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May 13, 2020

Adam M. Gordon, Esq.  
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Sean Thompson, P.P., Director  
State of New Jersey  
Department of Community Affairs  
101 South Broad Street  
P.O. Box 800  
Trenton, NJ 08625-0800

**Re: Frankford Township Settlement Agreement Midpoint Report:  
Very Low Income Status Report and 2020 Annual Report  
Docket No. SSX-L-432-15  
Our File No. 15993.003**

Dear Adam and Sean:

On behalf of the Township of Frankford and its Land Use Board, I am writing to you and the Fair Share Housing Center and to COAH to submit to you the Frankford Township Midpoint Realistic Opportunity Review Report and its Review Report regarding very low income housing requirements as envisioned by a Settlement Agreement with FSHC Paragraphs 17(a) and (b), which was signed by our respective clients on or about September 12, 2016.

A. Paragraph 17(a): Midpoint Realistic Opportunity Review: Pursuant to the Settlement Agreement, we are confirming that the Township, by way of this status report, has implemented all requirements of the Settlement Agreement. The ordinances authorizing inclusionary developments and requiring mandatory set asides are fully adopted and are in full force and effect. There are no unfulfilled mechanisms that need to be completed. Some group homes have

been completed since the settlement, as well as some of the adjustments as set forth in the prior reports and in the attached 2020 charts. The site plan approval of 18 units at the Sussex Commons property in the Frankford Center is still in effect and will provide some of the opportunity for the private sector to construct affordable housing, including affordable rental housing and very low-income units as required under N.J.S.A. 52:27D-329.1 and the Township ordinances. With respect to the built sites or approved sites, which is primarily only the Frankford Center properties, the zoning presents a realistic opportunity and the mechanisms are in place to provide the private sector with the realistic opportunity to meet the obligations set forth in the Settlement Agreement and in the Housing Element and Fair Share Plan. The property owner, Sussex Commons, has indicated to the Township that it intends to proceed with an Amended Preliminary and Final Site Plan with some different arrangements, which will include its obligation to provide a mandatory set aside of affordable housing, including any mixture and required income limits. Sussex Commons has obtained its NJDOT, NJDEP and Sussex County Planning Board approvals. By copy of this letter, which will be posted on the Township's website, we are hereby informing and inviting interested parties to make comment to Frankford Township and FSHC on the issue of whether any sites no longer present the realistic opportunity and should be replaced, and whether mechanisms to meet unmet needs should be revised or supplemented in accordance with the Settlement Agreement, as stated in the Settlement Agreement. Any interested party may, by proper motion, request a hearing before the Court regarding these issues.

B. Paragraph 17(b): The Review Report of Very Low-Income Housing Requirements: The Settlement Agreement in Paragraph 17(b) provides for a report by Frankford Township on the satisfaction of the very low-income housing requirements, including very low-income housing requirements referred in N.J.S.A. 52:27D-329.1. Some very low-income family and age restricted units have been provided through group homes and Evermay Manor Assisted Living as documented and stated numerically in the 2020 Annual Report and prior Reports. The prior approval at the Sussex Commons of 18 affordable rental apartment units will provide for some additional family very low-income apartment units. Any amendments to the Sussex Commons development, which are authorized under the Municipal Land Use Law and the Township Affordable Housing Ordinances will include a mandatory set aside, which will include the required very low income affordable family units as it is envisioned in the Settlement Agreement, the ordinances and N.J.S.A. 52:27D-329.1. By copy of this letter, which is posted on the website, the Township hereby invites any interested parties to submit comments to Frankford Township and the FSHC on the issue of whether Frankford Township has complied with its very low-income housing obligations under the terms of the settlement.

If you have any questions, feel free to call me at (201) 919-1409. Also attached hereto is a copy of the update of the charts that are commonly provided to COAH regarding the status.

It is obvious that development that Sussex County and Frankford Township have been experiencing has been very slow over the last decade, if not longer. Nonetheless, Frankford Township and the Board are fully compliant with the Mt. Laurel constitutional housing obligations of all municipalities to provide, through their land use ordinances, the realistic opportunity for the construction by the private sector of Frankford Township's fair share housing obligation. If you have any questions, please call me at (201) 919-1409.

Very truly yours,

VOGEL, CHAIT, COLLINS & SCHNEIDER  
A Professional Corporation

THOMAS F. COLLINS, JR., ESQ., P.P.  
Attorney for the Frankford Township  
Land Use Board

TFC/lkf

Enc.

cc: Frankford Township Land Use Board  
Frankford Township Committee  
Harold Pellow, P.E.  
Kevin Benbrook, Esq