa Care group home	2004	Supportive/Special Needs Housing	5	-	-	5
Community Options group home	1996	Supportive/Special Needs Housing	3	-	-	3

³ The project contains 72 affordable sale units. 37 of the units will be used to address the Township's prior round obligation and the remaining 35 unit will be carried over to the growth share obligation.

Cedar Grove Development group home	2001	Supportive/Special Needs Housing	3	-	-	3
Resource Center for Women & Families	1997	Supportive/Special Needs Housing	6	-	-	6
Perth Amboy RCA	1988	RCA	29	-	-	29
TOTALS			500		140	640

Proposed Affordable Housing Mechanisms

Franklin Township is relying on credits and therefore is not proposing any additional affordable housing mechanisms to address its Prior Round Obligation.

Prior Round Obligation Parameters

Franklin Township has satisfied the applicable Prior Round parameters as follows:

Prior Round Rental Obligation:⁴ 160 Units

Development/Project Name	Type of Affordable Unit	# Units
Whitehall Gardens Inclusionary Development	Family Rentals	100
Countryside Apartments Inclusionary Development	Family Rentals	48
Group Homes/Supportive Housing	Supportive/ Special Needs	66
TOTAL		214

Regional Contribution Agreement (RCA) Maximum:⁵ 361 Units

Receiving Municipality(s)	Type of Affordable Unit	# Units
Perth Amboy RCA	RCA	29
TOTAL		29

⁴ Rental Obligation= .25 (Prior Round Obligation-Prior Cycle Credits) or .25(766-126) = 160 N.J.A.C. 5:97-3.10(b)1

⁵ RCA Maximum: .50(Prior Round Obligation + Rehabilitation Share – Prior Cycle Credits – Rehabilitation Credits) or .50(766+142-126-60) = 361 units N.J.A.C. 5:97-3.10(d)1

Prior Round Rental Bonus Maximum:⁶ 160 Units

Development/Project Name	Type of Bonus	# Bonuses
Whitehall Gardens Inclusionary Development	Family Rentals	100
Countryside Apartments Inclusionary Development	Family Rentals	40
TOTAL		140

C. Plan to Address Projected Growth Share

Growth Share Credits

Franklin is addressing a portion of the 965 net projected growth share obligation with 507 units of credit and 123 bonuses for built and approved units, for a total of 630 credits and bonuses. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

Supportive and Special Needs Housing- Center for Great Expectations

In 2008, two new transitional living facilities totaling 16 bedrooms were constructed in the Township, known as the Center for Great Expectations. However, pursuant to N.J.A.C. 5:97-4.3(c), COAH no longer provides credit for transitional living facilities completed after December 20, 2004. **[0 Supportive/Special Needs bedrooms]**

Approved But Not Constructed

Cerda Inclusionary Development

Franklin's plan originally requested one credit for an affordable unit in an inclusionary project, known as the Cerda site. The development is located at 195 Churchill Avenue (Block 94, Lots 27-31). The site was granted preliminary and final subdivision approval on July 19, 2006, but is not constructed yet. The development involves a four lot subdivision, of which the

⁶ No rental bonuses shall be granted for rental units in excess of the prior round rental obligation, therefore, PR Rental Bonus Maximum = PR Rental Obligation or 160 N.J.A.C. 5:97-3.5

resolution granting approval requires that one of the units be an affordable family for-sale unit. The Township is no longer requesting credit for this unit. **[0 credits]**

Fama Inclusionary Development

Pursuant to N.J.A.C. 5:97-4.3(a), Franklin is eligible to receive credit for an affordable unit in an inclusionary project, known as the Fama site. The development is located at 126 Churchill Avenue (Block 102, Lot 3). The site was granted Zoning Board of Adjustment (ZBA) approval on October 4, 2007, but is not constructed yet. The development involves the conversion of an existing non-legal two-family dwelling unit into two legal dwelling units, of which the resolution granting approval requires that one of the units be an affordable family rental unit. The development will be served by public water and sewer. The Township indicates that the approval remains valid due to the Permit Extension Act.

The affordable unit must meet the requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-1 et seq.) with regard to controls on affordability, affirmative marketing, pricing, low/moderate split and bedroom distribution. Prior to marketing the affordable unit, Franklin must submit the required items pursuant to N.J.A.C. 5:97-6.4(k). **[1 post-1986 family for-sale credit]**

Florez Inclusionary Development

Pursuant to N.J.A.C. 5:97-4.3(a), Franklin is eligible to receive credit for affordable units in an inclusionary project, known as the Florez site. The development is located at 453-455 Franklin Boulevard (Block 235, Lots 9-10). The site was granted ZBA approval on June 5, 2008, but is not constructed yet. The development involves the construction of 28 townhomes, of which the resolution granting approval requires that five of the units be affordable family for-sale units. There are some wetlands on the property but they will not impact the developability of the property. The development will be served by public water and sewer. There are existing structures on the property that will be demolished.

The affordable units must meet the requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-1 et seq.) with regard to controls on affordability, affirmative marketing, pricing, low/moderate split and bedroom distribution. Prior to marketing the affordable units, Franklin must submit the required items pursuant to N.J.A.C. 5:97-6.4(k). **[5 post-1986 family for-sale credits]**

Franklin II Associates Inclusionary Development

Franklin's Fair Share Plan originally requested credit for affordable units in a mixed-use inclusionary project, known as the Franklin II Associates site. The development is located at 163 Weston Road (Block 514, Lot 56). The site was granted ZBA approval on September 21, 2006, but is not constructed yet. The development involves the construction of 279 townhomes and/or apartments, 50,000 square feet of commercial space, 70,000 square feet of professional/medical offices, and six acres for a YMCA. The resolution granting approval requires that 15 percent of the units be affordable family units and that four percent be affordable family rental units. The site is 62 acres and has frontage on Weston and Mettlers Road. The site is located in Planning Area 4B. There are 8.5 acres of wetlands on the property but they will not impact the developability of the property. There are existing structures on the property that will be demolished.

As a result of input provided by the Franklin Township Sewerage Authority indicating that there is no sewer infrastructure in the area of the project, the Township is not requesting credit for this project at this time. However, the Township indicates that the approval is still valid as a result of the Permit Extension Act. **[0 credits]**

Horne Associates Development

Pursuant to N.J.A.C. 5:97-4.3(a), Franklin is eligible to receive credit for an affordable unit in an inclusionary project, known as the Horne Associates site. The development is located at 65 Blair Avenue (Block 107, Lots 22-25). The site was granted ZBA approval on October 19, 2006, but is not constructed yet. The development involves the demolition of a home and the construction of a two-family home, of which the resolution granting approval requires that one of

the units be an affordable family for-sale unit. The Township indicates that the approval remains valid due to the Permit Extension Act.

The affordable unit must meet the requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-1 et seq.) with regard to controls on affordability, affirmative marketing, pricing, low/moderate split and bedroom distribution. Prior to marketing the affordable unit, Franklin must submit the required items pursuant to N.J.A.C. 5:97-6.4(k). [**1 post-1986 family for-sale credit**]

Franklin Commons 100% Affordable Project

Pursuant to N.J.A.C. 5:97-4.3(a), Franklin is eligible to receive credit for affordable units in a 100 percent affordable project known as Franklin Commons, located in the designated Renaissance 2000 Redevelopment Area. The Renaissance 2000 Redevelopment Area consists of approximately 47.5 acres and is located along Route 27, between Churchill Avenue and Millstone Road. Franklin designated the property an “area in need of redevelopment” pursuant to the Local Redevelopment and Housing Law (LRHL) in 1997. The Franklin Commons project is part of the initial phase of the redevelopment. Franklin Boulevard Commons Urban Renewal Associates, L.P. received preliminary site plan approval on August 1, 2007, for the Franklin Commons project, but the project is not constructed yet. The project received final site plan approval on March 4, 2009. Franklin has also submitted the redevelopment agreement for the Renaissance 2000 Redevelopment Area that was executed on May 7, 2008. The development involves the removal of one story dwelling units and gravel parking areas and the construction of one four story mixed-use building. The first floor will contain 21,036 square feet of retail space, 1,800 square feet of community space and a lobby for the residential tenants. The upper floors will contain 66 affordable family rental units, including one unit for a superintendent, which is not eligible for COAH credit. The Township states that seven of the units will be deed restricted for very-low income households.

The Township’s spending plan allocates \$1,500,000 for this project. COAH granted Franklin a waiver from N.J.A.C. 5:97-8.7(a) on October 26, 2009, in order for the Township to expend the \$1.5 million from the municipal housing trust fund for the Franklin Commons project prior to receiving approval of its spending plan. The project will also receive Low Income

Housing Tax Credits, Federal Home Loan Bank funds, an HMFA permanent loan, and a private construction loan. The project was awarded Low Income Housing Tax Credits from HMFA on June 5, 2009. The Township has submitted a draft resolution of intent to bond in the event of a shortfall in funding. The resolution must be adopted within 45 days of substantive certification.

The proposed development area is bordered on the south by Fuller Street, on the east by Franklin Boulevard, on the north by Frank Street and on the west by Booker Street (Block 129, Lots 1-28). The property is 1.61 acres and occupies an entire block. It is located in Planning Area 1 in the CMMU (Churchill-Millstone Mixed-Use) Zoning District of the Renaissance Redevelopment Area. The development will be served by public water and sewer. There are no environmental constraints on the property.

The affordable units must meet the requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-1 et seq.) with regard to controls on affordability, affirmative marketing, pricing, low/moderate split and bedroom distribution. Prior to marketing the affordable units, Franklin must submit the required items pursuant to N.J.A.C. 5:97-6.7(e). **[65 post-1986 family rental credits plus 65 rental bonuses]**

Girard 444 Inclusionary Development

Franklin's plan originally requested one credit to for an affordable unit in an inclusionary project, known as the Girard site. The development is located at 444 Girard Avenue (Block 347, Lots 46-49). The site received minor subdivision approval on October 18, 2006, but is not constructed yet. The development involves the construction of two single family homes, of which the resolution granting approval requires that the home on lot 48.01 be an affordable family rental unit. The Township is no longer requesting credit for this unit. **[0 credits]**

Kovacs Inclusionary Development

Pursuant to N.J.A.C. 5:97-4.3(a), Franklin is eligible to receive credit for an affordable unit in an inclusionary mixed-use project, known as the Kovacs site. The development is located at the intersection of Hamilton Street and Home Street (Block 194, Lots 133-134). The site received site plan approval on October 4, 2006, but is not constructed yet. The site currently

contains a two-story mixed use building and a detached garage. The proposed development involves the demolition of the detached garage and the renovation of the two-story mixed use building. An additional story will also be added to the building. The first floor will contain three commercial spaces and the above floors will contain six residential units, of which the resolution granting approval requires that one of the units be an affordable family rental unit. The Township indicates that the approval remains valid due to the Permit Extension Act.

The affordable unit must meet the requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-1 et seq.) with regard to controls on affordability, affirmative marketing, pricing, low/moderate split and bedroom distribution. Prior to marketing the affordable unit, Franklin must submit the required items pursuant to N.J.A.C. 5:97-6.4(k). **[1 post-1986 family rental credit]**

Ramirez Inclusionary Development

Pursuant to N.J.A.C. 5:97-4.3(a), Franklin is eligible to receive credit for an affordable unit in an inclusionary project, known as the Ramirez site. The development is located at 431 Berry Street (Block 291, Lots 9-12). The site received minor subdivision approval on June 7, 2006, but is not constructed yet. The site currently contains a one and one-half story single family dwelling that will remain on the property. The site will be subdivided into two new lots, of which the existing house will be on one lot, and the other lot will contain a new two-story single family unit. The resolution granting approval requires that the existing unit be deed restricted as an affordable family rental unit. The Township has reported that the deed restriction has not been filed yet, but that the approval remains valid due to the Permit Extension Act.

The affordable unit must meet the requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-1 et seq.) with regard to controls on affordability, affirmative marketing, pricing, low/moderate split and bedroom distribution. Prior to marketing the affordable unit, Franklin must submit the required items pursuant to N.J.A.C. 5:97-6.4(k). **[1 post-1986 family rental credit]**

Post-1986 Credits

Project/Development Name	Year Built or Approved	Type of Affordable Unit	# Units/Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Society Hill VI Inclusionary Development surplus units ⁷	1992	Family For-Sale	35	-	-	35
Wynnefield/ Society Hill VIII Inclusionary Development ⁸	1992	Family For-Sale	79	-	-	79
Somerset Park/Westminster Mews Inclusionary Development	2001	Family Rental	84	-	-	84
Center for Great Expectations	2008	Supportive/Special Needs Housing	0	-	-	0
Devereux New Jersey group home	2007	Supportive/Special Needs Housing	4	Group Home Rental	1	5
Enable, Inc. II	2006	Supportive/Special Needs Housing	4	Group Home Rental	1	5
Phoenix Corp. group home	2006	Supportive/Special Needs Housing	3	Group Home Rental	1	4
Habitat for Humanity I (21, 31, 35 Alex Place; Block 137, Lots 10.01 & 12.01)	2008	Family For-Sale	3	-	-	3
Hidden Brook at Franklin 100% affordable	2004	Age-restricted Rental	85	-	-	85
Cerda Inclusionary Development ⁹	2006	Family For-Sale	0	-	-	0
Fama Inclusionary Development ⁹	2007	Family For-Sale	1	-	-	1

⁷ The project contains 72 affordable sale units. 37 of the units will be used to address the Township's prior round obligation and the remaining 35 unit are carried over to the growth share obligation. The controls on affordability are in place for 30 years. Pursuant to N.J.A.C. 5:97-4.3(g), the controls on affordability are in place through 2020 for Society Hill VI.

⁸ The controls on affordability are in place for 30 years. Pursuant to N.J.A.C. 5:97-4.3(g), the controls on affordability are in place through 2022 for Wynnefield /Society Hill VIII.

⁹ Project is approved but not yet constructed.

Florez Inclusionary Development ⁹	2008	Family For-Sale	5	-	-	5
Franklin II Associates Inclusionary Development ⁹	2006	Family For-Sale	0	-	-	0
Franklin II Associates Inclusionary Development ⁹	2006	Family Rental	0	-	0	0
Habitat for Humanity II ¹⁰	various	Family For-Sale	8	-	-	8
Horne Associates Development ⁹	2006	Family For-Sale	1	-	-	1
Franklin Commons 100% Affordable Redevelopment Project(Renaissance 2000 Redevelopment Area) ⁹	2007	Family Rental	65	Rental	65	130
Girard 444 Inclusionary Development ⁹	2006	Family Rental	0	-	-	0
Kovacs Inclusionary Development ⁹	2006	Family Rental	1	-	-	1
Cedar Manor Inclusionary Development ¹¹	2007	Family Rental	28	-	-	28
Berry Street Commons/Blair Avenue 100% Affordable Redevelopment Project (Renaissance 2000 Redevelopment Area) ¹²	2007	Family Rental	92	Rental	88	180
Ramirez Inclusionary Development ¹³	2006	Family Rental	1	-	-	1

¹⁰ Franklin has a developer's agreement with the Franklin Valley Habitat for Humanity for the construction of an additional 13 units (two previous units were completed as part of Habitat 1 in 2008). Of the 13 units in Habitat 2, five are completed and have received certificates of occupancy and three are under construction. The eight units were part of the "Schedule A" list in the Habitat agreement. "Schedule B" consists of an additional five units.

¹¹ Cedar Manor is under construction.

¹² Berry Street contains 94 units; however, two of the units are superintendent units, which are not eligible for COAH credit.

¹³ Ramirez is constructed, but a deed restriction has not yet been placed on the unit.

Somerset Douglas Inclusionary Development- (Renaissance 2000 Redevelopment Area) ^{14 15}	2005	Family For-Sale	8	-	-	8
TOTALS			507		156	663

Proposed Affordable Housing Mechanisms

The Township proposes to address its remaining 302-unit projected growth share obligation through the following mechanisms:

Habitat for Humanity II Sites - Municipally Sponsored 100 percent Affordable Development

Pursuant to N.J.A.C. 5:97-6.7, Franklin proposes to transfer an additional five municipally owned properties to Habitat for Humanity to provide an additional five family for-sale units. On June 24, 2008, Franklin and the Franklin Valley Habitat for Humanity executed a developer’s agreement for 13 total units. The contract provides that Habitat will compensate the Township \$5,000 per buildable lot. The agreement provides for two schedules. “Schedule A Properties” consists of eight units on the following properties:

- 37 Irvington Ave (Block 320, Lot 38.01)
- 130 Girard Ave (Block 309, Lot 36.02)
- 131 Girard Ave (Block 309, Lot 1.01)
- 134 Girard Ave (Block 308, Lot 37.02)
- 135 Girard Ave (Block 307, Lot 7.01)
- Clifton Street/Franklin Blvd:
- (Block 280, Lot 4.01)
- (Block 280, Lot 5)
- (Block 280, Lot 6.01)

Of these, five units are completed and have received certificates of occupancy and three are under construction.

¹⁴ Somerset Douglas is under construction.

¹⁵ Franklin requested three redevelopment bonuses for this project. However, the project only has a 7.5 percent set-aside. N.J.A.C. 5:97-3.19 requires a minimum 15 percent set-aside.

“Schedule B Properties” consists of five units on the following properties:

18 Viking Ave (Block 287.02, Lots 24-27)
Baier Ave/Lewis St (Block 217, Lot 101)
70 Garfield Ave (Block 558, Lots 6-9)
73 Garfield Ave (Block 554, Lots 17-20)
575 Garfield Ave/Equator Ave (Block 556, Lots 12-14)

The Township’s spending plan allocates \$125,000 for the Habitat for Humanity scattered site infill project. The Township indicates that the funds will be used for public infrastructure improvement costs, such as roadway improvements and utility extensions. The Township has submitted a draft resolution of intent to bond in the event of a shortfall in funding. The resolution must be adopted within 45 days of substantive certification.

Pursuant to N.J.A.C. 5:97-3.2(a)4, the Township has provided an implementation schedule that sets forth a detailed timetable demonstrating a realistic opportunity as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.7 for the additional five units. The Township’s mechanism checklist form includes a timetable for each step of the development process in accordance with N.J.A.C. 5:97-6.7(d), with building permits anticipated to being issued by August 2011 and certificates of occupancy being issued by June 2014.

The affordable units must meet the requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-1 et seq.) with regard to controls on affordability, affirmative marketing, pricing, low/moderate split and bedroom distribution. Prior to marketing the affordable units, Franklin must submit the required items pursuant to N.J.A.C. 5:97-6.7(e). **[5 family for-sale units]**

Summerfields Inclusionary Development

The Summerfields site was originally granted General Development Plan approval on September 21, 2005, minor subdivision approval on August 2, 2006, and preliminary major site plan and subdivision approval on September 20, 2006, for 900 total units, of which 750 would be age-restricted units. The project was to have an 11.33 percent set-aside under the original

approval, or 102 affordable units.

Subsequently, the developer proposed an alternative breakdown of the project to the Township. The Township's 2008 Fair Share Plan included the project for 796 total units, which included 58 affordable family rental units and 62 affordable age-restricted rental units. In addition, at that time, the Township anticipated deed restricting 35 of the family rental units as very-low income units. However, the project was never formally approved by the Township's Planning Board as presented in the Fair Share Plan.

On July 2, 2009, P.L. 2009, c. 82 was signed into law allowing developers to request that previously approved age-restricted developments be converted to non-age-restricted developments as long as 20 percent of the units are deed restricted for low- or moderate-income households. The law also states, "no affordable housing units complying with applicable Council on Affordable Housing standards or market-rate housing units associated with such a converted development shall be construed as generating any fair share affordable housing obligation for a municipality." Franklin's Planning Board granted the developer of the Summerfields development amended General Development Plan approval on February 3, 2010, as a "converted development" pursuant to P.L. 2009, c. 82. The development will now contain the following revised housing mix: 720 market rate units consisting of a mixture of single family detached units, townhouses and apartments; 180 affordable rental units, consisting of 130 family units, 50 age-restricted apartments, and 24 very-low income family units. Therefore, the project will now have a 20 percent set-aside. The number of very-low income units was reduced from 35 to 24 units. According to the legislation, the units associated with this development are eligible to be deducted from the Township's projected residential growth for the purpose of calculating a growth share obligation, which is reflected in a revised Worksheet A (Attachment 1).

Pursuant to N.J.A.C. 5:97-6.4(b)3.ii, Franklin has submitted an executed agreement between the Township and developer (executed May 25, 2010) setting forth mutually agreed to terms for the production of affordable housing on this site.

Pursuant to N.J.A.C. 5:97-3.13, the Township indicates that the portion of the site that will be developed is suitable. The Summerfields site is located in the northwestern part of the Township at the northwest corner of the intersection of Schoolhouse Road and Randolph Road

(Block 516, Lots 4.01, 6.04 & 15). The 169.55 acre site has frontage along Weston Canal Road and the site is owned by Summerfields at Franklin. The site is surrounded by the M1 Light Manufacturing Zone, Senior Village Zone, and Agricultural Zone.

The Summerfields site is located in Planning Area 2. There are wetlands surrounding a Category-2 stream (Randolph Brook) on Lot 6.04, but the majority of the site is developable. The Township indicates that the site will be served by public water and sewer and has submitted documentation demonstrating capacity.

The affordable units must meet the requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-1 et seq.) with regard to controls on affordability, affirmative marketing, pricing, low/moderate split and bedroom distribution. Prior to marketing the affordable units, Franklin must submit the required items pursuant to N.J.A.C. 5:97-6.4(k). **[130 family rental units & 50 age-restricted rental units]**

Laduree Inclusionary Development

The Laduree site was originally proposed in the Township's Fair Share Plan for 384 total units, which included 26 affordable family rental units and 32 affordable age-restricted rental units. In addition, the Township was proposing to deed restrict 15 of the family rental units and 20 of the age-restricted units as very-low income units. The site was originally granted site plan approval on June 2, 1999, for 400 total market rate age-restricted units consisting of independent, assisted living and special needs units, a 25,000 square foot medical building and two additional buildings housing support services. On September 1, 2004, amended site plan approval was granted for 384 independent living age-restricted units, eliminating the other buildings and reducing the medical office building to 5,200 square feet. Subsequent to the 2004 amended approval, the developer agreed to provide a 15 percent set-aside.

In order to ensure compliance with the Federal Fair Housing Act, the Laduree development will be modified to be entirely non-age-restricted. Therefore, the total number of units would remain at 384 units, including 58 family rental units (15 percent set-aside). Of the 58 affordable family rental units, 35 of them will be very-low income units.

The site is presently zoned R-20. Franklin has submitted a revised draft amended zoning

ordinance changing the zoning to PRC (Planned Residential Community). The zoning ordinance must be adopted within 45 days of substantive certification. The site is proposed to be developed at a gross density of 10 units per acre with a 15 percent set-aside, which is below the minimum presumptive density for rental units pursuant to N.J.A.C. 5:97-6.4(b)6.i. Pursuant to N.J.A.C. 5:97-6.4(b)3.ii, Franklin has submitted an executed agreement between the Township and developer (executed June 16, 2010) setting forth mutually agreed to terms for the production of affordable housing on this site.

Pursuant to N.J.A.C. 5:97-3.13, the Township indicates that the portion of the site that will be developed is suitable. The Laduree site is located in the northeastern part of the Township at the corner of Easton Avenue and DeMott Lane (Block 424.01, Lot 39.07). The site is owned by Somerset Grand, LLC c/o Pinnacle Co. The site is approximately 42 acres. The site is surrounded by the R-40 and R-20 Residential Zones.

The Laduree site is located in Planning Area 1. There are wetlands associated with a Category-2 stream (Delaware and Franklin Canal), but the majority of the site is developable. The Township indicates that the site will be served by public water and sewer and has submitted documentation demonstrating capacity.

The affordable units must meet the requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-1 et seq.) with regard to controls on affordability, affirmative marketing, pricing, low/moderate split and bedroom distribution. Prior to marketing the affordable units, Franklin must submit the required items pursuant to N.J.A.C. 5:97-6.4(k). **[58 family rental units]**

Springhill Inclusionary Development

The Springhill site is included in the Township's plan for 127 total units in an independent senior living facility, which includes 38 affordable age-restricted rental units. In addition, the Township is proposing to deed restrict 10 of the age-restricted units as very-low income units. The site previously contained a nursing home, but the building has been demolished.

The site is presently zoned R-15. Franklin has submitted a draft amended zoning

ordinance changing the zoning to ISL (Independent Senior Living). The zoning ordinance must be adopted within 45 days of substantive certification. The site is proposed to be developed at a gross density of 25 units per acre with a 30 percent set-aside, which is above the maximum presumptive set-aside for rental units pursuant to N.J.A.C. 5:97-6.4(b)6.i. Pursuant to N.J.A.C. 5:97-6.4(b)3.ii, Franklin has submitted an executed agreement between the Township and developer (executed May 28, 2010) setting forth mutually agreed to terms for the production of affordable housing on this site.

Pursuant to N.J.A.C. 5:97-3.13, the Township indicates that the portion of the site that will be developed is suitable. The Springhill site is located in the northeastern part of the Township along Hamilton Street between Girard Avenue and Wheeler Place (Block 347, Lot 7). The site is owned by Spring Hills Senior Communities. The site is approximately five acres. The site is surrounded by the R-10 and R-20 Residential Zones.

The Springhill site is located in Planning Area 1. There are wetlands on the property, but the new building will be located in the same area that previously contained the nursing home, which is free from environmental constraints. The Township indicates that the site will be served by public water and sewer and has submitted documentation demonstrating capacity.

The affordable units must meet the requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-1 et seq.) with regard to controls on affordability, affirmative marketing, pricing, low/moderate split and bedroom distribution. Prior to marketing the affordable units, Franklin must submit the required items pursuant to N.J.A.C. 5:97-6.4(k). **[38 age-restricted rental units]**

Campus Drive 100 Percent Affordable Municipally Sponsored Project

Pursuant to N.J.A.C. 5:97-6.7, Franklin is proposing to construct 24 affordable for-sale units in a 100 percent affordable project on a 3.1 acre property that the Township owns.

The Campus Drive site is located in the northern portion of the Township at 201 Campus Drive (Block 536.01, Lot 2.03). Pursuant to N.J.A.C. 5:97-3.13, the portion of the site that will be developed is suitable. The site is located in Planning Area 1. DEP's GIS maps show that the parcel consists of 2.43 acres of wetlands; however, the Township's information maintains that

the site is mainly flat and dry and is free from wetlands. The Township has stated that it will obtain a Letter of Interpretation (LOI) from DEP prior to developing the property. The Township states that the site can accommodate the 24 units. The site has frontage along Campus Drive and commercial properties and single-family residential houses surround the property. The Township indicates that the site will be served by public water and sewer and has submitted documentation demonstrating capacity.

The Campus Drive site is currently located in the CB (Corporate Business) Zone. Franklin has submitted a draft amended zoning ordinance changing the zoning to MR (Multi-family Residential) Zone. The zoning ordinance must be adopted within 45 days of substantive certification.

Franklin does not anticipate utilizing any affordable housing trust funds for this development. Since the parcel is Township owned, the Township anticipates that the Township subsidy would be in the form of reduced land cost to the development. However, the Township has submitted a draft resolution of intent to bond in the event of a shortfall in funding. The resolution must be adopted within 45 days of substantive certification.

Pursuant to N.J.A.C. 5:97-3.2(a)4, the Township has provided an implementation schedule that sets forth a detailed timetable demonstrating a realistic opportunity as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.7. The Township's mechanism checklist form includes a timetable for each step of the development process in accordance with N.J.A.C. 5:97-6.7(d). The Township anticipates that it will issue a Request for Proposals subsequent to substantive certification and that the project will receive site plan approvals in January 2011. Franklin anticipates that the project will received certificates of occupancy in March 2013.

The affordable units must meet the requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-1 et seq.) with regard to controls on affordability, affirmative marketing, pricing, low/moderate split and bedroom distribution. Prior to marketing the affordable units, Franklin must submit the required items pursuant to N.J.A.C. 5:97-6.7(e). **[24 family for-sale units in a municipally sponsored 100 percent affordable development]**

Parkside 100 Percent Affordable Municipally Sponsored Project

Parkside is the redevelopment of a 100-unit HUD rental project that will contain 146 units after it is redeveloped. The Township's plan requests 46 family rental credits for the project. However, it was later determined by COAH staff that the Township could be eligible to receive full credit for the 146 units.

The Township later indicated that the project would contain 140 total affordable units, including a 70-unit senior apartment building, and 70 units in 35 two-family homes. Franklin indicates that 40 of the units will be very-low income. A total of three units will be caretaker residences, so the Township is requesting credit for 69 age-restricted rental units and 68 family for-sale units. Due to the age-restricted cap, only 68 out of the 69 age-restricted units are eligible for credit.

The Franklin Township Housing Authority owns the site and has conducted a feasibility study for the proposed redevelopment. Franklin has submitted an executed agreement between the Township and developer, RPM Development, LLC, (executed April 23, 2010) setting forth mutually agreed to terms for the production of affordable housing on this site. The Township amended the zoning to allow for this redevelopment on March 17, 2008.

The first phase of the project (70 age-restricted units) has received preliminary major site plan approval and minor subdivision approval from the Township Planning Board on April 1, 2009, and final site plan approval on January 6, 2010. Development of this phase is anticipated to start shortly. The second phase of the development (the remaining 70 non-age-restricted units) received preliminary major site plan approval and major subdivision approval from the Township Planning Board on January 20, 2010. Development of this phase is anticipated to start in August 2010.

The Parkside site is located in the northeastern portion of the Township on Parkside and Mark Streets (Block 146, Lots 1-40; Block 148, Lot 12; Block 150, Lots 1, 2.01). The Township indicates that the majority of the site is in the Renaissance 2000 Redevelopment Area. Pursuant to N.J.A.C. 5:97-3.13, the portion of the site that will be developed is suitable. The parcels consist of approximately eight acres collectively. The parcels are located in Planning Area 1 and there are no environmental constraints on the site. There are recreational and residential uses

surrounding the property. The Township indicates that the site will be served by public water and sewer and has submitted documentation demonstrating capacity.

The Township indicates that the project will be funded with Low Income Housing Tax Credits, Replacement Housing Factor Funds, the Tax Credit Assistance Program, HMFA permanent loan, and a private construction loan. HMFA permanent mortgage for the 70-unit family component was approved by HMFA in February 2010. The Township has submitted a draft resolution of intent to bond in the event of a shortfall in funding. The resolution must be adopted within 45 days of substantive certification.

The affordable units must meet the requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-1 et seq.) with regard to controls on affordability, affirmative marketing, pricing, low/moderate split and bedroom distribution. Prior to marketing the affordable units, Franklin must submit the required items pursuant to N.J.A.C. 5:97-6.7(e). **[68 family rental units and 68 age-restricted rental units in a municipally sponsored 100 percent affordable development]**

Pennrose 100 Percent Affordable Municipally Sponsored Project

Pursuant to N.J.A.C. 5:97-6.7, Franklin is proposing to construct 50 affordable rental units in a 100 percent affordable project in conjunction with Pennrose Properties. Pennrose has committed to reserving 15 percent of the units, or eight units, as very-low income units.

The Pennrose site is located in the northeastern portion of the Township at 718 Hamilton Street (Block 154, Lot 9). The property is 8.14 total areas. The site is located in Planning Area 1 and does not contain any environmental constraints. The site has frontage along Hamilton Street and business and residential uses surround the property. There is a shopping center in the portion of the site fronting Hamilton Street. The new development will be located on the undeveloped rear portion of the site. The Township indicates that the site will be served by public water and sewer and has submitted documentation demonstrating capacity.

The Pennrose site is currently located in the HBC (Hamilton Street Business) District. The Township indicates that the current zoning allows the development by right.

Pursuant to N.J.A.C. 5:97-6.7(d)2, Franklin has submitted documentation demonstrating site control. The Township has submitted an executed agreement of sale between the current property owner, Levin Properties, L.P. and Pennrose Properties, LLC. Pursuant to N.J.A.C. 5:97-6.7(d)6, Franklin has submitted a breakdown of costs for the development of the project. Pennrose anticipates funding the project with Low Income Housing Tax Credits, HOME Express and the Township's affordable housing trust fund. Franklin indicates that site development plans have been prepared but that Pennrose has not yet applied for site plan approval. Franklin has submitted a construction schedule. The construction schedule indicates that building permits are anticipated to be issued in August 2011, which is within two years of substantive certification pursuant to N.J.A.C. 5:97-6.7(b)3.

Franklin is requesting 50 rental bonuses for the affordable units. Pursuant to N.J.A.C. 5:97-3.6(a)3ii, Franklin has submitted an executed developer's agreement with Pennrose confirming the commitment for rental units. The agreement was executed on April 1, 2009. The Township should note that in the event the units are not constructed in accordance with the construction schedule, Franklin may lose the rental bonuses pursuant to N.J.A.C. 5:97-3.6(a)3ii.

The Township has submitted a revised spending plan that allocates \$800,000 to Pennrose for the development of the project. The Township has submitted a draft resolution of intent to bond in the event of a shortfall in funding. The resolution must be adopted within 45 days of substantive certification.

The affordable units must meet the requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-1 et seq.) with regard to controls on affordability, affirmative marketing, pricing, low/moderate split and bedroom distribution. Prior to marketing the affordable units, Franklin must submit the required items pursuant to N.J.A.C. 5:97-6.7(e). **[50 family rental units plus 50 rental bonuses in a municipally sponsored 100 percent affordable development]**

Leewood Redevelopment Area

Pursuant to N.J.A.C. 5:97-6.6, Franklin is proposing to construct affordable rental units in the existing Renaissance 2000 Redevelopment Area. The Township's plan indicates that the

development will contain 212 total units, of which 106 will be affordable family for-sale units. Franklin has informed COAH staff that the development will now contain 209 total units, of which 105 will be affordable for-sale units.

Franklin indicates that the site was zoned MFR (Multifamily Residential) on November 25, 2008 to allow the development. In addition, there is an existing redeveloper's agreement with Leewood Renaissance at Franklin, LLC in place from April 28, 2006, which was amended on October 20, 2008, to reflect the current proposal.

Leewood has received HMFA funding approval for the first few phases of the project. Leewood received preliminary site plan approval from the Township Planning Board on May 20, 2009, and final site plan approval on December 16, 2009, for the first few phases as well. The preliminary approval was for 64 units, of which 40 would be affordable. The final approval reduced it to 40 units, of which 21 will be affordable.

Franklin has submitted a construction schedule. The construction schedule indicates that building permits are anticipated to be issued by October 2010, which is within two years of substantive certification, pursuant to N.J.A.C. 5:97-6.7(b)3, and that certificates of occupancy will be issued by June 2012.

The Leewood site is located in the northeastern portion of the Township bordered by Pine Street, Somerset Street, Oak Place and a park on Mark Street (Block 149, Lot 1-33; Block 150, Lots 26.01, 28-42, 52-85, 94-127, 136-50; Block 151, Lots 1-8, 24-50; Block 141.01, Lot 1-15). The property is approximately 10.24 total areas. The site is located in Planning Area 1 and business and residential uses surround the property. The site contains 4.11 acres of wetlands, leaving 6.13 acres as developable land. The Township indicates that the site will be served by public water and sewer and has submitted documentation demonstrating capacity.

There are existing homes and other structures on the property. The developer is in the process of acquiring all properties involved in the first two phases that have received site plan approval. The Township anticipates that Leewood will close on all the properties within the first two phases shortly. Removal of the structures will commence immediately after.

The Township's spending plan allocates \$1,000,000 for this project. The project will also receive funds from the CHOICE program. The Township has submitted a draft resolution of

intent to bond in the event of a shortfall in funding. The resolution must be adopted within 45 days of substantive certification.

The affordable units must meet the requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-1 et seq.) with regard to controls on affordability, affirmative marketing, pricing, low/moderate split and bedroom distribution. Prior to marketing the affordable units, Franklin must submit the required items pursuant to N.J.A.C. 5:97-6.7(e).

Franklin is requesting 35 redevelopment bonuses for the affordable units. The affordable units in this development meet the criteria for redevelopment bonuses pursuant to N.J.A.C. 5:97-3.19. **[105 family for-sale units in a municipally sponsored 100 percent affordable development, plus 35 redevelopment bonuses]**

C-R, GB & HBD Zoning Districts

Franklin has an existing ordinance in the C-R, BG & HBD zones that provide for a presumptive density of six units per acre with a 15 percent set-aside in every residential cluster or townhouse development, which increases to a 20 percent set-aside if the development is constructed at eight units per acre. At this time, the Township is not requesting credit for any affordable units that might be developed in these zones under this ordinance. Franklin should note that this ordinance is inconsistent with N.J.A.C. 5:97-6.4(b)1.i., which states that if any of these zones are within Planning Area 1, the minimum presumptive density to assure a financial incentive is eight units per acre with a maximum 25 percent set-aside. Pursuant to N.J.A.C. 5:97-6.4(b)4 and 6.1(b)7, the ordinance must also account for reduced bulk standards and contain a development size threshold below which affordable units would not be required. In addition, Franklin may want to include a payment in lieu provision for fractional affordable units, pursuant to N.J.A.C. 5:97-6.4(c). Therefore, the Township cannot receive credit for the ordinance at this time. **[0 credits]**

Proposed Affordable Housing Mechanisms

Type/Name of Affordable Housing Mechanism	Type of Affordable Unit	# Units/Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Habitat for Humanity II	Family For Sale	5	-	-	5
Summerfields Inclusionary Development	Family Rental	130	-	-	130
Summerfields Inclusionary Development	Age-restricted Rental	50	-	-	50
Laduree Inclusionary Development	Family Rental	58	-	-	58
Springhill Inclusionary Development	Age-restricted Rental	38	-	-	38
Campus Drive Municipally Sponsored 100% Affordable Project	Family For Sale	24	-	-	24
Leewood Redevelopment Area (Renaissance 2000 Redevelopment Area)	Family For Sale	105	Redevelopment	35	140
Parkside Municipally Sponsored 100% Affordable Project (Renaissance 2000 Redevelopment Area)	Family Rental	68	-	-	68
Parkside Municipally Sponsored 100% Affordable Project (Renaissance 2000 Redevelopment Area)	Age-restricted Rental	68			68
Pennrose Municipally Sponsored 100% Affordable Project	Family Rental	50	Rental	50	100
TOTALS		596		85	681

Growth Share Parameters

Franklin Township has satisfied the applicable Growth Share parameters as follows:

Growth Share Rental Obligation:¹⁶ 242 Units

Development/Project Name	Type of Affordable Unit	# Units	# Units Addressing Rental Obligation
Somerset Park/Westminster Mews Inclusionary Development	Family Rental	84	84
Franklin Commons 100% Affordable Redevelopment Project	Family Rental	65	0
Kovacs Inclusionary Development	Family Rental	1	0
Cedar Manor Inclusionary Development	Family Rental	28	0
Berry Street Commons/Blair Avenue 100% Affordable Redevelopment Project	Family Rental	92	0
Ramirez Inclusionary Development	Family Rental	1	0
Summerfields Inclusionary Development	Family Rental	130	0
Laduree Inclusionary Development	Family Rental	58	0
Parkside Municipally Sponsored 100% Affordable Project	Family Rental	68	0
Pennrose Municipally Sponsored 100% Affordable Project	Family Rental	50	0
Hidden Brook at Franklin 100% affordable	Age-restricted Rental	85	85
Summerfields Inclusionary Development	Age-restricted Rental	50	35

¹⁶ Projected Growth Share Rental Obligation: $.25(\text{Projected Growth Share})$ or $.25(965) = 241.25$ or 242 units - N.J.A.C. 5.97-3.10(b)3

Springhill Inclusionary Development	Age-restricted Rental	38	38
Parkside Municipally Sponsored 100% Affordable Project ¹⁷	Age-restricted Rental	68	0
Devereux New Jersey group home	Supportive/Special Needs Housing	4	0
Enable, Inc. II	Supportive/Special Needs Housing	4	0
Phoenix Corp. group home	Supportive/Special Needs Housing	3	0
TOTAL		829	242

Growth Share Family Rental Requirement:¹⁸ 121 Units

Development/Project Name	Type of Affordable Unit	# Units	# Bonuses*
Somerset Park/Westminster Mews Inclusionary Development	Family Rental	84	0
Franklin Commons 100% Affordable Redevelopment Project	Family Rental	65	65
Kovacs Inclusionary Development	Family Rental	1	0
Cedar Manor Inclusionary Development	Family Rental	28	0
Berry Street Commons/Blair Avenue 100% Affordable Redevelopment Project	Family Rental	92	88
Ramirez Inclusionary Development	Family Rental	1	0
Summerfields Inclusionary Development	Family Rental	130	0
Laduree Inclusionary Development	Family Rental	58	0

¹⁷ Due to the age-restricted cap, only 68 out of 69 age-restricted units in this project are eligible for credit.

¹⁸ Projected Growth Share Family Rental Requirement: $.5(\text{Projected Growth Share Rental Requirement})$ or $.5(242)=121$ units N.J.A.C. 5:97-3.4(b)

Parkside Municipally Sponsored 100% Affordable Project	Family Rental	68	0
Pennrose Municipally Sponsored 100% Affordable Project	Family Rental	50	50
TOTAL		577	203
Surplus		456	

*Subject to bonus maximum pursuant to N.J.A.C. 5:97-3.20

Growth Share Minimum Family Requirement:¹⁹ 362 Units

Development/Project Name	Type of Affordable Unit	# Units
Society Hill VI Inclusionary Development surplus units	Family For-sale	35
Wynnefield/ Society Hill VIII Inclusionary Development	Family For-sale	79
Somerset Park/Westminster Mews Inclusionary Development	Family Rental	84
Habitat for Humanity I (21, 31, 35 Alex Place; Block 137, Lots 10.01 & 12.01)	Family For-sale	3
Fama Inclusionary Development	Family For-Sale	1
Florez Inclusionary Development	Family For-Sale	5
Habitat for Humanity II	Family For-Sale	8
Horne Associates Development	Family For-Sale	1
Franklin Commons 100% Affordable Redevelopment Project	Family Rental	65
Kovacs Inclusionary Development	Family Rental	1
Cedar Manor Inclusionary Development	Family Rental	28

¹⁹ Projected Growth Share Family Requirement: .5 (Units Addressing the Growth Share Obligation) or .5(965-241)= 362 units N.J.A.C. 5:97-3.9

Berry Street Commons/Blair Avenue 100% Affordable Redevelopment Project	Family Rental	92
Ramirez Inclusionary Development	Family Rental	1
Somerset Douglas Inclusionary Development	Family For-Sale	8
Habitat for Humanity II	Family For Sale	5
Summerfields Inclusionary Development	Family Rental	130
Laduree Inclusionary Development	Family Rental	58
Campus Drive Municipally Sponsored 100% Affordable Project	Family For Sale	24
Leewood Redevelopment Area	Family For Sale	105
Parkside Municipally Sponsored 100% Affordable Project	Family Rental	68
Pennrose Municipally Sponsored 100% Affordable Project	Family Rental	50
TOTAL		851

Very Low Income Minimum Requirement:²⁰ 94 Units

Development/Project Name	Type of Affordable Unit	# Units
Franklin Commons 100% Affordable Redevelopment Project	Family Rental	7
Summerfields Inclusionary Development	Family Rental	24
Laduree Inclusionary Development	Family Rental	35
Springhill Inclusionary Development	Age-restricted Rental	10
Parkside Municipally Sponsored 100% Affordable Project	Family Rental	30
Parkside Municipally Sponsored 100% Affordable Project	Age-restricted Rental	10
Berry Street Commons/Blair Avenue 100% Affordable Redevelopment Project	Family Rental	10
Pennrose Municipally Sponsored 100% Affordable Project	Family Rental	8
TOTAL		134

Age-Restricted Maximum:²¹ 241 Units

Development/Project Name	Type of Affordable Unit	# Units
Hidden Brook at Franklin 100% affordable	Age-restricted Rental	85
Summerfields Inclusionary Development	Age-restricted Rental	50
Springhill Inclusionary Development	Age-restricted Rental	38
Parkside Municipally Sponsored 100% Affordable Project ²²	Age-restricted Rental	68
TOTAL		241

²⁰ Growth Share Very Low Income Requirement: $.13(\text{Units Addressing the Growth Share Obligation})$ or $.13(965-241) = 94.12$ or 94 units N.J.S.A. 52:27D-329.1

²¹ Projected Growth Share Age Restricted Maximum: $.25(\text{Projected Growth Share})$ or $.25(965) = 241.25$ or 241 units N.J.A.C. 5:97-3.10(c)2

²² Due to the age-restricted cap, only 68 out of 69 age-restricted units in this project are eligible for credit.

Bonus Maximum:²³ 241 Bonuses

Development/Project Name	Type of Bonus	# Bonuses
Devereux New Jersey group home	Group Home Rental	1
Enable, Inc. II	Group Home Rental	1
Phoenix Corp. group home	Group Home Rental	1
Pennrose Municipally Sponsored 100% Affordable Project	Rental	50
Franklin Commons 100% Affordable Redevelopment Project	Rental	65
Berry Street Commons/Blair Avenue 100% Affordable Redevelopment Project (out of 92 total units)	Rental	88
Leewood Redevelopment Area	Redevelopment	35
TOTAL		241

Actual Growth Share Obligation

The actual growth share obligation will be based on permanent certificates of occupancy issued within the municipality for market-rate residential units and newly constructed or expanded non-residential developments in accordance with Appendix D of N.J.A.C. 5:97. At plan evaluation review pursuant to N.J.A.C. 5:96-10, COAH will compare the actual growth share obligation with the actual number of affordable units constructed.

The New Jersey Department of Community Affairs (NJ DCA) *Construction Reporter* indicates that between January 1, 2004 and September 2008, Franklin has issued certificates of occupancy for 2,371 housing units and for the non-residential square footage equivalent of 4,122 jobs, yielding an actual growth share obligation through September 30, 2008, of 732 affordable units.²⁴

²³ Projected Bonus Maximum: $.25(\text{Projected Growth Share})$ or $.25(965)= 241.25$ or 241 units N.J.A.C. 5:97-3.20

²⁴ The number of residential COs (2,371) is divided by 5 to yield 474.2 units and the number of jobs (4,122) is divided by 16 to yield 257.6 units. Franklin's total estimated actual growth share is therefore 732 units

D. Summary of Plan to Address Fair Share Obligation

REHABILITATION SHARE SUMMARY

Rehabilitation Share: 142 Units

Program Name	# Units
Rehab Credits	60
Rehab Program	82
TOTAL	142

PRIOR ROUND SUMMARY

Prior Round Obligation: 766 Units

	Name of Mechanism	# Units/Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Prior Cycle Credits	Central Jersey Home for the Aging	100			100
	Society Hill I Inclusionary Development	26			26
Post-1986 Credits	Whitehall Gardens Inclusionary Development	100	Rental	100	200
	Countryside Apartments Inclusionary Development	48	Rental	40	88
	Society Hill II Inclusionary Development	56	-	-	56
	Society Hill III Inclusionary Development	64	-	-	64

(474.2+257.6). **Note:** this estimate does not take into account allowable exclusions permitted under N.J.A.C. 5:97-2.5; therefore, the actual growth share may vary.

Beacon Hill/Society Hill V Inclusionary Development	73	-	-	73
Society Hill VI Inclusionary Development	37			37
Quailbrook East/Quailcrest Inclusionary Development	27	-	-	27
Alternatives, Inc. I	11	-	-	11
ARC group home	3	-	-	3
Venice Avenue Community Residence	3	-	-	3
Center for Family Support group home	5	-	-	5
Developmental Disabilities group home	3	-	-	3
Enable, Inc. I	4	-	-	4
Matheny Group Home I	5	-	-	5
Matheny Group Home II	6	-	-	6
NJ Assoc. of Deaf/Blind Inc. group home	4	-	-	4
Allies group home	5	-	-	5
Allisa Care group home	5	-	-	5
Community Options group home	3	-	-	3

	Cedar Grove Development group home	3	-	-	3
	Resource Center for Women & Families	6	-	-	6
	Perth Amboy RCA	29	-	-	29
	Subtotal	626		140	766
TOTAL					766

GROWTH SHARE SUMMARY

Projected Growth Share Obligation: 965 Units

	Name of Mechanism	# Units/Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Post-1986 Credits	Society Hill VI Inclusionary Development surplus units	35	-	-	35
	Wynnefield/Society Hill VIII Inclusionary Development	79	-	-	79
	Somerset Park/Westminster Mews Inclusionary Development	84	-	-	84
	Center for Great Expectations	0	-	-	0
	Devereux New Jersey group home	4	Group Home Rental	1	5
	Enable, Inc. II	4	Group Home Rental	1	5
	Phoenix Corp. group home	3	Group Home Rental	1	4

Habitat for Humanity I (21, 31, 35 Alex Place; Block 137, Lots 10.01 & 12.01)	3	-	-	3
Hidden Brook at Franklin 100% affordable	85	-	-	85
Cerda Inclusionary Development	0	-	-	0
Fama Inclusionary Development	1	-	-	1
Florez Inclusionary Development	5	-	-	5
Franklin II Associates Inclusionary Development	0	-	-	0
Habitat for Humanity II	8	-	-	8
Horne Associates Development	1	-	-	1
Franklin Commons 100% Affordable Redevelopment Project(Renaissance 2000 Redevelopment Area)	65	Rental	65	130
Girard 444 Inclusionary Development	0	-	-	0
Kovacs Inclusionary Development	1	-	-	1
Cedar Manor Inclusionary Development	28	-	-	28
Berry Street Commons/Blair	92	Rental	88	180

	Avenue 100% Affordable Redevelopment Project (Renaissance 2000 Redevelopment Area)				
	Ramirez Inclusionary Development	1	-	-	1
	Somerset Douglas Inclusionary Development- (Renaissance 2000 Redevelopment Area)	8	-	-	8
Subtotal		507		156	663
Proposed Mechanisms	Habitat for Humanity II	5	-	-	5
	Summerfields Inclusionary Development family rental	130	-	-	130
	Summerfields Inclusionary Development age-restricted rental	50	-	-	50
	Laduree Inclusionary Development	58	-	-	58
	Springhill Inclusionary Development	38	-	-	38
	Campus Drive Municipally Sponsored 100% Affordable Project	24	-	-	24
	Leewood Redevelopment Area (Renaissance 2000 Redevelopment Area)	105	Redevelopment	35	140

	Parkside Municipally Sponsored 100% Affordable Project (Renaissance 2000 Redevelopment Area) family rental	68	-	-	68
	Parkside Municipally Sponsored 100% Affordable Project age-restricted rental	68	-	-	68
	Pennrose Municipally Sponsored 100% Affordable Project	50	Rental	50	100
Subtotal		596		85	681
TOTAL					1,344
Surplus					+379

III. FAIR SHARE DOCUMENT REVIEW

A. Development Fee Ordinance

Franklin's certified plan included a development fee ordinance that was adopted by the Township on October 14, 1997, and approved by COAH on March 10, 1998. Franklin received approval for amended development fee ordinance on October 12, 2005, and June 4, 2007. As part of its petition submitted to COAH on December 30, 2008 under the new third round rules, Franklin included an amended development fee ordinance, which was approved by COAH on December 11, 2009.

B. Third Round Spending Plan

Franklin's prior round spending plan was approved by COAH on December 4, 2001. A revised third round spending plan was submitted by Franklin, which was approved by COAH on May 5, 2010.

C. Affordable Housing Ordinance/Affordable Housing Administration

Franklin Township has an adopted affordable housing ordinance for its prior round obligation. Franklin has submitted a revised draft affordable housing ordinance that comports

with the requirements of the UHAC, which was amended on December 20, 2004, including compliance with the barrier free subcode of the State Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.) and the accessibility requirements of N.J.S.A. 52:27D-123.15. The draft ordinance must be adopted within 45 days of COAH's grant of substantive certification and submitted to COAH immediately upon adoption.

An ordinance establishing the position of a municipal housing liaison was adopted by the Township on November 6, 2006, and a resolution appointing a municipal housing liaison was adopted on January 1, 2008.

Franklin is responsible for the continued re-sale and re-rental of existing affordable units and the initial sale and rental of newly constructed affordable units within the Township and must designate an experienced administrative entity for that purpose. The Somerset County Coalition on Affordable Housing (SCCOAH) administers Countryside Apartments, Somerset Park Apartments, the Society Hill developments, Beacon Hill, Wynnfield and Quailbrook. Piazza & Associates are the administrative agents for Whitehall Gardens, Berry Street and Cedar Manor. The group homes are administered by the special needs providers.

Prior to marketing affordable units in any of the Township's proposed project, Franklin must submit the following to COAH:

1. A draft or adopted operating manual that includes a description of the program procedures and administration in accordance with UHAC;
2. An affirmative marketing plan in accordance with UHAC; and
3. Designation of an experienced administrative agent, including a statement of his or her qualifications, in accordance with N.J.A.C. 5:96-18

D. Affirmative Marketing Plan

Franklin has submitted an affirmative marketing plan. The affirmative marketing plan will be reviewed for conformance with the requirements of the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., to ensure the units in the Township's 1987-2018 Fair Share Plan and all future affordable housing units will be affirmatively marketed to the region upon initial sale/rental and re-sale/re-rental. Once approved by COAH, the affirmative marketing plan

must be adopted by resolution by the Township and submitted to COAH.

IV. SUMMARY OF MEDIATION

A. Objections

COAH initially received four objections to Franklin's Housing Element and Fair Share Plan: by American Properties, at Cedar Grove Lane, LLC (American Properties); JP Nash/Edgewood Properties (JP Nash); Kings Row Homes, LLC (KRH); and the Franklin Township Community Force (FTCF). The Fair Share Housing Center (FSHC) submitted comments to the Township's plan that the Township has addressed.

B. Mediation

Mediation between the Township and the parties took place in COAH's offices in Trenton on April 6, 2010. The mediation session did not result in an agreement between the Township and the other parties.

Mediation concluded on April 6, 2010. The Mediation Report prepared by the mediator, Matthew H. Rudd Esq., is attached hereto as Attachment 2. The mediator concluded that there are not any outstanding issues of material fact which necessitate referral to the Office of Administrative Law.

V. MONITORING

Franklin must comply with COAH monitoring requirements as set forth in N.J.A.C. 5:96-11, including reporting the municipality's actual growth pursuant to N.J.A.C. 5:97-2.5. As indicated above, credits for built units will be validated and verified by COAH staff during monitoring prior to the first biennial plan evaluation. It should be noted that credits for affordable housing programs and/or affordable units must be in compliance with N.J.A.C. 5:97-4. If the units are determined not to be eligible for credit, COAH will notify Franklin in writing and the Township may be directed to amend its certified plan to address the shortfall.

Pursuant to N.J.A.C. 5:96-10.1, COAH will conduct biennial plan evaluations upon substantive certification of Franklin's Housing Element and Fair Share Plan. The purpose of the

plan evaluation is to verify that the construction or provision of affordable housing has been in proportion to the actual residential growth and employment growth in the municipality and to determine that the mechanisms addressing the projected growth share obligation continue to present a realistic opportunity for the creation of affordable housing. If upon any biennial review the difference between the number of affordable units constructed or provided in Franklin and the number of units required pursuant to N.J.A.C. 5:97-2.5 results in a prorated production shortage of 10 percent or greater, Franklin is not adhering to its implementation schedules pursuant to N.J.A.C. 5:97-3.2(a)4, or the mechanisms addressing the projected growth share obligation no longer present a realistic opportunity for the creation of affordable housing, the Council may direct the Township to amend its plan to address the shortfall.

VI. RECOMMENDATION

COAH staff recommends that Franklin Township's Mediation Report be accepted and that the Township be granted third round substantive certification. Franklin must adopt all necessary implementing ordinances within 45 days of the grant of substantive certification and submit certified copies of the adopted ordinances to COAH within seven days of the adoption. This includes the affordable housing ordinance, resolution of intent to bond and all zoning ordinances.

Attachment 1

Workbook A: Growth Share Determination Using Published Data

(Using Appendix F(2), *Allocating Growth To Municipalities*)

COAH Growth Projections Must be used in all submissions

Municipality Name:

Franklin Township, Somerset

Enter the COAH generated growth projections from Appendix F(2) found at the back of N.J.A.C. 5:97-1 et seq. on Line 1 of this worksheet. Use the Tab at the bottom of this page to toggle to the exclusions portion of this worksheet. After entering all relevant exclusions, toggle back to this page to view the growth share obligation that has been calculated. Use these figures in the Application for Substantive Certification.

	Residential	Non-Residential
1 Enter Growth Projections From Appendix F(2) *	3,583	6,853
2 Subtract the following Residential Exclusions pursuant to 5:97-2.4(a) from "Exclusions" tab	Click Here to enter Prior Round Exclusions	
COs for prior round affordable units built or projected to be built post 1/1/04	180	
Inclusionary Development	2	
Supportive/Special Needs Housing	0	
Accessory Apartments	0	
Municipally Sponsored or 100% Affordable	0	
Assisted Living	0	
Other	0	
Market Units in Prior Round Inclusionary development built post 1/1/04	720	
3 Subtract the following Non-Residential Exclusions (5:97-2.4(b))		
Affordable units	0	
Associated Jobs		0
4 Net Growth Projection	2,681	6,853
5 Projected Growth Share (Conversion to Affordable Units Dividing Households by 5 and Jobs by 16)	536.20 Affordable Units	428.31 Affordable Units
6 Total Projected Growth Share Obligation		965 Affordable Units

* For residential growth, see Appendix F(2), Figure A.1, Housing Units by Municipality. For non-residential growth, see Appendix F(2), Figure A.2, Employment by Municipality.

Affordable and Market-Rate Units Excluded from Growth

Municipality Name: Franklin Township, Somerset

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	2
Accessory Apartments	0
Municipally Sponsored and 100% Affordable	0
Assisted Living	0
Other	0
Total	2

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 rental units resulted from N.J.A.C. 5:93-5.15(c)5 incentives)

Development Name	Rentals? (Y/N)	Total Units	Market Units	Affordable Units	Market Units Excluded
Summerfields (P.L. 2009, c. 82)	y	900	720	180	720
		0			0
		0			0
		0			0
		0			0
Total		900	720	180	720

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 Workbook A Summary](#)

Attachment 2

FRANKLIN TOWNSHIP MEDIATION REPORT

Franklin Township/Somerset County
COAH Mediator, Matthew H. Rudd, Esq.
COAH Planner, Maria Connolly

On April 6, 2010, mediation was held between representatives for Franklin Township and four separate objectors. The Township was represented by Mayor Brian D. Levine, Planning Board Chairman Dr. Theodore Chase, Leslie G. London Esq. and Mark Healey, PP. The four objectors were represented as follows; (1) American Properties at Cedar Grove Lane, LLC, (American Properties) represented by Ronald L. Shimanowitz Esq., Art Bernard, PP, Randy Csik, Principal and Mark Fauci, Real Estate Consultant. (2) JP Nash/Edgewood Properties, LLC, (JP Nash) represented by Frank J. Petrino Esq., and Paul A. Phillips, PP. (3) Kings Row Homes, LLC, (KRH) represented by Robert Fourniadis Esq., Creigh Rahenkamp, PP and Steve Rubin, Principal. (4) Franklin Township Community Force, (FTCF) represented by Township resident Louise LeGoff.

AMERICAN PROPERTIES

American Properties is the contract purchaser for a site located at Block 468.09, Lot 34, which is presently zoned R-40, single family residential. American Properties objects to this zoning, and would like to see the site rezoned for Apartment Townhouse development. American Properties is proposing the development of 121-150 units with a 20-25% set aside for affordable housing, which could be rental units. American Properties envisions this development as three story walk up condominiums. American Properties noted that they have done a wetlands delineation study of the site. A traffic study has also been completed by the objector. The site has public water and sewer access. American Properties maintains that there will be no public resistance to the development of this site. American Properties also asserted that public funding for some of the other projects in the Township's Fair Share Plan, notably the Pennrose project, may not materialize.

The Township maintains that the Fair Share Plan as submitted to COAH was complete and sound. The Township made it clear that at this time they were not interested in amending their Fair Share Plan to include the American Properties site. The COAH Mediator, pursuant to N.J.A.C. 5:96-8.2(d), determined and stated that there are no outstanding contested issues of material fact that necessitate consideration by COAH or transfer to the Office of Administrative Law. The Township is not including the objector's site in a re-petition and does not have a shortfall in its Fair Share Plan. No agreement was entered into between the Township and American Properties. Mediation was completed and closed as to American Properties by the COAH Mediator.

JP NASH

The JP Nash site, known as the Bennett's Lane-Veronica Avenue site, was previously included in the Township's 2005 Fair Share Plan. JP Nash noted that if the Park area is removed from the Bennett Lane Site, which is the common name used for this site, the 188 acres is reduced to about 80 acres for development. JP Nash advises that they have a Letter of Interpretation from the DEP pertaining to the wetlands issues on the site. Specifically, there is a C-1 tributary with two brooks on the site. The wetlands divide the site into two large parcels. Half of the site is zoned N-2, light manufacturing. The other half is zoned R-40. JP Nash noted that the objector's basic concept plan was in the Township's previous third round Fair Share Plan proposal. The inclusionary project would create 651 units. Twenty percent (20%) of these condominium units would be set aside for affordable housing. JP Nash notes that this proposal was previously deemed appropriate by the Township in the earlier third round submission. JP Nash states that they are ready, willing and able to commence the project.

JP Nash maintains that the Township's Fair Share Plan, although put forth in good faith, is overly ambitious. As to a number of the mechanisms, JP Nash asserts there is a lack of site control, funding, sewer issues and large affordable housing obligations that cannot be realistically met. Specifically, JP Nash questioned the integrity of the Leewood and Pennrose projects.

In response the Township maintains that the Fair Share Plan as presented actually exceeds the Township's obligation. The Township maintains that the process to decide on sites has been an open and transparent process. The Township asserts that JP Nash did not object to the removal of the Bennett's Lane site from the prior third round plan in December of 2005. The Township also addressed direct questions about the Pennrose and Leewood sites. It was also noted that the Township will be required to adhere to the construction schedules submitted as part of their implementation plan.

The COAH Mediator, pursuant to N.J.A.C. 5:96-8.2(d), determined and stated that there are no outstanding contested issues of material fact that necessitate consideration by COAH or transfer to the Office of Administrative Law. The Township is not including the objector's site in a re-petition and does not have a shortfall in its Fair Share Plan. No agreement was entered into between the Township and JP Nash. Mediation was completed and closed as to JP Nash by the COAH Mediator.

KRH

KRH, the owner of a site located at Block 468.07, Lots 46 and 47, advised that it presently has litigation pending in New Jersey Superior Court pertaining to the site. The Township is a defendant in that action. KRH also has an application pending before the Township Zoning Board of Adjustment pertaining to a use variance for this site to allow for inclusionary development. Mr. Rahenkamp advised that the first scheduled hearing before the Zoning Board of Adjustment will be April 15, 2010. KRH requested that the mediation be adjourned until after the April 15th Zoning Board hearing. The Township opposed the adjournment request. The COAH Mediator determined that the mediation should go forward and denied the adjournment request. The COAH Mediator expressed that the adjournment request was denied due to the request being made at the time of the mediation and not prior to the scheduled mediation date, that no conflict issue arises between the COAH Mediation process and the Zoning Board hearing process, and the Township's representatives in the COAH Mediation process are not members of the Zoning Board. Further, the COAH process and the application by KRH before the Zoning Board are not interrelated as the COAH Mediation process is part of

a determination pertaining to the Township's third round Fair Share Plan, as presently presented. If the rezoning is granted it may or may not include affordable housing. A use variance determination by the Township Zoning Board of Adjustment that may affect potential development of affordable housing is a municipal land use issue presently outside COAH's jurisdiction, and therefore not relevant to the COAH Mediation process.

On the merits of the objection, KRH notes that it has been an objector to the Township's Fair Share Plan since 2005. KRH maintains that it is unlikely that the Township will obtain all of the developer's agreements presently outstanding from the named developers in the Fair Share Plan. The Township noted that those developers' agreements are due to COAH within thirty days. KRH notes that it reserves the right to contest the Fair Share Plan in Superior Court regarding COAH's rules, phasing issues and proposed set asides. Mr. Rubin asserted that there are conflict of interest issues that COAH was supposed to settle per the pending Superior Court case. The COAH Mediator noted that conflict of interest issues are not the type of matter usually associated and decided in a COAH Mediation. The COAH Mediator asked as to whether there was a court order pertaining to the conflict of interest. No court order was presented. The Township also stated that they did not believe it had ever acted in bad faith as both the Township and the Township Planning Board had acted appropriately and in an open straight forward manner pertaining to the previous applications and proposals for development put forth by KRH.

The COAH Mediator, pursuant to N.J.A.S. 5:96-8.2(d), determined and stated that there are no outstanding contested issues of material fact that necessitate consideration by COAH or transfer to the Office of Administrative Law. The Township is not including the objector's site in a re-petition and does not have a shortfall in its Fair Share Plan. No agreement was entered into between the Township and KRH. Mediation was completed and closed as to KRH by the COAH Mediator.

FTCF

The Township representatives met with the last objector FTCF, who was represented by a resident of the Township, Ms. Louise LeGoff. FTCF is specifically opposing the inclusion of the Laduree inclusionary development site in the Township's Fair Share Plan. FTCF represents residents in the immediate community around the Laduree site. FTCF had previously opposed the age-restricted development on the site before the Township Planning Board. Final site plan approval for an age-restricted development was previously granted for the site by the Township Planning Board. The Township explained that future inclusionary development on the site would require another Township Planning Board site plan approval. FTCF maintains that a proper traffic study was never done for the site and asserts that the Historical Society should have reviewed the prior application. FTCF also argued that the distance from the site to bus stop transportation and food shopping locations make the site impractical for potential affordable housing individuals who rely on mass transportation.

The Township explained that it attempted to address some of the concerns raised by Ms. LeGoff. They explained that a limited traffic study was provided for third round Fair Share Plan review. The Township agreed with FTCF that any future site plan application before the Township Planning Board would require a detailed traffic study. FTCF would have an opportunity at any future Planning Board application hearing to comment and even present a traffic expert report. The issue of Historical Society review would also have to be addressed in any future Planning Board application. It was also noted that site suitability does not necessarily require that the site be in walking distance to transportation and other amenities. The Laduree site is in a State Planning Area 1, which COAH deems a suitable location. The Laduree site was previously approved for five story construction as permitted. A height variance was not necessary. The Fair Share Plan calls for a fifteen percent set aside for affordable housing. The COAH Mediator explained to FTCF that the issues raised in mediation can be appropriately considered again before the Township Planning Board if FTCF decides to object to any future site plan application for the site. The proposed Laduree inclusionary development would require future site plan approvals.

The COAH Mediator, pursuant to N.J.A.S. 5:96-8.2(d), determined and stated that there are no outstanding contested issues of material fact that necessitate consideration by COAH or transfer to the Office of Administrative Law. The Township is not eliminating the Laduree inclusionary site from the Township's proposed third round Fair Share Plan. No agreement was entered into between the Township and FTCF. Mediation was completed and closed as to FTCF by the COAH Mediator.

Exhibit B

**COAH REPORT IN RESPONSE TO COMMENTS
RECEIVED REGARDING COMPLIANCE & MEDIATION REPORTS
FRANKLIN TOWNSHIP/ SOMERSET COUNTY
REGION #3
July 15, 2010**

Franklin Township, Somerset County, petitioned the Council on Affordable Housing (COAH) for third round substantive certification of a Housing Element and Fair Share Plan addressing its total 1987-2018 affordable housing obligation on December 31, 2008. During the 45-day objection period, Adam M. Gordon, on behalf of Fair Share Housing Center (FSHC), submitted a letter commenting on Franklin's Fair Share Plan. The letter was not intended as an objection to the Township's plan pursuant to N.J.A.C. 5:96-4.1; however FSHC did express concerns regarding second round exclusions that the Township was requesting, inclusionary zones that did not meet COAH's presumptive densities, and clarification of the Parkside redevelopment as to whether it qualifies as rehabilitation or "gut reconstruction."

On June 21, 2010, COAH issued a Mediation Report and a Compliance Report recommending approval of Franklin Township's petition for third round substantive certification. The Compliance Report indicated that the Township had addressed all of FSHC's comments. During the 14-day comment period to submit comments to the COAH Compliance Report and Mediation Report, pursuant to N.J.A.C. 5:96-6.2(b), COAH received comments from Adam M. Gordon, on behalf of FSHC, unrelated to the original comments received to the Fair Share Plan. The comments do not alter the Compliance Report.

FSHC's Comments

On July 5, 2010, COAH received comments from FSHC regarding Franklin's Compliance Report. FSHC states that they do not object to the granting of substantive certification to Franklin, and actually support it because the Township's plan provides a surplus of affordable units. However, FSHC is objecting to COAH's interpretation of the age-restricted conversion statute, P.L. 2009, c. 82. The Summerfields project in the Township's Fair Share Plan received approval as a "converted development" pursuant to P.L. 2009, c. 82, and, therefore, 900 residential units were subtracted from the Township's residential projection. FSHC argues that COAH has interpreted the legislation in a way contrary to statutory language and the

constitution, and without rulemaking required pursuant to the Administrative Procedures Act (APA). FSHC maintains that COAH's interpretation of P.L. 2009, c. 82 is contrary to the constitutional obligation to calculate and allocate the need for low- and moderate-income housing and double counts units in these developments. FSHC states that COAH is interpreting the phrase in the statute that states "generating any fair share affordable housing obligation," to mean that the converted units must be deducted both from projected growth share and actual growth share. FSHC argues that the deduction of the converted units should only be from the actual growth share obligation, which would be deducted at the biennial reviews, and not from the projected growth share obligation. FSHC maintains that by deducting the converted units from the statewide projected growth share of 115,666, and then also allowing them to credit the affordable units against the growth share obligation is reducing the statewide need number and also double counting. FSHC argues that N.J.A.C. 5:97-2.2(e) actually requires the units to be deducted from the actual growth share and in fact, the rule requires that if the actual growth share generated in a municipality is less than the projected growth share, "the municipality shall continue to provide a realistic opportunity for affordable housing to plan for the projected growth share." Therefore, FSHC maintains that the Legislature intended for the converted market rate and affordable units to be subtracted from the actual growth share because of COAH's rule.

FSHC further argues that COAH cannot make this administrative policy decision without notice and comment rulemaking. FSHC states that the APA and due process require a notice and comment process, and that this policy decision is a general interpretation of a statute that COAH intends to apply in future cases, and not specific to the facts in Franklin.

FSHC again emphasizes that they are not objecting to COAH granting Franklin Township substantive certification in that the Township would be eligible for substantive certification even without COAH's interpretation of P.L. 2009, c. 82 because of its surplus affordable housing units.

COAH's Response

COAH staff is in agreement that the units should be deducted from the Township's actual growth share obligation. However, COAH staff recognizes that the "generating any fair share housing obligation" language included in P.L. 2009, c. 82 indicates that a municipality that converts age-restricted units to non-age-restricted units in accordance with P.L. 2009, c. 82, may incur an affordable housing obligation that is less than that based on the projected growth share obligation. This is due to the statutory requirement that the units in the converted development shall be subtracted when determining a municipality's actual growth share obligation. See N.J.S.A. 45:22A-46.5(c). Since the projected growth share obligation includes the Summerfields project, Franklin's actual obligation will always be 900 units less than the projected growth share obligations (with exclusions pursuant to N.J.A.C. 5:97-2.4). Therefore, in the case of converted units in accordance with P.L. 2009, c. 82, the statutory subtraction of the converted units from "generating any fair share obligation" has the same effect as the subtraction of an inclusionary development that goes toward meeting a municipality's prior round obligation and thus can be excluded from the municipal projection. See N.J.A.C. 5:97-2.4.

APPENDIX F



State of New Jersey
COUNCIL ON AFFORDABLE HOUSING

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

101 SOUTH BROAD STREET
PO Box 813
TRENTON, NJ 08625-0813
(609) 292-3000
(609) 633-6056 (FAX)

RICHARD E CONSTABLE, III
Commissioner

SEAN THOMPSON
Acting Executive Director

February 17, 2015

Mark Healey
Franklin Township Municipal Housing Liaison
475 De Mott Lane
Somerset, New Jersey 08873

Dear Mark:

It is time once again to prepare annual affordable housing monitoring reports for your projects and units. Pursuant to the New Jersey Fair Housing Act at N.J.S.A. 52:27D-329.4, the Council on Affordable Housing (COAH) is required to collect information concerning the number of housing units actually constructed, construction starts, certificates of occupancy granted, rental units maintained, and with respect to units actually constructed, the information shall specify the characteristics of the housing, including housing type, tenure, affordability level, number of bedrooms, and whether occupancy is reserved for families, senior citizens, or other special populations.

Monitoring is required every year to track changes to your affordable housing stock. This must include the entry of specific unit information into the COAH Tracking and Monitoring (CTM) system that is used to determine whether units are eligible to be counted or not. For each completed or partially completed project in the CTM system, **information about each completed unit in that project must be entered**. Until that occurs, COAH cannot determine whether the units in that project meet the requirements for eligibility, and whether Franklin can claim credit for these units.

This letter includes a breakdown of the number of units in projects reported as completed in the CTM system in Franklin and the number of units in those projects where information has been recorded in the CTM system. If these two numbers are different, your municipality has not provided detailed unit information for units that have been created or rehabilitated in your municipality, and you risk not being able to claim credit for having created or rehabilitated those units not properly reported.

Franklin currently has indicated that 1446 new units have been completed, and has recorded specific unit information for 1261 new unit(s). That means that 185 new construction unit(s) may currently not be eligible for credit as COAH cannot accurately determine unit compliance with the Uniform Housing Affordability Control regulations. Similarly, 101 rehab units have been reported as complete and specific unit information has been entered for 101 rehab units resulting in a 0-unit discrepancy of rehab units that may not be eligible for credit. The following chart shows information on

the comparison of general vs. specific unit information in the CTM system for Franklin. A project-specific breakdown of this information is also included at the end of this letter.

Reported New Units	New Units Documented in CTM	New Units Lacking CTM Documentation	Rehab Units Reported in CTM	Rehab Units Documented in CTM	Rehab Units Lacking CTM Documentation
1446	1261	185	101	101	0

Please note that the above comparison, as well as the project level detail provided below, reflects CTM entries made through February 6, 2015. Any information recorded after that date is not reflected in this letter. Also, the projects and units reflected in this letter only represent projects and units included in the Franklin fair share plan and **DO NOT include units created under the provisions of a Regional Contribution Agreement (RCA)**. Projects and corresponding units funded under an RCA will be the subject of specific RCA monitoring requirements during the next month.

All project and unit information through December 31, 2014 must be entered and updated in the CTM system and you must certify that all unit information has been entered. Upon completion of the update, please sign and return the monitoring certification form. **Please note that the certification form has changed this year.** If you have already submitted a certification form, you must resubmit the correct form in order to complete monitoring for 2014. Blank copies of all required forms are available on our website for your convenience. The main monitoring page is located at www.nj.gov/dca/services/lps/hss/2014monitoring.html and links to forms can be found in the "More Information" box on the right side of that page.

In addition, example copies of deed restriction documents and administrative agent information must be supplied for completed units. For a list of the information we need for each type of unit, please visit this webpage: www.nj.gov/dca/services/lps/hss/projectforms.html. **If you have already sent in this information, YOU DO NOT NEED TO SEND IT IN AGAIN.**

Final 2014 monitoring is due by April 30, 2015. ALL UNITS MUST BE ENTERED INTO THE CTM SYSTEM PRIOR TO THAT DATE. If you have questions about monitoring, please contact heather.mahaley@dca.nj.gov, or your [assigned planner](#) for information about your affordable housing projects.

Thank you,



Sean Thompson
Acting Executive Director

c Mayor Brian Levine
Ann Marie McCarthy, Clerk

As indicated above, the following table provides detail at the project level concerning documented and un-documented units that have been entered by Franklin in the CTM system. For each completed project in the CTM system, information about each unit in that project must be entered. Until that occurs, COAH cannot determine whether the units in that project meet the requirements for eligibility, and whether municipality can claim credit for these units.

Please note that the above comparison, as well as the project level detail provided below, reflects CTM entries made through February 6, 2015. Any information recorded after that date is not reflected in this letter. Also, the projects and units reflected in the table below only represent projects and units included in the Franklin fair share plan and **DO NOT include units created under the provisions of a Regional Contribution Agreement (RCA)**. Projects and corresponding units funded under an RCA will be the subject of specific RCA monitoring requirements during the next month.

Project and Unit Monitoring Detail for Franklin Township, Somerset County

Project	Units Reported Complete	Documented Units	Undocumented Units
Allies, Inc.	5	0	5
Allisa Care	5	0	5
Alternatives - 37 Johnson Road	4	0	4
Alternatives, Inc. I	11	0	11
Avalon at Somerset	58	58	0
Beacon Hill	73	73	0
Berry Street Commons	94	94	0
Campus Drive	0	0	0
Cedar Grove	3	0	3
Cedar Manor	28	28	0
Center for Family Support	5	0	5
Central Jersey Home for the Aged	100	0	100
Community Options	3	0	3
Countryside Apartments	48	48	0
Developmental Disabilities - 2	3	0	3
Devereux New Jersey	4	0	4
Enable, Inc. I	4	0	4
Enable, Inc. II	4	0	4
Fama Subdivision	0	0	0
Florez - Franklin Blvd	0	0	0
Franklin Commons	66	66	0
Franklin Rehab Program	101	101	0
Habitat for Humanity I	7	7	0
Habitat for Humanity II	9	9	0
Hidden Brook at Franklin	85	85	0
Horne Associates	0	0	0
Independence Crossing	63	63	0
Kovaks	0	0	0
Leewood	21	21	0
Matheny Group Home I	6	0	6
Matheny Group Home II	5	0	5
NJ Assoc. of Deaf/Blind Inc.	4	0	4

Parkside Senior and Family	140	140	0
Pennrose	0	0	0
Phoenix Corp.	3	0	3
Quailbrook East	27	27	0
Ramirez Subdivision	0	0	0
Reformed Church of Highland Park Aff Hsg Corp	4	0	4
Resource Center for Women and Families	6	0	6
Society Hill I	26	26	0
Society Hill II	56	56	0
Society Hill III	64	64	0
Society Hill VI	72	72	0
Somerset ARC - 3	3	0	3
Somerset Douglas Realty, LLC	0	0	0
Somerset Park Apartments	84	84	0
Springhill Senior Development	0	0	0
Summerfields at Franklin	0	0	0
Venice Avenue Community Residence	3	0	3
Voorhees Station	61	61	0
Whitehall Gardens	100	100	0
Wynnefield	79	79	0

APPENDIX G

**RESOLUTION OF BOARD OF ADJUSTMENT OF THE TOWNSHIP
OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY**

**CORPORATE COMMUNITY CONNECTION CORP.
DOCKET NO. ZBA 17-00001**

WHEREAS, CORPORATE COMMUNITY CONNECTION CORP., (hereinafter, the Applicant) has applied to the Franklin Township Zoning Board of Adjustment for Use Variance and Site Plan with Variances to construct a 4-story mixed use development – commercial and residential at 610 Franklin Boulevard, Block 233, Lots 1, 7-14, 31-36 in the HBD zone on the Franklin Township Tax Map, pursuant to N.J.S.A. 40:55D-70(d); and

WHEREAS, public hearings were held on said application by the Board of Adjustment on October 5, 2017 and October 19, 2017; and

WHEREAS, the public was given the opportunity to speak on the application; and

WHEREAS, the Board, after carefully considering the evidence presented to it by the Applicant, the application and the documents filed by the Applicant, and the comments of the appropriate township officials and agencies together with the public comment has made the following findings of fact:

1. The property is located at 610 Franklin Boulevard in the HBD Zone Block 233, Lots 1, 7-14, 31-36 on the Franklin Township tax map.
2. Peter U. Lanfrit, Esq. appeared on behalf of the Applicant for both hearings.
3. The following variances are required:
 - D(1) Use Variance - mixed use buildings are permitted in the HBD zone only for lots that front Hamilton Street. This site does not front Hamilton Street, the proposed mixed-use development therefor requires a D(1) Use Variance.
 - D(6) Building Height Variance – 3 stories / 40 ft. permitted, 4 stories/ 50 ft. proposed.
 - Lot Frontage – 200 ft. required- 100.92 ft. along Franklin Boulevard.
 - Parking Lot Setback – Parking prohibited in required setback areas- parking is proposed within the setback area.
 - Screening of Parking Lot – 5 ft. wide buffer area required where adjoining residential properties (consisting of fencing and evergreen trees) buffer not provided throughout.

Meeting – October 5, 2017

4. Reverend DeForest Soaries, Applicant, came forward and was sworn. Reverend Soaries stated that he is the owner of the property, but it is held under the name of Corporate Community Connection Corp. The old building located on the property has been demolished and the Applicant is seeking to build a brand new 4-story building. The building's first two (2) stories will have offices for First Baptist Church and related non-profit organizations that now currently lease space at 727 Franklin Boulevard. The remaining top two (2) floors of the building will contain 22 units of affordable senior housing, 20 one (1)-bedroom units and two (2) two-bedroom units. He believes there is a strong need for this affordable senior housing within the Township. The Reverend will agree to the condition of office use only on the first two floors with no retail use of that space. Approximately 40 employees will be employed for the non-profit organizations within the building and the office hours will be from 8:30 a.m. to 5:30 p.m., with no use anticipated in the evenings or on the weekend.

5. Harry Zawada, Architect, came forward and was sworn in. The Board accepted his qualifications. Mr. Zawada testified that the building is four (4) stories and 50 ft. high. He stated that the dimensions of the building are 70 ft. x 170 ft. Plans and a colored renderings slide show were entered into the record as Exhibit A-1. Mr. Zawada described the office space and residential floor plans. He indicated that there are elevators and stairwells that will have access to all of the floors in the building. Mr. Zawada discussed the exterior elevations of the building. He indicated that all of the utilities will run from Martin Street to the small basement area where all the mechanicals are to be housed. The basement will be used for storage only and not for living space. The air conditioning condensers will be located on the rooftop (no window units) and the utilities will be screened and not visible.

6. Michael Ford, Engineer, came forward and was sworn. The Board accepted his qualifications. A digital presentation of the site plans, colored renderings, and a dumpster plan were all entered into the record as Exhibit A-2. Mr. Ford described the existing property conditions, indicating that there are frontages on Franklin Boulevard, Martin Street and Lewis Street. He testified that the site has been leveled and the building has been demolished. Mr. Ford indicated that the Applicant is proposing 52 on-site parking spaces, meeting the standards for the residential portion under the Residential Site Improvement Standards (RSIS), and having excess parking spaces for the office employees. Mr. Ford discussed the Lighting Plan. New LED shielded lights are proposed along the perimeter of the parking area. Mr. Ford discussed the impervious coverage and storm water management system for the proposed building. He indicated that the 86% impervious coverage will be decreased to

77%, therefore, no detention basin will be needed. Mr. Ford discussed the proposed landscaping plan, which will shield the proposed building from the adjacent residential properties. It includes new street trees along all of the roadway frontages. Mr. Ford discussed how the refuse will be handled on the site. He explained that an optional plan will be to enhance the location of the trash enclosure by moving it further away from the building. By moving the trash enclosure allows for the opportunity to enlarge it. Also, if the Board grants a minor deviation or relief from the ordinance for a 5 yard setback, it can be made even larger. Mr. Ford discussed the drive aisle width of the parking area. The Applicant is providing a one way circulation through the site, with a two-way access aisle that will be 24 ft. in width and a one-way access aisle with angled parking having a width of 15 ft. The Township's Ordinance requires an 18 ft. wide drive aisle for angled parking areas, the requirement for RSIS is 13 ft. wide for angled parking areas. Mr. Ford indicated that they are seeking a technical variance for a three (3) ft. deviation from the Township. Mr. Ford testified that they can comply with all of the comments in the Township Engineer's report. They will also comply with the comments from Mr. Hauss, the Fire Prevention Director and Mr. Healey's planning report.

7. Elizabeth Dolan, Traffic Engineer, came forward and was sworn. The Board accepted her qualifications. Ms. Dolan prepared the traffic report, dated January 4, 2017. The report is based on the original plan for 14 non-age-restricted apartments where 22 senior apartments are now being proposed. Ms. Dolan noted that when using the senior rate charts, the number of trips generated decreased. She stated that the office space is the primary traffic generator. Ms. Dolan indicated that there are 52 on-site parking spaces being proposed and 109 spaces are required for both the commercial and residential uses. Ms. Dolan stated that there should be a consideration for shared parking; the office demand is non-existent overnight and the residential parking demand is at its maximum. She testified that the Applicant is required to provide enough parking for the residential portion of the building under the guidelines of the Hamilton Business District. Ms. Dolan believes that the site has adequate circulation. There is an abundance of parking spaces in the parking lot as well as street parking available around the site in order to accommodate the employees as well parking demands for the senior housing which is 1 (one) parking space per unit.

8. Kevin O'Brien, Planner, came forward and was sworn. The Board accepted his qualifications. Mr. O'Brien discussed the variances required for this application; a D(1) Use Variance is needed because mixed use buildings are only permitted in the HBD Zone on Hamilton Street and the subject property does not front on Hamilton Street. A D(6) Height Variance is required because three (3) stories/40 ft. buildings are permitted and a four (4) stories/50 ft. building is proposed. The HBD Zone only allows four (4) stories/50 ft. for buildings fronting on Hamilton Street and meeting certain frontage dimensions. A lot frontage variance is needed, whereas 200 ft. is

required and 100.92 ft. along Franklin Boulevard is existing/proposed. Mr. O'Brien indicated that a parking lot setback is needed because parking is prohibited in setback areas and parking is existing/proposed in those setback areas. Next, he discussed the variance for screening of the parking lot, where a 5 ft. wide buffer is required when adjoining residential properties (consisting of fencing and evergreen trees) and the buffer is not possible throughout. Lastly, a variance required for drive isle width is 18 ft. by the Township's Ordinance and 15 ft. is being proposed. Mr. O'Brien discussed the proofs necessary to grant these variances. He testified that the development proposed is consistent for in the Master Plan for the HBD Zone and Hamilton Street by providing a mixed use building. He discussed the type of housing provided in that zone as being compatible with what is being proposed. The affordable housing to be provided is supported by the Municipal Land Use Law (MLUL). He advised that affordable housing is an inherently beneficial use and believes that the benefits outweigh any detriments.

9. The meeting was opened up to the public for questions.

Meeting – October 19, 2017

10. Peter Lanfrit, Esq. appeared on behalf of the Applicant. Mr. Lanfrit stated that the bulk of the testimony was presented at the October 5, 2017 meeting, and there were two issues that were not resolved. The first issue concerns the architecture issues raised by the Township staff regarding the look of the building at the frontage on Franklin Boulevard and its consistency with the design standards of the HBD zone. A meeting was held with Mr. Zawada and Township staff and new revised plans were resubmitted. The second issue relates to allocating parking, which is to be discussed.

11. Harry Zawada, Architect, came forward and continued to be sworn. A revised floor plan of the proposed buildings ground floor and all subsequent floors, was entered into the record as Exhibit A-3. He indicated that other than the façade along Franklin Boulevard being revised, the rest of the building's exterior remains unchanged, with the exception of a slightly reduced building footprint. Mr. Zawada explained that the staff had concerns with the amount of exposed siding from the center stair mass. He indicated that the siding was rotated and pushed into the building slightly to reduce that mass. Mr. Zawada displayed the original stair mass layout along Franklin Boulevard showing the contrast and changes that were made.

12. Elizabeth Dolan, Traffic Consultant, came forward and continued to be sworn. Ms. Dolan prepare a study on the realistic numbers of apartment demands for the senior apartments. She indicated that the Institute of Transportation Engineer's (ITE) publication did not have rates for age restricted or senior housing. Ms. Dolan

testified that no studies are available so that to err on the conservative side, they will allocate one (1) parking space per unit.

13. The meeting was opened up to the public for questions and/or comments.

WHEREAS, the Board has made the following ultimate findings and conclusions based upon the foregoing findings of fact:

- A. The Applicant has shown special reasons to satisfy the requirements for granting a D-1 Use Variance with Site Plan and Variances pursuant to the provisions of N.J.S.A. 40:55D-70(d). The site is particularly suited for the proposed re-development project. The property can accommodate the proposed 4 story residential/commercial building and associated parking.
- B. The Board concludes that there are no significant detrimental impacts on the neighborhood. The Board concludes that the conditions to be imposed reduce or eliminate any negative impacts.
- C. The application for the D-1 Use Variance, Site Plan and associated Variances applied for as hereinafter conditioned, can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance.

WHEREAS, at the conclusion of the hearing on October 19, 2017, the Board has taken action by voting on said application in accordance with N.J.S.A. 40:55D-10(g) of the Municipal Land Use Law and has directed that a resolution memorializing such action be prepared.

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of Adjustment on this 21st day of December, 2017, on the basis of the evidence presented to it, the foregoing findings of fact and ultimate findings and conclusions, that the Board does hereby grant the Use Variance, Site Plan and associated Variances applied for by the Applicant subject to the following conditions:

1. The granting of the D-1 Use Variance, Site Plan and Variances shall not be construed to eliminate satisfaction of any other requirements of the zoning ordinance and/or requirements of the agencies, boards, and authorities of the Township of Franklin, County of Somerset or State of New Jersey.

2. Any and all fees properly due and owing the Municipal Zoning Board of Adjustment for hearing the application must be paid in advance of building permits being issued.

3. Applicant shall comply with representations and agreements as well as all staffing reports except as otherwise indicated herein this Resolution.

4. Applicant agrees to revise plans to show the dumpster being relocated within the 5 foot buffer and a detail shall be added showing that such dumpster will be screened by a masonry enclosure that matches the building and screened with landscaping.

5. Applicant is granted a waiver for the width of the one-way drive aisle for 15 feet, existing /provided, whereas 18 feet is required.

6. Applicant agrees that there will be no retail use on site, only office use, and agrees to the filing of a deed restriction to this effect.

7. Applicant agrees that the basement will be used for storage only.

8. Applicant shall submit revised architectural plans (including elevations of all sides of the buildings) that are consistent with the exhibits presented to the Board at the October 19, 2017 hearing. Further, Applicant agrees to use the building materials discussed, hardy plank and brick which shall be reflected on the plans.

9. Applicant agrees to designate the building as a senior only affordable use deed restriction and agrees to comply with affordable housing per COAH rules. A limited number of units may be available to low- and moderate income veterans and such units may be non-age-restricted. The Applicant shall provide the type and number of affordable units as identified herein and shall comply with all applicable affordable housing requirements including the Uniform Housing Affordability Controls (“UHAC”) including but not limited to pricing, bedroom mix (as applicable), low/moderate income split, affirmative marketing, assignment of a COAH-qualified Administrative Agent and recording of a deed restriction. As an affordable development, the development shall be exempt from collection of affordable housing (COAH) fees.

10. Applicant will provide a parking in lieu payment, per the ordinance, if they do not meet the on-site parking requirement for commercial use on the property. In this way the applicant has meet ordinance requirements with respect to parking and no parking variance is required or granted.

CHRISTINE WOODBURY
Board Secretary

**VOTE ON MOTION 10/19/2017
FOR**

Raymond Betterbid
Laura Graumann
Donald Johnson
Bruce McCracken
Anthony Caldwell
Gary Rosenthal
Chairman Thomas

**AGAINST
NONE**

**ABSTENTIONS
NONE**

**VOTE ON RESOLUTION: 12/21/2017
FOR**

Donald Johnson
Anthony Caldwell
Gary Rosenthal
Chairman Thomas

**AGAINST
NONE**

**ABSTENTIONS
NONE**

**RESOLUTION OF BOARD OF ADJUSTMENT OF THE TOWNSHIP
OF FRANKLIN SOMERSET COUNTY, NEW JERSEY**

**TRUST UNDER ARTICLE 6
u/w/o SIGMUND SOMMER & LEVIN PROPERTIES, LP
DOCKET NO. ZBA-15-00017**

WHEREAS, TRUST UNDER ARTICLE 6 u/w/o SIGMUND SOMMER & LEVIN PROPERTIES, LP, (hereinafter "the Applicant") has applied to the Franklin Township Board of Adjustment requesting a D-1 Use variance approval for the construction of 50 townhomes at 31 Cedar Grove Lane, Somerset, pursuant to the provisions of N.J.S.A. 40:55D-70(d)(1); and

WHEREAS, public hearings were held on said application by the Board of Adjustment on December 1, 2016, January 19, 2017 and June 15, 2017; and

WHEREAS, members of the public gave comment on the application; and

WHEREAS, the Board after carefully considering the evidence presented to it by the applicant, the application and documents filed by the applicant and the appropriate Township officials and agencies has made the following findings of fact:

1. The property is located at 31 Cedar Grove Lane, Franklin tax map Block 468.09, Lot 34 in the R-40 Zone.

2. Jason Hawrylak, Esq., of Wisniewski & Associates, LLC, appeared before the Board on behalf of the Applicant, Sigmund Sommer & Levin Properties, L.P.

3. At the December 1, 2016 meeting, Jason Hawrylak, Esq. appeared with his client and expert witnesses and presented to the Board an application proposing to erect 50 Townhomes in an R-40 Zone. In this regard, the Board heard testimony from Applicant's Engineer expert Alfred Coco, Architect Michael Testa and Traffic Engineer, Scott Kennel. Also, the applicant presented the testimony of Robert Carson Executive Vice President of Levin Management Corporation and Christopher Otteau Real Estate Appraiser and Redevelopment expert.

4. Mr. Hawrylak indicated that the applicant has chosen a bifurcated application and will submit for Site Plan at a later date. The applicant wants to construct a townhouse community

which includes a total of 50 units that would include 38, three (3) bedroom townhouses and 12 two (2) bedroom units.

5. The following variances are required:

- D-1 Use variance: Townhomes are not permitted in an R-40 Zone.
- Lot coverage: 10% maximum, 15% proposed.
- Impervious coverage: 20% maximum, 55% proposed.
- Street width: 30 ft. minimum, 26 ft. proposed

Meeting December 1, 2016

6. The 464,785.20 square foot (10.67 acre) subject site is located on the westerly side of Cedar Grove Lane. The subject site is approximately 1,200 feet west of the Easton Avenue and Cedar Grove Lane intersection. The site is located within the Franklin Township R-40 single-family residential zoning district. The site is currently vacant, undeveloped and predominately wooded. Based on NJDEP GIS mapping, the subject site contains wetlands to the rear, northeasterly side, of the property.

7. Alfred Coco, P.E. came forward and was sworn in. The Board accepted his qualifications as a licensed engineer. Mr. Coco described the property in its current condition. A colorized rendered copy of the use variance plan was entered into the record as Exhibit A-1. Mr. Coco explained that the property contains approximately 10 acres of land and is located on the north side of Cedar Grove Lane. Currently, the wooded site is vacant. A letter of interpretation (LOI) has been acquired from the NJDEP, there are wetlands within the rear portion of the property. Mr. Coco described the proposed project for the construction of 50 townhouse units with garages. Mr. Coco testified that 20% of these units are to be set aside as affordable units (10 units). Mr. Coco advised that there are designated recreation areas, along with parking areas. He indicated that a detention basin is being proposed in the rear of the property, in order to control runoff from the front of the site. Mr. Coco advised that a 26 foot wide interior roadway will be provided throughout the site, as well as providing a parking spot for every garage and a parking spot for every driveway (100 parking spaces). He added that additional surface parking spaces will be provided throughout the site, an additional 69 spaces. He indicated that they are required to include 119 parking spaces, based upon the bedroom count, thereby exceeding the parking requirement by 50 parking spaces. Mr. Coco then

discussed the lot coverage, noting that the applicant is proposing a 15% lot coverage where 10% is the maximum. Also, the applicant is providing for 55% impervious coverage where the maximum in the R-40 zone is 20%. Mr. Coco discussed trash removal, noting that all of the units will have garages to store cars and trash cans. Mr. Coco advised the Board that trash will be kept in the garage and then brought to the street for pickup. The trash cans will be returned to the garages for garbage storage.

8. The meeting was opened up to the public for questions.

9. Michael Testa, Architect, came forward and was sworn in. The Board accepted his qualifications. Marked into the record as Exhibit A-2 was a colored rendering of the front façade of a typical townhouse building. Mr. Testa indicated that there will be nine (9) buildings in total on the site, containing 50 townhouse units. He explained the three (3) types of buildings, one building will have all of the three (3) bedroom units, one building will have the two (2) bedroom units and the third building will be a mix of two (2) and three (3) bedroom units. He stated that the two-bedroom unit has 1,940 sq. ft. and the three-bedroom unit has 2,015 sq. ft. Mr. Testa indicated that all of the units are almost identical otherwise. Mr. Testa discussed the garage area which is (11 ft. x 20 ft.), he indicated that there is plenty of space for a trash receptacle as well as a recycling container to fit in the garage along with a vehicle. Mr. Testa testified that there is ample room within the garage space to accommodate the trash/recycling containers. The Board questioned the location of the affordable housing units. Mr. Testa indicated that the details will be discussed at Site Plan. Mr. Healey indicated that it be a condition, of any approval, that the affordable units be scattered throughout all of the buildings. Mr. Testa stated that he is in agreement with Mr. Coco's testimony to provided 10 affordable units which are to be spread throughout the development and not concentrated into one building.

10. Scott Kennel, Traffic Engineer, came forward and was sworn in. Mr. Kennel prepared the traffic report. Mr. Kennel gave a brief overview, of the current roadway and traffic conditions on Cedar Grove Lane as well as the future traffic projections for the proposed development. Mr. Kennel testified that traffic counts were taken during the commuter hours of 7:00 a.m. – 9:00 a.m. and 3:00 p.m. - 6 p.m. during weekdays. Mr. Kennel indicated that traffic is heavier heading towards Easton Avenue during both the morning and evening peak hours. He indicated that based upon the number of townhomes, the site will generate approximately 30

trips in the morning peak hours and 35 trips in the afternoon peak hours. Mr. Kennel believes that the traffic will be operating at "the lower end of level service 'C'" during both a.m. and p.m. on Cedar Grove Lane and with a level of service "A" for left hand turns into the site. There will be 169 parking spaces (50 garage spaces, 50 driveway spaces and 69 surface spaces) throughout the community, where only 119 spaces are required. Additionally, the drive aisle exceeds the minimum of 24 ft. by providing 26 ft. widths. That requirement does exceed the minimum since an emergency access roadway is being provided, as suggested by the Township professionals.

11. The Board questioned the reason for not including the Pierce Street intersection on Easton Avenue in Mr. Kennel's study. Mr. Kennel indicated that the level of service at that intersection, is presently at a level "F" service and that the development will add an incremental amount of volume to that intersection. The Board advised that a gap study is needed as well as a courtesy gap study in order to show that the proposed property is suitable for a townhouse development.

12. The meeting was opened up again to the public for questions.

13. Robert Carson, Executive Vice President of Levin Management Corporation, came forward and was sworn in. Mr. Carson explained that his company is a management corporation for owners of real estate throughout New Jersey, Pennsylvania and New York. Mr. Carson began to market the property in 2011, seeking potential developers, who were interested in purchasing the property and/or tenants who wanted to have a long-term ground lease. Mr. Carson looked at all of the different options and uses for the proposed property including the option of complying with the R-40 Zone. Mr. Carson received numerous inquiries for higher density, residential housing. He added that he received one (1) inquiry for single family homes consistent with the R-40 zoning and other inquiries for churches and houses of worship, however he received no formal offers.

14. Christopher Otteau, Real Estate Appraiser & Consultant, came forward and was sworn in. He indicated that he conducted a market analysis of the subject area along with potential uses for the proposed property. Mr. Otteau stated that townhouse development is the most financially feasible use for the site. Mr. Otteau indicated that the applicant did consider single family use. He indicated that the price of the land is always the same regardless of the use. The use determines whether the development project yields enough profit or sale price in

order to cover the cost of developing the land. Mr. Otteau recommends marketing three-bedroom units as opposed to two-bedroom units. Mr. Otteau testified that townhouse buyers are looking for a spare guest room and/or office. Mr. Otteau discussed the school enrollment projection for the development, and stated that they utilized the Rutgers study. He indicated that it was outdated, but it is the only study available. The meeting was adjourned to January 19, 2017. The Board requests additional information from applicant as well as clarification of Mr. Otteau's market analysis and gap study evaluation for the left hand turns onto/from Cedar Grove Lane.

Meeting January 17, 2017

15. Jason Hawrylak, Esq. appeared on behalf of the applicant, noting that the hearing is a continuation of the December 1, 2016 meeting, the proposed application is for use variance only. Mr. Hawrylak indicated that Mr. Kennel, Traffic Engineer, will provide a gap study and Mr. Otteau, Real Estate appraiser will provide additional information to the Township.

16. Scott Kennel, Traffic Engineer, came forward and continued to be sworn. The Board again accepted his qualifications. Mr. Kennel testified that additional studies were done. He submitted a Supplemental Traffic Analysis Study, dated December 27, 2016. The additional study includes a Gap Study as well as a Trip Generation Comparison Analysis. Mr. Kennel's comparison analysis showed that a 50 townhome development will generate far less traffic than any other conditional use in the zone. Mr. Kennel checked the accident data for Cedar Grove Lane from January 1, 2014 through December 1, 2016, the results showed very few accidents in that area. Mr. Kennel testified that the Gap Study proves that there is more than sufficient gaps in the traffic stream in Cedar Grove Lane to more than accommodate for the traffic projections for the site.

17. Christopher Otteau, Real Estate Appraiser and Principal, came forward and continued to be sworn. A slide show was entered into the record as Exhibit A-3. Mr. Otteau discussed the issue as to why single family home development is not financially practical or desirable for developers. Mr. Otteau used comparisons and explained how land is marketed and sold as opposed to existing property lots. Mr. Otteau summarized his testimony, indicating that

more townhouses have been sold in comparison to single family homes and the fact that they cost less to construct.

18. Alfred Coco, P.E., came forward and continued to be sworn. Mr. Coco addressed the question as to how/why the proposed townhome community is being designed for 50 units. Mr. Coco indicated that the density of the proposed project is 4.68 units per acre, which is less dense than most other townhome communities in the Township. He believes that it is better to stick with the lower of the possible densities, even with the 20% set aside for affordable housing. Mr. Coco indicated that 8 units per acre will fit on the site adequately, but the developer wanted a larger, more attractive product with garages.

19. The Township thereafter requested to hire their own real estate appraiser, in order to get an opinion and report of the real estate market. A new hearing date of March 16, 2017 was given, so that a viable candidate may have enough time to listen to the tapes and write a report.

Meeting June 15, 2017

20. Jason Hawrylak, Esq. appeared on behalf of the applicant, as previously stated, the proposed application is for use variance only. On January 19, 2017, the Board requested that the meeting be carried for a few weeks so that they could obtain their own expert on real estate appraisals. The Board decided not to obtain an expert and the meeting went forward.

21. Paul Phillips, Planner, appeared before the Board and testified on behalf of the applicant. He indicated that a D-1 Use variance is required and that townhouses are not a permitted use in the R-40 district. Two (2) C variances are required for maximum lot (building) coverage as well as maximum impervious coverage. Once the right-of-way dedication is given to the County, the property will consist of 10.67 acres. Exhibit A-1 shows the present condition of the site, unimproved, wooded and vacant. Mr. Phillips discussed the surrounding area use, indicating that there are hotels, single family homes, multi-family homes and churches. This site is the only vacant developable tract along Cedar Grove Lane north of New Brunswick Road, except for a small vacant piece of land across the street. The Master Plan calls for single family homes, yet most of the development context in the area is not predominantly single family homes. There are some older single family homes, fronting Cedar Grove corridor, but they too, do not conform to the zone standards. He further stated that the dominant uses along the

corridor are multi-family, houses of worship and commercial use. Mr. Phillips opined that the site is not very desirable for single family subdivision. He believes that there is a hardship for the development of single-family designation. He stated that over the last several years the owner of the property has sought to develop the property under the existing R-40 zoning without success. He believes that the variances can be granted without substantial detriment to the public good or substantial impairment to the zone plan or zoning ordinance.

22. Mr. Phillips explained that several meetings took place in order to discuss the Township's zone standards for townhouse development. The only area of the application which does not comply with the Township's standard, is private street width, with a 30 ft. requirement and a 26 ft. proposal. Mr. Phillips considers that the application is a suitable alternative to single family housing. He addressed the Municipal Land Use Law (MLUL) and the special reasons in items (a) general welfare, (e) population control and (g) sufficient space to meet the public needs. He also reminded the Board that the applicant will set aside 20% for affordable housing.

23. Mr. Phillips indicated that all developmental applications have impact. He believes that this proposal for a low density residential townhouse development, is a compatible use, providing sufficient buffering to the adjacent single family residential homes. He explained that the density sought in this proposal is 4.7 units per acre which is less than allowed under the Township cluster ordinance. The property is deep and can allow for the townhouses to be set back 200 feet or more from the street. He added that they are proposing 6 units per building, where the ordinance allows for 8 units per building. Mr. Phillips testified that the applicant will provide more parking than required by RSIS. Mr. Phillips' opinion is that there will be no adverse impacts to the homes at the rear of the property.

24. Mr. Phillips discussed the negative criteria associated with the Zone Plan and Master Plan. He believes that the surrounding development pattern does not show any new single family homes. He indicated that the Township's Master Plan allows for conditional uses, permitting houses of worship, which can be potentially more intense. Mr. Phillips explained that there are two (2) C variances required; lot (building) coverage and impervious coverage. The reasoning for this is that the standards are intended for R-40 single family residential homes. He indicated that some of these variances can be justified and subsumed within the D variance.

25. The Board discussed reconciliation with the 2016 re-examination of the Master Plan and the affects and recommendations of land use for the Cedar Grove Lane corridor. Mr.

Phillips stated that the plan recommends evaluating zoning along Cedar Grove Lane with low density nonresidential use. Essentially, the recommendation was to look at some low scale existing homes to be converted to medical office buildings and things of that nature. That is what the recommendation contemplated, low intensity, nonresidential uses. Mr. Phillips indicated that the Master Plan did not make specific land use recommendations for that segment along Cedar Grove Lane but the land hasn't developed consistent with the zoning and other uses considered for that area. Mr. Phillips explained that even though the townhouses are residential, they meet the intent of low impact. He believes that the proposed application is suitable and will serve the general welfare.

26. No public spoke on the application at the June 15, 2017 meeting.

27. The Board found Mr. Phillips testimony to be persuasive and credible. The Board believes that the townhouse use is particularly suitable for the site and will provide adequate buffering to the nearby properties. The Board found credible Mr. Phillips testimony concerning the appropriateness of the property and the fact that 20% of the units are being designated for affordable housing. The Board agreed with Mr. Phillip's conclusion that the proposed townhomes as hereinafter conditioned meet the intent of low impact and therefore this Use is reconcilable with the Master Plan.

WHEREAS, the Board has made the following ultimate findings and conclusions based upon the foregoing findings of fact:

A. The Board finds from the testimony presented, subject to the conditions agreed upon by the Applicant and imposed by the Board, including the variances and determination made by this Board, that the Applicant has satisfied the positive and negative criteria requirements and has shown special reasons for the D-1 Use Variance pursuant to N.J.S.A. 40:55D-70(d)(1). The Board concludes that the applicant has demonstrated site suitability for townhomes on the proposed site. The Board found persuasive the testimony of planner, Paul Phillips, affirming that townhomes are more appropriate for the site rather than single-family detached homes based on the R-40 requirements. The Board agrees that the townhomes are appropriate given the sites long time underdevelopment.

- B. The Board concludes that the granting of the D(1) Use Variance and associated bulk variances, with respect to lot coverage, impervious coverage and street width, at this site is appropriate given the land and where the land is situated.
- C. The Board concludes that the applied for variances can be granted without substantial impairment to the Master Plan and Zoning Ordinance and will not have a negative impact upon the neighborhood.
- D. The Board concludes that the proposed development, as conditioned, represents good planning and is appropriate for the area and meets the intent and purpose of the Township's Master Plan.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Adjustment on this 7th day of September, 2017, on the basis of the evidence presented to it, the foregoing findings of fact and ultimate findings and conclusions, that the Board does hereby grant the D-1 Use Variance, and associated bulk variances, with respect to lot coverage, impervious coverage and street width, in order to construct a total of 50 townhomes on the proposed property, subject to the following conditions:

- 1. The granting of the Variances shall not be construed to eliminate satisfaction of any other requirements of the zoning ordinance and/or other requirements of the agencies, boards and authorities of the Township of Franklin, County of Somerset or State of New Jersey.
- 2. Any and all fees, properly due and owing the Municipal Board of Adjustment for hearing the application must be paid in advance of building permits being issued.
- 3. Applicant shall comply with representations and agreements as well as the conditions set forth in the findings of fact hereinabove.
- 4. Applicant shall comply with Comments 2(b), 2(c) and 2(e) of the Township Planner's report dated October 19, 2016.
- 5. Applicant agrees that the units will be for sale and not a rental development.
- 6. Applicant agrees that the 10 affordable units will be integrated throughout the townhouse development following applicable COAH and UHAC rules including but not necessarily limited to: filing of necessary deed restriction(s); assignment of an administrative agent; compliance with applicable low/mod.; and compliance with applicable bedroom mix.
- 7. Applicant agrees to work out an acceptable recreational plan in accordance with Township Ordinances as part of the site plan review and approval process.

8. Applicant agrees to provide a sidewalk along the property frontage pursuant to the approval of the County of Somerset and any other required governmental agency.

9. Applicant agrees to provide 50 feet of buffer along the front and 50 feet of buffer or as much as possible along the side property lines on Lots 33 and 35 and will investigate changes to the location of the emergency access drive, basin, Building 9 and/or the recreation to accommodate a buffer of these dimensions.

11. Applicant agrees that the development will contain a total of no more than 38 three-bedroom units.

CHRISTINE WOODBURY
Board Secretary

VOTE ON MOTION: 06/15/2017

FOR:

Raymond Betterbid
Laura Graumann
Donald Johnson
Alan Rich
Anthony Caldwell
Gary Rosenthal
Chairman Thomas

AGAINST

NONE

ABSTENTIONS

NONE

VOTE ON RESOLUTION: 09/07/2017

FOR:

Raymond Betterbid
Laura Graumann
Donald Johnson
Alan Rich
Gary Rosenthal
Chairman Thomas

AGAINST

NONE

ABSTENTIONS

NONE

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF
FRANKLIN, SOMERSET COUNTY, NEW JERSEY,
GRANTING PRELIMINARY AND FINAL SITE PLAN APPROVAL
TO RPM DEVELOPMENT, LLC, CONCERNING PROPERTY LOCATED AT
41 BERRY STREET/28, 34 AND 36 VOORHEES AVENUE/
19 SCHOOL AVENUE, SOMERSET, NEW JERSEY AND
DESIGNATED AS BLOCK 112, LOTS 1-8, 9.01, 16.01, 25.01 AND 42-49; AND
BLOCK 117, LOTS 20-47.**

Docket No. PLN-17-00009

WHEREAS, RPM DEVELOPMENT, LLC (hereinafter referred to as “Applicant”), has applied to the Franklin Township Planning Board (hereinafter referred to as “Board”) for preliminary and final site plan approval and associated variance relief, for the premises currently designated on the Tax Map of the Township of Franklin as Block 112, Lots 1-8, 9.01, 16.01, 25.01 and 42-49; and Block 117, Lots 20-47; and located on what is commonly known as 41 Berry Street; 28, 34 and 36 Voorhees Avenue; and 19 School Avenue, Somerset, New Jersey (hereinafter referred to as the “Subject Property”), and is located within the Churchill-Millstone Residential (“CMR”) zone district; and

WHEREAS, this application falls under the jurisdiction of the Board for approval pursuant to N.J.S.A. 40:55D-1 et seq.; and

WHEREAS, the Applicant was represented by Peter U. Lanfrit, Esq.; and

WHEREAS, a public hearing was held on the application on May 17, 2017 during which time the Applicant presented testimony, witnesses, reviewed the site plan and the case was opened for public comment; and

WHEREAS, the Applicant provided proof of service and publication of all proper notices and advertisements as required pursuant to the Municipal Land Use Law; and

WHEREAS, the Applicant is seeking preliminary and final site plan approval to construct a non-age restricted inclusionary residential development consisting of 151 residential units in five (5) buildings; and

WHEREAS, the Board heard testimony, reviewed exhibits and reports, and established a record that may be characterized as follows:

1. The following reports and/or correspondence were received and reviewed by the Board:
 - A. Application for site plan approval;

- B. New Jersey Department of Environmental Protection – Flood Hazard Area Applicability Determination, File Number: 1808-14-0008.1 APD 140001, dated August 26, 2014;
- C. Survey Plan entitled “Boundary and Topographic Survey for RMP Group,” prepared by Dynamic Survey, LLC, dated September 1, 2016, under the signature of Craig Black, P.E., L.S., consisting of one (1) sheet;
- D. Public Service Electric & Gas – Will Serve Correspondence Letter for RMP Development, LLC provided by Southern Construction Inquiry Department, dated September 2, 2016;
- E. Plans entitled “Franklin Redevelopment – Phase I Floor Plans for RPM Development Group,” prepared by Barton Partners, dated February 23, 2017, under the signature of Thomas C. Barton, R.A., consisting of seven (7) sheets;
- F. Plans entitled “Franklin Redevelopment – Phase I Elevation Plans for RPM Development Group,” prepared by Barton Partners, dated February 23, 2017, under the signature of Thomas C. Barton, R.A., consisting of five (5) sheets;
- G. Engineering Plans entitled “Preliminary and Final Site Plan for RPM Development Group, LLC,” prepared by Dynamic Engineering Consultants, P.C., dated March 3, 2017, under the signature of Thomas Muller, P.E., consisting of twenty-seven (27) sheets;
- H. Stormwater Management, Groundwater Recharge and Water Quality Analysis – RPM Development, LLC prepared by Dynamic Engineering Consultants, PC, dated March 2017, under the signature of Thomas J. Muller, P.E.;
- I. Traffic Impact and Parking Assessment Study – RPM Development, prepared by Dynamic Traffic, LLC, dated April 4, 2017, under the signature of Justin Taylor, P.E., P.T.O.E., LEED AP;
- J. Environmental Assessment Report – RPM Development, LLC, prepared by Dynamic Engineering Consultants, P.C., dated March 2017, under the signature of Thomas Muller, P.E.;
- K. Sanitary Sewer & Potable Water Engineer’s Report – RPM Development, LLC, prepared by Dynamic Engineering Consultants, P.C., dated March 2017, under the signature of Thomas Muller, P.E.;
- L. Memorandum of the Franklin Township Environmental Commission dated April 18, 2017;
- M. Correspondence of the Somerset County Planning Board dated April 24, 2017;
- N. Memorandum of Raymond Cianfrani, Assistant Public Works Manager of the Franklin Township Department of Public Works dated May 9, 2017;
- O. Memorandum of Patricia Elliot of the Somerset County Health Department dated May 9, 2017;

- P. Memorandum of Ofc. Jose N. Jaime of the Franklin Township Police Department dated May 9, 2017;
- Q. Memorandum of John Hauss, Director of the Franklin Township Office of Fire Prevention dated May 9, 2017;
- R. Memorandum of the Franklin Township Sewerage Authority dated May 9, 2017;
- S. Memorandum of Mark Healey, P.P., A.I.C.P., Franklin Township Planner dated May 11, 2017; and
- T. Memorandum of Julio Vega, Jr., P.E., Assistant Franklin Township Engineer dated May 12, 2017.

2. The following exhibits were marked into evidence:

- Exhibit A-1 Photographic array depicting the existing conditions at the Subject Property (4 photographs).
- Exhibit A-2 Site plan.
- Exhibit A-3 Perspective rendering of the site.
- Exhibit A-4 Perspective rendering of the site
- Exhibit A-5 Colorized copy of Building A's North and East architectural elevations.
- Exhibit A-6 16 page packet which included perspective renderings; floor plans of Buildings A, C and D/E; elevations of Buildings A, C and D/E; and photographs of the existing site.
- Exhibit A-7 Colorized aerial map of the Subject Property.
- Exhibit A-8 Sign plan.

3. The following testimony was introduced at the May 17, 2017 hearing:

- A. Mr. Peter U. Lanfrit, Esq., appeared before the Board on behalf of the Applicant, RPM Development, LLC. Mr. Lanfrit explained that the Applicant was proposing a non-age restricted inclusionary residential apartment development on the Subject Property. He indicated that the Applicant proposed to construct five (5) buildings, consisting of 151 residential units in the Redevelopment Area of the CMR zone district. Mr. Lanfrit noted that the application was conforming with the exception of the signs proposed to identify the project. Mr. Lanfrit added that the application met all the density and setback requirements; was well under the allowable height for the buildings; and was well under the density requirements of the CMR zone district.

Mr. Lanfrit informed the Board that the plan that was being presented had been reviewed by the Redevelopment Agency and Township staff on numerous occasions. He added that the Applicant met with the Township

Engineer, Township Planner and other Township staff the day before the hearing. As a result of the meeting, minor changes were made to the plan which was now being presented the Board.

- B. Mr. Robert Cogan, the Applicant's Architect, came forward and was sworn in. The Board accepted his qualifications. Mr. Cogan described the current condition of the Subject Property, prior to redevelopment. He proffered Exhibit A-1, consisting of four (4) photographs depicting the existing site conditions on the Subject Property; which was entered into the record by the Board. Mr. Cogan indicated that the pictures depicted various materials which were left on the Subject Property by a previous construction company.

Mr. Cogan indicated the Applicant began with the conceptual site plan and then developed the architectural design of the project. He indicated that the Applicant engineer then developed the site engineering.

Mr. Cogan then proffered Exhibit A-2, consisting of the Site Plan; which was entered into the record by the Board. Mr. Cogan described the five (5) buildings that would be incorporated into the site, along with a "green" park space that the entire project was designed around. He indicated that the park space was not supposed to be limited for use of the development residents, but also for the surrounding neighborhood. He reiterated Mr. Lanfrit's assertion that the density of the development was much less than permitted in the CMR zone district, by proposing only 3-story buildings as opposed to 4-story buildings and to introduce more market rate units into the project - 45% (68 units) market rate and 55% (83 units) affordable units.

Mr. Cogan then entered into the record as Exhibit A-3, a perspective rendering of the project. He noted that the perspective was centered around the green park space that included street trees, benches and street furniture. He then described the location of the buildings, noting that the Applicant made an effort to bring the buildings closer to the street. The Applicant also incorporated two-story townhouse type buildings, with individual front doors facing the street to encourage street activities, walkability, etc. Mr. Cogan then proffered Exhibit A-4, consisting of another perspective rendering; which was entered into the record by the Board. Referring to Exhibit A-4, he identified the increased lawn area for active recreation created by removing the rain garden.

Mr. Cogan described how the Applicant incorporated elements of the Redevelopment Plan concerning the construction materials used for the

exterior of the buildings to transition between the traditional style of Berry Street and the more modern look for the proposed project. In support of this testimony, Mr. Cogan proffered Exhibit A-5, depicting the north and east elevations for Building A; which was entered into the record by the Board. Referring to Exhibit A-5, he examined the color palette of grays, browns and whites, as well as the use of the stone and panels of the lap siding. He further discussed the different architectural elements used on the building.

Mr. Cogan then examined the breakdown of one, two and three bedroom units. He indicated that the one bedroom units represented 32% (48 units) of the project; the two bedroom units comprised 53% (79 units) of the project; and the three bedrooms were just shy of 15% (24 units) of the project.

In accordance with Mr. Healey's Planning report, Mr. Cogan indicated that the Churchill Millstone Design Standards were incorporated into the design of the project, and that the design had been reviewed and supported by the Redevelopment Agency.

- C. Mr. John Palus, P.E., P.P., the Applicant's Professional Engineer and Professional Planner, came forward and was sworn in. The Board accepted his qualifications. Mr. Palus proffered Exhibit A-7, consisting of a colorized aerial view of the Subject Property; which was entered into the record by the Board. Using both Exhibit A-2 and Exhibit A-7, he reviewed the location and existing conditions of the Subject Property and the surrounding area; noting two wetlands areas on the Subject Property. Mr. Palus advised that the Applicant has secured approvals to address the wetlands areas on the Subject Property. He also noted that there are several access driveways to the Subject Property; and that portions of the Subject Property are overgrown with vegetation.

Referring to Exhibit A-2, Mr. Palus indicated that the Applicant was proposing 151 residential apartment units. He advised that the Applicant would be consolidating the individual lots into one lot. Mr. Palus confirmed that the Applicant would comply with all the items in the Planner's and Engineering Departments' reports, with the exception of a few items which he would specifically identify. He testified that the number of units in each building proposed for the Subject Property, would be broken down as follows:

Building A – 43 units
Building B – 43 units

Building C – 53 units
Building D – 6 units
Building E – 6 units

According to Mr. Palus, modifications were made to the plan to provide parking on the interior portions of Buildings A, B and C; internal to the “L” of the buildings. In areas where parking abutted the buildings, he advised that the Applicant extend the sidewalks to 6 feet in order to comply with the code requirements. He noted that this was accomplished with no modifications to the parking area itself. He reviewed the requirements for parking in the Redevelopment Area, as well as the Residential Site Improvement Standards (“RSIS”); noting that the Township’s Redevelopment Plan required 226 spaces, while the RSIS required 295 spaces.

Mr. Palus stated that the Applicant was currently proposing 218 parking spaces on-site and 22 on the street; for a total of 240 spaces. He indicated that the Applicant would be losing approximately seven (7) parking spaces along School Avenue due to the utility poles along the roadway; but that the Applicant would still comply with the requirements of the Redevelopment Ordinance. He indicated that the Applicant could add four (4) parking spaces along Berry Street by relocating several utility poles along the roadway. Mr. Palus then discussed not striping the internal parallel parking spaces to the required 23 foot length; noting that assuming a 20 foot long space to accommodate for the various types and sizes of vehicles would provide for a greater number of spaces. He advised that this would result in an increase of an additional five (5) parking spaces overall, for a total of 245 parking spaces (a ratio of 1.62 spaces per unit – more than required by the Township’s Redevelopment Plan).

He then reviewed the Applicant’s experience with parking demands of other developments which it has constructed; and opined that the proposed parking for the Subject Property was adequate. With that, Mr. Palus advised that the Applicant was asking the Board to grant the de minimus deviation from the RSIS requirements.

Upon inquiry from the Board, Mr. Palus advised that since the project was a permitted use within the Redevelopment Area and the density was well below the threshold for the CMR zone district, traffic counts were not required. However, he indicated that a traffic analysis was done and submitted as part of the application. He then reviewed the access driveways; advising that the main entrance would be located off of School

Avenue. He noted that the project would include additional driveways for Building A to the southwest and Building B to the southeast; and two driveways on the Berry Street side of the project. Mr. Palus then reviewed a request from the Township Engineer to decrease the turning radii; noting that the Applicant would reduce the radii to the satisfaction of the Township Engineer. He also reviewed traffic circulation on the site; advising that the proposed 24 foot wide drive aisles would accommodate emergency vehicles.

Mr. Palus next reviewed the proposed pedestrian walkways; advising that both onsite and offsite walkways were designed to meet the recommendations of the Township Professionals. Mr. Palus then discussed how refuse and recycling would be address at the Subject Property. He advised that Buildings D and E would have exterior refuse and recycling located in masonry structures; and identified the proposed locations for same. Mr. Palus testified that Buildings A, B, and C would use internal trash and recycling receptacles which would be moved out of the buildings for collection.

Mr. Palus indicated that the Applicant complied with all of the bulk requirements of the CMR zone district. He noted that the project was well below the impervious coverage limit of 100% within the CMR zone district; as the Applicant proposed an impervious coverage of 77%. Mr. Palus advised that the Applicant was also eliminating an existing front yard setback variance condition.

Mr. Palus then advised that the rain garden concept between Buildings A and B had been eliminated. He noted the Township staff (consistent with discussions about the development with the Redevelopment Agency) requested that the Applicant provide for more useable space in that area. Mr. Palus testified that the rain garden wasn't really going to be functioning for ground water recharge; as that function would be handled by the basin further to the east. Mr. Palus then indicated that the Applicant proposed 0.45 acres of green space, primarily open space; which would be enhanced with some shade areas and seating off to the side. He indicated that the side basin would slightly increase but would not have any negative impact.

Mr. Palus then identified the utilities available to service the area between Buildings C, D, and E in a north/south direction; noting that the Applicant worked with the Township Engineer to create an easement for any future maintenance. Mr. Palus then reviewed the lighting for the site, indicating that the lighting would be less intensive than necessary for a retail site

since the proposed project was only residential. He stated that the Applicant proposed 33 decorative gooseneck area lights at a 15 foot height throughout the site. He then identified several building mounted lights located throughout the site.

Mr. Palus supplied testimony concerning the Applicant's landscaping plan, advising that the Applicant was proposing 90 deciduous trees on the site, 3 ornamental trees, 7 evergreen trees, 510 shrubs, 459 ground covers and perennials and about 3,400 different plantings located throughout the rain garden area. He indicated that all landscaped areas would be irrigated.

Mr. Palus then discussed the storm water management system, which included three (3) basins, two (2) of which would be underground and the other an open basin on the southeast side of the Subject Property adjacent to Building B.

Mr. Palus then discussed the proposed signs for the project, noting that the Applicant proposed three (3) signs at the major entrances along each street. He noted that the variances for the signage were the only variance associated with the application. He indicated that the signs identify the location, with the street address shown and sat on a stone base. Mr. Palus indicated that they have a sign comprised of 24 square feet, including the base, where 20 square feet was allowed. He proffered Exhibit A-8, consisting of a sign plan; which was entered into the record by the Board.

- D. Mr. Healey advised that the area of the sign message was less than the area required in the CMR zone district; but exceeded the allowable square footage when including the decorative base. He noted that the sign was 3.4 feet in height, with the base only 2 feet in height. He opined that the signage was extremely modest in size, quite attractive and consistent with applicable design standards.
- E. Mr. Palus acknowledged that a utility easement currently runs through the Subject Property. He noted that the staff reports identified curbing in the area of the easement; and represented that a developer's agreement would confirm that should the curbing need to be disturbed to access the utilities below ground the Applicant would be responsible for replacing the curbing. Mr. Healey added that should there be any disturbance in the easement area, it would be the Applicant's responsibility to address it.

Mr. Palus also delineated the rain garden area that would be removed; noting approximately 65-70% would be changed over to green space. He indicated that the rest of that area would remain as plantings and include other amenities which the Applicant would address to the satisfaction of the Township Planner.

Upon inquiry from the Board concerning the ability of emergency vehicles to access the interior roadways, Mr. Palus confirmed that interior roadways could accommodate such vehicles. Mr. Healey confirmed that the Fire Prevention Office had reviewed the plans, but advised that some of the turning radii would have to be evaluated and adjusted to allow for the turning radius of a ladder truck. Mr. Lanfrit confirmed that the Applicant would address that issue to the satisfaction of Mr. Hauss, the Fire Prevention Director.

- F. Mr. Healey then gave some clarification on some issues already discussed. Regarding the internal roads, he stated that they were proposed as to be owned and maintained by the Applicant, not the Township. He added that the roadways were designed to have an urban feel, but that the Applicant would be responsible for maintaining those areas. Finally, he noted that the park would be open to the public, but would also be owned and maintained by the Applicant.
- G. Upon inquiry of the Board concerning the eliminated rain garden area, Mr. Palus stated that the Applicant was still proposing another rain garden in the southeast corner of the site that would be used for infiltration ground water recharge on the site. He stated that the proposed rain garden function in the park area was not actually going to function as a true rain garden. He added that the one in the southeast corner of the Subject Property would be located away from the public use and better able to grow and function as a true rain garden.

Upon inquiry from the Board concerning the street widths of Voorhees Avenue, School Avenue and Berry Street, Mr. Palus stated that each of the roadways has at least a 24 foot width (exclusive of proposed on-street parking), with Voorhees Avenue having 24.5 feet. He added that Berry Street also has a 7 foot shoulder on the other side of the street.

- H. Mr. Healey asked the Applicant for clarification for the curbing detail on the Township roads; noting that straight curb is proposed for School Avenue; a consistent curb line with parking adjacent thereto on Berry Street; and 9 parking spaces on Voorhees Street – which will remain as proposed since

there were no utility poles thereon. Mr. Palus confirmed Mr. Healey's understanding of the curbing detail.

- I. Mr. Healey mentioned that there were many connecting sidewalks within the site, but that the Township was trying to encourage sidewalk connections outside of the developments. He suggested that there be drop curbs and crosswalks across Berry Street to connect to the sidewalk in front of Berry Street Commons. Mr. Healey then stated that the Township recently constructed a sidewalk on the easterly side of Berry Street between Blair Avenue and Voorhees Avenue and asked the Applicant if they would agree to make those sidewalk connections with handicapped curbs and crosswalks. Mr. Palus confirmed that the Applicant would supply the requested sidewalk, curbs and crosswalks.
- J. Upon inquiry from the Board concerning the ownership of the Subject Property, Mr. Brendan McBride, Representative of the Applicant, came forward and was sworn in. Mr. McBride updated the Board on the status of the land acquisitions for the project, noting that Subject Property was made up of two assemblages of lots. He testified that they were currently the owners of 19 School Road. He noted that the other property (hereinafter the "Buist Site"), was previously occupied by an HVAC contractor, was acquired by the Redevelopment Agency through eminent domain in early 2017. He noted that this parcel would be conveyed in the next week to the Applicant's project entity.

Upon inquiry from the Board concerning the existence of a study demonstrating that there were no hazardous materials existing on the Subject Property from the previous use, Mr. McBride testified that the prior owner had done some remediation work and that the Applicant had secured Phase I environmental assessments for the Subject Property. He noted that there were very limited remaining issues on the Subject Property; consisting primarily of oil stains and the like from vehicles that had been parked there. Mr. McBride advised that there had been extensive remediation done on the Buist Site; and the owner of that site had addressed all of the issues and passed inspection by the NJDEP. Mr. McBride stated that the Applicant had thoroughly examined the reports regarding the remediation, which had been prepared by a licensed site remediation professional, to understand the remedial work performed at the Subject Property. In an abundance of caution, he indicated that the Applicant had their consultant go back and do further ground water testing to confirm that there were no remaining issues.

- K. Upon inquiry from the Board concerning variances requested by the Applicant, Mr. Healey indicated that the only variances concerned the proposed signage; and the testimony of the Applicant's architect and engineer demonstrated that the Applicant could comply with the design standards. Mr. Lanfrit then stated that the Applicant would agree to comply with all staff reports, except as indicated during the hearing; specifically, the waiver from completing a traffic study which was agreed to by the Assistant Township Engineer at the meeting held the previous day.
4. The application was opened by the Board for public comment and no public comment was received.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Franklin, that it does hereby make the following findings of fact and conclusions of law based upon the testimony given in the matter, and reports, documents and materials provided to the Board:

1. Applicant, RPM Development, LLC, is the owner of real property located at 41 Berry Street; 28, 34 and 36 Voorhees Avenue; and 19 School Avenue, Somerset, New Jersey, and currently designated on the Tax Map of the Township of Franklin as Block 112, Lots 1-8, 9.01, 16.01, 25.01 and 42-49; and Block 117, Lots 20-47, same being located within the CMR Zone District. The Subject Property is 5.165 acres in size and is currently improved with residential dwellings and commercial buildings.
2. The Applicant is proposing to construct preliminary and final site plan approval to construct a non-age restricted inclusionary residential development consisting of 151 residential units in five (5) buildings. The Board notes that the lot is compliant as to the bulk requirements of the CMR zone; and the proposed buildings and construction on the Subject Property will be fully compliant with the bulk requirements of the CMR zone with the exception of sign area for the three (3) signs.
3. The Applicant requires three (3) sign area variances for this particular project. In this regard, sign area of 24 square feet is proposed, where sign area of 20 square feet is otherwise required. The Applicant also requires relief from the RSIS parking requirements.
4. The Board is satisfied that the Applicant has provided sufficient evidence and testimony and has met the requirements for preliminary and final site plan approval. In this regard, the Board is satisfied that the Applicant has made adequate provision for ingress and egress from the site, has properly accounted for environmental constraints affecting the Subject Property, has accounted for

appropriate landscaping and tree replacement on the Subject Property as testified and presented to the Board, as well as providing for appropriate site lighting and other site concerns.

5. The Board believes that the Applicant has met its burden pursuant to N.J.S.A. 40:55D-70(c)(2) so as to permit a sign area of 24 square feet where 20 square feet is otherwise required, for each of three proposed signs; and to provide 240 parking spaces (possibly modified up to 245 spaces as addressed above) where 295 spaces are required by the RSIS. In this regard, the Board finds that allowing a departure from the sign area requirement of the Land Development Ordinance promotes not only a desirable visual environment but also allows for greater safety through the prompt identification of the site. The Board notes that the Applicant is eliminating an existing front yard setback variance condition. The Board acknowledges that the message area of the signs is conforming; and that it is due to the fact that the base area of the signs is included in the sign area that the signs do not conform to the CMR zone district requirements. The Board further recognizes that the Applicant complies with the parking requirements of the Redevelopment Plan. The Board finds that there have been no demonstrated detriments with the provision of a sign area in an amount greater than that required by the Land Development Ordinance or the provision of parking in an amount less than the RSIS requirements. The Board perceives no detriment to the public from the granting of the variances; permitting the Board to conclude that the benefits substantially outweigh any detriment from the granting of the variances.
6. The Board finds that this is an appropriate use of the Subject Property and notes that the proposed structures are consistent with the neighborhood and CMR design standards and zone district. Provided all of the conditions of approval are met, the variance can be granted without substantial detriment to the intent and purpose of the Land Development Ordinance of the Township of Franklin. The granting of this variance will not change the character of the neighborhood in which the Subject Property is located. The variance can also be granted without substantial detriment to the public good. The traditional Municipal Land Use Law goals of light, air and open space will not be substantially compromised by the granting of the variance.

BE IT FURTHER RESOLVED, by the Planning Board of the Township of Franklin as follows:

1. Preliminary and final site plan approval is hereby granted to the Applicant for the construction of the proposed non-age restricted inclusionary residential development consisting of 151 residential units in five (5) buildings, as presented

to the Board and detailed on the preliminary and final site plan drawings which the Applicant will revise in accordance with the requirements of this resolution.

2. Variance relief pursuant to N.J.S.A. 40:55D-70(c)(2) is hereby granted to Applicant so as to permit the following:
 - A. Sign area of 24 square feet; where a maximum of 20 square feet is otherwise required – for each of the three (3) proposed signs; and
 - B. 240 parking spaces; where 295 parking spaces are required under the RSIS.

3. The within preliminary and final site plan approval and associated variance relief and waivers granted herein are expressly based upon the plans, reports and testimony submitted to the Planning Board. These approvals are subject to and upon the following conditions:
 - A. The Applicant shall comply with any and all conditions, requirements, and agreements as set forth within this Resolution, as well as any and all representations made to the Board, both orally and in writing, whether contained in this Resolution or not including but not necessarily limited to:
 - (1). Preparation and recordation of a deed consolidating the Subject Property to the satisfaction of the Board Professionals;
 - (2). Opening of the park space on the Subject Property to the residents of the neighboring community, as well as the residents of the Subject Property; and maintenance of the park space by the Applicant;
 - (3). Revision of the plans to decrease the turning radii to the satisfaction of the Township Engineer;
 - (4). Confirmation in a Developer's Agreement that should access to the utility easement encumbering the Subject Property require any disturbance to the improvements on the Subject Property, the Applicant will repair and/or replace any improvements so disturbed to the satisfaction of the Township;
 - (5). Revision of the plans to address the planting area in the park space to the satisfaction of the Board Planner;
 - (6). Revision of the plans as necessary to confirm that a ladder truck can adequately access the Subject Property to the satisfaction of the Fire Prevention Director; and
 - (7). Revision of the plans to provide sidewalk, depressed curbing and crosswalks linking the Subject Property to neighboring properties , as addressed herein, to the satisfaction of the Board's Professionals.

- B. The Applicant shall comply with all comments and conditions as set forth within the reports of the Board professionals and Township staff as provided to the Applicant except as may have been specifically modified by the Board during the hearing and within this Resolution.
- C. The Applicant shall satisfy and post any and all escrows and pay any taxes as required by law or by ordinance.
- D. The Applicant shall obtain any and all approvals required by any other governmental agency having jurisdiction over the development.
- E. The development shall not be subject to the payment of applicable affordable housing development fees; as it is an inclusionary development.
- F. The Applicant shall provide the type and number of affordable units as identified herein and shall comply with all applicable affordable housing requirements including the Uniform Housing Affordability Controls (“UHAC”) including but not limited to pricing, bedroom mix, low/moderate income split, affirmative marketing, assignment of a COAH-qualified Administrative Agent and recording of a deed restriction.

BE IT FURTHER RESOLVED, by the Township of Franklin Planning Board, that:

1. All conditions contained in this Resolution and in the record of the proceedings in this matter, including any agreements made by the Applicant, were essential to the Board’s decision to grant the approvals set forth herein. A breach of any such condition or a failure by the Applicant to adhere to the terms of any agreement within the time required shall result in the automatic revocation of the within approval and shall terminate the right of the Applicant to obtain or continue work or occupancy under any construction permits, Certificates of Occupancy or any other governmental authorizations necessary in order to continue development and use of the project.
2. The development of this property shall be implemented in accordance with the plans submitted and as approved. In the event that the Applicant shall make or propose any changes to the project or structures on the property from those shown on the revised and approved plans and exhibits approved for this application, whether such changes in voluntarily undertaken or required by any other regulatory agency, Applicant shall resubmit any such changes to this Board for review and determination.

Christine Woodbury, Planning Board Secretary

VOTE ON MOTION: 05/17/2017

FOR:

Councilman Chase
Carl Hauck
Robert Mettler
Godwin Omolola
Jennifer Rangow

AGAINST:

NONE

ABSTAINS:

NONE

VOTE OF RESOLUTION: 06/21/2017

FOR:

AGAINST:

ABSTAINS:

APPENDIX H



RESOLUTION - AFFORDABLE HOUSING - EXTENSION OF EXPIRING AFFORDABLE HOUSING CONTROLS FOR LOW AND MODERATE INCOME UNITS IN CERTAIN DEVELOPMENTS

WHEREAS, the New Jersey Supreme Court and New Jersey Legislature have recognized and mandated in *So. Burlington County NAACP v. Mount Laurel*, 92 N.J. 158 (1983) and the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. that every municipality in New Jersey has an affirmative obligation to facilitate the provision of affordable housing; and

WHEREAS, affordable housing units created within the State of New Jersey pursuant to regulations promulgated by the New Jersey Council on Affordable Housing have been subject to the regulations enforceable as deed restrictions on such units as set forth in N.J.A.C. 5:93-9.1, et seq.; and

WHEREAS, affordable housing units within the State of New Jersey are subject to the regulations promulgated as the New Jersey Uniform Housing Affordability Controls, N.J.A.C. 5:80-1, et seq.; and

WHEREAS, pursuant to N.J.A.C. 5:93-9.8, an eligible seller of a low or moderate income unit which have exceeded the time period for affordability controls in the deed restrictions may exercise the repayment option and sell to any purchaser at market price, providing that 95% of the price differential is paid to the administrative entity, as an instrument of the municipality, at closing; and

WHEREAS, N.J.A.C. 5:93-9.9 provides that a municipality may address a portion of its affordable housing obligation through the extension of affordability controls by municipal rejection of the repayment option for a period of time; and

WHEREAS, N.J.A.C. 5:80-26.25(a) provides that “a municipality shall have the right to determine that the most desirable means of promoting an adequate supply of low-and-moderate income housing is to prohibit the exercise of the repayment option and maintain controls on lower income units sold within the municipality beyond period required by N.J.A.C. 5:93-9.2”; and

WHEREAS, pursuant to N.J.A.C. 5:80-26.25(a) the determination to prohibit the exercise of the repayment option shall be made by a Resolution of the municipal governing body; and

WHEREAS, the Township of Franklin entered into a Settlement Agreement with the Fair Share Housing Center dated November 3, 2017 for its 1999-2025 affordable housing obligations, which anticipated the extension of affordable housing units within the municipality in the following developments: Society Hill III; Quailbrook East; Beacon Hill (Society Hill V); Society Hill VI; and Wynnfield (Society Hill VIII); and

Franklin Township



In Somerset County

WHEREAS, the Court's Special Master, Francis J. Banisch, II, A.I.C.P, P.P., provided a Report of the Special Master dated December 8, 2017, finding that the Township's Settlement Agreement with the Fair Share Housing Center will adequately protect the interests of low moderate income households; and

WHEREAS, the Hon. Thomas C. Miller, P.J.C.V. held a Fairness Hearing and determined on December 11, 2017 that the aforementioned Settlement Agreement was fair and reasonable to the interests of lower-income households;

WHEREAS, the Conditional Order of Compliance issued by Judge Miller requires that the Township submit to the Special Master for review and comment the Township's Housing Element and Fair Share Plan and all Resolutions and Ordinance necessary to implement the implement the Housing Element and Fair Share Plan and that the Township Council adopt all necessary effectuating Resolutions and Ordinances.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey has determined, in accordance with N.J.A.C. 5:80-26.25, N.J.A.C. 5:93-9.9, that the most desirable means of promoting an adequate supply of low and moderate income housing is to prohibit the repayment option set forth in N.J.A.C. 5:93-9.8 and to maintain controls on lower income housing units sold within the municipality beyond the period required by N.J.A.C. 5:93-9.2; and

BE IT FURTHER RESOLVED that subject to and upon the Special Master's receipt of this Resolution, the Township of Franklin does hereby prohibit the exercise of the repayment option, as set forth in N.J.A.C. 5:80-26.25, and does maintain the continued operation of the affordability controls on such affordable housing units within the Society Hill III, Quailbrook East, Beacon Hill (Society Hill V), Society Hill VI, and Wynnfield (Society Hill VIII) developments. Such prohibition shall be for a period of thirty (30) years beyond the original date set forth for same pursuant to N.J.A.C. 5:93-9.2 or any other applicable law, rule, regulation, deed, or agreement. During such an extended period, no seller may utilize the repayment option permitted by N.J.A.C. 5:93-9.8; and

BE IT FURTHER RESOLVED that the aforementioned extension of affordability controls is immediately effective to those units within the Society Hill III, Quailbrook East, Beacon Hill (Society Hill V), Society Hill VI, and Wynnfield (Society Hill VIII) developments having agreed to subject their unit to extension pursuant to N.J.A.C. 5:93-9.9, N.J.A.C. 5:80-26.25, or any other law, regulation, court ruling, deed, master deed, or agreement that would otherwise provide the municipality with the ability to extend affordability controls; and

BE IT FURTHER RESOLVED that this Resolution and the associated extension of

Franklin Township



In Somerset County

affordability controls shall become effective as to any low and moderate income units within the Society Hill III, Quailbrook East, Beacon Hill (Society Hill V), Society Hill VI, and Wynnfield (Society Hill VIII) developments wherein the unit owner has not yet agreed to subject their unit to extension pursuant to N.J.A.C. 5:93-9.9, N.J.A.C. 5:80-26.25, or any other law, regulation, court ruling or agreement that would otherwise provide the municipality with the ability to extend affordability controls, but, prior to the expiration of their affordability controls agrees to subject themselves to such extension; and

BE IT FURTHER RESOLVED that the Township Clerk is directed to (a) provide public notice of the adoption of this Resolution by publishing it in a newspaper of general circulation in the Township of Franklin; (b) notify the Township of Franklin affordable housing administrative agent of the adoption of this Resolution; and (c) notify the Special Master of the adoption of this resolution; and

BE IT FURTHER RESOLVED that the affordable housing administrative agent for the Township of Franklin shall direct that this Resolution and/or any other pertinent documents effectuating same be recorded with the Clerk of Somerset County so as to provide additional notice of the prohibition and effective extension of the period of controls of the deed restrictions on all affected housing units.

CERTIFICATION

I, Ann Marie McCarthy, Township Clerk of the Township of Franklin, in the County of Somerset, do hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the Township Council at a Work Session/Regular Meeting held on the 3/13/2018.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of said Township this 3/13/2018.

Ann Marie McCarthy
Township Clerk

Verified and Encumbered as to Availability of Funds:

Date: 3/13/2018

Account No.:

PO No.:

By: _____
KATHLEEN MOODY, Director of Revenue & Finance

Franklin Township

In Somerset County



Township Council

Ann Marie Marie McCarthy
Township Clerk
annmarie.mccarthy@twp.franklin.nj.us

Council Chambers
475 DeMott Lane
Somerset, NJ 08873
732.873.2500
Fax: 732.873.1059
www.franklintwpnj.org

MEMORANDUM

To: Ann Marie McCarthy, Township Clerk

From: Ann Marie Marie McCarthy, Township Clerk

Date: 3/13/2018

RE: 18-100

**Extension of Expiring Affordable Housing Controls for
Low and Moderate Income Unites in Certain
Developments**

APPENDIX I



Peter J. O'Connor, Esq.
Kevin D. Walsh, Esq.
Adam M. Gordon, Esq.
Laura Smith-Denker, Esq.
David T. Rammler, Esq.
Joshua D. Bauers, Esq.

November 3, 2017

Louis N. Rainone, Esq.
Rainone, Coughlin, and Minchello
One Woodbridge Center, Suite 515
Woodbridge, NJ 07095

**Re: In the Matter of the Application of the Township of Franklin, County
of Somerset, Docket No. SOM-L-866-15**

Dear Mr. Rainone:

This letter memorializes the terms of an agreement reached between the Township of Franklin (the Township or "Franklin"), the declaratory judgment plaintiff, and Fair Share Housing Center (FSHC), a Supreme Court-designated interested party in this matter in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015)(Mount Laurel IV) and, through this settlement, a defendant in this proceeding.

Background

Franklin filed the above-captioned matter on June 30, 2015 seeking a declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq. in accordance with In re N.J.A.C. 5:96 and 5:97, supra. FSHC and the Township appeared before the Hon. Thomas C. Miller, P.J.Cv., and worked with the Court-appointed Special Master Francis J. Banisch, III, AICP, PP, to review the Township's affordable housing plans. Through this process, the Township and FSHC have agreed to settle the litigation and to present the settlement to the trial court with jurisdiction over this matter for review and approval, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households.

Settlement terms

The Township and FSHC hereby agree to the following terms:

1. FSHC agrees that the Township, through the mechanisms described in the attached draft outline of a Housing Element and Fair Share Plan, Exh. A, and the adoption and implementation of a Housing Element and Fair Share Plan consistent with that outline and this agreement, satisfies its obligations under the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., for the Prior Round (1987-1999) and Third Round (1999-2025).
2. At this time and at this particular point in the process resulting from the Supreme Court's Mount Laurel IV decision, when fair share obligations have yet to be definitively determined, it is appropriate for the parties to arrive at a settlement regarding a municipality's Third Round present and prospective need instead of doing so through plenary adjudication of the present and prospective need.

3. FSHC and Franklin hereby agree that Franklin's affordable housing obligations are as follows:

Rehabilitation Share (per Kinsey Report ¹)	104
Prior Round Obligation (pursuant to N.J.A.C. 5:93)	766
Third Round (1999-2025) Prospective Need (per Kinsey Report, as adjusted through this settlement agreement)	2076

4. For purposes of this agreement, the Third Round Prospective Need shall be deemed to include the Gap Period Present Need, which is a measure of households formed from 1999-2015 that need affordable housing, that was recognized by the Supreme Court in its January 18, 2017 decision in In re Declaratory Judgment Actions Filed By Various Municipalities, ___ N.J. ___, 2017 WL 192895 (Jan. 18, 2017).
5. The Township's efforts to meet its present need includes an ongoing municipally-sponsored rehabilitation program. The township will continue to operate this program, funded through CDBG Program funds and the Affordable Housing Trust Fund to satisfy the Township's present need obligation of 104 units.
As noted above, the Township has a Prior Round prospective need of 766 units, which is met through the compliance mechanisms specified in Exhibit A.
6. The Township has implemented or will implement compliance mechanisms to address its Third Round prospective need as specified in Exhibit A.
7. The Township agrees to require 13% of all units referenced in this plan, with the exception of units constructed as of July 1, 2008, and units subject to preliminary or final site plan approval, to be very low income units, with half of the very low income units being available to families. The municipality will comply with those requirements as specified in Exhibit A
8. The Township shall meet its Third Round Prospective Need in accordance with the following standards as agreed to by the Parties and reflected in Exhibit A:
- a. Third Round bonuses will be applied in accordance with N.J.A.C. 5:93-5.15(d).
 - b. At least 50 percent of the units addressing the Third Round Prospective Need shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.
 - c. At least twenty-five percent of the Third Round Prospective Need shall be met through rental units, including at least half in rental units available to families.
 - d. At least half of the units addressing the Third Round Prospective Need in total must be available to families.
 - e. The Township agrees to comply with an age-restricted cap of 25% and to not request a waiver of that requirement. This shall be understood to mean that in

¹ David N. Kinsey, PhD, PP, FAICP, NEW JERSEY LOW AND MODERATE INCOME HOUSING OBLIGATIONS FOR 1999-2025 CALCULATED USING THE NJ COAH PRIOR ROUND (1987-1999) METHODOLOGY, May 2016.

no circumstance may the municipality claim credit toward its fair share obligation for age-restricted units that exceed 25% of all units developed or planned to meet its cumulative prior round and third round fair share obligation.

9. Section 112-74 of the Township's code requires a 15% affordable set-aside for apartment and townhouse developments (with a density bonus if the set-aside is 20%), which uses are permitted within the Township's Cluster Residential (C-R) zone. The Township shall maintain the set-aside requirement of Section 112-74 through at least July 7, 2025.
10. The Township shall add to the list of community and regional organizations in its affirmative marketing plan, pursuant to N.J.A.C. 5:80-26.15(f)(5), Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, and the New Brunswick, Plainfield Area, Perth Amboy, and Metuchen/Edison branches of the NAACP, and shall, as part of its regional affirmative marketing strategies during its implementation of this plan, provide notice to those organizations of all available affordable housing units. The Township also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this paragraph.
11. All units shall include the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et. seq. or any successor regulation, with the exception that in lieu of 10 percent of affordable units in rental projects being required to be at 35 percent of median income, 13 percent of affordable units in such projects shall be required to be at 30 percent of median income, and all other applicable law, The Township as part of its HEFSP shall adopt and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied. Income limits for all units that are part of the Plan required by this Agreement and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 shall be updated by the Township annually within 30 days of the publication of determinations of median income by HUD as follows:
 - a. Regional income limits shall be established for the region that the Township is located within (i.e. Region 3) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Township's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.

- b. The income limits attached hereto as Exhibit B are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for FY 2017, and shall be utilized until the Township updates the income limits after HUD has published revised determinations of median income for the next fiscal year.
 - c. The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Township annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.
 - d. The parties agree to request the Court prior to or at the fairness hearing in this matter to enter an order implementing this paragraph of this Agreement.
12. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b and all other applicable law.
13. As an essential term of this settlement, within one hundred and twenty (120) days of Court's approval of this Settlement Agreement, the Township shall adopt a Housing Element and Fair Share Plan and Spending Plan consistent with this Agreement and Exhibit A and introduce and adopt an ordinance providing for the amendment of the Township's Affordable Housing Ordinance and Zoning Ordinance to implement the terms of this settlement agreement and Exhibit A and the zoning contemplated herein.
14. The parties agree that if a decision of a court of competent jurisdiction in Somerset County or if no decision, a court of competent jurisdiction within COAH's Region 3 (Hunterdon, Middlesex and Somerset Counties), or a determination by an administrative agency responsible for implementing the Fair Housing Act, or an action by the New Jersey Legislature, would result in a calculation of an obligation for the Township for the period 1999-2025 that would be lower by more than twenty (20%) percent than the total prospective Third Round need obligation established in this agreement, and if that calculation is memorialized in an unappealable final judgment, the Township may seek to amend the judgment in this matter to reduce its fair share obligation accordingly. Notwithstanding any such reduction, the Township shall be obligated to implement the fair share plan attached hereto, including by leaving in place any site specific zoning adopted or relied upon in connection with the Plan approved pursuant to this settlement agreement; taking all steps necessary to support the development of any 100% affordable developments referenced herein; maintaining all mechanisms to address unmet need; and otherwise fulfilling fully the fair share obligations as established herein. The reduction of the Township's obligation below that established in this agreement does not provide a basis for seeking leave to amend this agreement or seeking leave to amend an order or judgment pursuant to R. 4:50-1. If the Township prevails in reducing its prospective need for the Third Round, the Township may carry over any resulting extra credits to future rounds in conformance with the then-applicable law.
15. The Township will prepare a revised spending plan within one hundred and twenty (120) days of Court's approval of this Settlement Agreement and provide it to FSHC and the Special Master for review and request approval of the Plan by the Court. The Township reserves the right to request that the expenditures of funds contemplated under the agreement constitute "commitment" for expenditure pursuant to N.J.S.A. 52:27D-329.2

and -329.3, with the four-year time period for expenditure designated pursuant to those provisions beginning to run with the entry of a final judgment approving this settlement in accordance with the provisions of In re Tp. Of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563). On the first anniversary of the Court's approval of this Settlement Agreement, and every anniversary thereafter through the end of term of repose, the Township agrees to provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services. The reporting shall include an accounting of all housing trust fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.

16. On the first anniversary of the Court's approval of this Settlement Agreement, and every anniversary thereafter through the end of term of repose, the Township agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and FSHC.
17. The Fair Housing Act includes two provisions regarding action to be taken by the Township during the ten-year period of protection provided in this agreement. The Township agrees to comply with those provisions as follows:
 - a. For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Township will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the court regarding these issues.
 - b. For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of the Court's approval of this Settlement Agreement, and every third year thereafter, the Township will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein.
18. FSHC is hereby deemed to have party status in this matter and to have intervened in this matter as a defendant without the need to file a motion to intervene or an answer or other pleading. The parties to this agreement agree to request the Court to enter an order declaring FSHC is an intervenor, but the absence of such an order shall not impact FSHC's rights.
19. This settlement agreement must be approved by the Court following a fairness hearing as required by Morris Cty. Fair Hous. Council v. Boonton Twp., 197 N.J. Super. 359, 367-69 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986); East/West-Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328-29 (App. Div. 1996). The Township shall present its planner as a witness at this hearing. The parties anticipate the Court-appointed Special Master shall also appear as a witness at this hearing. FSHC agrees not to

challenge the attached Plan (Exh. A) at the fairness hearing. In the event the Court approves this proposed settlement, the parties contemplate the municipality will receive either a "Judgment of Compliance and Repose" or "the judicial equivalent of substantive certification and accompanying protection as provided under the FHA," as addressed in the Supreme Court's decision in In re N.J.A.C. 5:96 & 5:97, 221 N.J. 1, 36 (2015). The "accompanying protection" shall remain in effect through July 1, 2025. Each party may advocate regarding whether the judicial equivalent of substantive certification or a Judgment of Compliance and Repose should be provided by the Court, with each party agreeing to accept either form of relief and to not appeal an order granting either form of relief. If the settlement agreement is rejected by the Court at a fairness hearing it shall be null and void.

20. The Township agrees to pay \$5,000 to FSHC within 10 days of the entry of an order approving this agreement after the fairness hearing referenced above.
21. If an appeal is filed of the Court's approval or rejection of the Settlement Agreement, the Parties agree to defend the Agreement on appeal, including in proceedings before the Superior Court, Appellate Division and New Jersey Supreme Court, and to continue to implement the terms of the Settlement Agreement if the Agreement is approved before the trial court unless and until an appeal of the trial court's approval is successful at which point, the Parties reserve their right to rescind any action taken in anticipation of the trial court's approval. All Parties shall have an obligation to fulfill the intent and purpose of this Agreement.
22. This settlement agreement may be enforced through a motion to enforce litigant's rights or a separate action filed in Superior Court, Somerset County. A prevailing movant or plaintiff in such a motion or separate action shall be entitled to reasonable attorney's fees.
23. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections.
24. This Agreement shall be governed by and construed by the laws of the State of New Jersey.
25. This Agreement may not be modified, amended or altered in any way except by a writing signed by each of the Parties.
26. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same Agreement.
27. The Parties acknowledge that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each party is the proper person and possess the authority to sign the Agreement, that this Agreement contains the entire understanding of the Parties and that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.
28. Each of the Parties hereto acknowledges that this Agreement was not drafted by any one of the Parties, but was drafted, negotiated and reviewed by all Parties and, therefore, the

presumption of resolving ambiguities against the drafter shall not apply. Each of the Parties expressly represents to the other Parties that: (i) it has been represented by counsel in connection with negotiating the terms of this Agreement; and (ii) it has conferred due authority for execution of this Agreement upon the persons executing it.

29. Any and all Exhibits and Schedules annexed to this Agreement are hereby made a part of this Agreement by this reference thereto. Any and all Exhibits and Schedules now and/or in the future are hereby made or will be made a part of this Agreement with prior written approval of both Parties.
30. This Agreement constitutes the entire Agreement between the Parties hereto and supersedes all prior oral and written agreements between the Parties with respect to the subject matter hereof except as otherwise provided herein.
31. No member, official or employee of the Borough shall have any direct or indirect interest in this Settlement Agreement, nor participate in any decision relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.
32. Anything herein contained to the contrary notwithstanding, the effective date of this Agreement shall be the date upon which all of the Parties hereto have executed and delivered this Agreement.
33. All notices required under this Agreement ("Notice[s]") shall be written and shall be served upon the respective Parties by certified mail, return receipt requested, or by a recognized overnight or by a personal carrier. In addition, where feasible (for example, transmittals of less than fifty pages) shall be served by facsimile or e-mail. All Notices shall be deemed received upon the date of delivery. Delivery shall be affected as follows, subject to change as to the person(s) to be notified and/or their respective addresses upon ten (10) days notice as provided herein:

TO FSHC:

Adam M. Gordon, Esq.
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, NJ 08002
Phone: (856) 665-5444
Telecopier: (856) 663-8182
E-mail: adamgordon@fairsharehousing.org

TO THE TOWNSHIP:

Louis N. Rainone, Esq.
Rainone, Coughlin, and Minchello
One Woodbridge Center, Suite 515
Woodbridge, NJ 07095

Telecopier: (732) 791-1555
Email: lrainone@njrcmlaw.com

**WITH A COPY TO THE
MUNICIPAL CLERK:**

Ann McCarthy, Township Clerk
475 DeMott Lane
Somerset, NJ 08873

Telecopier: (732) 873-1059
Email: Annmarie.mccarthy@twp.franklin.nj.us

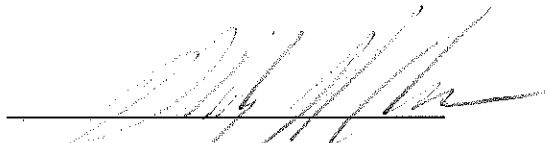
Please sign below if these terms are acceptable.

Sincerely,



Adam M. Gordon, Esq.
Counsel for Intervenor/Interested Party
Fair Share Housing Center

On behalf of the Township of Franklin, with the authorization
of the governing body:



Dated: Nov 9 2017

**EXHIBIT A:
AFFORDABLE HOUSING
FRANKLIN TOWNSHIP (SOMERSET COUNTY)**

*Prepared by: Mark Healey, AICP/PP
Director of Planning*

PRIOR ROUND OBLIGATION

Franklin Township has a prior round obligation of 766 affordable housing units. The Prior Round (1986-1999) obligation of 766 affordable units was cited in the Township's Second Substantive Certification from COAH and in the Township's Third Round Substantive Certification from COAH.

The "Prior Round Plan" table outlines compliance similar to the Township's second and third round substantive certifications from COAH - i.e., the Township exceeds the 766 unit prior round obligation. This submittal includes the same developments and unit counts (totaling 723 units) certified by COAH in the Township's previous substantive certifications and includes the same bonuses (140 bonus credits) certified by COAH in the Township's Second and Third Round Substantive Certifications from COAH.

All prior round developments have been **constructed** and are **occupied** and all such units (and bonuses) were included in First and/or Second Round Fair Share Plans that received Substantive Certification from COAH. With 723 completed units and 140 family rental bonus credits, the total number of credits equals 863, resulting in a prior round surplus of 97 credits.¹

THIRD ROUND PLAN

The Township's Third Round Plan consists of the following components:

- 1,229 new "third round" units
- 97 unit surplus from prior round
- 315 unit extension of expiring credits
- 519 bonus credits

Total Third Round: 2,160 units.

¹ All of the prior round figures (including each of the projects, RCA, application of the rental bonus and prior round surplus) were confirmed by COAH via Substantive Certification of previously approved Fair Share Plans.

Of the 1,229 new "third round" units:

- **822** have been **constructed** and **occupied** by low and moderate income households
- Another **239** affordable units have site development approvals in place, the majority of which (i.e., the 100 affordable units remaining in the Summerfields development and next 19 affordable units in Leewood) are currently **under construction**
- The remaining **168** units (e.g., last phases of the Leewood and the RPM developments) are **already zoned for the proposed developments** and have **agreements in place that address the obligation** to provide affordable housing.

Third Round Mechanisms

Following is a summary of the projects comprising the Township's Third Round Plan and the status of each:

	Affordable Units	Status
Avalon at Somerset	58	constructed/ occupied
Berry Street Commons	92	constructed/ occupied
Cedar Manor	28	constructed/ occupied
Franklin Commons	65	constructed/ occupied
Habitat for Humanity "I" and "II"	16	constructed/ occupied
Habitat for Humanity "III"	7	2 occupied/ rest development agreement
Hidden Brook at Franklin	85	constructed/ occupied
Independence Crossing	63	constructed/ occupied
Leewood	38	First phase constructed/ occupied; next phase under construction
Parkside Family	68	constructed/ occupied
Parkside Senior	70	constructed/ occupied
Somerset Park	84	constructed/ occupied
Voorhees Station	61	constructed/ occupied
Florez Townhomes	5	Site plan approval
Future RPM and Leewood Phases	130	Redevelopment agreements
Springhill Senior	38	Zoned/ development agreement
Somerset Square (next RPM phase)	83	Site plan approval
Corporate Community	22	Site plan approval
Summerfields at Franklin	150	first affordable phases (50 units) occupied in 2016; remainder currently under construction
Special Needs Housing	63	constructed/ occupied
Special Needs Housing	3	Under construction
TOTAL	1,229	

Bonus Credits - Application of Bonuses and Bonus Cap

With respect to bonus credits:

- This submittal applies bonus credits in the manner permitted by COAH 's Second Round rules.
- Submittal complies with rule that indicates that a municipality may apply no more than 25% of its obligation in the form of bonus credits.
- Submittal complies with rule that indicates that a municipality may not receive more than one type of bonus for any one unit.

Compliance with Other Requirements of COAH Rules and Fair Housing Act

The Township's affordable housing plan complies (and in many cases *well exceeds*) various other requirements of the COAH rules and Fair Housing Act. For example, the number of affordable *rental units* is nearly *double* the requirement. The number of affordable *family rental units* is *more than double* what is required. The Township is also well in compliance with the 25% age-restricted unit cap and the 13% very low income requirement. The Township is in compliance with each of the following:

- Family Housing Requirement: 772 units required² - 1,150 units provided³
- 25% Age-Restricted Limitation: 519 unit limit⁴ - 323 units provided
- Rental Housing Requirement: 519 units required⁵ - 1,143 units provided
- Family Rental Housing Requirement: 260 units required⁶ - 749 units provided
- Very Low Income Requirement: 160 units required⁷ - 172 units provided⁸

The Township's "third round" low/mod mix consists of 63% low-income units and 37% moderate income units.

² N.J.A.C. 5:97-3.9. The cited requirement and the number provided include extension of expiring controls.

³ Includes 315 unit extension of expiring controls

⁴ N.J.A.C. 5:97-3.10(c)2.

⁵ N.J.A.C. 5:97-3.10(b)3.

⁶ N.J.A.C. 5:97-3.4(b).

⁷ N.J.S.A 52:27D-329.1.

⁸ The Township reserves the right to count additional special need housing homes towards the Township's very low income obligation if it is determined that such units are reserved for very low income individuals. It is further noted that The Lena and David T. Wilentz Senior Residence (fka, "Central Jersey Home for the Aged"), the 100-unit "prior cycle" development described above, is restricted to very low income households as well and is so restricted in perpetuity.

Rehabilitation Obligation

The Township has an on-going municipally-sponsored rehabilitation program that has been in existence for over a decade. This program has been utilized in both prior rounds to address its rehabilitation obligation. The program has been previously approved by COAH. The Township has rehabilitated 65 units since April of 2010, leaving a remaining obligation of 39 units, or roughly 4 units per year for the next 10 years. The Township will continue to operate its on-going housing rehabilitation program which will be funded through CDBG Program funds and the Township's Affordable Housing Trust Fund.

Extension of Expiring Controls

The Township will extend the affordable controls on the affordable units in the developments listed in the table below. All of these units are non-age restricted home ownership affordable units and all were included in COAH's grant of prior round Substantive Certification. The Township will take necessary legislative action and make necessary filings to effectuate extension of these controls. The control period for this extension will be at least 30 years. The Township will solicit the assistance of the Township's Administrative Agent, Central Jersey Housing Resource Center, to inform involved parties.

Developments	Affordable Units
Beacon Hill (Society Hill V)	73
Quailbrook East	27
Society Hill III	64
Society Hill VI	72
Wynnfield (Society Hill VIII)	79
TOTAL	315

Additional Matters

- All developments in this submittal are approvable, developable and suitable as evidenced by the fact that all the developments are either:
 - already constructed and occupied;
 - under construction;
 - permitted by existing zone;
 - have received necessary development approvals; and/or
 - were found approvable, developable and suitable by COAH by virtue of their inclusion in COAH's grant of third round substantive certification.

- All of the developments in this submittal are permitted by existing zoning.

- All the developments in this submittal are located within the Township's Sewer Service Area (SSA), are served by public sewer and public water, with adequate capacity necessary to serve the developments.
- All of the developments in this submittal are located within either the Metropolitan Planning area (Planning Area 1) or the Suburban Planning Area (Planning Area 2) on the State Plan Policy Map.
- Subsequent to, and as a requirement of, the Township's receipt of Third Round Substantive Certification from COAH, the Township adopted necessary affordable housing ordinances (including but not limited to affirmative marketing).
- Via its annual unit monitoring process, COAH has acknowledged receipt of required information (e.g., necessary deed restrictions, assignment of administrative agent, etc.) for each of the completed developments.

Prior Round Plan: 1986-1999

	# Affordable Units	Rental	Owner	Senior	occupied	family rental bonus	total bonus	total credits	# relative to obligation	Obligation
Prior Cycle (pre-1986)										
The Lena and David T. Wilentz Senior Residence (fka, "Central Jersey Home for the Aged")*	100	100		100	100			100		
Society Hill I *	26		26		26			26		
SUBTOTAL	126	100	26	100	126	0	0	126		
Prior Rounds (1986-1999)										
Beacon Hill	73		73		73			73		
Countryside Apartments	48	48			48	40	40	88		
Habitat for Humanity	1		1		1			1		
Quailbrook East	27		27		27			27		
Society Hill I	56		56		56			56		
Society Hill III	64		64		64			64		
Society Hill VI	72		72		72			72		
Whitehall Gardens	100	100			100	100	100	200		
Wynnfield	79		79		79			79		
Franklin/Perth Amboy RCA	29				29			29		
Special Needs Housing	48	48			48			48		
SUBTOTAL	597	196	372	0	597	140	140	737		
TOTAL	723	296	398	0				863	97	766
<i>required #</i>		160								
<i>required rental #</i>		196								
<i>rental bonus max.</i>										

160

Third Round Plan: 1999-2025

Prior Round Surplus	Affordable Units	Rental	Owner	Mod	Low (includes very low)	Very Low	Senior	occupied	approved	redevelopment bonus	family rental bonus	very low income bonus	total bonus	total credits
Extension of Expiring Controls														
Avalon at Somerset	58	58		23	35	35		58			58		58	315
Berry Street Commons	92	92		37	55	10		92			92		92	116
Cedar Manor	28	28		14	14			28			28		28	184
Florez Townhomes	5		5	2	3				5					56
Franklin Commons	65	65		25	40	7		65			65		65	5
Habitat for Humanity "I" and II"	16		16		16			16						130
Habitat for Humanity "III"	7		7		7				7					16
Hidden Brook at Franklin/ Presbyterian	85	85			85	5	85	85					85	7
Independence Crossing	63	63			63	5	58	63					63	85
Leewood	38		38	19	19			19	19					38
Parkside Family	68	68		26	42	30		68			68		68	38
Parkside Senior	70	70		26	44	20	70	70						136
Somerset Park	84	84		42	42			84			84		84	70
Summerfields at Franklin	150	150		75	75	24	50	50	100		100		100	168
Voorhees Station	61	61		15	46	8		61			24		100	250
Springhill Senior	38	38		28	10	10	38							85
Somerset Square (next RPM phase)	83	83		41	42									38
Corporate Community	22	22		11	11		22		83					83
Future RPM and Leewood Phases	130	110	20	65	65	10			22					22
Supportive/Special Needs Housing	66	66			66	13		63	3					130
TOTAL	1229	1143	86	449	780	172	323	822	239	n/a	519	n/a	519	66
					37%	63%								
		<i>required rental #</i>				<i>req'd very low</i>								
		519				160								
		<i>provided rental #</i>				<i>provided very low</i>								
		1143				172								
		<i>required family rental #</i>												
		260												
		<i>provided family rental #</i>												
		749												
		<i>required family units total</i>												
		772												
		<i>provided family units total</i>												
		1150												
		<i>permitted senior units</i>												
		<i>proposed senior units</i>												

519
323

permitted bonus 519
proposed bonus 519

Supportive/ Special Needs Housing

Name	Block/ Lot	Address	Prior Round (pre 2000)	Third Round (2000 and beyond)	very low
ADITI Housing Corp.	419/10	106 Charles St		4	
Allies, Inc.	375/9	121 Drake Rd		5	
Allisa Care/ Caring Inc.	323/ 10	18 Bloomfield Av		5	
Alternatives - 37 Johnson Road	342/ 4	37 Johnson Rd		3	3
Alternatives, Inc. I	542/ 22	558-560 Madison Av	11		
Cedar Grove Development Inc.	424.02/ 15	30 Cedar Grove Ln		3	
Center for Family Support	422/ 7	71 Willson Rd	5		
Center for Great Expectations	424.01/39.06	19B Dellwood Lane		16	8
CIBC Foundation Inc. c/o Hall Gwendd	362/ 59	60 MacAfree Rd		3	
Community Options Enterprises Inc	342/ 10	5 Orchid Ct		3	
Community Options	335/ 22	6 Fulton Rd	3		
Developmental Disabilities Assn.	337/ 21	7 Evans Ct	5		
Developmental Disabilities Assn.	100/ 1.01	130 Codrington Av	3		
Devereux New Jersey	401/ 17	12 Hughes Rd		4	
Enable, Inc I	342/ 35	22 Lebed Dr		4	
Enable, Inc II	388/ 15	1260 Easton Av		4	
Matheny Group Home I	424.02/ 31	26 Lakeside Dr		6	
Matheny Group Home II	448/ 1.13	2 Walnut Ave	5		
NJ Assoc. of Deaf/ Blind Inc.	409/ 18	251 Berger St	4		
Phoenix Corp.	429/ 15	75 Fourteenth St		3	
Reformed Church of Highland Park Aff Hsg Corp	357/ 8	1 Flower Rd		3	3
Somerset ARC	34.01/ 17	75 Claremont Rd	4		
Somerset ARC	84.03/ 20	37 Buffa Dr	5		
Somerset ARC	15/ 3.02	7 Honeyman St	3		
			48	66	14

Rehab/ Present Need Plan

Obligation	Completed	Remaining	Per Year
104	65	39	4

EXHIBIT B: 2017 INCOME LIMITS

Prepared by Affordable Housing Professionals of New Jersey (AHPNJ) - August 2017 2017 AFFORDABLE HOUSING REGIONAL INCOME LIMITS BY HOUSEHOLD SIZE

Income limits not officially adopted by the State of New Jersey. Contact your municipality to see if applicable in your jurisdiction. Additional information about AHPNJ income limits is posted on AHPNJ.org

Region	Income Category	Household Size								Max Increase Rents**	Sales***	Regional Asset Limit****		
		1 Person	*1.5 Person	2 Person	*3 Person	4 Person	*4.5 Person	5 Person	6 Person				7 Person	8+ Person
Region 1 Bergen, Hudson, Passaic and Sussex	Median	\$60,271	\$64,576	\$68,882	\$77,492	\$86,102	\$89,546	\$92,990	\$99,878	\$106,766	\$113,655			
	Moderate	\$48,217	\$51,661	\$55,105	\$61,993	\$68,882	\$71,637	\$74,392	\$79,903	\$85,413	\$90,924	1.7%	1.99%	\$166,493
	Low	\$30,136	\$32,288	\$34,441	\$38,746	\$43,051	\$44,773	\$46,495	\$49,939	\$53,383	\$56,827			
Region 2 Essex, Morris, Union and Warren	Very Low	\$18,081	\$19,373	\$20,664	\$23,248	\$25,831	\$26,864	\$27,897	\$29,963	\$32,030	\$34,096			
	Median	\$65,953	\$70,663	\$75,374	\$84,796	\$94,218	\$97,987	\$101,755	\$109,293	\$116,830	\$124,368			
	Moderate	\$52,762	\$56,531	\$60,299	\$67,837	\$75,374	\$78,389	\$81,404	\$87,434	\$93,464	\$99,494	1.7%	3.25%	\$180,756
Region 3 Hunterdon, Middlesex and Somerset	Low	\$32,976	\$35,332	\$37,687	\$42,398	\$47,109	\$48,993	\$50,878	\$54,646	\$58,415	\$62,184			
	Very Low	\$19,786	\$21,199	\$22,612	\$25,439	\$28,265	\$29,396	\$30,527	\$32,788	\$35,049	\$37,310			
	Median	\$73,780	\$79,050	\$84,320	\$94,860	\$105,400	\$109,616	\$113,832	\$122,264	\$130,696	\$139,128	1.7%	0.38%	\$200,698
Region 4 Mercer, Monmouth and Ocean	Moderate	\$59,024	\$63,240	\$67,456	\$75,888	\$84,320	\$87,693	\$91,066	\$97,811	\$104,557	\$111,302			
	Low	\$36,890	\$39,525	\$42,160	\$47,430	\$52,700	\$54,808	\$56,916	\$61,132	\$65,348	\$69,564			
	Very Low	\$22,134	\$23,715	\$25,296	\$28,458	\$31,620	\$32,885	\$34,150	\$36,679	\$39,209	\$41,738			
Region 5 Burlington, Camden and Gloucester	Median	\$66,022	\$70,738	\$75,454	\$84,885	\$94,317	\$98,090	\$101,862	\$109,408	\$116,953	\$124,498			
	Moderate	\$52,817	\$56,590	\$60,363	\$67,908	\$75,454	\$78,472	\$81,490	\$87,526	\$93,562	\$99,599	1.7%	1.53%	\$177,413
	Low	\$33,011	\$35,321	\$37,727	\$42,443	\$47,158	\$49,045	\$50,931	\$54,704	\$58,476	\$62,249			
Region 6 Atlantic, Cape May, Cumberland, and Salem	Very Low	\$19,807	\$21,221	\$22,636	\$25,466	\$29,427	\$30,559	\$32,822	\$32,822	\$35,086	\$37,349			
	Median	\$58,240	\$62,400	\$66,560	\$74,880	\$83,200	\$86,528	\$89,856	\$96,512	\$103,168	\$109,824			
	Moderate	\$46,592	\$49,920	\$53,248	\$59,904	\$66,560	\$69,222	\$71,885	\$77,210	\$82,534	\$87,859	1.7%	2.09%	\$154,194
Region 6 Atlantic, Cape May, Cumberland, and Salem	Low	\$29,120	\$31,200	\$33,280	\$37,440	\$41,600	\$43,264	\$44,928	\$48,256	\$51,584	\$54,912			
	Very Low	\$17,472	\$18,720	\$19,968	\$22,464	\$24,960	\$25,958	\$26,957	\$28,954	\$30,950	\$32,947			
	Median	\$51,085	\$54,734	\$58,383	\$65,681	\$72,979	\$75,898	\$78,817	\$84,655	\$90,494	\$96,332	1.7%	0.00%	\$136,680
Region 6 Atlantic, Cape May, Cumberland, and Salem	Moderate	\$40,868	\$43,787	\$46,706	\$52,545	\$58,383	\$60,718	\$63,054	\$67,724	\$72,395	\$77,066			
	Low	\$25,543	\$27,367	\$29,192	\$32,840	\$36,489	\$37,949	\$39,409	\$42,328	\$45,247	\$48,166			
	Very Low	\$15,326	\$16,420	\$17,515	\$19,704	\$21,894	\$22,769	\$23,645	\$25,397	\$27,148	\$28,900			

Moderate income is between 80 and 50 percent of the median income. Low income is 50 percent or less of median income. Very low income is 30 percent or less of median income.

* These columns are for calculating the pricing for one, two and three bedroom sale and rental units as per N.J.A.C. 5:80-26.4(a).
 ** This column is used for calculating the pricing for rent increases for units as per N.J.A.C. 5:97-9.3. The increase for 2015 was 2.3%, the increase for 2016 was 1.1% and the increase for 2017 is 1.7% (Consumer price index for All Urban Consumers (CPI-U)). Regions by expenditure category and commodity and service group). Landlords who did not increase rents in 2015 or 2016 may increase rent by up to the applicable combined percentage from their last rental increase for that unit. In no case can rent for any particular apartment be increased more than one time per year.
 *** This column is used for calculating the pricing for resale increases for units as per N.J.A.C. 5:97-9.3. As per 5:97-9.3(b), The price of owner-occupied low and moderate income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
 Low income tax credit developments may increase based on the low income tax credit regulations.
 **** The Regional Asset Limit is used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3.
 Note: Since the Regional Income Limits for Region 6 in 2016 were higher than the 2017 calculations, the 2016 income limits will remain in force for 2017. See N.J.A.C. 5:97-9.2(c).

APPENDIX J

B A N I S C H
A S S O C I A T E S , I N C .

Planning and Design

REPORT OF THE SPECIAL MASTER

REGARDING THE FAIRNESS OF

A SETTLEMENT AGREEMENT BETWEEN

FRANKLIN TOWNSHIP

AND

FAIR SHARE HOUSING CENTER

**IN THE MATTER OF THE APPLICATION
OF THE TOWNSHIP OF FRANKLIN (SOMERSET)
DOCKET No. SOM-L-866-15**

December 8, 2017

Prepared by:

Francis J. Banisch III, PP/AICP
111 Main Street
Flemington, NJ 08822


Francis J. Banisch III, PP/AICP

12-8-17
Date

The original of this report has been signed and sealed according to law

Introduction

This report has been prepared in anticipation of the upcoming Fairness Hearing before the Honorable Thomas C. Miller, P.J.Cv. on December 11, 2017 in the matter of the Application of the Township of Franklin for a Determination of *Mount Laurel* Compliance (Docket No. SOM-L-866-15). The purpose of this report is to present my review and recommendations as the Court-appointed Special Master regarding whether a Settlement Agreement (“Settlement”) between the plaintiff Township of Franklin ("Township") and interested party Fair Share Housing Center ("FSHC") is fair and reasonable to low and moderate income households.

Notice of the fairness hearing scheduled for December 11, 2017, which was provided in accordance with the Court's instructions, included a description of the Settlement Agreement and indicated the Settlement Agreement was available for inspection and photocopying at the Franklin Township Clerk’s office. This report also indicates the additional information required for the Township to be eligible for a Judgment of Compliance and Repose, based upon proposals to address Franklin's Third Round low and moderate income fair share housing obligation.

Fairness of Settlement Agreement

The Settlement Agreement between the Township and FSHC, approved by the Township on October 10, 2017 and fully executed on November 9, 2017, has been reviewed to determine whether any element of the settlement would not be fair to the interests of existing and future low and moderate income households in Franklin’s housing region.

I have evaluated the fairness of the Settlement Agreement using the criteria set forth in East/West Venture v. Township of Fort Lee, 286 N.J. Super 311, 329 (App. Div. 1996), which outlines the issues involved in approving a settlement of *Mount Laurel* litigation.

According to the Settlement, the Township will address a fair share obligation consisting of

- present need (rehabilitation share) - 104 units
- prior round obligation (1987-1999) - 766 units
- prospective need obligation (2015-2025) - 2,076 units

The Settlement Agreement provides that the Township has a Prior Round Obligation of 766 affordable units, a Rehabilitation Share (Present Need) of 104 units and a Third Round Prospective Need of 2,076 affordable units.

Addressing the Present Need

The Settlement Agreement acknowledges that the 104-unit rehabilitation share will be completed through CDBG programming, which will be in compliance with the requirements set forth in N.J.A.C. 5:93-5.2.

Addressing the Prior Round

As seen in Table 1 below, Franklin has a total of 863 units and bonus credits available pursuant to N.J.A.C. 5:93-3.2 in full satisfaction of its 766 unit prior round obligation, producing a 97-unit surplus.

TABLE 1

Prior Round Plan: 1986-1999

	# Affordable Units	Rental	Owner	Senior	occupied	family rental bonus	total bonus	total credits	# relative to obligation	Obligation
Prior Cycle (pre-1986)										
The Lena and David T. Wilentz Senior Residence (fka, "Central Jersey Home for the Aged")*	100	100		100	100			100		
Society Hill I*	26		26		26			26		
SUBTOTAL	126	100	26	100	126	0	0	126		
Prior Rounds (1986-1999)										
Beacon Hill	73		73		73			73		
Countryside Apartments	48	48			48	40	40	88		
Habitat for Humanity	1		1		1			1		
Quallbrook East	27		27		27			27		
Society Hill II	56		56		56			56		
Society Hill III	64		64		64			64		
Society Hill VI	72		72		72			72		
Whitehall Gardens	100	100			100	100	100	200		
Wynnfield	79		79		79			79		
Franklin/ Perth Amboy RCA	29				29			29		
Special Needs Housing	48	48			48			48		
SUBTOTAL	597	196	372	0	597	140	140	737		
TOTAL	723	296	398					863	97	766

Addressing the Third Round Obligation

Franklin has fully addressed the prior round obligation and has the 97-unit surplus to be carried forward to the third round. Applying the 97 credits identified in Table 1 towards the Township's proposed need of 2,076 results in an unmet need of 1,979 units. Franklin will address this obligation as presented in Table 2 to create realistic opportunities for the development of affordable housing.

TABLE 2

Third Round Plan: 1999-2025

	Affordable Units	Rental	Owner	Mod	Low (includes very low)	Very Low	Senior	occupied	approved	redevelopment bonus	family rental bonus	very low income bonus	total bonus	total credits
Prior Round Surplus														97
Extension of Expiring Controls														315
Avalon at Somerset	58	58		23	35	35		58			58		58	116
Berry Street Commons	92	92		37	55	10		92			92		92	184
Cedar Manor	28	28		14	14			28			28		28	56
Florez Townhomes	5		5	2	3				5					5
Franklin Commons	65	65		25	40	7		65			65		65	130
Habitat for Humanity "I" and II"	16		16		16			16						16
Habitat for Humanity "III"	7		7		7				7					7
Hidden Brook at Franklin/ Presbyterian	85	85			85		85	85						85
Independence Crossing	63	63			63	5	58	63						63
Leewood	38		38	19	19			19	19					38
Parkside Family	68	68		26	42	30		68			68		68	136
Parkside Senior	70	70		26	44	20	70	70						70
Somerset Park	84	84		42	42			84			84		84	168
Summerfields at Franklin	150	150		75	75	24	50	50	100		100		100	250
Voorhees Station	61	61		15	46	8		61			24		24	85
Springhill Senior	38	38		28	10	10	38							38
Somerset Square (next RPM phase)	83	83		41	42				83					83
Corporate Community	22	22		11	11		22		22					22
Future RPM and Leewood Phases	130	110	20	65	65	10								130
Supportive/ Special Needs Housing	66	66			66	13		63	3					66
TOTAL	1229	1143	86	449	780	172	323	822	239	<i>n/a</i>	519	<i>n/a</i>	519	2160

Franklin has already produced, approved or zoned for most of the units needed to address the third round obligation. There are 822 units already constructed and occupied, 239 units that have development approvals or are under construction and 168 units already zoned for affordable housing or with agreements in place to provide affordable housing. Thus, a total of 1,229 third round units are either constructed, under construction or have approvals in place. The remainder of the obligation is to be satisfied through approved but not yet constructed units, the extension of expiring controls units and rental bonuses.

The only intervener, U.S. Homes (d/b/a Lennar Homes), has submitted a letter dated December 4, 2017 objecting to the Township's proposed third round plan and transmitting two reports from Planner Creigh Rahenkamp dated October 9, 2015 and March 14, 2016. These reports, prepared in the past to address issues related to the methodology, are not specific to Franklin Township.

Lennar has also requested confirmation that controls have been properly extended on the 315 units the Township is claiming for third round credit through the extension of expiring controls. The Township has not yet extended these controls. Restrictions on these units will expire during the period of third round compliance and such extended controls will be required to comply with N.J.A.C. 5:93-9. The Township proposes extending controls in 5 developments that were approved and/or built between 1988 and 1992. These include Beacon Hill (1989), Quailbrook East (1988), Society Hill III (1988), Society Hill IV (1989) and Wynnefield (1992).

Fairness Evaluation of the Settlement Agreement

The fairness of a settlement to the protected class of low and moderate income households has long been a concern of the Court. The question of whether or not "the settlement adequately protects the interests of the lower-income persons on whose behalf the affordable units proposed by the settlement are to be built" led the Appellate Court to establish a five-part analysis for evaluating the fairness of a settlement in a *Mount Laurel* lawsuit in East/West Venture v. Township of Fort Lee, 286 N.J. Super. 311, 328-329 (App. Div. 1996) as follows:

1. **Consideration of the number of affordable units being constructed.** The Settlement Agreement acknowledges that the Township will satisfy its total obligation of 2,076 units through existing or approved projects. In addition, the Settlement Agreement confirms the Township's commitment to continue Cluster Residential zone requirement for a 15 percent affordable set-aside for apartments and Township development with a bonus density of 20 percent.
2. **The methodology by which the number of affordable units provided is derived.** The settlement offer by FSHC, which forms the basis for this settlement, is derived from a methodology that FSHC asserts follows the prior round methodology.
3. **Other contributions by the developer.** This prong of the East/West Venture test is not strictly applicable to a settlement that does not involve a builder/plaintiff. However, the interests of low and moderate income households are advanced by the terms of the Settlement, which provide that:
 - a) at least half of all affordable housing units addressing the Third Round Prospective Need shall be available to family households;

- b) the Township will require at least 13 percent of all of the new affordable housing units in its Plan to be affordable to very low income households earning 30 percent or less of median income and that at least half of these units will be available to families.
- c) at least 25 percent of the Third Round Prospective Need obligation shall be met with rental units, of which at least 50 percent shall be available to families;
- d) no more than 25 percent of affordable units shall be age-restricted;
- e) rental bonuses shall be as set forth at N.J.A.C. 5:93 and shall not exceed the rental obligation (at least 25 percent of the Township's new construction fair share obligation);
- f) at least 50 percent of all affordable units in each inclusionary site shall be affordable to low income and very low income households with the remainder affordable to moderate income households;
- g) the Township will comply with affirmative marketing and affordability regulations set forth at N.J.A.C. 5:80-26.1, *et seq.* (UHAC) except that in lieu of the requirement at N.J.A.C. 5:80-26.3(d) for 10 percent of all low and moderate income rental units to be affordable to households earning 35 percent or less of median income, the requirement shall be that 13% of all low and moderate income rental units shall be affordable to households earning 30 percent or less of median income.
- h) the Township will expand the list of community and regional organizations that will receive notice of the availability of affordable housing units (in the Affirmative Marketing Plan) the following additional organizations: Fair Share Housing Center, the Latino Action Network, the New Jersey State Conference of the NAACP, the New Brunswick, Plainfield Area, Perth Amboy, and Metuchen/Edison Branches of the NAACP.
- i) within 120 days of the Court's approval of the settlement agreement, the Township will adopt the Housing Element and Fair Share Plan and all required implementing ordinances to ensure that all of the foregoing occurs. (See Attachment A).

4. **Other components of the Agreement that contribute to the satisfaction of the constitutional obligation.** The process of obtaining the Court's approval of the Township's Third Round Housing Element and Fair Share Plan and the conditions contained in the Settlement requiring the Township to adopt certain master plan and ordinance amendments will assist the Township in the satisfaction of its constitutional obligation.

5. **Other factors that may be relevant to the fairness of the settlement.** This Settlement will ensure that the interests of lower income households will be advanced through the Court's approval, since the Agreement provides for a continuing monitoring program throughout its duration. Since a Spending Plan amendment will be required, a review of its provisions by the Court will allow continued oversight.

Conclusion and Conditions

The Court is being asked to determine whether the approval of the settlement between Franklin and FSHC is fair to the interests of low and moderate income households. Based upon the analysis undertaken herein, I am of the opinion that the compliance framework outlined in the Franklin Township/FSHC Settlement Agreement adequately protects the interests of low and moderate income households. Subject to supplementation as outlined in Attachment A, I also find that Franklin Township has created a realistic opportunity for satisfaction of the Township's affordable housing obligation for the period from 1987 through 2025, pursuant to the Mount Laurel decisions, the Fair Housing Act, applicable COAH regulations, and the Supreme Court's decision in *In Re N.J.A.C. 5:96 and N.J.A.C. 5:97*, 221 N.J.1(2015).

I further note that the FSHC, an affordable housing advocate and party to the settlement agreement, has also concluded that the compliance plan contained in the settlement agreement is fair and reasonable to the interests of low and moderate-income households. This is significant, in light of the holding in *Morris County Fair Housing Council v. Boonton Twp.*, 197 N.J. Super, 359 (Law Div. 1984), *aff'd o.b.* 209 N.J. Super, 108 (App. Div. 1986), wherein the Court concluded that "...it may be assumed that generally a public interest organization will only approve a settlement which it conceives to be in the best interest of the people it represents."

Additionally, for the reasons provided herein, I find that Franklin's allocation of units and credits for its prior round, present round, and third round obligation is designed to implement the March 10, 2015 decision of the N.J. Supreme Court *In Re N.J.A.C. 5:96 and 5:97*, insofar as can be determined at this time.

As a result of my analysis, it is my opinion that the settlement provides for a substantial amount of affordable housing and satisfies the criteria set forth by the Appellate Division in *East/West Venture*, and that the interests of low and moderate income households will be advanced by the Court's approval of the Settlement Agreement.

ATTACHMENT A
REQUIRED ELEMENTS OF FINAL AFFORDABLE HOUSING COMPLIANCE PLAN
Township of Franklin, Somerset County
December 8, 2017

1. The compliance proposals contained in Table 1 and Table 2 of this report and the applicable terms of the executed Settlement with FSHC shall be referenced in the Housing Element and Fair Share Plan, which, following review by the Special Master, shall be adopted and submitted to the Court for approval as part of the final Judgment of Compliance and Repose.

The HE/FSP shall provide documentation of the creditworthiness of all existing units and shall be prepared according to the requirements of the Fair Housing Act (FHA), which identifies the "Essential components of the municipality's housing element" at N.J.S.A. 52:27D-310, as follows:

A municipality's housing element shall be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low and moderate income housing, and shall contain at least:

- 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, and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose of conducting the inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards;
- b. A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing, for the next 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.

2. Prior to the entry of an Order granting a final Judgment of Compliance and Repose, the Fair Share Plan shall be reviewed by the Special Master for compliance with the terms of the

executed settlement agreement, the Fair Housing Act and the UHAC regulations before being adopted and submitted to the Court. The Fair Share Plan document should include any proposed Ordinances and Resolutions needed to implement the Plan, including zoning amendments, an Affordable Housing Ordinance, a Development Fee Ordinance, an Affirmative Marketing Plan, a Rehabilitation Program description and Manual, a Spending Plan, resolutions appointing an Administrative Agent and a Municipal Affordable Housing Liaison, a resolution adopting the Housing Element and Fair Share Plan (Planning Board) and a resolution endorsing the Housing Element and Fair Share Plan (Governing Body).

3. The Spending Plan shall be prepared, submitted to the Special Master for review and comment, adopted by the Planning Board as part of the Plan and by the Borough Council as a separate action and submitted to the Court for approval before the Borough will be permitted to expend any funds from its Affordable Housing Trust Fund.

4. All proposed inclusionary and 100 percent affordable housing development zoning amendments shall be prepared, reviewed by the Special Master, and adopted and submitted to the Court prior to the entry of an Order granting a final Judgment of Compliance and Repose.

5. The Township shall prepare and adopt an Affordable Housing Ordinance that reflects all provisions of the settlement agreement, as well as applicable UHAC and COAH Rules and an Affirmative Marketing Plan Resolution consistent with the terms of the settlement agreement. These documents shall be reviewed by the Special Master and FSHC, adopted and submitted to the Court prior to the entry of an Order granting a final Judgment of Compliance and Repose.

6. If it has not done so already, the Township will need to contract with one or more Administrative Agents, responsible to the Township but paid for by the owners of the affordable housing units created in the Township, to administer the affordability controls on all of the low and moderate income units that have been or will be created in the Township. This should be accomplished and submitted to the Court prior to the entry of an Order granting a final Judgment of Compliance and Repose.

7. If it has not done so already, the Township will need to create the position of Municipal Housing Liaison by Ordinance and fill that position by Resolution of the Governing Body. This should be accomplished and submitted to the Court prior to the entry of an Order granting a final Judgment of Compliance and Repose.

Upon its timely compliance with all of the foregoing and approval of the final submission by the Court, I believe that Franklin Township will be entitled to a final Judgment of Compliance and Repose through July 1, 2025.

APPENDIX K

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IN THE MATTER OF THE
APPLICATION OF THE TOWNSHIP OF
FRANKLIN, SOMERSET COUNTY,
NEW JERSEY, FOR A DECLARATORY
JUDGMENT,

Petitioner.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: SOMERSET COUNTY

DOCKET NO.: SOM-L-866-15

CIVIL ACTION
Mount Laurel Action

**CONDITIONAL ORDER OF
COMPLIANCE**

THIS MATTER comes before the Court upon the Declaratory Judgment Complaint of Petitioner Township of Franklin (“Township” or “Petitioner”), seeking a determination that the Township has complied with its *Mount Laurel Obligation*, in accordance with the procedures set forth in In Re Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (*Mount Laurel IV*), and

THE COURT HAVING conducted a Fairness Hearing, in accordance with the requirements of Morris County Fair Housing Council v. Boonton Township, 197 N.J. Super. 359, 364 (Law Div.1984), aff'd o.b., 209 N.J.Super. 108 (App. Div. 1986) and East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328 (App. Div. 1996), upon the Township's proposed plan to provide for affordable housing, Louis N. Rainone, Esq. of Rainone, Coughlin & Minchello, LLP and Wendy Rubinstein, Esq. of DeCotiis FitzPatrick Cole & Giblin, LLP appearing on behalf of Petitioner, Adam Gordon, Esq. appearing on behalf of Intervenor Fair Share Housing Center ("Intervenor"), Special Master Frank Banisch, III, AICP, PP ("Special Master") appearing, and Victoria Britton, Esq. appearing on behalf of Objector, U.S. Home Corporation d/b/a Lennar Homes ("Lennar"); and

THE COURT HAVING considered the report dated December 8, 2017 and the testimony of the Court-appointed Special Master, Francis J. Banisch, II, A.I.C.P., P.P., and the Court having considered the Settlement Agreement entered into between the Township and FSHC dated November 3, 2017, including the Township's draft outline of a Housing Element and Fair Share Plan attached to the Settlement Agreement as Exhibit A; and

THE COURT HAVING considered the testimony and presentations of the Township, the Special Master and FSHC at the time of hearing; and good cause having been shown;

IT IS on this 16th day of January, 2018 **HEREBY ORDERED AND ADJUDGED:**

1. Petitioner properly afforded notice of the Fairness Hearing in accordance with governing law.
2. The Court determines and finds, upon the testimony presented, and arguments of counsel and upon a consideration of the Settlement Agreement admitted into evidence,

(collectively, “the Settlement”), and the Special Master’s Report, and in accordance with the requirements of Morris County Fair Housing Council v. Boonton Township, 197 N.J. Super. 359, 364 (Law Div.1984), aff’d o.b., 209 N.J.Super. 108 (App. Div. 1986) and East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328 (App. Div. 1996), that:

a. The Present Need Obligation, as agreed upon by the Parties based upon implementing the directives of *Mount Laurel IV* is 104 housing units

b. The Prior Round Obligation, as originally determined by COAH in 1994 for the period 1987-1999 is 766 housing units.

c. The Prospective Need Obligation, based upon a compromise reached among the Parties in view of the uncertainty of litigation and in accordance with the directives of *Mount Laurel IV*, and upon the recommendation of the Special Master, is 2076 housing units.

d. The Present Need Obligation, Prior Round Obligation and Prospective Need Obligation are collectively referred to as the Township’s Affordable Housing Obligation.

e. The Settlement sets forth and otherwise incorporates mechanisms to address the Affordable Housing Obligation. The Court finds, upon the Special Master’s recommendation, that the Township’s Affordable Housing Obligation is adequately and sufficiently addressed by the mechanisms provided for in the Settlement Agreement.

f. The Court finds, upon the Special Master’s recommendation, that the Township’s Affordable Housing Obligation is adequately and sufficiently addressed by the mechanisms provided for in the Settlement.

g. The Court finds, upon the Special Master's recommendation, that the Settlement is fair and reasonable to low and moderate income persons.

3. Entry of a Final Judgment of Compliance and Repose is subject to the Township complying with the following conditions within one-hundred (120) days (as may be extended with permission of the Court):

a. The Township shall comply with the recommendations of the Special Master as set forth in his Report and as further set forth in the Settlement Agreement.

b. The Township shall adopt a revised Spending Plan upon the Special Master's review and comment, such that the Court may determine at a final hearing that the proposed expenditure of amounts from the affordable housing trust fund in the Spending Plan is consistent with and authorized by the Fair Housing Act, N.J.S.A. 52:27D-301, et seq., and such funds are timely "committed for expenditure" as required, if at all, by N.J.S.A. 52:27D-329.2, -329.3.

4. A final Compliance Hearing is hereby scheduled for May 24, 2018 at 1:30 pm by which time the Township shall have complied with the above-referenced conditions within the 120 day timeframe, shall have submitted to the Special Master for review and comment Franklin's Housing Element and Fair Share Plan and all Resolutions and Ordinances required to implement the Housing Element and Fair Share Plan, and shall have provided for the Planning Board of the Township to finalize and adopt the Housing Element and Fair Share Plan and for the Township Council to endorse same and to adopt all necessary effectuating Resolutions and Ordinances; and

5. Temporary Immunity previously granted to the Township is hereby extended until and through the day following the completion of the Final Compliance Hearing herein scheduled and the entry of an Order granting Final Judgment in this matter; and

6. A copy of this Order shall be served upon all parties on the service list in this matter within 7 days of the Township's receipt thereof.

/s/ Thomas C. Miller, P.J. Civ.

HON. THOMAS C. MILLER, P.J. Civ.

APPENDIX L

ATTACHMENT A
AFFIRMATIVE FAIR HOUSING MARKETING PLAN
For Affordable Housing in **(REGION 3)**

I. APPLICANT AND PROJECT INFORMATION

(Complete Section I individually for all developments or programs within the municipality.)

1a. Administrative Agent Name, Address, Phone Number Central Jersey Housing Resource Center Corp. 600 1 st Avenue, Suite 3 Raritan, NJ 08869 908-704-9649		1b. Development or Program Name, Address Franklin Township 475 De Mott Lane Somerset, NJ 08873	
1c. Number of Affordable Units: TBD Number of Rental Units: TBD Number of For-Sale Units: TBD	1d. Price or Rental Range From TBD To TBD		1e. State and Federal Funding Sources (if any) TBD
1f. TBD Age Restricted TBD Non-Age Restricted	1g. Approximate Starting Dates Advertising: Will vary Occupancy: Will vary		
1h. County Hunterdon, Middlesex, Somerset		1i. Census Tract(s): WILL VARY	
1j. Managing/Sales Agent's Name, Address, Phone Number TBD by project			
1k. Application Fees (if any): TBD by project			

(Sections II through IV should be consistent for all affordable housing developments and programs within the municipality. Sections that differ must be described in the approved contract between the municipality and the administrative agent and in the approved Operating Manual.)

II. RANDOM SELECTION

2. Describe the random selection process that will be used once applications are received. Random selection is conducted when a unit is available and only certified households seeking the type and bedroom size of the available unit are placed in the lottery. The process is as outlined in the Model Operating Manual.

III. MARKETING

3a. Direction of Marketing Activity: (indicate which group(s) in the housing region are least likely to apply for the housing without special outreach efforts because of its location and other factors)

White (non-Hispanic)
 Black (non-Hispanic)
 Hispanic
 American Indian or Alaskan Native
 Asian or Pacific Islander
 Other group:

3b. Commercial Media (required) (Check all that applies)

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL NEWSPAPER(S)	CIRCULATION AREA
TARGETS ENTIRE COAH REGION 3			
Daily Newspaper			
<input checked="" type="checkbox"/>		Star-Ledger	
TARGETS PARTIAL COAH REGION 3			
Daily Newspaper			
<input checked="" type="checkbox"/>		Home News Tribune	Middlesex, Somerset, Union
<input checked="" type="checkbox"/>		Courier News	Somerset and Hunterdon
Weekly Newspaper			
<input type="checkbox"/>		Beacon	Hunterdon
<input type="checkbox"/>		Delaware Valley News	Hunterdon
<input type="checkbox"/>		Hunterdon County Democrat / Hunterdon Observer	Hunterdon
<input checked="" type="checkbox"/>		Hunterdon Review	Hunterdon
<input type="checkbox"/>		Amboy Beacon	Middlesex
<input type="checkbox"/>		Colonia Corner	Middlesex
<input type="checkbox"/>		Cranbury Press	Middlesex
<input type="checkbox"/>		East Brunswick Sentinel	Middlesex
<input type="checkbox"/>		Edison Sentinel	Middlesex
<input type="checkbox"/>		South Brunswick Post	Middlesex
<input type="checkbox"/>		South Plainfield Observer	Middlesex
<input type="checkbox"/>		Suburban, The	Middlesex
<input checked="" type="checkbox"/>		Princeton Packet	Middlesex, Somerset
<input type="checkbox"/>		Sentinel, The	Middlesex, Somerset
<input checked="" type="checkbox"/>		Atom Tabloid & Citizen Gazette	Middlesex, Union
<input type="checkbox"/>		Parsippany Life	Morris

X		Echoes Sentinel	Morris, Somerset
X		Bernardsville News	Somerset
X		Branchburg News	Somerset
<input type="checkbox"/>		Chronicle	Somerset
X		Hills-Bedminster Press	Somerset
X		Hillsborough Beacon	Somerset
X		Manville News	Somerset
X		Messenger-Gazette	Somerset
<input type="checkbox"/>		Reporter	Somerset
X		Somerset Spectator	Somerset
Monthly Newspaper			
X		About Our Town/Community News	Middlesex, Somerset

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL TV STATION(S)	CIRCULATION AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE COAH REGION 3			
X		2 WCBS-TV CBS Broadcasting, Inc.	
<input type="checkbox"/>		3 KYW-TV CBS Broadcasting, Inc.	
X		4 WNBC NBC Telemundo License Co. (General Electric)	
<input type="checkbox"/>		5 WNYW Fox Television Stations, Inc. (News Corp.)	
<input type="checkbox"/>		6 WPVI-TV American Broadcasting Companies, Inc. (Walt Disney)	
X		7 WABC-TV American Broadcasting Companies, Inc. (Walt Disney)	
X		9 WWOR-TV Fox Television Stations, Inc. (News Corp.)	
<input type="checkbox"/>		10 WCAU NBC Telemundo License Co. (General Electric)	
X		11 WPIX WPIX, Inc. (Tribune)	
<input type="checkbox"/>		12 WHYI-TV WHYY, Inc.	
X		13 WNET Educational Broadcasting Corporation	
<input type="checkbox"/>		17 WPHL-TV Tribune Company	

<input type="checkbox"/>		31 WPXN-TV Paxson Communications License Company, LLC	
<input type="checkbox"/>		35 WYBE Independence Public Media Of Philadelphia, Inc.	
<input type="checkbox"/>		39 WLVT-TV Lehigh Valley Public Telecommunications Corp.	
<input type="checkbox"/>		41 WXTV WXTV License Partnership, G.P. (Univision Communications, Inc.)	
<input type="checkbox"/>		48 WGTW-TV Trinity Broadcasting Network	
<input type="checkbox"/>		50 WNJN New Jersey Public Broadcasting Authority	
<input type="checkbox"/>		52 WNJT New Jersey Public Broadcasting Authority	
<input type="checkbox"/>		57 WPSG CBS Broadcasting, Inc.	
<input type="checkbox"/>		58 WNJB New Jersey Public Broadcasting Authority	
<input type="checkbox"/>		61 WPPX Paxson Communications License Company, LLC	
X		63 WMBC-TV Mountain Broadcasting Corporation	
<input type="checkbox"/>		65 WUVP-TV Univision Communications, Inc.	
<input type="checkbox"/>		68 WFUT-TV Univision New York, LLC	Spanish
TARGETS PARTIAL COAH REGION 3			
<input type="checkbox"/>		16 WNEP-TV New York Times Co.	Hunterdon
<input type="checkbox"/>		46 W46BL Maranatha Broadcasting Company, Inc.	Hunterdon
<input type="checkbox"/>		51 WTVE Reading Broadcasting, Inc.	Hunterdon (Christian)
<input type="checkbox"/>		25 W25BB New Jersey Public Broadcasting Authority	Hunterdon, Middlesex
<input type="checkbox"/>		22 WYOU Nexstar Broadcasting, Inc.	Hunterdon, Somerset
<input type="checkbox"/>		28 WBRE-TV Nexstar Broadcasting, Inc.	Hunterdon, Somerset
<input type="checkbox"/>		44 WVIA-TV Ne Pa Ed TV Association	Hunterdon, Somerset
<input type="checkbox"/>		56 WOLF-TV Wolf License Corp.	Hunterdon, Somerset
<input type="checkbox"/>		60 WBPH-TV Sonshine Family Television Corp.	Hunterdon, Somerset
<input type="checkbox"/>		69 WFMZ-TV Maranatha Broadcasting Company, Inc.	Hunterdon, Somerset

<input type="checkbox"/>		29 WTXF-TV Fox Television Stations, Inc. (News Corp.)	Middlesex, Somerset
<input type="checkbox"/>		47 WNJU NBC Telemundo License Co. (General Electric)	Middlesex, Somerset
<input type="checkbox"/>		66 WFME-TV Family Stations of New Jersey, Inc.	Middlesex, Somerset (Christian)
<input type="checkbox"/>		25 WNYE-TV New York City Dept. of Info., Technology & Telecommunications	Somerset

	DURATION & FREQUENCY OF OUTREACH	NAMES OF CABLE PROVIDER(S)	BROADCAST AREA
TARGETS PARTIAL COAH REGION 3			
<input type="checkbox"/>		Comcast of Northwest NJ, Southeast Pennsylvania	Partial Hunterdon
<input checked="" type="checkbox"/>		Patriot Media & Communications	Partial Hunterdon, Somerset
<input type="checkbox"/>		Service Electric Cable TV of Hunterdon	Partial Hunterdon
<input checked="" type="checkbox"/>		Cablevision of Raritan Valley	Partial Middlesex, Somerset
<input checked="" type="checkbox"/>		Comcast of Central NJ, NJ (Union System)	Partial Middlesex
<input checked="" type="checkbox"/>		Comcast of Plainfield	Partial Middlesex, Somerset

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL RADIO STATION(S)	BROADCAST AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE COAH REGION 3			
AM			
<input type="checkbox"/>		WFAN 660	
<input checked="" type="checkbox"/>		WOR 710	
<input checked="" type="checkbox"/>		WABC 770	
<input checked="" type="checkbox"/>		WCBS 880	
<input type="checkbox"/>		WBBR 1130	
<input checked="" type="checkbox"/>		WWTR 1170	
<input type="checkbox"/>		WTTM 1680	Spanish, Asian, etc.
FM			
<input type="checkbox"/>		WFNY-FM 92.3	
<input type="checkbox"/>		WPAT-FM 93.1	Spanish
<input type="checkbox"/>		WNYC-FM 93.9	
<input checked="" type="checkbox"/>		WPST 94.5	

<input type="checkbox"/>		WFME 94.7	
<input type="checkbox"/>		WPLJ 95.5	
<input type="checkbox"/>		WQXR-FM 96.3	
<input type="checkbox"/>		WQHT 97.1	
<input type="checkbox"/>		WSKQ-FM 97.9	Spanish
<input type="checkbox"/>		WRKS 98.7	
<input checked="" type="checkbox"/>		WAWZ 99.1	Christian
<input type="checkbox"/>		WBAI 99.5	
<input type="checkbox"/>		WPHI-FM 100.3	
<input type="checkbox"/>		WCBS-FM 101.1	
<input checked="" type="checkbox"/>		WKXW-FM 101.5	
<input type="checkbox"/>		WQCD 101.9	
<input type="checkbox"/>		WNEW 102.7	
<input type="checkbox"/>		WPRB 103.3	
<input type="checkbox"/>		WKTU 103.5	
<input type="checkbox"/>		WWPR-FM 105.1	
<input type="checkbox"/>		WDAS-FM 105.3	
<input type="checkbox"/>		WLTW 106.7	
TARGETS PARTIAL COAH REGION 3			
AM			
<input type="checkbox"/>		WFIL 560	Hunterdon
<input type="checkbox"/>		WIP 610	Hunterdon
<input type="checkbox"/>		WAEB 790	Hunterdon
<input type="checkbox"/>		WCHR 1040	Hunterdon
<input type="checkbox"/>		WGPA 1100	Hunterdon
<input type="checkbox"/>		WEEX 1230	Hunterdon
<input type="checkbox"/>		WKAP 1470	Hunterdon
<input type="checkbox"/>		WRNJ 1510	Hunterdon
<input type="checkbox"/>		WWJZ 640	Hunterdon, Middlesex
<input type="checkbox"/>		WPHY 920	Hunterdon, Middlesex

<input type="checkbox"/>		WPHT 1210	Hunterdon, Middlesex
<input type="checkbox"/>		WBUD 1260	Hunterdon, Middlesex
<input type="checkbox"/>		WMCA 570	Middlesex (Christian)
<input type="checkbox"/>		WIMG 1300	Middlesex
X		WCTC 1450	Middlesex, Somerset
FM			
<input type="checkbox"/>		WRTI 90.1	Hunterdon
<input type="checkbox"/>		WCVH 90.5	Hunterdon
<input type="checkbox"/>		WHYY-FM 90.9	Hunterdon
<input type="checkbox"/>		WXTU 92.5	Hunterdon
<input type="checkbox"/>		WAEB-FM 104.1	Hunterdon
<input type="checkbox"/>		WFKB 107.5	Hunterdon
<input type="checkbox"/>		WMMR 93.3	Hunterdon, Middlesex
<input type="checkbox"/>		WYSP 94.1	Hunterdon, Middlesex
<input type="checkbox"/>		WBEN-FM 95.7	Hunterdon, Middlesex
<input type="checkbox"/>		WRDW-FM 96.5	Hunterdon, Middlesex
<input type="checkbox"/>		WUGL 98.1	Hunterdon, Middlesex
<input type="checkbox"/>		WUSL 98.9	Hunterdon, Middlesex
<input type="checkbox"/>		WIOQ 102.1	Hunterdon, Middlesex
<input type="checkbox"/>		WMGK 102.9	Hunterdon, Middlesex
<input type="checkbox"/>		WJJZ 106.1	Hunterdon, Middlesex
<input type="checkbox"/>		WKDN 106.9	Hunterdon, Middlesex (Christian)
<input type="checkbox"/>		WAXQ 104.3	Hunterdon, Middlesex, Somerset
<input type="checkbox"/>		WNTI 91.9	Hunterdon, Somerset
<input type="checkbox"/>		WZZO 95.1	Hunterdon, Somerset
<input type="checkbox"/>		WCTO 96.1	Hunterdon, Somerset
<input type="checkbox"/>		WLEV 100.7	Hunterdon, Somerset
<input type="checkbox"/>		WNJT-FM 88.1	Middlesex
<input type="checkbox"/>		WRSU-FM 88.7	Middlesex
X		WWFM 89.1	Middlesex
<input type="checkbox"/>		WWPH 107.9	Middlesex

<input type="checkbox"/>		WDVR 89.7	Middlesex, Somerset
<input type="checkbox"/>		WVPH 90.3	Middlesex, Somerset
<input checked="" type="checkbox"/>		WMGQ 98.3	Middlesex, Somerset
<input type="checkbox"/>		WBLS 107.5	Middlesex, Somerset

3c. Other Publications (such as neighborhood newspapers, religious publications, and organizational newsletters)
(Check all that applies)

	NAME OF PUBLICATIONS	OUTREACH AREA	RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE COAH REGION 3			
Weekly			
	Nuestra Comunidad	Central/South Jersey	Spanish-Language
Monthly			
<input type="checkbox"/>	Sino Monthly	North Jersey/NYC area	Chinese-American
TARGETS PARTIAL COAH REGION 3			
Daily			
<input type="checkbox"/>	24 Horas	Bergen, Essex, Hudson, Middlesex, Passaic, Union Counties	Portuguese-Language
Weekly			
<input type="checkbox"/>	Arab Voice Newspaper	North Jersey/NYC area	Arab-American
<input type="checkbox"/>	Catholic Advocate, The	Essex County area	Catholic
<input checked="" type="checkbox"/>	La Voz	Hudson, Union, Middlesex Counties	Cuban community
<input type="checkbox"/>	Amerika Magyar Nepszava (American Hungarian Peoples' Voice)	Central/North Jersey	Hungarian-Language
<input type="checkbox"/>	New Jersey Jewish News	Northern and Central New Jersey	Jewish
<input type="checkbox"/>	Nuestra Comunidad	Central/South Jersey	Spanish-Language
<input type="checkbox"/>	Desi NJ	Central Jersey	South Asian
<input type="checkbox"/>	Ukrainian Weekly	New Jersey	Ukrainian Community

3d. Employer Outreach (names of employers throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing) (Check all that applies)

DURATION & FREQUENCY OF OUTREACH	NAME OF EMPLOYER/COMPANY	LOCATION
Hunterdon County		
<input checked="" type="checkbox"/>	Merck & Co.	1 Merck Dr., Whitehouse Station

<input checked="" type="checkbox"/>		Hunterdon Medical Center	2100 Wescott Drive, Flemington, NJ 08822
<input type="checkbox"/>		Foster Wheeler	Perryville Corporate Park, Clinton, NJ 08809-4000
<input checked="" type="checkbox"/>		Chubb Insurance Co.	202 Halls Mill Rd., Whitehouse Station, NJ 08889
<input checked="" type="checkbox"/>		Exxon-Mobil Research & Engineering	1545 US Highway 22 E., Annandale, NJ 08801
<input checked="" type="checkbox"/>		New York Life	110 Cokesbury Rd, Lebanon

Middlesex County

<input checked="" type="checkbox"/>		Bristol-Myers Squibb	1 Squibb Dr, New Brunswick, NJ 08901
<input type="checkbox"/>		Merrill Lynch & Company	800 Scudders Mill Rd, Plainsboro
<input checked="" type="checkbox"/>		Johnson & Johnson	1 Johnson & Johnson Plaza, New Brunswick
<input type="checkbox"/>		Prudential Insurance Company	44 Stelton Rd. # 130, Piscataway
<input checked="" type="checkbox"/>		Robert Wood Johnson University Hospital	1 Robert Wood Johnson Pl., New Brunswick, NJ 08901
<input type="checkbox"/>		Silverline Building Products	207 Pond Ave, Middlesex, NJ 08846
<input checked="" type="checkbox"/>		St. Peter's University Hospital	254 Easton Ave., New Brunswick
<input type="checkbox"/>		Telecordia Technology	444 Hoes Ln., Piscataway
<input type="checkbox"/>		J.F.K. Medical Center	65 James Street, Edison, NJ 08818
<input type="checkbox"/>		Raritan Bay Medical Center	530 New Brunswick Av., Perth Amboy, NJ 08861
<input type="checkbox"/>		Amerada Hess Corporation	405 Main St., Woodbridge and 679 Convery Blvd., Perth Amboy
<input type="checkbox"/>		Dow Jones & Company	54 Eddington Ln., Monroe Twp
<input type="checkbox"/>		Siemens AG	755 College Rd. E., Princeton
<input checked="" type="checkbox"/>		AT&T	1 Highway Ter., Edison
<input type="checkbox"/>		Engelhardt Corporation	101 Wood Ave. S., Metuchen

Somerset County

<input checked="" type="checkbox"/>		AT&T	900 Route 202-206 North, Bedminster, NJ 07921
<input type="checkbox"/>		ABC Limousine	574 Ferry St., Newark
<input type="checkbox"/>		Bloomberg LP	1350 Liberty Ave., Hillside
<input checked="" type="checkbox"/>		CoWorx Staffing Services	1375 Plainfield Ave., Suite 1 Watchung, NJ 07069
<input type="checkbox"/>		Emcore Corp.	800 Rahway Ave. Union, NJ
<input type="checkbox"/>		Ethicon, Inc.	1515 West Blancke Street, Bldgs 1501 and 1525, Linden, NJ
<input type="checkbox"/>		Fedders Corp.	27 Commerce Drive, Cranford, NJ

X		Sanofi Aventis	400 Somerset Corporate Blvd., Bridgewater, NJ 08807
X		Independence Technology, LLC	45 Technology Drive Warren, NJ 07059
X		Johnson & Johnson	1 Merck Drive, PO Box 2000 (RY60-200E), Rahway, NJ
<input type="checkbox"/>		Tekni-Plex, Inc.	865 Stone Street, Rahway, NJ
<input type="checkbox"/>		Ortho-Clinical Diagnostics, Inc.	1401 Park Ave. South, Linden
<input type="checkbox"/>		Hooper Holmes, Inc.	170 Mount Airy Rd., Basking Ridge, NJ 07920

3e. Community Contacts (names of community groups/organizations throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing)

Name of Group/Organization	Outreach Area	Duration & Frequency of Outreach
Fair Share Housing Center	Statewide	1 notice when units available
Latino Action Network	Statewide	1 notice when units available
New Jersey State Conference of the NAACP	Statewide	1 notice when units available
Supportive Housing Association	Statewide	1 notice when units available
New Brunswick Branch of the NAACP	Statewide	1 notice when units available
Plainfield Area Branch of the NAACP	Statewide	1 notice when units available
Perth Amboy Branch of the NAACP	Statewide	1 notice when units available
Metuchen/Edison Branch of the NAACP	Statewide	1 notice when units available
New Jersey Housing Resource Center	Statewide	1 notice when units available

IV. APPLICATIONS

Applications for affordable housing for the above units will be available at the following locations:

4a. County Administration Buildings and/or Libraries for all counties in the housing region (list county building, address, contact person) (Check all that applies)

	BUILDING	LOCATION
<input type="checkbox"/>	Middlesex County Administration Bldg.	75 Bayard Lane, New Brunswick, NJ 08903
<input type="checkbox"/>	Somerset County Admin. Bldg.	20 Grove Street, Somerville, NJ 08876
X	Somerset County Library Headquarters	1 Vogt Drive, Bridgewater, NJ 08807
X	Hunterdon County Library Headquarters	314 State Highway 12, Flemington, NJ 08822

4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)

Municipal Building, 475 De Mott Lane, Somerset, NJ 08873

4c. Sales/Rental Office for units (if applicable)
Will vary based on development

V. CERTIFICATIONS AND ENDORSEMENTS

I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the (select one: Municipality's COAH substantive certification or DCA Balanced Housing Program funding or HMFA UHORP/MONI funding).

Mark Healey, AICP/PP

Name (Type or Print)

Director of Planning/ Municipal Housing Liaison Franklin Township

Title/Municipality



3/22/18

Signature

Date

ATTACHMENT B

AFFIRMATIVE FAIR HOUSING MARKETING PLAN

For Affordable Housing in (REGION 3)

Name	E-mail
101.5 FM 1250 AM	jornellas@greatermedianj.com
101.5 FM	ericscot@nj1015.com
105.5 FM 1250 AM	edoherly@greatermedianj.com
105.5 FM 1250 AM	edoherly@greatermedianj.com
98.3 FM - 1450 AM	bjohnson@wctcam.com
About Our Town	cpyecroft@aboutourtown.com
Basking Ridge Patch	linda.sadlouskos@patch.com
Bernards Township Cable	ch15@bernardsboe.com
Branchburg News	branchburgnews@gmail.com
Bridgewater Patch	audreyl@patch.com
Christine Esposito St. Anne Church	Cesposito@stannparish.com
CNN	Cheryl.Robinson@Turner.com
Courier News	cnmetro@mycentraljersey.com
Courier News	pgrzella@njpressmedia.com
Courier News	pgrzella@gannettnj.com
Daily Record	newsroom@dailyrecord.com
ECHOES-SENTINEL	dkelly@recordernewspapers.com
Echoes-Sentinel	aparker-magyar@newjerseyhills.com
FIOS TV	newsweek@fios1news.com
FIOS TV	trdidonato@verizon.net
FIOS TV	ezhuta@fios1news.com
FOX 29	fox29.newsdesk@foxtv.com
FOX 5	desk@fox5ny.com
Franklin Reporter & Advocate	editor@franklinreporter.com
Franklin Township Cable TV	joyce.miller@twp.franklin.nj.us
Franklin Township Cable TV	joyce.miller@twp.franklin.nj.us
Franklin Township Cable TV	justin.heyman@twp.franklin.nj.us
Hillsborough Beacon-Manville News	grobbins@centraljersey.com
Home News Tribune	hntmetro@mycentraljersey.com
Home News Tribune	hntmetro@mycentraljersey.com
Independent Press	ipeditors@njnpublishing.com
Jen Boyett Comcast	Jen_Boyett@comcast.com
Jim Ned - Greater Media NJ (Radio)	jned@greatermedianj.com
MediaList-Murray-TD-Chester-PA-Media-Relations-Cent...	MediaList-Murray-TD-Chester-PA-Media-Relations-Cent...

File Contact Group Insert Format Text Review

Save & Close Delete Group Forward Group Members Notes Add Members Remove Member Update Now E-mail Meeting Categorize Follow Private Zoom

Actions Show Members Communicate Tags Zoom

Name: MEDIA LIST

Name	E-mail
Manokia Musonge TD Charitable Media Relations Contact	Manokia.Musonge@td.com
Montgomery News	montynews@comcast.net
New York Times	metro@nytimes.com
New York Times	bizday@nytimes.com
News12	news12nj@news12.com
NJ Advance Media	cturpin@njadvancemedia.com
NJ Biz	editorial@njbiz.com
NJN Publishing	cturpin@njnpublishing.com
NJN Publishing	cturpin@njnpublishing.com
NY Times	nytnews@nytimes.com
Packet News	sbriggin@centraljersey.com
Patch. com	alexis.tarrazi@patch.com
PATCH.COM	fenskecom@gmail.com
Pauline Pierson	pperson@co.somerset.nj.us
Piscataway Community Television	PCTV15@optonline.net
Pride of North Plainfield	joerenna@rennamedia.com
publictv	news@nytvnews.org
Radio Station 1450 am; 98.3 fm	Racquel.williams@bbgi.com
Radio Station 710 am	news@wor710.com
Recorder Publishing	newsdesk@recordernewspapers.com
Regional News Network)	pcorsentino@rmtv.com
Reporte Hispano	news@reportehispano.com
Rutgers Radio 88.7 FM	jw19191@gmail.com
Satellite Television	jon@everestpro.com
Somerset County	publicinfo@co.somerset.nj.us
Somerset Messenger Gazette	somerset@njnpublishing.com
Somerset Observer	news@hcdemocrat.com
Somerville Cable	kcornell@somervillenjrec.com
Somerville Cable TV	info@somervilletv.com
Star Ledger	somerset@starledger.com
Star Ledger	t Moran@starledger.com
Star Ledger Events	event@starledger.com
Tap into Basking Ridge	baskingridge@tapinto.net
Tap into Franklin	mlucas@tapinto.net

MEDIA LIST - Contact Group

File Contact Group Insert Format Text Review

Save & Close Delete Group Forward Group Members Notes Add Members Remove Member Update Now E-mail Meeting Categorize Tags Follow Private Up Zoom

Name: MEDIA LIST

Name	E-mail
Reporte Hispano	news@reportehispano.com
Rutgers Radio 88.7 FM	jw9191@gmail.com
Satellite Television	jon@everestpro.com
Somerset County	publicinfo@co.somerset.nj.us
Somerset Messenger Gazette	somerset@njnpublishing.com
Somerset Observer	news@hcdemocrat.com
Somerville Cable	kcornell@somervillenjrec.com
Somerville Cable TV	info@somervilletv.com
Star Ledger	somerset@starledger.com
Star Ledger	tmoran@starledger.com
Star Ledger Events	event@starledger.com
Tap into Basking Ridge	baskingridge@tapinto.net
Tap into Franlin	mlyons@tapinto.net
Tap into Hillsborough (rhirsch@tapinto.net)	rhirsch@tapinto.net
Tap into LLC (The Alternative Press)	editor@TAPinto.net
Tap into Somerset Hills (thowes@tapinto.net)	thowes@tapinto.net
Tap into Warren	bnemcek@tapinto.net
The Breeze	yourbreeze@yahoo.com
The Breeze	yourbreeze@yahoo.com
The Breeze	ablumberg@tapinto.net
Trenton Times	community@njtimes.com
Trenton Times	mdowling@nytimes.com
WABC (newsdesk@abc.com)	newsdesk@abc.com
Wall Street Journal	nywireroom@dowjones.com
Warren Patch	john.patten@patch.com
Warren Township Cable TV	waccess@optonline.net
WCBS	mbaker@cbs.com
WMBC	news@wmbctv.com
WNBC (tips@nbcnewyork.com)	tips@nbcnewyork.com
WOR AM	news@wor710.com
World Journal (wjny1@yahoo.com)	wjny1@yahoo.com
WPIX	wpixnewsdesk@tribune.com
Yoursomerset.com	christine49@verizon.net

Windows taskbar showing icons for Internet Explorer, File Explorer, Google Chrome, VLC, Word, and OneDrive. System tray shows volume, network, and power icons. Time: 12:46 PM, Date: 1/31/2018

ATTACHMENT C
AFFIRMATIVE FAIR HOUSING MARKETING PLAN
For Affordable Housing in **(REGION 3)**

The Princeton Packet
PO Box 350
Princeton, NJ 08540

The Daily Record
800 Jefferson Road
PO Box 217
Parsippany, NJ 07054

Home News Tribune
92 E Main Street, Suite 202
Somerville, NJ 08876-2319

The New Jersey Herald
2 Spring Street
Newton, NJ 07860-2077

Comcast of East Windsor
90 Lake Drive
East Windsor, NJ 08520

The Star Ledger
1 Star Ledger Plaza
Newark, NJ 07102

The Trenton Times
Attn: Sheila
413 Riverview Plaza
Trenton, NJ 08611

The Trentonian
600 Perry Street
Trenton, NJ 08618

About Our Town
2 Lakeview Avenue
Suite 312
Piscataway, NJ 08854

The Atom Tabloid &
Citizen Gazette
PO Box 1061
Rahway, NJ 07065

Comcast of Plainfield
73 Rock Ave
Plainfield, NJ 07063

The Bernardsville News
PO Box 687
Bernardsville, NJ 07924

Recorder Publishing
Bernardsville News
17-19 Morristown Road
Bernardsville, NJ 07924

Cablevision of South Raritan
275 Centennial Avenue
Piscataway, NJ 08854

The Courier News
92 E Main Street, Suite 202
Somerville, NJ 08876

World Journal
41 Bridge Street
Metuchen, NJ 08840

Star 99.1 Radio
PO Box 9058
Weston Canal Road
Zarephath, NJ 08890

Greater Media
198 Rt. 9 North, Suite 100
Manalapan, NJ 07726

Hillsborough Beacon/Manville News
300 Witherspoon Street
PO Box 350
Princeton, NJ 08542

Hunterdon Review
PO Box 687
Bernardsville NJ 07924

News NJ 12
Eleanor Aguilar
450 Raritan Center Parkway
Edison, NJ 08837

Fair Share Housing Center
510 Park Blvd
Cherry Hill NJ 08002

Latino Action Network
PO Box 943
Freehold NJ07728

NJ State Conference of NAACP
13 West Front Street
Trenton NJ

Echo Sentinel
256 Mercer Street
Stirling NJ 07980

Hills-Bedminster Press
44 Veterans Memorial Drive East
Somerville NJ 08876

Hunterdon County Democrat
8 Minneakoning Road
Flemington NJ 08822

Somerset Spectator
102 Walnut Avenue
Somerset NJ 089873

Latinos Unidos
PO Box 1082
Jackson NJ 08527

Las Voz Newspaper
1020 Kipling Road
Elizabeth NJ 07208

NJ BIZ
220 Davidson Ave
Suite 302
Somerset NJ 08837-4144

<p>WWFM Radio PO Box B Trenton, NJ 08690</p>	<p>Montgomery News 2106 US Highway 206 South Belle Mead, NJ 08502</p>	<p>Watchung Cable TV Laureen Fellin 15 Mountain Boulevard Watchung, NJ 07069</p>
<p>WMBC-TV 99 Clinton Road West Caldwell, NJ 07006</p>	<p>WCTC & WMGQ 78 Veronica Avenue Somerset, NJ 08873</p>	<p>NJ BIZ 220 Davidson Ave Suite 302 Somerset NJ 08837-4144</p>
<p>WHWH, WPST and WTHK Radio 619 Alexander Road Princeton, NJ 08540</p>	<p>101.5 NJ Radio PO Box 5698 Trenton, NJ 08638</p>	<p>WMTR, WWTR and WDHA Radio 55 Horsehill Road Cedar Knolls, NJ 07927</p>

WHWH, WPST and WTHK Radio
619 Alexander Road
Princeton, NJ 08540

101.5 NJ Radio
PO Box 5698
Trenton, NJ 08638

WMTR, WWTR and WDHA Radio
55 Horsehill Road
Cedar Knolls, NJ 07927

Hunterdon County Library
314 State Route 12
Flemington, NJ 08822

Franklin Township Library
485 DeMott Lane
Somerset, NJ 08873

Somerville Public Library
35 West End Avenue
Somerville, NJ 08876

Hillsborough Public Library
379 South Branch Road
Hillsborough, NJ 08844

Flemington Public Library
118 Main Street
Flemington NJ 08822

Middlesex Library
1300 Mountain Avenue
Middlesex, NJ 08846

Bridgewater Library
Somerset County Library Headquarters
1 Vogt Drive
P. O. Box 6700
Bridgewater, NJ 08807-0700

Bernards Township Library
32 South Maple Avenue
Basking Ridge, NJ 07920

Warren Township Library
42 Mountain Boulevard
Warren, NJ 07059

Middlesex County Dept of Housing &
Community Development
County Administration Building
JFK Square, P.O. Box 871 2nd floor
New Brunswick, NJ 08901

Middlesex County Board of
Social Services
181 How Lane
New Brunswick, NJ 08901

Middlesex County Human Services
Middlesex County Admin. Building
75 Bayard street
New Brunswick, NJ 08901

Middlesex County Board
of Realtors
14 Old Bridge Turnpike,
South River, NJ 08882

NJHMFA
637 South Clinton Avenue
PO Box 18550
Trenton, NJ 08650

Legal Services of Northwest
Jersey, Inc.
82 Park Ave
Flemington, NJ 08822

Hunterdon County Division of
Senior Services
4 Gauntt Place, Building 1
PO Box 2900
Flemington, NJ 08822

Franklin Township Community
Senior Center
Attn: Shonda Sanchez
P. O. Box 6704
Somerset, NJ 08873

Green Brook Senior Center
111 Rock Avenue
Green Brook, NJ 08812

Hillsborough Senior Citizen Club
C/o Hillsborough Twsp. Senior Center
379 South Branch Road
Hillsborough, NJ 08844

Somerset County Office on Aging
PO Box 3000
Somerville, NJ 08876

Homesharing, Inc.
120 Finderne Ave
Bridgewater, NJ 08876

Resource Center of Somerset
427 Homestead Road
Hillsborough, NJ 08844

NJ Citizen Action
Lynn Perry
75 Raritan Avenue, Suite 200
Highland Park, NJ 08904

Somerset County Board of Social
Services
P. O. Box 936
Somerville, NJ 08876

Hunterdon/Somerset Board of
Realtors
3461 Route 22 East, Building B
Branchburg, New Jersey 08876

Branchburg Twshp Municipal Bldg.
1077 Route 202
Branchburg, NJ 08876

Naomi's Way
C/o Catholic Charities
Attn: Nicole Fernandez
20-22 Abel Street
New Brunswick, NJ 08901

Community Development Office
Somerset County
P. O. Box 3000
Somerville, NJ 08876

Franklin Township Municipal Bldg.
475 DeMott Lane
Somerset, NJ 08873

First Baptist Community
Development Corporation
630 Franklin Blvd., Suite 102
Somerset, NJ 08873

Phillips Lighting
200 Franklin Square Drive
Somerset, NJ 08873

Catholic Charities
Attn: Jess Conzerse
540 Rt, 22 East
Bridgewater, NJ 08807

Rutgers University
620 George Street
New Brunswick, NJ 08901

Johnson & Johnson
Attn: Human Resources Dept.
1 Johnson & Johnson Plaza
New Brunswick, NJ 08901

Hygrade Beverage
Human Resources Dept.
P. O. Box 7092
North Brunswick, NJ 08902

Robert Wood Johnson University
Hospital
1 Robert Wood Johnson Place
New Brunswick, NJ 08901

Linda Bennett
Director of Programs & Ministries
First Baptist Church
771 Somerset Street
Somerset, NJ 08873

Briston-Myers Squibb
1 Squibb Drive
New Brunswick, NJ 08901

St. Peter's University Hospital
254 Easton Avenue
New Brunswick, NJ 08901

LabCorp
69 First Avenue
Raritan, NJ 08869

OHM Laboratories
1385 Livingston Avenue
North Brunswick, NJ 08902

Colgate Palmolive Corporation
Human Resources Dept.
P. O. Box 1343
Piscataway, NJ 08854

Wayne Bucknor
Wachovia
400 Raritan Avenue
Highland Park, NJ 08904

Catalent Pharma Solutions, Inc.
14 Schoolhouse Road
Somerset, NJ 08873

In Ventiv Health, Inc.
500 Atrium Drive
Somerset, NJ 08873

Holy Spirit Fellowship
274 Greenbrook Road
Green Brook, NJ 08812

Green Brook Municipal Bldg.
111 Greenbrook Road
Green Brook, NJ 08812

Avaya, Inc.
211 Mt. Airy Road
Basking Ridge, NJ 07920

RWJ -Somerset
110 Rehil Avenue
Somerville, NJ 08876-2598

Met Life
501 US Highway 22 West
Bridgewater, NJ 08807

Johnson & Johnson Research
920 Us Highway 202
Raritan, NJ 08869

Hunterdon Medical Center
2100 Wescott Drive
Flemington, NJ 08822

Tekni-Plex, Inc.
201 Industrial Parkway
Branchburg, NJ 08876

Merck & Company
P.O. Box 100
Whitehouse Station, NJ 08889

Bernards Police Department
1 Collyer Lane
Basking Ridge, NJ 07920

Bernards Township
Attn: Sue Long-Engineering
277 South Maple Avenue
Basking Ridge, NJ 07920

Bernards Administration Building
1 Collyer Lane
Basking Ridge, NJ 07920

Bernards Health Department
262 South Finley Avenue
Basking Ridge, NJ 07920

Bernards – Parks & Recreation
Administration Building
1 Collyer Lane
Basking Ridge, NJ 07920

Bernards – Tax Assessor
Administration Building
1 Collyer Lane
Basking Ridge, NJ 07920

Web Link Solutions, LLC
16 Mt. Bethel road
Warren, NJ 07059

I3
131 Morristown Road
Basking Ridge, NJ 07920

AT & T
400 Commons Way
Bridgewater, NJ 08807

AT&T Headquarters
Attn: Building Manager
900 Route 202-206 N
Bedminster, NJ 07921

Independence Technology, LLC 45
Technology Drive
Warren, NJ 07059

Warren Township Municipal
Building
46 Mountain Boulevard
Warren, NJ 07059

Aba Payfax Payroll
50 Mt. Bethel Road
Warren, NJ 07059

Chubb Insurance Co.
202 Halls Mill Road
Whitehouse Station, NJ 08889

Regent Chemical & Research Inc.
115 Rt. 202
Ringoes, NJ 08551

Ferreira Construction Co
31 Tannery Road
Somerville, NJ 08876

NYLIFE Securities, Inc. Dept
New York Life
110 Cokesbury Road
Lebanon, NJ 08833

Health Quest of Hunterdon
310 Rt. 31 North
Flemington, NJ 08822

Hunterdon County Administration
Building
71 Main Street Bldg 1
PO Box 2900
Flemington, NJ 08822-1207

Hunterdon Board
of Social Services
PO Box 2900
Flemington, NJ 08822

Hunterdon County Dept. of Human
Service Dept. of Human Services
P. O. Box 2900
Flemington, NJ 08822

Township of Raritan
Planning & Zoning Department
1 Municipal Drive
Flemington, NJ 08822

Business Education Alliance
P. O. Box 231
Flemington, NJ 08822

Kuhl Corporation
39 Kuhl Road
Flemington, NJ 08822

Flemington Car & Truck Co.
P. O. Box 91
Flemington, NJ 08822

Catholic Charities
6 Park Ave.
Flemington, NJ 08822

Hunterdon Helpline
P.O. Box 246
Flemington, NJ 08822

James Toyota Scion
172 Route 202
P. O. Box 2217
Flemington, NJ 08822

Exxon Mobil
1545 Route 22
Annandale, NJ 08801

Interfaith Hospitality Network
10 East Main Street
Flemington, NJ 08822

Millington Baptist Church
520 King George Road
Basking Ridge, NJ 07920

Bishop James United Methodist
22 S. Finley Ave.
Basking Ridge, NJ 07920

Somerset Hills Baptist
510 Mount Airy Road
Basking Ridge, NJ 07920

St. Michael's Ukrainian Catholic
Church
1700 Brooks Blvd.
Hillsborough, NJ 08844

St. James Roman Catholic Church
184 S. Finley Ave.
Basking Ridge, NJ 07920

King of Kings Church
219 Mount Airy Road
Basking Ridge, NJ 07920

Liberty Presbyterian Church
45 Church Street
Liberty Corner, NJ 07938

Basking Ridge Presbyterian Church
1 E. Oak Street
Basking Ridge, NJ 07920

Somerset Hills Lutheran Church
350 Lake Road
Basking Ridge, NJ 07920

The Presbyterian Church of
Basking Ridge
1 East Oak Street
Basking Ridge, NJ 07920

Advent Lutheran Church
524 South Street
New Providence, NJ 07974

Garden State Sikh Association
977 Washington Valley Road
Basking Ridge, NJ 07920

Our Lady of the Mountain RCC
167 Mount Bethel Road
Warren, NJ 07059

Our Lady of Perpetual Help
30 Seney Drive
Bernardsville, NJ 07924

Blessed Sacrament Church
1890 Washington Valley Road
Martinsville, NJ 08836

Springdale United Methodist Church
109 Washington Valley Road
Warren, NJ 07059

St. Mary's Byzantine Catholic
Church
1900 Brooks Blvd.
Hillsborough, NJ 08844

Martinsville United Methodist
Church
1949 Washington Valley Road
Martinsville, NJ 08836

Six Mile Run Reformed Church
3037 State Highway 27
Franklin Park, NJ 08823

Mt Bethel Baptist Church
147 Mount Bethel Road
Warren, NJ 07059

St. Ann's Church
45 Anderson Street
Raritan, NJ 08869

Shree Swaminarayan Mandir
Loyadham NJ
10 West Somerset Street
Raritan NJ 08869

The Elks
305 E. Second Street
Bound Brook, NJ 08805

The Elks
375 Union Avenue
Bridgewater, NJ 08807

The Elks
1500 Brooks Blvd
Manville, NJ 08835

The Elks
545 Bound Brook Road
Middlesex, NJ 08846

St. Magdalen De Pazzi R.C.
Church
105 Mine Street
Flemington, NJ 08822

Flemington United Methodist
Church
116 East Main Street
Flemington, NJ 08822

Grace Covenant Baptist Church
35 Court Street
Flemington, NJ 08822

Calvary Episcopal Church
8 New York Avenue
Flemington, NJ 08822

Temple Sholom
594 North Bridge Street
Bridgewater NJ 08807

Temple Beth-El
67 US – 206
Hillsborough NJ 08844

Or Chadash-Reform Temple
149 Foothill Road
Flemington NJ 08822

Somerset Presbyterian Church
100 JFK Blvd
Somerset, NJ 08873

Middlebush Reformed Church
1 S. Middlebush Road
Somerset, NJ 08873

Ukrainian Orthodox Center
Church Hall
135 Davidson Avenue
Somerset, NJ 08873

St. Paul Lutheran Church
201 NJ Rt. 31
Flemington, NJ 08822

Flemington Presbyterian Church
10 East Main Street
Flemington, NJ 08822

Calvary Episcopal Church
8 New York Avenue
Flemington, NJ 08822

Heritage Baptist Church
1 Autumn Leaf Drive
Flemington, NJ 08822

Flemington Baptist Church
170 East Main Street
Flemington, NJ 08822

Flemington United Methodist
Church
116 East Main Street
Flemington, NJ 08822

Central Hunterdon Baptist Church
325 State US 31
Flemington, NJ 08822

Emanuel Baptist Church
145 Warren Street
Somerset, NJ 08873

Grace Covenant Baptist Church
35 Court Street
Flemington, NJ 08822

St. Peter and Paul Byzantine
Catholic Church
285 Hamilton Street
Somerset, NJ 08873

Mount Carmel Presbyterian Church
350 Franklin Avenue
Somerset, NJ 08873

Calvary Baptist Church
5 Franklin Street
Somerset, NJ 08873

First Baptist Church of Lincoln
Gardens
771 Somerset Street
Somerset, NJ 08873

Middlebush Reformed Church
1 S. Middlebush Road
Somerset, NJ 08873

Temple Beth El
1489 Hamilton Street
Somerset, NJ 08873

Rutgers Community Christian
Church
71 Cedar Grove Lane
Somerset, NJ 08873

Eternal Life Christian Center
322 Franklin Blvd.
Somerset, NJ 08873

St. Sharbel's Maronite Catholic
Church
526 Easton Avenue
Somerset, NJ 08873

Mary Mother of God
157 S. Triangle Road
Hillsborough, NJ 08844

Holy Trinity Lutheran Church
1640 Amwell Road
Somerset, NJ 08873

Somerset Baptist Church
9 Pershing Avenue
Somerset, NJ 08873

Trinity United Church
118 King George Road
Warren, NJ 07059

Pilgrim Congregational Church
105 Mountainview Road
Warren, NJ 07059

St. Joseph's R C Church
16 E Somerset Street
Raritan, NJ 08869

Stonecrest Community Church
1 Technology Drive
Warren, NJ 07059

Christ the King Church
98 So. 2nd Avenue
Manville, NJ 08835

Emmanuel Baptist Church
34 So. 3rd. Avenue
Manville, NJ 08835

Holy Trinity R C Church
60 Maple Street
Bridgewater, NJ 08807

Srivari Sri Balaji Temple
619 Elizabeth Avenue
Somerset NJ 08873

First Baptist Church
630 Franklin Blvd.
Somerset, NJ 08873

St. Matthias Catholic Church
168 JFK Blvd
Somerset, NJ 08873

Saints Peter & Paul Orthodox
Church
605 Washington Avenue
Manville, NJ 08835

St. Francis Episcopal Church
400 New Market Road
Dunellen, NJ 08812

St. James Ame Church
46 Welshs Lane
Somerset, NJ 08873

Dunellen First Presbyterian Church
218 Dunellen Avenue
Dunellen, NJ 08812

St. Luke's Lutheran Church
264 New Market Road
Dunellen, NJ 08812

St. Bernard's R C
500 US Highway 22
Bridgewater, NJ 08807

Bound Brook United Methodist
Church
150 W. Union Avenue
Bound Brook, NJ 08805

St. John's Lutheran Church
319 Winsor Street
Bound Brook, NJ 08805

St. Mary's Roman Catholic Church
201 Vosseller Avenue
Bound Brook, NJ 08805

St. Paul's Episcopal Church
214 Church Street
Bound Brook, NJ 08805

Our Lady of Mt. Virgin RC Church
650 Harris Avenue
Middlesex, NJ 08846

St. Elizabeth Orthodox Church
88 Eastern Avenue
Somerville, NJ 08876

Our Lady of Mercy RC Church
122 High Street
So. Bound Brook, NJ 08880

First Baptist Church
43 Franklin Street
So. Bound Brook, NJ 08880

United Reformed Church
100 W. Main Street
Somerville, NJ 08876

Immaculate Conception RC Church
35 Mountain Avenue
Somerville, NJ 08876

Emmanuel Reformed Episcopal
Church
100 Grant Avenue
Somerville, NJ 08876

First United Methodist Church of
Somerville
48 W. High Street
Somerville, NJ 08876

Reformed Church at Finderne
581 Bridgewater Avenue
Bridgewater, NJ 08807

Good Shepherd Lutheran Church
300 Union Avenue
Somerville, NJ 08876

Community Baptist Church of
Somerset
211 Demott Lane
Somerset, NJ 08873

Ananda Mandir
269 Cedar Grove Lane
Somerset NJ 08873

BAPS Shir Swaminarayan Mandir
81 Suttons Lane
Piscataway NJ 08854

Franklin Township Police
Department
495 DeMott Lane
Somerset, NJ 08873

Franklin Park Volunteer Fire
Department
2 Claremont Road
Franklin Park, NJ 08823

Somerset Rescue Squad
179 Girard Avenue
Somerset, NJ 08873

East Franklin Fire Department
Station 27
121 Pinegrove Avenue
Somerset, NJ 08873

Elizabeth Ave. Volunteer Fire Co.
2 Woley Drive
Somerset, NJ 08873

Bound Brook Fire Department
230 Hamilton Street
Bound Brook, NJ 08805

Basking Ridge Fire Co. # 1
30 Washington Avenue
Basking Ridge, NJ 07920

Bernardsville Fire Company # 1
118 Minebrook Road
Bernardsville, NJ 07924

Bound Brook Police Department
226 Hamilton Street
Bound Brook, NJ 08805

So. Bound Brook Police Department
12 Main Street
So. Bound Brook, NJ 08880

Finderne Engine Co. No. 1
672 E Main Street
Bridgewater, NJ 08807

Green Knoll Fire Co.
587 Foothill Road
Bridgewater, NJ 08807

North Plainfield Police Department
263 Somerset Street
North Plainfield, NJ 07060

Liberty Corner Fire Company
95 Church Street
Liberty Corner, NJ 07938

Manville Fire Department
325 N Main Street
Manville, NJ 08835

Bedminster Township Police
Department
55 Miller Lane
Bedminster, NJ 07921

Far Hills Borough Police
Department
6 Prospect Street
Far Hills, NJ 07931

Peapack Police Department
1 School Street
Peapack, NJ 07977

Raritan Police Department
20 1st. Street
Raritan, NJ 08869

Somerville Police Department
24 S Bridge Street
Somerville, NJ 08876

Dunellen Police Department
355 North Avenue
Dunellen, NJ 08812

Warren Police Department
44 Mountain Blvd.
Warren, NJ 07059

Branchburg Township Police
Department
590 Old York Road
Branchburg, NJ 08876

Bernardsville Township
Police Department
166 Mine Brook Road
Bernardsville, NJ 07924

Green Brook Township Police
Department
109 Greenbrook Road
Green Brook, NJ 08812

Green Brook Township Fire
Department
111 Rock Avenue
Green Brook, NJ 08812

Green Brook Township EMS
115 Rock Avenue
Green Brook, NJ 08812

Three Bridges Volunteer Fire
Department
467 Main Street
Three Bridges, NJ 08887

Neshanic Station Volunteer Fire
Department
333 Maple Avenue
Neshanic Station, NJ 08853

Martinsville Volunteer Fire
Department
1912 Washington Valley Road
Martinsville, NJ 08836

Peapack Gladstone Fire Department
6 Dewey Avenue
Gladstone, NJ 07934

So. Bound Brook Fire Department
87 Edgewood Terrace
So. Bound Brook, NJ 08880

Somerville Fire Department
22 West End Avenue
Somerville, NJ 08876

North Plainfield Fire Department
8 Lincoln Place
North Plainfield, NJ 07060

Country Hills Fire Co.
264 Milltown Road
Bridgewater, NJ 08807

Watchung Fire Department
57 Mountain Boulevard
Watchung, NJ 07069

Raritan Fire Department
611 N Thompson Street
Raritan, NJ 08869

Warren Township Volunteer
Fire Department
46 Mountain Boulevard
Warren, NJ 07059

Raritan Township Police
Department
4 Sergeantsville Road
Flemington, NJ 08822

Mt. Bethel Volunteer Fire
Department
128 Mt. Bethel Road
Warren, NJ 07059

Flemington Fire Department
38 Park Avenue
Flemington, NJ 08822

Warren Township Rescue Squad
6 Bardy Road
Warren, NJ 07059

Flemington Police Department
100 Main Street
Flemington, NJ 08822

Carteret Police Dept.
230 Roosevelt Avenue
Carteret, NJ 07008

Raritan Township Police
Department
303 So. Main Street
Flemington, NJ 08822

Cranbury Police Dept.
1 Logan Drive
Cranbury NJ 08512

East Brunswick Police Dept.
1 Civic Center Drive
East Brunswick NJ 08816

New Brunswick Police Dept.
25 Kirkpatrick Street
New Brunswick, NJ 08901

South Plainfield Police Dept.
2480 Plainfield Avenue
So. Plainfield NJ 07080

Perth Amboy Police Dept.
365 New Brunswick Ave.
Perth Amboy, NJ 08861

North Brunswick Police Dept.
710 Hermann Road
North Brunswick NJ 08902

Piscataway Police Dept.
555 Sidney Road
Piscataway NJ 08854

South Brunswick Police Dept.
1 Police Plaza
Monmouth Junction NJ 08852

Plainsboro Police Dept.
641 Plainsboro Road
Plainsboro NJ 08526

Old Bridge Police Dept.
1 Old Bridge Place
Old Bridge, NJ 08857

APPENDIX M

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, TO ADDRESS THE REQUIREMENTS REGARDING COMPLIANCE WITH THE MUNICIPALITY'S PRIOR ROUND AND THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS

SUMMARY

This ordinance is prepared in response to the Conditional Order of Compliance issued by the Superior Court of New Jersey Law Division Somerset County, dated January 16th, 2018, which requires that the Township submit for approval by the Court a new Housing Element and Fair Share Plan and an Affordable Housing Trust Fund Spending Plan consistent with the Conditional Order of Compliance and that the Township submit to the Court all resolutions and ordinances necessary to implement the Housing Element and Fair Share Plan and Affordable Housing Trust Fund Spending Plan.

Specifically, this ordinance: reflects all requirements of the Settlement Agreement as well as applicable UHAC and COAH Rules pertinent to an Affordable Housing Ordinance; repeals Article II (which outlines an Affirmative Marketing Plan) in its entirety as a new Affirmative Marketing Plan consistent with applicable rules and the Settlement Agreement will be adopted separately by resolution; and repeals Article III (which addresses Municipal Housing Liaison and Administrative Agent) in its entirety as these topics are adequately addressed in Article I.

BE IT ORDAINED by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey as follows:

SECTION I

Chapter 112, Land Development, is amended to replace existing Article XXXIII, Affordable Housing Development Fees, in its entirety as follows:

Article I: Fair Share Housing Obligation

§ 81-1 Affordable housing obligation.

- A. This chapter is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This chapter shall apply except where inconsistent with applicable law.
- B. The Township of Franklin Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq.

The Fair Share Plan has been endorsed by the governing body. The Fair Share Plan describes the ways the Township of Franklin shall address its fair share for low- and moderate-income housing as ~~determined by the Council on Affordable Housing (COAH) and~~ documented in the Housing Element.

- C. This chapter implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:97, as may be amended and supplemented.
- D. ~~The Township of Franklin shall file monitoring reports with COAH in accordance with N.J.A.C. 5:96, tracking the status of the implementation of the Housing Element and Fair Share Plan. Any plan evaluation report of the Housing Element and Fair Share Plan and monitoring prepared by COAH in accordance with N.J.A.C. 5:96 shall be available to the public at the Township of Franklin Municipal Building, Municipal Clerk's Office, 475 DeMott Lane, Somerset, New Jersey, 08873 or from COAH at 101 South Broad Street, Trenton, New Jersey, and on COAH's website, www.nj.gov/dea/affiliates/coah.~~ On the first anniversary of the Court's approval of the Settlement Agreement, and every anniversary thereafter through the end of term of repose, the Township shall provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center (FSHC), using forms previously developed for this purpose by COAH or any other forms endorsed by the Special Master and FSHC.
- E. The Fair Housing Act includes two provisions regarding action to be taken by the Township during the ten-year period of protection provided in the Settlement Agreement. The Township shall comply with those provisions as follows:
 - (1) For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Township will post on its municipal website, with a copy provided to FSHC, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the court regarding these issues.
 - (2) For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of the Court's approval of the Settlement Agreement, and every third year thereafter, the Township will post on its municipal website, with a copy provided to FSHC, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced in the Fair Share Plan approved by the Court.

§ 81-2 Definitions.

The following terms when used in this chapter shall have the meanings given in this section:

ACCESSORY APARTMENT

A self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

ACT

The Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

ADAPTABLE

Constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

ADMINISTRATIVE AGENT

The entity responsible for the administration of affordable units in accordance with this chapter, N.J.A.C. 5:96, N.J.A.C. 5:97 and N.J.A.C. 5:80-26.1 et seq.

AFFIRMATIVE MARKETING

A regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

AFFORDABILITY AVERAGE

The average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

AFFORDABLE

A sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:97-9; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

AFFORDABLE DEVELOPMENT

A housing development all or a portion of which consists of restricted units.

AFFORDABLE HOUSING DEVELOPMENT

A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a one-hundred-percent affordable development.

AFFORDABLE HOUSING PROGRAM(S)

Any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

AFFORDABLE UNIT

A housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:97-4, and/or funded through an affordable housing trust fund.

AGENCY

The New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

AGE-RESTRICTED UNIT

A housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population, such that all the residents of the development where the unit is situated are 62 years or older; or at least 80% of the units are occupied by one person that is 55 years or older; or the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

ASSISTED-LIVING RESIDENCE

A facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

CERTIFIED HOUSEHOLD

A household that has been certified by an administrative agent as a low-income household or moderate-income household.

COAH

The Council on Affordable Housing, which is in, but not of, the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.). Since the New Jersey Supreme Court stripped COAH of its administrative duties relating to the affordable housing any and all references to COAH review or approval shall mean the Court, as may be required by the Court.

COURT

The Superior Court of New Jersey Law Division: Somerset County

DCA

The State of New Jersey Department of Community Affairs.

DEFICIENT HOUSING UNIT

A housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

DEVELOPER

Any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT

The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

FAIR SHARE HOUSING CENTER (FSHC)

A New Jersey Supreme-Court designated interested party in the affordable housing litigation described in the HEFSP with whom the Township entered into a Settlement Agreement dated November 3, 2017.

HOUSING ELEMENT AND FAIR SHARE PLAN (HEFSP)

The plan adopted by the Township Planning Board, endorsed by the Township Council and approved by the Court, that demonstrates the manner in which Franklin Township adequately addresses its obligation to provide affordable housing.

INCLUSIONARY DEVELOPMENT

A development containing both affordable units and market-rate units. This term includes, but is not necessarily limited to, new construction, the conversion of a nonresidential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

LOW-INCOME HOUSEHOLD

A household with a total gross annual household income equal to 50% or less of the median household income.

LOW-INCOME UNIT

A restricted unit that is affordable to a low-income household.

MAJOR SYSTEM

The primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include, but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load-bearing structural systems.

MARKET-RATE UNITS

Housing not restricted to low- and moderate-income households that may sell or rent at any price.

MEDIAN INCOME

The median income by household size for the applicable county, as adopted annually by COAH.

MODERATE-INCOME HOUSEHOLD

A household with a total gross annual household income in excess of 50% but less than 80% of the median household income.

MODERATE-INCOME UNIT

A restricted unit that is affordable to a moderate-income household.

MUNICIPALITY

The Township of Franklin, Somerset County, New Jersey.

NONEXEMPT SALE

Any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a Class A beneficiary and the transfer of ownership by court order.

RANDOM SELECTION PROCESS

A process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

REGIONAL ASSET LIMIT

The maximum housing value in each housing region affordable to a four-person household with an income at 80% of the regional median as defined by COAH's adopted Regional Income Limits published annually by COAH.

REHABILITATION

The repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

RENT

The gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted-living residences, rent does not include charges for food and services.

RESTRICTED UNIT

A dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

SETTLEMENT AGREEMENT

The document dated November 3, 2017 which sets forth the manner in which the Township will meet its 1999-2025 affordable housing obligations in a manner agreeable to FSHC and agreeable to the Township for the purpose of settling the litigation.

SPECIAL MASTER

An expert in affordable housing designated by the Court to perform various functions related to the Courts consideration of affordable housing litigation matters including but not limited to the review of Settlement Agreements, HEFSPs, Affordable Housing Trust Fund Spending Plans, as well as implementing resolutions and ordinances.

UHAC

The Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

VERY LOW-INCOME HOUSEHOLD

A household with a total gross annual household income equal to 30% or less of the median household income.

VERY LOW-INCOME UNIT

A restricted unit that is affordable to a very low-income household.

WEATHERIZATION

Building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for rehabilitation.

§ 81-3 Affordable housing programs.

The Township of Franklin has determined that it will use the following mechanisms to satisfy its affordable housing obligations: rehabilitation and new construction.

A. Rehabilitation program.

- (1) The Township of Franklin's rehabilitation program shall be designed to renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.
- (2) Both owner-occupied and renter-occupied units shall be eligible for rehabilitation funds.

- (3) All rehabilitated units shall remain affordable to low- and moderate-income households for a period of 10 years (the control period). For owner-occupied units the control period will be enforced with a lien and for renter-occupied units the control period will be enforced with a deed restriction.
- (4) The Township of Franklin shall dedicate a minimum of \$10,000 for each unit to be rehabilitated through this program, reflecting the minimum hard cost of rehabilitation for each unit.
- (5) The Township of Franklin shall adopt a resolution committing to fund any shortfall in the rehabilitation programs for the Township of Franklin.
- (6) The Township of Franklin shall designate, subject to the approval of COAH, one or more administrative agents to administer the rehabilitation program in accordance with N.J.A.C. 5:96 and N.J.A.C. 5:97. The administrative agent(s) shall provide a rehabilitation manual for the owner-occupancy rehabilitation program and a rehabilitation manual for the rental occupancy rehabilitation program to be adopted by resolution of the governing body and subject to approval of COAH. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the administrative agent(s).
- (7) Units in a rehabilitation program shall be exempt from N.J.A.C. 5:97-9 and Uniform Housing Affordability Controls (UHAC), but shall be administered in accordance with the following:
 - (a) If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is rerented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to N.J.A.C. 5:97-9 and UHAC.
 - (b) If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:97-9 and UHAC.
 - (c) Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:97-9.
 - (d) Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:97-9 and UHAC, except that households in owner-occupied units shall be exempt from the regional asset limit.

B. Phasing. In inclusionary developments the following schedule shall be followed:

Maximum Percentage of

Minimum Percentage of Low- and

Market-Rate Units Completed

Moderate-Income Units Completed

25%	0%
25%+1%	10%
50%	50%
75%	75%
90%	100%

- C. Design. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
- D. Payments-in-lieu and off-site construction. The standards for the collection of Payments-in-lieu of constructing affordable units or standards for constructing affordable units off-site shall be in accordance with N.J.A.C. 5:97-6.4.
- E. Utilities. Affordable units shall utilize the same type of heating source as market units within the affordable development.

§ 81-4 New construction.

The following general guidelines apply to all newly constructed developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

A. Low/moderate split and bedroom distribution of affordable housing units:

- (1) The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.
- (2) In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be low-income units.
- (3) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - (a) The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;
 - (b) At least 30% of all low- and moderate-income units shall be two-bedroom units;
 - (c) At least 20% of all low- and moderate-income units shall be three-bedroom units; and

(d) The remaining units may be allocated among two- and three-bedroom units at the discretion of the developer.

(4) Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

B. Accessibility requirements:

(1) The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.

(2) All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:

(a) An adaptable toilet and bathing facility on the first floor;

(b) An adaptable kitchen on the first floor;

(c) An interior accessible route of travel on the first floor;

(d) An interior accessible route of travel shall not be required between stories within an individual unit;

(e) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and

(f) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, or evidence that the Township of Franklin has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:

[1] Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.

[2] To this end, the builder of restricted units shall deposit funds within the Township of Franklin's affordable housing trust fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.

- [3] The funds deposited under Subsection B(2)(f)[2] above shall be used by the Township of Franklin for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
- [4] The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Township of Franklin.
- [5] Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, and that the cost estimate of such conversion is reasonable, payment shall be made to the Township of Franklin's affordable housing trust fund in care of the Municipal Treasurer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.
- [6] Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.

C. Maximum rents and sales prices.

- (1) In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC and in COAH rules, ~~utilizing the regional income limits established by COAH.~~

Income limits for all units that are part of the HESFP and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 shall be updated by the Township annually within 30 days of the publication of determinations of median income by HUD as follows:

- (a) Regional income limits shall be established for the region that the Township is located within (i.e. Region 3) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Township's housing region. This quotient represents the regional weighted average of median

income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.

- (b) The income limits attached hereto as Figure 1: 2017 Income Limits are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for FY 2017, and shall be utilized until the Township updates the income limits after HUD has published revised determinations of median income for the next fiscal year.
- (c) The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Township annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.
- (2) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60% of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52% of median income.
- (3) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.
- (a) Notwithstanding the requirements of N.J.A.C 5:80-26.3(d) at least 13% of all low- and moderate-income rental units shall be affordable to households earning no more than 30% of median income. ~~The Township of Franklin's obligation is 908 units which require the Township to provide 118 very low-income units.~~
- (4) The maximum sales price of restricted-ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development must achieve an affordability average of 55% for restricted-ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three

different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.

- (5) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be used:
 - (a) A studio shall be affordable to a one-person household;
 - (b) A one-bedroom unit shall be affordable to a one-and-one-half person household;
 - (c) A two-bedroom unit shall be affordable to a three-person household;
 - (d) A three-bedroom unit shall be affordable to a four-and-one-half person household; and
 - (e) A four-bedroom unit shall be affordable to a six-person household.
- (6) In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be used:
 - (a) A studio shall be affordable to a one-person household;
 - (b) A one-bedroom unit shall be affordable to a one-and-one-half person household; and
 - (c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
- (7) The initial purchase price for all restricted-ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95% of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28% of the eligible monthly income of the appropriate-size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (8) The initial rent for a restricted rental unit shall be calculated so as not to exceed 30% of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

- (9) The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
- (10) The rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed 9% in any one year. Rents for units constructed pursuant to low-income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.
- (11) Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

§ 81-5 Guidelines for all developments.

The following general guidelines apply to all developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

A. Affirmative marketing requirements.

- (1) The Township of Franklin shall adopt by resolution an affirmative marketing plan, subject to approval of the Court compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- (2) The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward COAH Housing Region 53 and covers the period of deed restriction.
- (3) The affirmative marketing plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 53 comprised of Hunterdon, Middlesex and Somerset ~~Camden, Gloucester and Burlington~~ Counties.
- (4) The administrative agent designated by the Township of Franklin shall assure the affirmative marketing of all affordable units is consistent with the affirmative marketing plan for the municipality.

- (5) In implementing the affirmative marketing plan, the administrative agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (6) The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- (7) The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Township of Franklin.

B. Occupancy standards.

- (1) In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the administrative agent shall strive to:
 - (a) Provide an occupant for each bedroom;
 - (b) Provide children of different sex with separate bedrooms; and
 - (c) Prevent more than two persons from occupying a single bedroom.
- (2) Additional provisions related to occupancy standards (if any) shall be provided in the municipal operating manual.

C. Control periods for restricted-ownership units and enforcement mechanisms.

- (1) Control periods for restricted-ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted-ownership unit shall remain subject to the requirements of this chapter until the Township of Franklin elects to release the unit from such requirements; however, and prior to such an election, a restricted-ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (2) The affordability control period for a restricted-ownership unit shall commence on the date the initial certified household takes title to the unit.
- (3) Prior to the issuance of the initial certificate of occupancy for a restricted-ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also determine the nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value.

- (4) At the time of the first sale of the unit, the purchaser shall execute and deliver to the administrative agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first nonexempt sale after the unit's release from the requirements of this chapter, an amount equal to the difference between the unit's nonrestricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
 - (5) The affordability controls set forth in this chapter shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted-ownership units.
 - (6) A restricted-ownership unit shall be required to obtain a continuing certificate of occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.
- D. Price restrictions for restricted-ownership units, homeowner association fees and resale prices. Price restrictions for restricted-ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:
- (1) The initial purchase price for a restricted-ownership unit shall be approved by the administrative agent.
 - (2) The administrative agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
 - (3) The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.
 - (4) The owners of restricted-ownership units may apply to the administrative agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.
- E. Buyer income eligibility.
- (1) Buyer income eligibility for restricted-ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50% of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80% of median income.

- (2) The administrative agent shall certify a household as eligible for a restricted-ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33% of the household's certified monthly income.

F. Limitations on indebtedness secured by ownership unit; subordination.

- (1) Prior to incurring any indebtedness to be secured by a restricted-ownership unit, the administrative agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.
- (2) With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted-ownership unit to exceed 95% of the maximum allowable resale price of that unit, as such price is determined by the administrative agent in accordance with N.J.A.C. 5:80-26.6(b).

G. Control periods for restricted rental units.

- (1) Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this chapter until the Township of Franklin elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, and prior to such an election, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (2) Deeds of all real property that includes restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of ~~Somerset~~ Gloucester. A copy of the filed document shall be provided to the administrative agent within 30 days of the receipt of a certificate of occupancy.
- (3) A restricted rental unit shall remain subject to the affordability controls of this chapter, despite the occurrence of any of the following events:
 - (a) Sublease or assignment of the lease of the unit;
 - (b) Sale or other voluntary transfer of the ownership of the unit; or
 - (c) The entry and enforcement of any judgment of foreclosure.

H. Price restrictions for rental units; leases.

- (1) A written lease shall be required for all restricted rental units, except for units in an assisted-living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the administrative agent.
- (2) No additional fees or charges shall be added to the approved rent (except in the case of units in an assisted-living residence to cover the customary charges for food and services) without the express written approval of the administrative agent.
- (3) Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit and shall be payable to the administrative agent to be applied to the costs of administering the controls applicable to the unit as set forth in this chapter.

I. Tenant income eligibility.

- (1) Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
 - (a) Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of median income.
 - (b) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of median income.
 - (c) Moderate-income rental units shall be reserved for households with a gross household income less than 80% of median income.
- (2) The administrative agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income or moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - (a) The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;

- (b) The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 - (c) The household is currently in substandard or overcrowded living conditions;
 - (d) The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - (e) The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the administrative agent and the owner of the unit.
- (3) The applicant shall file documentation sufficient to establish the existence of the circumstances in I(2)(a) through (e) above with the administrative agent, who shall counsel the household on budgeting.

J. Administration.

- (1) The position of Municipal Housing Liaison (MHL) for the Township of Franklin is established by this chapter. The Township of Franklin shall make the actual appointment of the MHL by means of a resolution.
- (a) The MHL must be either a full-time or part-time employee of the Township of Franklin.
 - (b) The person appointed as the MHL must be reported to COAH for approval.
 - (c) The MHL must meet all COAH requirements for qualifications, including initial and periodic training.
 - (d) The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Township of Franklin, including the following responsibilities which may not be contracted out to the administrative agent:
 - [1] Serving as the municipality's primary point of contact for all inquiries from the state, affordable housing providers, administrative agents and interested households;
 - [2] The implementation of the affirmative marketing plan and affordability controls;
 - [3] When applicable, supervising any contracting administrative agent;

- [4] Monitoring the status of all restricted units in the Township of Franklin's Fair Share Plan;
 - [5] Compiling, verifying and submitting annual reports as required by COAH;
 - [6] Coordinating meetings with affordable housing providers and administrative agents, as applicable; and
 - [7] Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by COAH.
- (2) The Township of Franklin shall designate by resolution of the Township Council, subject to the approval of COAH, one or more administrative agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:96, N.J.A.C. 5:97 and UHAC.
 - (3) An operating manual shall be provided by the administrative agent(s) to be adopted by resolution of the governing body and subject to approval of COAH. The operating manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the administrative agent(s).
 - (4) The administrative agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the operating manual, including those set forth in N.J.A.C. 5:80-26.14, 26.16 and 26.18 thereof, which includes:
 - (a) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
 - (b) Affirmative marketing;
 - (c) Household certification;
 - (d) Affordability controls;
 - (e) Records retention;
 - (f) Resale and rental;
 - (g) Processing requests from unit owners; and
 - (h) Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.

- (i) The administrative agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

K. Enforcement of affordable housing regulations.

- (1) Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- (2) After providing written notice of a violation to an owner, developer or tenant of a low- or moderate-income unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
 - (a) The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the court:
 - [1] A fine of not more than \$1,000. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;
 - [2] In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township of Franklin affordable housing trust fund of the gross amount of rent illegally collected;
 - [3] In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
 - (b) The municipality may file a court action in the Superior Court seeking a judgment which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first-purchase money mortgage and shall constitute a lien against the low- and moderate-income unit.

- (3) Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first-purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
- (4) The proceeds of the Sheriff's sale shall first be applied to satisfy the first-purchase money mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the owner or forfeited to the municipality.
- (5) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- (6) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first-purchase money mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the first-purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first-purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

- (7) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser which may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- (8) The owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.
- L. Appeals. Appeals from all decisions of an administrative agent designated pursuant to this chapter shall be filed in writing with the Executive Director of COAH.

§ 81-6 through 81-11.1 (Reserved)

Article II: ~~Fair Share Housing Obligation~~ (Reserved)

§ 81-12 through 81-17 (Reserved)

~~§ 81-12 — Purpose.~~

- ~~A. The Township of Franklin has a fair share obligation of 819 units for the period 1997–1999 of which 766 are new construction (inclusionary). These affirmative marketing regulations shall apply to all developments that contain low- and moderate income housing units.~~
- ~~B. The affirmative marketing plan is a regional marketing strategy designed to attract income eligible households of all majority and minority groups, regardless of sex, age or number of children, for the purpose of buying or renting affordable housing units. The plan shall address the requirements of N.J.A.C. 5:93-11. In addition, the plan prohibits discrimination in the sale, rental, financing, etc., on the basis of race, color, sex, religion, handicap, age, familial status/size or national origin. The Township of Franklin is in the housing region consisting of Middlesex, Hunterdon and Somerset Counties.~~

~~§ 81-13 — Advertising.~~

~~The affirmative marketing plan is a continuing program and shall meet the following requirements:~~

- ~~A. All newspaper articles, announcements and requests for applicants for low- and moderate income housing shall appear in the following daily regional newspaper: The Courier News and the Home News & Tribune.~~

~~B. The initial advertising of affordable housing must take the form of at least one press release and one paid display advertisement in each of the above newspapers. At a minimum, the paid display advertisement shall include the following:~~

~~(1) Street address of units.~~

~~(2) Directions to housing units.~~

~~(3) Number of bedrooms per unit.~~

~~(4) Size of units.~~

~~(5) Prices or rents of units.~~

~~(6) Income range for qualifying households.~~

~~(7) Location of applications.~~

~~(8) Telephone number and office hours for obtaining information and requesting applications.~~

~~C. Applications must be mailed to prospective applicants upon request.~~

~~D. Public service announcements shall be made through the use of the following radio and/or cable television stations broadcasting throughout the region: WCTC Radio; Somerset; TKR; Piscataway; WDVR Radio; Sergeantsville; C-Tec; Cable~~

~~E. Announcements, requests for applicants and newspaper articles may be placed in the following neighborhood oriented weekly newspapers, religious publications and organization newsletters within Middlesex, Hunterdon and Somerset Counties as needed:~~

~~(1) Messenger Gazette.~~

~~(3) SCCOAH CJHRC Newsletters.~~

~~(3) Hunterdon Democrat.~~

~~(4) Middlesex Chronicle.~~

~~F. Affordable housing applications, brochures, signs and/or announcements regarding the availability of affordable housing units within the Township of Franklin shall be forwarded to and posted at the following three large-scale employers within the region:~~

~~(1) Hygrade Beverages.~~

~~(2) Colgate Palmolive.~~

~~(3) Web Craft.~~

~~G. The following is a listing of community and regional organizations in Middlesex, Hunterdon and Somerset Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for affordable housing within the regions:~~

~~(1) Somerset County Coalition on Affordable Housing.~~

~~(2) Hunterdon County Housing Agency.~~

~~(3) Hunterdon County Housing Coalition.~~

~~(4) Middlesex County Housing Coalition of Central Jersey.~~

~~(5) Middlesex County Board of Social Services.~~

~~(6) Catholic Charities/Diocese of Metuchen.~~

~~H. Affordable housing applications, brochures, announcements and/or posters will be forwarded to and posted at the following locations:~~

~~(1) Developer's sales office.~~

~~(2) Municipal Building and Library.~~

~~(3) Somerset County Library.~~

~~(4) Hunterdon County Library.~~

~~(5) Middlesex County Library.~~

~~I. Quarterly informational circulars and applications shall be sent to each of the following agencies for publication in their journals and for circulating among their members:~~

~~(1) Board of Realtors in Middlesex County.~~

~~(2) Board of Realtors in Somerset County.~~

~~(3) Board of Realtors in Hunterdon County.~~

- J. ~~Additional quarterly informational circulars and applications shall be sent to the following nonprofit, religious, governmental, fraternal, civic, community action agencies in Middlesex, Hunterdon and Somerset Counties: none.~~
- K. ~~The following is a description of the random selection method that will be used to select occupants of low and moderate income housing: The random selection method to be used will be a lottery based upon a categorization of the number of bedroom units, and whenever there are more applicants in a particular category than units, the random selection method will be utilized.~~

§ 81-14 — Administrative agency.

- A. ~~Somerset County Coalition on Affordable Housing Central Jersey Housing Resource Center (CJHRC) will be the agency under contract with the Township of Franklin to administer the affordable housing units. Somerset County Coalition on Affordable Housing CJHRC has the responsibility to advertise, to income qualify low and moderate income households; to place eligible households in low and moderate income units upon initial occupancy; to continue to qualify households for reoccupancy of units as they become vacant and to enforce the terms of the deed restriction. Somerset County Coalition on Affordable Housing CJHRC will provide counseling services to low and moderate income applicants on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord-tenant law.~~
- B. ~~In addition, the Township of Franklin is designating Ellen Ritchie, Director of Planning as "housing officer" to act as liaison between COAH, the municipality and Somerset County Coalition on Affordable Housing. The municipal liaison will be responsible for tracking the progress of affordable housing, fielding inquiries regarding affordable housing from the public and COAH, complying with COAH monitoring and reporting requirements as per N.J.A.C. 5:93-11.6 and 5:93-12.1.~~

§ 81-15 — Developer responsibilities.

- A. ~~Developers/builders/sponsors of low and moderate income housing units may be required by the Township of Franklin to assist in the advertising of affordable units in their respective developments in accordance with the preceding sections. Such advertising must be coordinated with the housing officer and is subject to the approval of the Township of Franklin.~~
- B. ~~Township of Franklin, in conjunction with Somerset County Coalition of Affordable Housing CJHRC, may delegate other specific tasks to a developer/building/sponsor (such as interviewing applicants, prescreening households, etc.), provided that copies of all applications, income verification documents, sales records, etc., of the low and moderate income units are returned to Somerset County Coalition on Affordable Housing CJHRC for reporting purposes and to aid with future resales.~~

~~§ 81-16 — Preference to tricounty residents.~~

~~Households who live or work in the housing region of Middlesex, Hunterdon and Somerset Counties may be given preference for the affordable housing units within the municipality. Applicants living outside the housing region shall have an equal opportunity for units after intraregional applicants have been processed. Township of Franklin intends to comply with N.J.A.C. 5:93-11.7.~~

~~§ 81-17 — Effective date of affirmative action marketing plan.~~

~~The affirmative marketing plan for new units shall commence 120 days before the issuance of either temporary or permanent certificates of occupancy. Affirmative marketing shall continue until all low and moderate income housing units are initially occupied. Affirmative marketing for existing units shall continue on an as needed basis for as long as affordable units are deed restricted.~~

Article III: ~~Municipal Housing Liaison (Reserved)~~

~~§ 81-18 through 81-20 Purpose. (Reserved)~~

~~The purpose of this article is to create the administrative mechanisms needed for the execution of the Township of Franklin's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.~~

~~§ 81-19 — Definitions.~~

~~As used in this article, the following terms shall have the meanings indicated:~~

~~ADMINISTRATIVE AGENT~~

~~The entity responsible for administering the affordability controls of some or all units in the affordable housing program for the Township of Franklin to ensure that the restricted units under administration are affirmatively marketed and sold and rented, as applicable, only to low and moderate income households.~~

~~MUNICIPAL HOUSING LIAISON~~

~~The employee charged by the Township Council with the responsibility for oversight and administration of the affordable housing program for the Township of Franklin.~~

~~§ 81-20 — Establishment of Municipal Housing Liaison position and compensation; powers and duties.~~

~~A. Establishment of position of Municipal Housing Liaison. There is hereby established the position of Municipal Housing Liaison for the Township of Franklin.~~

- ~~B. Subject to the approval of the Council on Affordable Housing (COAH), the Municipal Housing Liaison shall be appointed by the governing body and may be a full or part time municipal employee.~~
- ~~C. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Township of Franklin, including the following responsibilities which may not be contracted out:~~
- ~~(1) Serving as Township of Franklin's primary point of contact for all inquiries from the state, affordable housing providers, administrative agents, and interested households;~~
 - ~~(2) Monitoring the status of all restricted units in the Township of Franklin's Fair Share Plan;~~
 - ~~(3) Compiling, verifying, and submitting annual reports as required by COAH;~~
 - ~~(4) Coordinating meetings with affordable housing providers and administrative agents, as applicable;~~
 - ~~(5) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH.~~
- ~~D. Subject to approval by COAH, the Township of Franklin may contract with or authorize a consultant, authority, government or any agency charged by the governing body, which entity shall have the responsibility of administering the affordable housing program of Township of Franklin. If the Township of Franklin contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and affirmative marketing plan, the Municipal Housing Liaison shall supervise the contracting administrative agent.~~
- ~~E. Compensation. Compensation shall be fixed by the governing body at the time of the appointment of the Municipal Housing Liaison.~~

Article IV: Local Affordability Assistance Programs

§ 81-21 Down payment and/or closing cost affordability assistance program.

- A. There is established a down payment and/or closing cost affordability assistance program, funded by developer fees, payable only from the Township Housing Trust Fund and administered through the Township of Franklin affordable housing program, for purchasers who seek to purchase low- or moderate-income condominium units as part of said program. Prospective homeowners will not receive direct funds. The assistance dollars will be supplied to the appropriate entity/entities.

- (1) Purchasers seeking down payment and/or closing cost assistance through this program must make application to the administrative agent. This is a grant program. The maximum amount of any grant shall be \$20,000. Approval of any grant shall also be subject to certification by the Township Housing Liaison and Chief Financial Officer that funds are available from the Township's housing trust fund for this grant.
- (2) Qualification and eligibility for this program:
 - (a) Individuals/households must make an application with the administrative agent and be precertified, meaning that applicant demonstrates to the reasonable satisfaction of the administrative agent that there is a very high likelihood that with the receipt of the grant provided herein the applicant will be able to pay all of the required expenses related to owning their affordable home.
 - (b) Individuals/households will only be awarded a grant after they have contracted to purchase an affordable unit and the attorney review process has been completed.
 - (c) Qualified individuals/households must have incomes not exceeding low or moderate income guidelines as applicable for Somerset County per the New Jersey Fair Housing Act.
 - (d) The home/unit to be purchased must meet HUD housing quality standards as evidenced by a professional and written home-inspection report.
 - (e) Applicants must be deemed credit worthy by the administrative agent, and the amount of the mortgage principal shall not exceed three times the applicant's gross annual income.
 - (f) All grant recipients must occupy the property as their principal residence and own no other real estate.
 - (g) All grant recipients must have attended a prepurchase homebuyer education class administered by the administrative agent prior to signing a contract of sale or receive a certificate by meeting face-to-face for at least three hours of one-on-one prepurchase counseling with a counselor of the administrative agent.
 - (h) Funds will be made available at closing to the appropriate attorney trust account.
 - (i) At no time will any individuals/households be allowed to receive funding approval under any of the local affordability assistance programs more than once in a five-year time frame.

§ 81-22 Homeowner affordability assistance program.

A. Homeowners that may be in arrears with their mortgage, sewer/water, real estate taxes, and/or association fees may apply for the homeowner affordability assistance program, funded by developer fees and payable only from the Township housing trust fund and administered through the Township of Franklin affordable housing program, for low- and moderate-income households owning units as part of said program.

(1) Qualification and eligibility for this program:

- (a) Any low- or moderate-income households, as defined by New Jersey Fair Housing Act for Somerset County, paying as part of their shelter costs mortgage, sewer/water, real estate taxes or homeowners' association (condominium) fees (collectively defined as "shelter costs"), who are in arrears are eligible to apply for the program.
- (b) On application for homeowner affordability assistance, the administrative agent will determine whether or not the given household is spending more than 30% of its gross income for shelter costs. This program is not available to households spending less than 30% of their gross income for shelter costs.
- (c) If the aforementioned shelter costs, by paying off the arrearages, would allow the household to spend between 30% and 40% of gross income on shelter costs, then the household may request affordability assistance in the form of a deferred loan to assist the affordable homeowner in becoming current with their Shelter expenses.
- (d) The eligible household shall then submit to the office of the administrative agent income and expense information concerning the household's shelter costs. The administrative agent, with the assistance of the Township of Franklin will evaluate the request for the above-referenced loan for a maximum amount not to exceed \$15,000.
- (e) After review and approval by the administrative agent and Township of Franklin Municipal Housing Liaison and subject to the availability of funding through the Township's affordable housing program for this form of affordability assistance, the Township of Franklin may approve a loan to assist with the payment of the aforementioned shelter costs. Approval shall only be granted to applicants who demonstrate to the reasonable satisfaction of the administrative agent and the Township of Franklin that there is a very high likelihood that with the receipt of the affordability assistance provided herein that the applicant will be able to stay current with their shelter costs in the future. If denied, a written determination of why the funding assistance has been denied will be provided by the administrative agent. This determination shall be final and nonappealable.
- (f) The homeowner affordability assistance program is a deferred payment loan, with the loan amount (and no interest) to be repaid either upon the sale of the

unit (if less than five years) or it is forgiven upon the expiration of five years from the date of the execution of the second mortgage, whichever comes first. Recapture of Township of Franklin assistance funds provided herein will occur if the property is sold within five years of the date of the loan. If the affordable unit is sold during the five-year recapture period, 20% of the funds are forgiven for each full year after the loan closing. In such cases, the Township of Franklin shall receive a pro rata portion of the assistance amount from the Borrower, which amount shall be deposited in the Township's Housing Trust Fund.

- (g) Loans for all properties participating in the homeowner affordability assistance program shall be secured through a mortgage and mortgage note executed by the property owner in favor of the Township of Franklin.
- (h) Further, approval of any loan shall also be subject to certification by the Township Housing Liaison and Chief Financial Officer that funds are available for this form of affordability assistance.
- (i) The administrative agent will record said documents with the County Clerk's office. A copy of the information will be kept in the unit file.
- (j) At no time will any individuals/households be allowed to receive funding approval under any of the local affordability assistance programs more than once in a five year time frame.

SECTION II

If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION III

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed as the extent of such inconsistency.

SECTION IV

This ordinance shall take effect immediately upon adoption and publication according to law.

Ordinance No.

This is a true copy of an ordinance adopted by the Township Council, Township of Franklin, Somerset County, New Jersey.

Introduced:
Public Hearing:
Adoption:
Published:
Effective:

Ann Marie McCarthy, Township Clerk

DRAFT

Prepared by Affordable Housing Professionals of New Jersey (AHPNJ) - August 2017
2017 AFFORDABLE HOUSING REGIONAL INCOME LIMITS BY HOUSEHOLD SIZE

Income limits not officially adopted by the State of New Jersey. Contact your municipality to see if applicable in your jurisdiction. Additional information about AHPNJ income limits is posted on AHPNJ.org

Region	Income Level	Household Size								Max Increase Rents** Series***	Regional Asset Limit****		
		1 Person	*1.5 Person	2 Person	*3 Person	4 Person	*4.5 Person	5 Person	6 Person			7 Person	8+ Person
Region 1 Bergen, Hudson, Passaic and Sussex	Median	\$60,271	\$64,576	\$68,882	\$77,492	\$86,102	\$93,546	\$92,990	\$99,878	\$106,766	\$113,655	1.7%	\$166,493
	Moderate	\$48,217	\$51,661	\$55,105	\$61,993	\$68,882	\$71,637	\$74,392	\$79,903	\$85,413	\$90,924		
	Low	\$30,136	\$32,288	\$34,441	\$38,746	\$43,051	\$44,773	\$46,495	\$49,939	\$53,383	\$56,827		
Region 2 Essex, Morris, Union and Warren	Median	\$65,953	\$70,663	\$75,374	\$84,796	\$94,218	\$97,987	\$101,755	\$109,293	\$116,830	\$124,368	1.7%	\$180,756
	Moderate	\$52,762	\$56,531	\$60,299	\$67,837	\$75,374	\$78,389	\$81,404	\$87,434	\$93,464	\$99,494		
	Low	\$32,976	\$35,332	\$37,687	\$42,398	\$47,109	\$48,993	\$50,878	\$54,646	\$58,415	\$62,184		
Region 3 Hunterdon, Middlesex and Somerset	Median	\$73,780	\$79,050	\$84,320	\$94,860	\$105,400	\$109,616	\$113,832	\$122,264	\$130,696	\$139,128	1.7%	\$200,698
	Moderate	\$59,074	\$63,240	\$67,406	\$75,888	\$84,320	\$87,693	\$91,066	\$97,811	\$104,557	\$111,302		
	Low	\$36,890	\$39,525	\$42,160	\$47,430	\$52,700	\$54,808	\$56,916	\$61,132	\$65,348	\$69,564		
Region 4 Mercer, Monmouth and Ocean	Median	\$66,022	\$70,738	\$75,454	\$84,885	\$94,317	\$98,050	\$101,882	\$109,408	\$116,933	\$124,458	1.7%	\$177,413
	Moderate	\$52,817	\$56,590	\$60,363	\$67,908	\$75,454	\$78,472	\$81,490	\$87,526	\$93,562	\$99,599		
	Low	\$33,011	\$35,369	\$37,727	\$42,443	\$47,158	\$49,045	\$50,931	\$54,704	\$58,476	\$62,249		
Region 5 Burlington, Camden and Gloucester	Median	\$58,240	\$62,400	\$66,560	\$74,880	\$83,200	\$86,528	\$89,856	\$96,512	\$103,168	\$109,824	1.7%	\$154,194
	Moderate	\$46,592	\$49,920	\$53,248	\$59,904	\$66,560	\$69,222	\$71,885	\$77,210	\$82,534	\$87,859		
	Low	\$29,120	\$31,200	\$33,280	\$37,440	\$41,600	\$43,264	\$44,928	\$48,256	\$51,584	\$54,912		
Region 6 Atlantic Cape May, Cumberland, and Salem	Median	\$51,085	\$54,734	\$58,383	\$65,881	\$72,979	\$75,898	\$78,817	\$84,655	\$90,494	\$96,332	1.7%	\$135,680
	Moderate	\$40,868	\$43,787	\$46,705	\$52,545	\$58,383	\$60,718	\$63,054	\$67,724	\$72,395	\$77,066		
	Low	\$25,543	\$27,567	\$29,192	\$32,840	\$36,489	\$37,949	\$39,409	\$42,328	\$45,247	\$48,166		
Moderate income is between 80 and 50 percent of the median income. Low income is 50 percent or less of median income. Very low income is 30 percent or less of median income.	Very Low	\$15,326	\$16,420	\$17,515	\$19,704	\$21,894	\$22,769	\$23,645	\$25,397	\$27,148	\$28,900		

* These columns are for calculating the pricing for one, two and three bedroom sale and rental units as per N.J.A.C. 5:80-26.4(f).
 **This column is used for calculating the pricing for rent increases for units as per N.J.A.C. 5:97-9.3. The increase for 2015 was 2.3%, the increase for 2016 was 1.1% and the increase for 2017 is 1.7% (Consumer Price Index for All Urban Consumers (CPI-U)). Regions by expenditure category and commodity and service group. Landlords who did not increase rents in 2015 or 2016 may increase rent by up to the applicable combined percentage from their last rental increase for that unit. In no case can rent for any particular apartment be increased more than one time per year.
 *** This column is used for calculating the pricing for resale increases for units as per N.J.A.C. 5:97-9.3. As per 5:97-9.3(b), The price of owner-occupied low and moderate income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
 Low income tax credit developments may increase based on the low income tax credit regulations.
 **** The Regional Asset Limit is used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3.
 Note: Since the Regional Income Limits for Region 6 in 2016 were higher than the 2017 calculations, the 2016 income limits will remain in force for 2017. See N.J.A.C. 5:97-9.2(c).

APPENDIX N

AFFORDABLE HOUSING SPENDING PLAN



Township of Franklin Somerset County, New Jersey

Dated:
April 2018

Endorsed by Township Council:
April ___, 2018

The original of this report was signed and
sealed in accordance with N.J.S.A. 45:14A-12.

A handwritten signature in cursive script that reads "Mark Healey".

Mark Healey, AICP/ PP
Director of Planning/
Municipal Housing Liaison

Township of Franklin, Somerset County Affordable Housing Trust Fund Spending Plan

OVERVIEW

Franklin Township in Somerset County (the "Township") received approval of its Affordable Housing Trust Fund Spending Plan on 5/5/2010 ("Approved Spending Plan"). The Township subsequently received Council on Affordable Housing (COAH) approval for two amendments to its Spending Plan (dated April 2012 and July 2012 respectively) to address emergent housing opportunities (see below). As addressed below, the Township also received subsequent authorization for expenditure from its Affordable Housing Trust Fund in the form of its partnership in the State's Special Needs Partnership Program and via Court approval with respect to the Center for Great Expectations.

The Township received Substantive Certification of its Housing Element & Fair Share Plan (HEFSP) in July 2010. The Supreme Court of New Jersey subsequently issued a decision in 2013 invalidating COAH's Third Round Growth Share methodology. In a separate decision in 2015 the Supreme Court stripped COAH of its administrative duties relating to the affordable housing.

In response to the Supreme Court's 2015 decision, Franklin Township on June 30, 2015 filed a declaratory judgment action with the Superior Court which action sought judicial determination of compliance with the Township's Third Round affordable housing obligation. The decision created a judicial process by which a municipality can file a declaratory judgment action with the court seeking a judicial determination that their housing element satisfied their "third round" affordable housing obligation. Franklin Township subsequently filed a declaratory judgment action with the Superior Court (Court) which action sought judicial determination of compliance with the Township's Third Round affordable housing obligation.

Franklin Township and FSHC, a Supreme Court-designated interested party in this matter appeared before the Ho. Thomas C. Miller, P.J.Cv., and worked with the Court-appointed Special Master, Francis J. Banisch, II, A.I.C.P, P.P., to review the Township's affordable housing plans. Through this process, the Township and FSHC agreed to settle this litigation and present the settlement to the trial court with jurisdiction over this matter.

The Township of Franklin entered into a Settlement Agreement with the FSHC dated November 3, 2017 (Settlement Agreement) for its 1999-2025 affordable housing obligations, which Settlement Agreement requires that the Township adopt and endorse a new Housing Element and Fair Share Plan (HEFSP) and an Affordable Housing Trust Fund Spending Plan (Spending Plan).

The Conditional Order of Compliance issued by Judge Miller requires, in part, that the Township submit to the Special Master for review and comment, prior to approval by the Court, a new Spending Plan. This Spending Plan is submitted to address that requirement and has been prepared in concert with the new HEFSP which is also being submitted to for Court approval at this time. This Spending Plan addresses the 2018-2025 timeframe.

Franklin Township initially adopted an affordable housing development fee ordinance on October 14, 1997 via Ordinance No. 2040, which ordinance was approved by COAH authorizing Franklin Township to maintain an affordable housing trust fund. The ordinance has been amended with COAH's approval numerous times since its initial adoption. A revised development fee ordinance is included in an appendix of the new HEFSP for approval by the Court.

All development fees, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund in T.D. Bank for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:97-8.7-8.9 as described herein.

PREVIOUS EXPENDITURES - OVERVIEW

Since approval of the 2008 Spending Plan the Township has expended in excess of \$400,000 in homeowner assistance and roughly \$4 million on the following:

- Franklin Boulevard Commons - **\$1,500,000**
- Leewood ("Oak-Pine") - **\$1,000,000**
- Habitat for Humanity - **\$52,680**
- Affordability Assistance - "Voorhees Station" development¹ - **\$300,000**
- Affordability Assistance - Special Needs Partnership Program² - **\$500,000**
- Affordability Assistance - "Genesis FBCCDC" development³ - **\$300,000**
- Affordability Assistance – Center for Great Expectations⁴ - **\$300,000**

¹ Subsequently authorized by Amended Spending Plan dated April 2012 approved by COAH

² Subsequently authorized through the Township's participation in the State's Special Needs Partnership program

³ Subsequently authorized by Amended Spending Plan dated July 2012 approved by COAH

⁴ Expenditure reviewed by Special Master and Court-approved.

SOMERSET SQUARE

This update to the Township's Affordable Housing Trust Fund Spending Plan ("2017 Spending Plan") is submitted in accordance N.J.A.C. 5:96-5.4. Specifically, it seeks Court approval for the expenditures from the Township's Affordable Housing Trust Fund outlined herein including but not limited to \$500,000 in association with the Somerset Square development.

This Spending Plan update contemplates the expenditure of \$500,000 from the Township's Affordable Housing Trust Fund so as to assist rendering units affordable within the proposed Somerset Square development located on Berry Street, School Avenue & Voorhees Avenue (Block 112, Lots 1-8, 9.01, 16.01, 25.01, 42-49; Block 117, Lots 20-47) within the Churchill-Millstone Residential (CMR) zoning district in the Township's Renaissance Redevelopment Area. The developer, RPM Development LLC, is the Designated Redeveloper of the subject site. The proposed development consists of a non-age restricted rental residential apartment development consistent with the requirements of the CMR District. The proposed development consists of a total of 151 dwelling units of which 55% (83 units) would be affordable and 45% (68 units) market-rate. The development received Preliminary and Final Site Plan from the Township Planning Board on May 17, 2017. This development is included in the proposed HEFSP.

REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the period of third round substantive certification, Franklin Township considered the following:

(a) Development fees:

1. Development projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
3. Future development that is likely to occur based on historical rates of development.

(b) Payment in lieu (PIL): No payments in lieu have been collected or assessed.

(c) Other funding sources:

Funds from other sources, including, but not limited to, the sale of units with extinguished controls, repayment of affordable housing program loans, rental income, and/or proceeds from the sale of affordable units.

(d) Projected interest:

Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate.

The table below provides a breakdown by year for all sources of funds collected and/or anticipated during the remainder of the substantive certification period. COAH will substitute actual revenue for the period between the preparation of this spending plan and COAH’s approval, as entered by the municipality in the CTM system.

Franklin Township projects a total of **\$1,277,200** in revenue to be collected between January 1, 2018 and December 31, 2025. All interest earned on the account shall accrue to the account to be used only for the purposes of affordable housing.

SOURCE OF FUNDS									
	2018	2019	2020	2021	2022	2023	2024	2025	Total
(a) Development fees:									
1. Approved Development	\$150,000	\$150,000	\$75,000	\$75,000					
2. Development Pending Approval			\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	
3. Projected Development					\$75,000	\$75,000	\$75,000	\$75,000	
<i>Total Development Fees</i>	<i>\$150,000</i>	<i>\$150,000</i>	<i>\$150,000</i>	<i>\$150,000</i>	<i>\$150,000</i>	<i>\$150,000</i>	<i>\$150,000</i>	<i>\$150,000</i>	<i>\$1,200,000</i>
(b) Payments in Lieu of Construction	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
(c) Other Funds	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$40,000
(d) Interest	\$4,650	\$4,650	\$4,650	\$4,650	\$4,650	\$4,650	\$4,650	\$4,650	\$37,200
Total	<i>\$159,650</i>	<i>\$159,650</i>	<i>\$159,650</i>	<i>\$159,650</i>	<i>\$159,650</i>	<i>\$159,650</i>	<i>\$159,650</i>	<i>\$159,650</i>	\$1,277,200

ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by Franklin Township:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with Franklin Township’s development fee ordinance in accordance with COAH’s rules and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7) and applicable States laws, rules and regulations.

(b) Distribution of development fee revenues:

The expenditure of all funds shall conform to the spending plan as approved. Funds deposited in the Housing Trust Fund may be used for any approved activity to address Franklin Township's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to:

- Preservation or purchase of housing for the purpose of maintaining or implementing affordability controls;
- Rehabilitation;
- New construction of affordable housing units and related costs;
- Accessory apartment, market to affordable, or regional housing partnership programs;
- Conversion of existing non-residential buildings to create new affordable units;
- Green building strategies designed to be cost saving and in accordance with accepted national or state standards;
- Purchase of land for affordable housing;
- Improvement of land to be used for affordable housing;
- Extensions or improvements of roads and infrastructure to affordable housing sites;
- Financial assistance designed to increase affordability;
- Administration necessary for implementation of the Housing Element and Fair Share Plan; or
- Any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the Approved Spending Plan.

Funds shall not be expended to reimburse Franklin Township for past housing activities.

At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income.

Franklin Township may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.

No more than 20 percent of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) Rehabilitation and new construction programs and projects (N.J.A.C. 5:97-8.7)

Franklin Township will dedicate \$2,143,920 to rehabilitation or new construction programs as follows:

Rehabilitation program: \$1,571,600

The Township's on-going rehabilitation program is funded by Community Development Block Grant (CDBG) monies which are not reflected in the spending plan. It is anticipated that CDBG monies will continue fund a portion of the Township's on-going rehabilitation program. This spending plan, however, contemplates a substantial increase in the use of the Township's housing trust fund towards rehabilitation in order to meet the Township's rehabilitation obligation.

New construction project(s): \$572,320

- **Habitat for Humanity: \$72,320**

This expenditure was also included in the Approved Spending Plan and the development was included in the Township's approved Fair Housing Element & Fair Share Plan. Necessary documentation (including development agreement which remains in effect) was provided to COAH prior to COAH approval of the Township's

Spending Plan and Fair Housing Element & Fair Share Plan. Thus, COAH authorization for this expenditure has already been provided and the Township remains committed to this expenditure.

The Township has already expended \$52,680 of the original \$125,000 commitment. The amount indicated (\$72,320) represents the balance of the remaining commitment to be expended.

- RPM Churchill Millstone Mixed Income Development: \$500,000

As indicated above, this Spending Plan is submitted in accordance N.J.A.C. 5:96-5.4. Specifically, it seeks Court approval for the expenditures from the Township's Affordable Housing Trust Fund outlined herein including but not limited to \$500,000 in association with the Somerset Square development.

The Developer has agreed to abide by all COAH/UHAC regulations including but not limited to: pricing, bedroom mix, low/moderate income split; affirmative marketing; and all other applicable COAH regulations.

(b) Affordability Assistance (N.J.A.C. 5:97-8.8)

Municipalities are required to spend a minimum of 30 percent of development fee revenue to render existing affordable units more affordable and one-third of that amount must be dedicated to very low-income households (i.e. households earning less than 30 percent of the regional median income). Utilizing the formulae below we have projected the minimum affordability assistance requirements. The actual affordability assistance minimums are calculated in the CTM system based on actual revenues.

To initially project a funding amount that will be dedicated to affordability assistance, we first subtracted actual expenditures on all new construction, previously funded regional contribution agreements and rehabilitation activities from inception of the fund through June 2, 2008 from the sum of actual and projected development fees and interest through December 31, 2025. This amount was multiplied by 30 percent and then subtracted from actual affordability assistance expenditures from inception of the fund through December 31, 2017 from the result. The outcome of this calculation is the total remaining funds that must be dedicated to affordability assistance for the period through December 31, 2025.

To initially project a funding amount that will be dedicated to affordability assistance for very low-income households, we divided the affordability assistance figure derived from

the above paragraph by three. The outcome of this calculation is the total remaining funds that must be dedicated to very low-income affordability assistance for the period through December 31, 2025.

Affordability Assistance

Actual development fees through 12/31/2017		\$9,956,942
Actual interest earned through 12/31/2017	+	\$555,799
Development fees projected 2018-2025	+	\$1,200,000
Interest projected 2018-2025	+	\$37,200
Less housing activity expenditures through 6/2/2008	-	\$232,783
Total	=	\$11,517,158
Total Affordability Assistance Requirement (30 percent requirement of Total above)	x 0.30 =	\$3,455,147
Less total affordability assistance expenditures through 12/31/2017	-	\$1,700,000
Projected Minimum Affordability Assistance Requirement 1/1/2018 through 12/31/2025	=	\$1,755,147
Total Minimum Very Low-Income Affordability Assistance Requirement (1/3 of Total Affordability Assistance Requirement)	÷ 3 =	\$1,151,716
Less very low-income affordability assistance expenditures through 12/31/2017	-	\$1,400,000
Projected Minimum Very Low-Income Affordability Assistance Requirement 1/1/2015 through 12/31/2025	÷ 3 =	\$0

The projected Total Affordability Assistance is estimated at **\$3,455,147**. To date, Franklin has expended **\$1,700,000** towards affordability assistance. As demonstrated in the Expenditure Schedule below, Franklin Township will dedicate *at least* **\$1,755,147** from the affordable housing trust fund to render units more affordable to fulfill the Total Affordability Assistance Requirement.

The minimum Very Low-Income Affordability Assistance Requirement (1/3 of Total Affordability Assistance Requirement) is estimated at **\$1,151,716**. To date, Franklin has expended **\$1,400,000** towards very low income affordability assistance. Thus, it is projected that Franklin has satisfied its Very Low-Income Affordability Assistance Requirement.

Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs. In accordance with N.J.A.C. 5:96-18, the Township may contract with a private or public entity to administer the requirement for affordability assistance.

As demonstrated in the Expenditure Schedule below the Township intends to meet these obligations as follows:

- Down payment and closing cost assistance & foreclosure prevention programs - **\$1,375,000**

In December 2011, the Township Council passed Ordinance No. 3957-11 (provided in the April 2012 Amended Spending Plan) which established the Township's Local Affordability Assistance Programs. The Program consists of the following two components:

- Down Payment and/or Closing Cost Affordability Assistance Program - Grant program to assist with down payment and/or closing cost for homeowners seeking to purchase an affordable unit.
- Homeowner Affordability Assistance Program - Loan program to prevent foreclosure of existing homeowners in existing affordable units due to arrearages in taxes and/or association fees.

The program was developed by Central Jersey Housing Resource Center (CJHRC) with input from Township Planning staff.

According to CJHRC staff, the "homeowner affordability assistance program" (i.e., loan program to existing homeowners in existing affordable units due to arrearages in taxes and/or association fees) helps to prevent foreclosure of affordable units (which results in administrative costs to the Township) and, in the end, would help the Township maintain COAH credits" for such units.

To our knowledge this program is one of the first of its kind in the State. It has been hailed as a model program by the Somerset County Planning Board.

The program is administered by the (CJHRC). Numerous prospective and existing homeowners have already benefited from the Down Payment and/or Closing Cost Affordability Assistance Program.

- Other Affordability Assistance mechanisms

This Spending Plan reserves **\$390,000** for other affordability assistance mechanisms. The Township has a demonstrated record of committing affordability trust fund monies when emergent affordable housing mechanisms are presented.

The Township's expenditure of affordable housing trust fund in the amount of \$300,000 to the Voorhees Station development and \$300,000 to the Genesis FBCCDC development are two recent examples of the Township commitment to use affordable housing trust fund money for affordability assistance when emergent housing mechanisms are presented.

Similarly, the Township's Down Payment and/or Closing Cost Affordability Assistance Program and Homeowner Affordability Assistance Program demonstrate the Township's commitment. In consultation with CJHRC, the Township may initiate similar additional programs in the future.

(c) **Administrative Expenses (N.J.A.C. 5:97-8.9)**

Municipalities are permitted to use affordable housing trust fund revenue for related administrative costs up to a 20 percent limitation pending funding availability after programmatic and affordability assistance expenditures. The actual administrative expense maximum is calculated in the CTM system based on actual revenues.

To initially project a funding amount that will be available for administrative costs, we summed all development fees actually collected since the inception of the account and all actual interest earned since the inception of the account with all projected development fees and interest projected to be collected through December 31, 2025. To this amount, we added all payments in lieu of constructing affordable units and other account deposits from the inception of the account through 12/31/2017. From this total amount, we subtracted RCA expenditures made or contractually obligated from the inception of the account through December 31, 2025. We multiplied this amount by 20 percent and then subtracted actual administrative expenditures made from the inception of the account through 12/31/16. The outcome of this calculation is the total remaining funds that will be available to defray administrative expenses for the period through December 31, 2025.

Administrative Expenses

Actual development fees and interest through 12/31/2017		\$10,512,741
Projected development fees and interest 2018 through 2025	+	\$1,237,200
Payments-in-lieu of construction and other deposits thru 7/17/08	+	\$189,414
Less RCA expenditures thru 12/31/2018	+	-
Total	=	\$11,939,355
20 percent cap	x 0.20 =	\$2,387,871
Less administrative expenditures through 12/31/17	-	\$1,025,000
Projected maximum funds avail. for administration (1/1/18 through 12/31/2025)	=	\$1,362,871

Franklin Township projects that **\$1,362,871** will be available from the affordable housing trust fund to be used for administrative purposes through December 31, 2025. Administrative expenses can include salaries and benefits for municipal employees or consultant fees necessary to develop or implement an affordable housing program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. Administrative funds will be used for income qualification of households, monitoring the turnover of sale and rental units, preserving existing affordable housing, administration of the Township's rehabilitation program, and compliance with Council monitoring requirements.

EXPENDITURE SCHEDULE

Program									
	2018	2019	2020	2021	2022	2023	2024	2025	Total
<i>Rehabilitation</i>	\$150,000	\$175,000	\$175,000	\$175,000	\$220,000	\$225,000	\$225,600	\$226,000	\$1,571,600
<i>Habitat for Humanity – scattered site</i>	\$25,000	\$25,000	\$22,320	-	-	-	-	-	\$72,320
<i>RPM – Churchill Millstone Mixed Income</i>		\$500,000							\$500,000
Total Programs	\$175,000	\$700,000	\$197,320	\$175,000	\$220,000	\$225,000	\$225,600	\$226,000	\$2,143,920
Affordability Assistance									
<i>Down payment and closing cost assistance & foreclosure prevention programs</i>	\$125,000	\$125,000	\$150,000	\$175,000	\$175,000	\$200,000	\$200,000	\$225,000	\$1,375,000
<i>Other Affordability Assistance</i>	\$40,000	\$40,000	\$40,000	\$50,000	\$50,000	\$50,000	\$60,000	\$60,000	\$390,000
Total Affordability Assistance Programs	\$165,000	\$165,000	\$190,000	\$225,000	\$225,000	\$250,000	\$260,000	\$285,000	\$1,765,000
Administration	\$170,350	\$170,350	\$170,350	\$170,350	\$170,350	\$170,350	\$170,350	\$170,400	\$1,362,850
Total	\$510,350	\$1,035,350	\$557,670	\$570,350	\$615,350	\$645,350	\$655,950	\$681,400	\$5,271,770

SUMMARY

Franklin Township intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the housing programs outlined in the Township's approved Fair Housing Element & Fair Share Plan and as outlined in this Spending Plan.

Franklin Township had a balance of **\$3,994,594** as of December 31, 2017 and anticipates an additional **\$1,277,200** in revenues through December 31, 2025 for a total of **\$5,271,794**.

This updated Spending Plan demonstrates the Township's commitment to expend an additional **\$5,254,826** through December 2025, including a commitment to expend with respect to the following:

- Commitment to expend **\$1,571,600** towards rehabilitation;
- Commitment to expend **\$572,320** towards new construction;
- Commitment to expend **\$1,765,000** towards affordability assistance; and
- Commitment to expend **\$1,362,850** to administrative costs.

SPENDING PLAN SUMMARY	
Balance as of December 31, 2017	\$3,994,594
Projected REVENUE through 2025	
Development fees	+ \$1,200,000
Payments in lieu of construction	+ \$0
Other funds	+ \$40,000
Interest	+ \$37,200
TOTAL REVENUE = \$5,271,794	
EXPENDITURES	
<i>Funds used for Rehabilitation</i>	- \$1,571,600
<i>Funds used for New Construction</i>	
Habitat for Humanity – scattered site	\$72,320
RPM – Churchill Millstone Mixed Income	\$500,000
<i>Total - New Construction</i>	- \$572,320
Total Programs	\$2,143,920
<i>Funds used for Affordability Assistance</i>	- \$1,765,000
Down payment and closing cost assistance & foreclosure prevention programs	\$1,375,000
Other Affordability Assistance	\$390,000
<i>Total - Affordability Assistance</i>	- \$1,765,000
<i>Administration</i>	- \$1,362,850
TOTAL PROJECTED EXPENDITURES	= \$5,271,770

APPENDIX P

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, ARTICLE XXXIII, AFFORDABLE HOUSING DEVELOPMENT FEES.

SUMMARY

This ordinance is prepared in response to the Conditional Order of Compliance issued by the Superior Court of New Jersey Law Division Somerset County, dated January 16th, 2018, which requires that the Township submit for approval by the Court a new Housing Element and Fair Share Plan and an Affordable Housing Trust Fund Spending Plan consistent with the Conditional Order of Compliance and that the Township submit to the Court all resolutions and ordinances necessary to implement the Housing Element and Fair Share Plan and Affordable Housing Trust Fund Spending Plan.

Specifically, this ordinance: replaces the Township's existing affordable development fee ordinance in its entirety; increases the residential development fee from 1.0% to 1.5% consistent with applicable COAH rules and previous COAH authorization but never enacted by the Township; and incorporates the 2.5% non-residential fees already imposed by the State.

BE IT ORDAINED by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey as follows:

SECTION I

Chapter 112, Land Development, is amended to replace existing Article XXXIII, Affordable Housing Development Fees, in its entirety as follows:

Article XXXIII: Affordable Housing Development Fees

§112-252 Purpose.

- A. In *Holmdel Builder's Association V. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- B. Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized

to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.

- C. The New Jersey Supreme Court issued its decision *In re Adoption of N.J.A.C. 5:96 & 5:97*, 221 N.J. 1 (2015) on March 10, 2015 stripping COAH of its administrative duties. In response to that decision, Franklin Township filed a declaratory judgment action with the Superior Court which action sought judicial determination of compliance with the Township's Third Round affordable housing obligation. The Superior Court of New Jersey Law Division Somerset County (the Court) issued a Conditional Order of Compliance, dated January 16th, 2018, which requires that the Township submit for Court approval all resolutions and ordinances necessary to implement the Housing Element and Fair Share Plan and Affordable Housing Trust Fund Spending Plan prepared in response to the Conditional Order of Compliance. Any and all references to COAH shall mean the Court.
- D. This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to the COAH's regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

§112-253 Basic requirements.

- A. This ordinance shall not be effective until approved by the Court.
- B. The Township shall not spend development fees until the Court has approved a plan for spending.

§112-253 Definitions

- A. The following terms, as used in this ordinance, shall have the following meanings:
 - (1) "Affordable housing development" means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

- (2) “COAH” or the “Council” means the New Jersey Council on Affordable Housing established under the Fair Housing Act which previously had primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.
- (3) “Development fee” means money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.
- (4) “Developer” means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.
- (5) “Equalized assessed value” means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).
- (6) “Township” means Franklin Township in Somerset County.

§112-254 Residential Development fees.

A. Imposed fees

- (1) Residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one and a half percent (1.5%) of the equalized assessed value for residential development provided no increased density is permitted.
- (2) When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a “d” variance) has been permitted, developers may be required to pay a development fee of six percent (6%) of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

B. Eligible exactions, ineligible exactions and exemptions for residential development

- (1) Affordable housing developments and developments where the developer is providing for the construction of affordable units shall be exempt from development fees.
- (2) Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Developments that have received preliminary or final site plan approval prior to effective date of this ordinance shall pay a fee of one percent (1.0%) of the equalized assessed value as such was the applicable fee prior to adoption this ordinance. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
- (3) Owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.
- (4) Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use (e.g., a single-family dwelling converted into a two-family dwelling), is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

§112-255 Non-residential development fees.

A. Imposed fees

- (1) Non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half percent (2.5%) of the equalized assessed value of the land and improvements, for all new non-residential construction.
- (2) Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half percent (2.5%) of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.

(3) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

B. Eligible exactions, ineligible exactions and exemptions for non-residential development

(1) The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half percent (2.5%) development fee, unless otherwise exempted below.

(2) The 2.5% fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.

(3) Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.

(4) A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.

(5) If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Township as a lien against the real property of the owner.

§112-256 Collection procedures.

- A. Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- B. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF “State of New Jersey Non-Residential Development Certification/Exemption” to be completed as per the instructions provided. The developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- C. The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- D. Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- E. The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- F. Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- G. Should the Township fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).
- H. Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference

between the fee calculated at building permit and that determined at issuance of certificate of occupancy.

I. Appeal of development fees

(1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by the Township. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

(2) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the Township. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

§112-257 Affordable Housing trust fund.

A. There is hereby created a separate, interest-bearing housing trust fund to be maintained by the chief financial officer for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.

B. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount: payments in lieu of on-site construction of affordable units; developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and any other funds collected in connection with the Township's affordable housing program.

- C. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by the Department.

§112-258 Use of funds.

- A. The expenditure of all funds shall conform to a spending plan approved by the Court. Funds deposited in the housing trust fund may be used for any activity approved by the Court to address the Township's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; rehabilitation; new construction of affordable housing units and related costs; accessory apartment, market to affordable, or regional housing partnership programs; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost saving and in accordance with accepted national or state standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.
- B. Funds shall not be expended to reimburse the Township for past housing activities.
- C. At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.
 - (1) Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
 - (2) Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income.

- (3) Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- D. The Township may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
- E. No more than 20 percent of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with the applicable monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the COAH's regulations and/or action are not eligible uses of the affordable housing trust fund.

§112-259 Monitoring.

The Township shall monitor the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Township's housing program, as well as the expenditure of revenues and implementation of the plan approved by the court. Such collections and expenditures shall be reported in the manner required by law, rule or Court.

§112-260 Ongoing collection of fees.

The ability for the Township to impose, collect and expend development fees shall expire with its judgment of compliance unless the Township has filed an adopted Housing Element and Fair Share Plan with the Court, has petitioned for substantive certification, and has received the Court's approval of its development fee ordinance. The Township shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its judgment of compliance, nor shall the Township retroactively impose a development fee on such a development.

The Township shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

§112-261 through §112-263 (Reserved)

SECTION II

If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION III

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed as the extent of such inconsistency.

SECTION IV

This ordinance shall take effect immediately upon adoption and publication according to law.

Ordinance No.

This is a true copy of an ordinance adopted by the Township Council, Township of Franklin, Somerset County, New Jersey.

Introduced:

Public Hearing:

Adoption:

Published:

Effective:

Ann Marie McCarthy, Township Clerk

APPENDIX Q

The Honorable Chris Kelly
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