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**AMENDED ROUND 4
HOUSING PLAN ELEMENT
AND
FAIR SHARE PLAN**

TOWNSHIP OF FREEHOLD
Monmouth County, New Jersey

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**AMENDED ROUND 4
FREEHOLD TOWNSHIP HOUSING PLAN ELEMENT
AND FAIR SHARE PLAN**

INTRODUCTION

This Freehold Township Housing and Fair Share Plan addresses affordable housing planning requirements for Round 4 and summarizes the Prior Round (1987-1999) and Round 3 plans, which were awarded grants of substantive certification from the Council on Affordable Housing (“COAH”) and a Final Judgment of Compliance and Repose (“2023 Final JOR”) on February 22, 2023, respectively (See Appendix 1).

Freehold Township has prepared this Housing Plan Element and Fair Share Plan in accordance with the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-310 et seq.) (“the FHA”). The Municipal Land Use Law requires that a municipal master plan, including a Housing Plan Element is required to enable the municipality to exercise the power to zone and regulate land use.

This Housing Plan and Fair Share Plan was also prepared in accordance with P.L. 2024, c.2. signed into law on March 20, 2024 which amended the FHA and established a new framework and regulations for affordable housing obligations in New Jersey. As part of the new law, the New Jersey Department of Community Affairs (DCA) prepared a report in October 2024, calculating the Round (2025-2035) fair share methodology for each of the state’s municipalities including present need and prospective need.

The Township adopted Resolution R-25-35 on January 28, 2025 committing to the DCA fourth round present need (rehabilitation) obligation of 39 units and prospective need obligation of 568 units subject to the reservation of all rights (see Appendix 2). On January 29, 2025 the Township filed a complaint for Declaratory Relief pursuant to the Administrative Office of the Courts (AOC) Directive #14-24 (See Appendix 3) requesting that the Affordable Housing Dispute Resolution Program (“the Program”):

- (1) review and establish the Township’s present and prospective affordable housing obligations;
- (2) provide continued immunity from all Mount Laurel lawsuits, including “builder’s remedy” lawsuits, through 2035;
- (3) review and approve the Township’s Housing Plan Element and Fair Share Plan; and issue a Certificate of Compliance to the Township.

On April 1, 2025 the Honorable Linda Grass-Jones established an order fixing the municipal obligations for present need and prospective need for the fourth-round housing cycle. (Docket No. MON-L-398-25) (See Appendix 4).

On June 19, 2025, the Township adopted its Round 4 Housing Plan Element and Fair Share Plan. After adoption the Township participated in mediation efforts with Fair Share Housing Center and two other interested parties as part of the Affordable Housing Dispute Resolution Program. The mediation efforts resulted in the Township and Fair Share Housing Center resolving its issues through a mediation agreement signed on December 30, 2025. If the agreement is approved by the Program and referral to the Trial Court Mount Laurel Judge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) and Administrative Directive #14-24 will result in a compliance certification for the Township for the Fourth Round. This amended Housing Plan Element and Fair Share Plan was prepared pursuant to the mediation agreement.

HISTORICAL BACKGROUND

Freehold Township adopted its first Housing Plan Element and Fair Share Plan on December 17, 1986. The Plan was amended on May 7, 1987 and July 7, 1987 and addressed the Round 1 obligation of 937 affordable housing units. The New Jersey Council on Affordable Housing (“COAH”) certified the amended plan on September 26, 1988. The Certified Housing Plan was again amended on June 20, 1990.

On March 16, 1995 the Planning Board adopted a second Housing Element and Fair Share Plan which addressed the combined Round 1 & 2 obligation. The combined pre-credited obligation consisted of 1,092 affordable housing units which included 1,036 new affordable housing units and 56 rehabilitation housing units. On September 8, 1994, COAH granted Freehold Township interim substantive certification of the Plan. A revised Housing Plan Element was adopted on May 3, 1999 to address comments by COAH. On December 12, 2001, COAH granted Substantive Certification to the Township for the combined Round 1 & 2 Housing Plan.

After the time of the adoption of the Round 1 & 2 Freehold Township Housing Plan, COAH adopted Round 3 Rules on December 20, 2004. These Rules were quickly challenged in Court resulting in the invalidation of large components of the regulations. More specifically, on January 25, 2007 the New Jersey Superior Court, Appellate Division, affirmed in part, reversed in part and remanded portions of the Round 3 Rules back to COAH for reevaluation and for further rulemaking. COAH responded to the Appellate Court Order on January 22, 2008 when it published proposed new Round 3 Rules. The Revised Round 3 Rules were adopted by COAH on May 6, 2008 and became effective June 2, 2008. At the date of adoption of the Round 3 Rules COAH simultaneously proposed amendments to the Rules. The amendments were adopted on September 22, 2008 and became effective October 20, 2008.

The amended 2008 Round 3 COAH Rules provided for projected affordable housing obligations based upon projected growth of new housing units and projected new jobs for the period January 1, 2004 through December 31, 2018. COAH then applied ratios for affordable housing units that would be generated by these two growth components. COAH referred to these projections as “municipal growth share”.

Through this tortured history, Freehold continued to voluntarily comply with its affordable housing obligations. The Freehold Township Planning Board adopted a Round 3 Housing Plan on

December 4, 2008 to comply with the second iteration of Round 3 Rules adopted by COAH in 2008. The Township Committee endorsed that Plan on December 16, 2008.

After the adoption of the 2008 Housing Plan Element and Fair Share Plan, the COAH methodology for determining Prospective Need for the period 2004 through 2018 was invalidated in October 2010 by an Appellate Division decision. This decision rendered the Prospective Need 2008 fair share calculations invalid.

Freehold Township adopted a revised Housing Plan Element on September 20, 2012.

In 2013, the New Jersey Supreme Court upheld and modified the 2010 Appellate Division ruling, which partially invalidated the COAH Rules for the period from 2004 through 2018 (N.J.A.C. 5:96 and N.J.A.C. 5:97). As a result, COAH was charged with adopting new affordable housing rules. COAH prepared revised Rules but, in a tie vote, the Council on Affordable Housing failed to adopt them.

On March 10, 2015, due to COAH's failure to adopt new Rules, the New Jersey Supreme Court effectively returned primary jurisdiction back to the trial courts for processing Mount Laurel compliance. To effectuate this ruling, the Supreme Court created transitional procedures for municipalities to petition designated trial judges for review of their plans voluntarily, or, in the alternative, wait to be brought under the jurisdiction of the Court via a "Constitutional Compliance Challenge". The Supreme Court modeled the procedures on the Fair Housing Act and attempted to create a parallel track to what municipalities would have encountered at COAH. In this regard, the Court provided for periods of immunity during the processing of municipal plans. The March 15, 2015 ruling was entitled, In "Re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015)" (commonly referred to as "Mount Laurel IV").

Freehold Township voluntarily filed a declaratory judgment action ("DJ Action") with Monmouth County Superior Court on July 2, 2015 thereby bringing itself under the jurisdiction of the Court for purposes of processing and ultimately approving the Township's Housing Element and Fair Share Plan for Round 3.

On November 8, 2019, the Township entered into the following agreements with developers to address the Township's Round 3 obligations:

- (1) Township of Freehold and Fair Share Housing Center
- (2) Township of Freehold and Land Bank Freehold, LLC
- (3) Township of Freehold and K. Hovnanian Old GC, LLC
- (4) Township of Freehold and M&M at Main Street, LLC

During the time period between the Supreme Court ruling in 2015 and settlement agreements adopted in 2019, Mercer County Assignment Judge Mary C. Jacobson issued an Opinion on March 8, 2018 which addressed methodologies for determining four components that comprise regional and municipal fair share affordable housing obligations: Present Need, Prior Round Obligation, Gap Period Obligation and Prospective Need. This opinion set non-binding, but illustrative

precedent for determining obligations throughout the State. This ruling has been utilized in defining the Township's prior round obligations.

On December 13, 2019 a Fairness Hearing, resulted in an Order, dated December 31, 2019 approving the Settlements and finding that the agreements are reasonable and adequately protect the interests of the region's low- and moderate-income households based upon the criteria set forth in *East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996)*. In addition, the Court preliminarily found that the Agreements provide a realistic opportunity for the Township to meet its obligations under Mount Laurel IV and that the Agreements and the Township Housing Plan for addressing its affordable housing obligations is facially constitutionally compliant (Fairness Order prepared by the Honorable Linda Grosso-Jones, J.S.C. dated December 31, 2019).

The Freehold Township Planning Board adopted its Round 1-3 (and most recent) Housing Plan and Fair Share Element on July 9, 2020 and was revised on July 15, 2021.

The Township entered into agreements or amended agreements with the following:

- (1) Amendment with FSHC - October 21, 2021
- (2) Agreement with M&M - October 12, 2021
- (3) Amendment with Parkside at Freehold (successor to WG Freehold) - January 10, 2023

On December 5, 2022, the Court approved the FSHC Settlement amendment and the Township amended HEFSP and on February 22, 2023, the Township was awarded a final JOR for Round 3 (See Appendix 1).

HOUSING PLAN REQUIREMENTS AND OBLIGATIONS

Requirements

Freehold Township has prepared this Housing Plan Element and Fair Share Plan in accordance with the following requirements:

- (1) Section 10 of the Fair Housing Act, N.J.S.A. 52:27D-310, requires that a Municipal Housing Plan Element be designed to achieve the goal of providing access to affordable housing to meet present and prospective housing needs, with particular attention to "low" and "moderate" income housing, containing 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;
 - b. A projection of the municipality's housing stock, including the probable future construction of "low" and "moderate" income housing, for the next ten (10) 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 rehabilitate for, "low" and "moderate" income housing, including consideration of properties of developers who have expressed a commitment to provide "low" and "moderate" income housing.
 - g. An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c.273 (C.52:27D-329.20);
 - h. For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), an analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands conforming municipalities. This analysis shall include consideration of the municipality's most recent Highlands Municipal Build Out Report, consideration of opportunities for redevelopment of existing developed lands into inclusionary or 100 percent affordable housing, or both, and opportunities for 100 percent affordable housing in both the Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands regional master plan; and
 - i. An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.
- (2) Addressing the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et. seq.) for preparation of a municipal "Housing Plan Element". The Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., provides that a municipal Master Plan must include a Housing Plan Element as a prerequisite for the adoption of zoning ordinances and any subsequent amendments to zoning ordinances. This Housing Plan Element and Fair Share Plan was

prepared in accordance with N.J.S.A. 40: 55D-28.

- (3) Incorporating applicable provisions of the Substantive Rules of the New Jersey Council on Affordable Housing (COAH) for the periods beginning on June 6, 1994 (N.J.A.C. 5:93-1.1 et. seq.) and on June 2, 2008 (N.J.A.C. 5:97-1.1 et. seq.), as required by the March 10, 2015 decision of the New Jersey Supreme Court in Mount Laurel IV.
- (4) Mercer County Assignment Judge Mary C. Jacobson’s Opinion which addressed methodologies for determining four (4) components that comprise regional and municipal fair share affordable housing obligations: Present Need, Prior Round Obligation, Gap Period Obligation and Prospective Need.
- (5) Freehold Township’s Settlement agreement with FSHC and others to address the Township’s prior round obligation, rehabilitation obligation and Round 3 Obligation which received Court approval.
- (6) Requirements of P.L. 2024, c. 2 that provides the framework and regulations for affordable housing including Round 4 (2025-2035) calculations for present and prospective need as presented in a report prepared by the DCA in October 2024 calculating the fourth round fair share methodology for each of the state’s municipalities including present need and prospective need.

Obligation

The Township’s affordable housing obligation is described as follows based upon the applicable provisions:

- A. Prior Round Obligations (including Gap period) - The prior round obligation covers the period from 1987 through 1999 [**1,036 units**] and GAP period 1999-2015. [**1,509 units**] (*As calculated pursuant to the Jacobson Methodology*) and as presented in the Township’s Round 1-3 Housing Plan Element and Fair Share Plan. A summary of the prior round obligation and how its addressed is provided in this Housing Plan for reference.
- B. Round 4 Present Need (“Rehabilitation Share”) – The present need is a measure of overcrowded and deficient housing that is occupied by low-and-moderate income households. The present need was previously referred to as “rehabilitation share.” (*As calculated by NJ DCA as published in the “Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background*) [**39 units**]
- C. Round 4 Prospective Need - Prospective need is a measure of low-and-moderate income housing needs based on development and growth that occurred or is reasonably likely to occur in a region or municipality. The Prospective Need includes the Round 4 period from 2025 through 2035. (*As calculated by NJ DCA as published in the “Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background*) [**568 units**]

This Housing Plan Element summarizes item A from the Prior Housing Plan Element and addresses items B and C in accordance with applicable law and regulations as described for the period 2025 through 2035 for Round 4.

TOWNSHIP OF FREEHOLD LOCATION AND LAND USES

The Township of Freehold is situated in the west central area of Monmouth County and contains approximately 39 square miles or 24,512 acres of land area. The Township is the co-home to numerous Monmouth County facilities including administrative, penal, recreational, operational, nursing home and other facilities and major Monmouth County and New Jersey state park, recreation and wildlife management facilities.

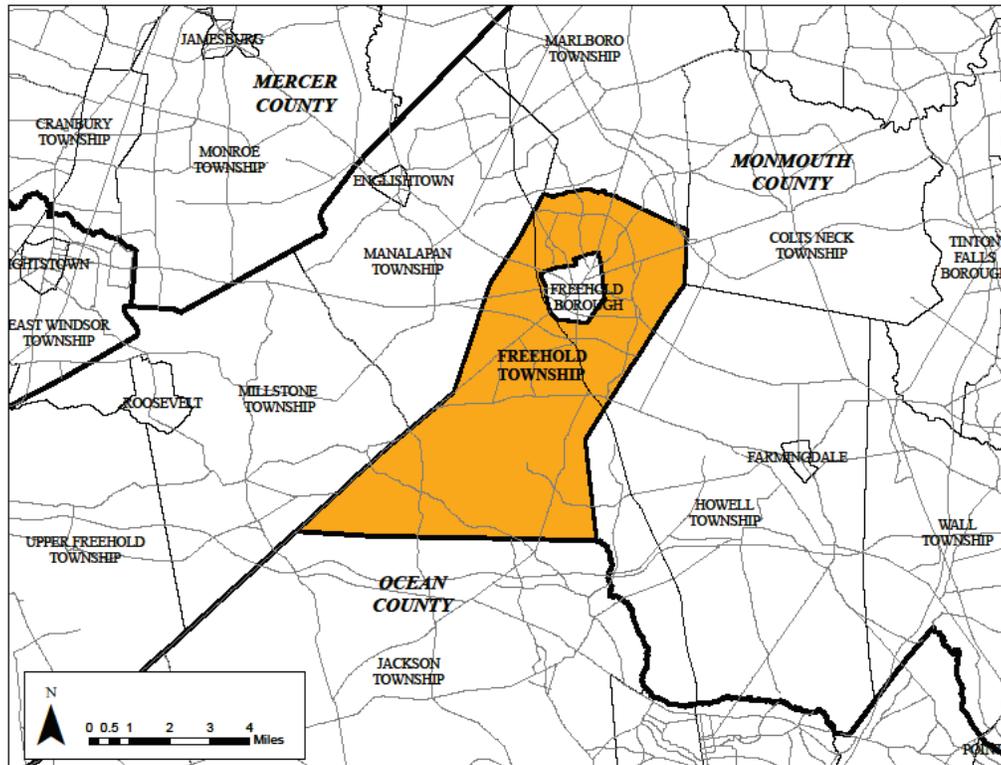
The Township is bordered to the east by Colts Neck and Howell Townships, to the west by Millstone and Manalapan Townships, to the north by Marlboro and Colts Neck Townships and to the south by Jackson Township in Ocean County. The Borough of Freehold is surrounded by the Township of Freehold and is located in the north central portion of the Township. Figure 1 shows the location of Freehold Township within Monmouth County.

There are several major roadways in Freehold including the following:

- Freeways - N.J. Route 33 extending in an east-west direction through the central portion of the Township from Manalapan Township to Howell Township and N.J. 18 which extends through the easterly portion of the Township from Colts Neck to Marlboro Township.
- Principal Arterial Highways - U.S. Route 9 which extends in a north-south direction through the central portion of the Township and Monmouth County Route 537 which extends in a northeast-southwest direction from Jackson and Millstone Townships in the south through the Township and Freehold Borough to Colts Neck Township in the north central portion of the Township.

The Township contains a variety of housing including single-family housing, multi-family housing and special needs housing. More specifically, the Township's ordinances include a wide selection of single family residential lot areas ranging from R-9 (9,000 square feet lots) to R-E Rural Environmental (10 acre lots). Residential uses also include planned adult communities, townhouses, apartments, assisted living and low and moderate income inclusionary housing developments. The Township has a mix of business and office uses and industrial, research, office, laboratory and retail commercial establishments. Approximately 16 percent of the Township contains public park and open space including the New Jersey Turkey Swamp Wildlife Management Area in the southern portion of the Township, Monmouth County and Township park and open space facilities throughout the Township, and Freehold Township and Freehold Area Regional school recreation and open space.

**Figure 1
LOCATION MAP
Township of Freehold**



FREEHOLD TOWNSHIP AND THE STATE DEVELOPMENT AND REDEVELOPMENT PLAN

On June 12, 1992 the New Jersey State Planning Commission adopted "Communities of Place: The New Jersey State Development and Redevelopment Plan" (SDRP) designed to serve as a general guide for municipal and county master planning. The Plan was prepared, in part, through a Cross Acceptance Program which provided for coordination of state, regional, county, municipal and private interests. The SDRP was reviewed in 1999 and 2000 following a statewide Cross Acceptance II program, was updated, modified and then readopted in March 2001. On April 28, 2004, the State Planning Commission released a preliminary State Plan document in conjunction with a Cross Acceptance III program. This program stalled and was not implemented.

The New Jersey State Plan is being updated in 2025 by the N.J. Department of State Office of Planning Advocacy and the State Planning Commission (SPC). The draft Plan is being reviewed in phases through a process of “cross-acceptance” which is on-going and defined as a “process of updating the New Jersey State Development and Redevelopment Plan (State Plan) by comparing

statewide planning policies at various government levels with the purpose of attaining a high level of consistency among municipal, county, regional, and State agency plans with the State Plan.”¹

The current SDRP and proposed SDRP places Freehold Township in Planning Areas 2, 3 and 5. The developed central and northern portions of the Township of Freehold are located primarily in Planning Area 2 (Suburban Planning Area) of the SDRP. A portion of the Township located north of Freehold Borough is designated Planning Area 3 (Fringe Planning Area). Environmentally sensitive areas along streams in the northern and central portion of the Township as well as the southern one-third of the Township are designated as Planning Area 5 (Environmentally Sensitive Planning Area).

The Suburban Planning Area (Planning Area 2) of the State Plan indicates the following:

"The Suburban Planning Area is generally located adjacent to the more densely developed Metropolitan Planning Area, but can be distinguished from it by a lack of high intensity Centers, by the availability of developable land, and by a more dispersed and fragmented pattern of predominantly low density development. Suburban Planning Areas are or will be served by regional infrastructure, except that, outside of Centers and major transportation corridors, there is limited, if any, availability of alternative modes of transportation to the automobile. These areas have generally been designated for growth in municipal master plans. As development expands, these services will become increasingly available if planned properly."

In the Suburban Planning Area, the State Plan goals are intended to:

- provide for much of the state's future development;
- promote growth in Centers and other compact forms;
- protect the character of existing stable communities;
- protect natural resources;
- redesign areas of sprawl;
- reverse the current trend toward further sprawl; and
- revitalize cities and towns.

The Fringe Planning Area (Planning Area 3) is designated as areas that are predominantly rural landscape that is not prime agricultural or environmentally sensitive land and contains scattered small communities and free-standing residential, commercial and industrial development.

In the Fringe Planning Area, the intent of the State Plan is to:

- accommodate growth in SDRP Centers;
- protect the environs primarily as open lands;
- revitalize cities and towns;
- protect the character of existing stable communities;
- protect natural resources;

¹ Source: 2024 Updated Cross-Acceptance Manual Office of Planning Advocacy NJ Business Action Center NJ Department of State June 5, 2024.

- provide a buffer between more developed Metropolitan and Suburban Planning Areas and less developed Rural and Environmentally Sensitive Planning Areas; and
- confine programmed sewers and public water services to Centers.

The Environmentally Sensitive Planning Area (Planning Area 5) contains large contiguous land areas with valuable ecosystems, geological features and wildlife habitats.

In the Environmentally Sensitive Planning Area, the intent of the State Plan is to:

- protect environmental resources through the protection of large contiguous areas of land;
- accommodate growth in Centers;
- protect the character of existing stable communities;
- confine programmed sewers and public water services to Centers; and
- revitalize cities and towns.

The State Plan also identifies State and County Park parcels.

TOWNSHIP DEMOGRAPHIC CHARACTERISTICS AND HOUSING INVENTORY

Housing Plans are required to provide demographic, housing and economic characteristics of the municipality in accordance with the Fair Housing Act, N.J.S.A. 52:27D-310. The following characteristics are provided by the 2020 U.S. Bureau of Census, the 2023 American Community Survey (ACS) 5-year estimates and the New Jersey Department of Labor as noted.

Demographic Characteristics

According to the 2023 ACS estimate, the population of the Township of Freehold was estimated to be 35,517, a decrease of 667 residents or -1.8 percent from the 2010 U.S. Census when the population was 36,184. Figure 2 shows the population by age cohorts in 2010 and 2023 estimate including pre-school age (under 5), school age (5 to 19), working age (20 to 64) and seniors (65 and Older).

Figure 2
POPULATION BY AGE CHANGE (2010 and 2023)
Township of Freehold

Age (Years)	2010		2023		Change	
	Number	Percent	Number	Percent	Number	Percent
Pre-School Age						
Under 5	1,726	4.8%	1,209	3.4%	-517	-30.0%
School Age						
5 to 9	2,344	6.5%	2,723	7.7%	379	16.2%
10 to 14	2,895	8.0%	2,214	6.2%	-681	-23.5%
15 to 19	2,685	7.4%	2,633	7.4%	-52	-1.9%
Working Age						
20 to 24	1,843	5.1%	2,160	6.1%	317	17.2%
25 to 34	3,613	10.0%	3,225	9.1%	-388	-10.7%
35 to 44	5,279	14.6%	4,345	12.2%	-934	-17.7%
45 to 54	6,717	18.6%	5,286	14.9%	-1,431	-21.3%
55 to 59	2,393	6.6%	3,176	8.9%	783	32.7%
60 to 64	1,991	5.5%	2,431	6.8%	440	22.1%
Seniors Age						
65 and Older	4,698	13.0%	6,115	17.2%	1,417	30.2%
TOTAL	36,184	100.0%	35,517	100.0%	-667	-1.8%

Source: U.S. Bureau of Census 2010, and 2023 American Community Survey (ACS) 5-year estimates

Additional key demographic features of the Township based on the 2023 ACS are as follows:

- (1) As of the 2023 ACS, there were 12,886 households and 9,141 families residing in the Township of Freehold. Of the family households 32.5 percent had children under the age of 18 living in the household, 59.4 percent were married couples living together, and 29.0 percent were non-families. The average household size was 2.68 persons and the average family size was 3.22 persons.
- (2) The combined median age for both males and females in Freehold Township was 43.1 years in 2023.
- (3) According to the 2023 ACS, the Freehold Township median household income was \$125,739. Thirty (30.0) percent had a household income of \$200,000 or more, 15.2 percent had an income between \$150,000 and \$199,999, 12.8 percent had an income between \$100,000 and \$149,999, and 19.3 percent had a household income below \$50,000.

- (4) The 2023 ACS showed that the family income was \$168,618 (+/- \$9,640). The per capita income for the Township was \$57,937 (+/- \$2,722). Approximately 3.6 percent of families and 6.0 percent of all people in the Township were below the poverty line, including 9.9 percent of those under age 18, and 6.1 percent of those ages 65 or over.

Housing Characteristics

The housing stock of the Township of Freehold was comprised of 13,500 total units per the 2020 U.S. Census. This was an increase of 360 units from the 2010 Census when 13,140 units were recorded. Other key housing characteristics from the 2020 U.S. Census includes the following:

- (1) The 2020 Census recorded 12,897 occupied housing units or 95.5 percent of the total 13,500 housing units in the Township. Vacant housing units included 603 units or 4.5 percent.
- (2) There were 10,376 owner occupied housing units or 80.5 percent and 2,521 renter occupied units or 19.5 percent. The average household size of owner-occupied housing units was 2.86. The average household size for the renter-occupied housing units was 2.07.
- (3) The vacancy rate was 1.0 percent for homeowners and 6.3 percent for rentals.
- (4) Of the 12,897 households 8,082 or 62.7 percent, were classified by the Census Bureau in 2023 as “family households” while 4,815 or 37.3 percent were “non-family households” The Census Bureau defines a “family householder as a householder living with one or more people related to him or her by birth, marriage, or adoption. The householder and all people in the household related to him or her are family members.” A non-family householder is defined as “a householder living alone or with nonrelatives only”.

Housing characteristics from the 2023 ACS include the following:

- (1) There were 17 housing units lacking plumbing facilities and 115 units lacking complete kitchen facilities.
- (2) Approximately 43.4 percent of the housing units in the Township were built between 1980 and 1999; 17.6 percent or 2,336 housing units were added to the Township housing stock between 1970 and 1979; 16.4 percent or 2,176 units were added between 1960 and 1969; and 1,257 housing units were added in 1950 or earlier or 9.5 percent. Between 2010 and 2020 only 368 units (2.8 percent) were added to the housing stock which reflects the fact that there has been little residential growth in recent years and that the Township is almost fully developed. Figure 3 shows the age of housing stock by construction date.

Figure 3
HOUSING CONSTRUCTION DATE (2023 Estimate)
Township of Freehold

Year Built	Number	Percent
2020 or later	102	0.8%
2010 to 2019	266	2.0%
2000 to 2009	1,389	10.4%
1990 to 1999	3,027	22.8%
1980 to 1989	2,744	20.6%
1970 to 1979	2,336	17.6%
1960 to 1969	2,176	16.4%
1950 to 1959	732	5.5%
1940 to 1949	144	1.1%
1939 or earlier	381	2.9%
TOTAL	13,297	100.0%

Source: 2023 American Community Survey (ACS) Five Year Estimates

- (3) The value of the housing stock for owner occupied units is shown in Figure 4 from the 2023 ACS estimate. Approximately 5,573 housing units, or 52.0 percent, were valued between \$500,000 and \$999,999; 3,073 housing units, or 28.7 percent, were valued between \$300,000 and \$499,999; while only 365, or 3.4 percent were valued at \$1,000,000 or greater.

Figure 4
VALUE FOR OWNER OCCUPIED HOUSING UNITS (2023 Estimate)
Township of Freehold

Value	Number	Percent
Less than \$50,000	373	3.5%
\$50,000 to \$99,999	197	1.8%
\$100,000 to \$149,999	329	3.1%
\$150,000 to \$199,999	250	2.3%
\$200,000 to \$299,999	555	5.2%
\$300,000 to \$499,999	3,073	28.7%
\$500,000 to \$999,999	5,573	52.0%
\$1,000,000 or more	365	3.4%
Owner-Occupied Units	10,715	100.0%
Median Value	\$535,000	

Source: 2023 American Community Survey (ACS) Five Year Estimates

- (4) The Median Gross Rent for 2023 was \$2,158. This included: 19 housing units renting for less than \$500; 119 were renting for between \$500 and \$999; 367 units were renting for between \$1,000 and \$1,499; 349 units were renting for between \$1,500 and \$1,999; 546 units renting for between \$2,000 and \$2,499; 327 units were renting for \$2,500 to \$2,999 and 327 units were renting for \$3,000 or greater.

Figure 5
GROSS RENT FOR RENTER OCCUPIED HOUSING UNITS (2023 Estimate)
Township of Freehold

Gross Rent	Number	Percent
Less than \$500	19	0.9%
\$500 to \$999	119	5.8%
\$1,000 to \$1,499	367	17.9%
\$1,500 to \$1,999	349	17.0%
\$2,000 to \$2,499	546	26.6%
\$2,500 to \$2,999	327	15.9%
\$3,000 or more	327	15.9%
Occupied rental units	2,054	100.0%
Median rent (dollars)	\$2,158	
No Rent Paid	117	

Source: 2023 American Community Survey (ACS) Five Year Estimates

Occupation Characteristics

Figure 7 shows the occupation characteristics for residents in the Township of Freehold based on the 2023 ACS. In 2023 there were 17,843 Township residents employed in occupations consisting of: 25.1 percent in the education, health and social services industry; 14.0 percent in professional, scientific, and management, and administrative and waste management services; 11.9 percent in retail trade; 9.5 percent in finance, insurance, real estate & rental leasing; and 7.9 percent in arts, entertainment, recreation, food services. Other categories of resident occupations in 2023 are shown in Figure 6.

Figure 6
CIVILIAN OCCUPATIONS – (2023 Estimate)
Township of Freehold

Occupation	Employment	Percent
Agriculture, Forestry and Fishing, Hunting, Mining	142	0.8%
Construction	853	4.8%
Manufacturing	1,070	6.0%
Wholesale Trade	541	3.0%
Retail Trade	2,130	11.9%
Transportation, Warehousing & Utilities	545	3.1%
Information	451	2.5%
Finance, Insurance, Real Estate & Rental Leasing	1,687	9.5%
Professional, Scientific and Waste Mgmt. Services	2,491	14.0%
Education, Health & Social Services	4,475	25.1%
Arts, Entertainment, Recreation, Food Services	1,402	7.9%
Other Services (Except Public Administration)	529	3.0%
Public Administration	1,527	8.6%
TOTAL	17,843	100.0%

Source: American Community Survey 2023 Five Year Estimates

Existing and Probable Future Township Labor Force

Based on the ACS for the years 2013 to 2023 the number of persons within the Labor Force in Freehold Township remained relatively steady between 2013 and 2023 with the exception of 2021 and 2022 where there was an increase of 434 persons, or 2.5 percent. The numbers of persons 16 years of age or older employed in the labor force between 2013 and 2023 are presented in Figure 7 as follows:

Figure 7
EMPLOYMENT CHARACTERISTICS (estimates)
Township of Freehold

Year	Persons Employed (16 Years and Older)
2023	17,843
2022	18,336
2021	18,246
2020	17,465
2019	17,569
2018	17,540
2017	17,568
2016	17,625
2015	17,699
2014	17,641
2013	17,409

Occupation for Employed Civilian Population 16 Years and Over
Source: 2013-2023 American Community Survey (ACS) Five Year Estimates

Based on the number of persons in the Township and given the fact that the Township is nearly fully built-out, it is expected that the number of persons employed in the Township labor force will continue to remain relatively steady in the future.

Projection of Housing Stock

Figure 8 shows residential permits and demolitions for 2014 to 2024 in Freehold Township. There was a total of 523 permits and 41 demolitions issued during that time. The increase in residential permits was due to new residential developments in the Township including for example the “Edge at Freehold” and “Regency at Freehold”. It is anticipated that the Township will see additional residential units being constructed over the next ten years similar to the last five years that includes sites for inclusionary development as described further in this plan. The projection of increased housing stock is contingent upon market and economic forces.

Figure 8
RESIDENTIAL PERMITS AND DEMOLITIONS (2014-2024)
Township of Freehold

Year	Permit	Demolition
2024	30	1
2023	56	2
2022	36	15
2021	53	4
2020	61	5
2019	39	9
2018	96	5
2017	119	0
2016	32	0
2015	1	0
2014	0	0
Total	523	41

Source: New Jersey Department of Labor – Building Permits / Demolitions

Low- and Moderate-Income Units – 2023 Freehold Township

The approximate number of low and moderate income units within the Township can be estimated based on the 2023 American Community Survey and 2023 COAH income limits for low and moderate income persons.

The approximate number of housing units that are affordable to two-person low- and moderate-income households for rental and for sale are as follows based on 2023 COAH income limits and 2023 Census data:

- Low-income rental units: approximately 217 units of 2,054 units paying rent (10.6 percent of rental units)
- Moderate income rental units: approximately 643 units of 2,054 units paying rent (31.3 percent of rental units)
- Low-income for-sale units: approximately 990 units of 10,715 total owner-occupied housing units (9.2 percent of for-sale units)
- Moderate income for sale units: approximately 1,542 units of 10,715 owner occupied units (14.4 percent of for-sale units)

Figure 9 shows the 2023 Rental Rates for Low and Moderate Income Housing Units and Figure 11 shows the 2023 Sales Prices for Single Family Detached Low and Moderate Income Housing Units. Both Figures also provide the 2023 Affordable Income Limits as provided by the Affordable Housing Professionals of New Jersey (AHPNJ) - May 26, 2023.

As can be seen in Figure 10, a two-person moderate income household could earn up to \$78,474 annually and pay up to a maximum of \$1,697 per month for rent. A low income household could earn up to \$49,046 annually and pay up to a maximum of \$1,108 per month for rent.

**Figure 9
2023 RENTAL HOUSING RATES
FOR LOW AND MODERATE INCOME UNITS**

**2023 Affordable Income Limits
Region 4 (Monmouth, Mercer and Ocean)**

Income	1 Person	.5 Person*	2 Person	3 Person	4 Person	1.5 Person*	5 Person
Median	\$85,831	\$91,962	\$98,092	\$110,354	\$122,615	\$127,520	\$132,425
Moderate (1)	\$68,665	\$73,569	\$78,474	\$88,283	\$98,092	\$102,016	\$105,940
Low (2)	\$42,915	\$45,981	\$49,046	\$55,177	\$61,308	\$63,760	\$66,212

(1) 80 Percent of Median Income

(2) 50 Percent of Median Income

(3) 57.5% Avg. (NJAC 5:93-7.4 (b))

Source: 2023 Affordable Housing Regional Income Limits by Household Size

Monthly Maximum Affordable Rental Rates (1)

	1 Person	.5 Person*	2 Person	3 Person	4 Person	1.5 Person*	5 Person
Moderate	\$1,716.63	\$1,839.23	\$1,961.85	\$2,207.08	\$2,452.30	\$2,550.40	\$2,648.50
Utility Allow (2)	\$197.00	\$197.00	\$264.00	\$328.00	\$363.00	\$363.00	\$445.00
Total	\$1,519.63	\$1,642.23	\$1,697.85	\$1,879.08	\$2,089.30	\$2,187.40	\$2,203.50
Low	\$1,072.88	\$1,149.53	\$1,226.15	\$1,379.43	\$1,532.70	\$1,594.00	\$1,655.30
Utility Allow (2)	\$95.00	\$107.00	\$118.00	\$130.00	\$142.00	\$148.00	\$153.00
Total	\$977.88	\$1,042.53	\$1,108.15	\$1,249.43	\$1,390.70	\$1,446.00	\$1,502.30

(1) Assumes 30 percent of monthly gross income.

(2) Allowance for Tenant-Furnished Utilities and Other Services based upon N.J.D.C.A., Division of Housing and Community Resources, Section 8 Housing Program: Heating, cooking and water heating (natural gas); lighting, refrigeration and other electric; water; and sanitary sewer (July 1, 2023)

(Utility allowances per person rates extrapolated from N.J.D.C.A. bedroom rates)

* N.J.A.C. 5:93-7.4 requires that one bedroom units shall be affordable to 1.5 person households and three bedroom units shall be affordable to 4.5 person households.

Prepared By: Thomas Planning Associates January 6, 2025

Figure 10
2023 SALES PRICES FOR SINGLE FAMILY DETACHED HOUSING UNITS
FOR LOW AND MODERATE INCOME HOUSEHOLDS

2023 Affordable Income Limits
Region 4 (Monmouth, Mercer and Ocean)

Income	1 Person	.5 Person*	2 Person	3 Person	4 Person	1.5 Person*	5 Person
Median	\$85,831	\$91,962	\$98,092	\$110,354	\$122,615	\$127,520	\$132,425
Moderate (1)	\$68,665	\$73,569	\$78,474	\$88,283	\$98,092	\$102,016	\$105,940
Low (2)	\$42,915	\$45,981	\$49,046	\$55,177	\$61,308	\$63,760	\$66,212

(1) 80 Percent of Median Income

(2) 50 Percent of Median Income

(3) 57.5% Avg. (NJAC 5:93-7.4 (b))

Source: 2023 Affordable Housing Regional Income Limits by Household Size

Maximum Moderate Income Affordable Unit Sales Prices

	1 Person	.5 Person*	2 Person	3 Person	4 Person	1.5 Person*	5 Person
Moderate *	\$1,602.18	\$1,716.61	\$1,831.06	\$2,059.94	\$2,288.81	\$2,380.37	\$2,471.93
(-) Property Insurance (1)	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00
Mortgage/Month (2)	\$1,139.11	\$1,221.50	\$1,303.90	\$1,468.68	\$1,633.46	\$1,699.38	\$1,765.30
(-) Mortg. Ins./Month (3)	\$78.88	\$84.59	\$90.29	\$101.71	\$113.12	\$117.68	\$122.25
(-) Property Tax/Month (4)	\$364.19	\$390.53	\$416.87	\$469.55	\$522.24	\$543.31	\$564.39
% Downpayment Required	\$11,832	\$12,688	\$13,544	\$15,256	\$16,967	\$17,652	\$18,337
Max. Sales Price	\$236,649	\$253,764	\$270,883	\$305,116	\$339,349	\$353,044	\$366,739

Maximum Low Income Affordable Sales Unit Prices

	1 Person	.5 Person*	2 Person	3 Person	4 Person	1.5 Person*	5 Person
Low **	\$1,001.35	\$1,072.89	\$1,144.41	\$1,287.46	\$1,430.52	\$1,487.73	\$1,544.95
(-) Property Insurance (1)	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00
Mortgage/Month (2)	\$706.54	\$758.04	\$809.53	\$912.53	\$1,015.52	\$1,056.71	\$1,097.91
(-) Mortg. Ins./Month (3)	\$48.93	\$52.49	\$56.06	\$63.19	\$70.32	\$73.18	\$76.03
(-) Property Tax/Month (4)	\$225.89	\$242.35	\$258.82	\$291.74	\$324.67	\$337.84	\$351.01
% Downpayment Required	\$7,339	\$7,874	\$8,409	\$9,479	\$10,549	\$10,977	\$11,404
Max. Sales Price	\$146,782	\$157,482	\$168,179	\$189,576	\$210,973	\$219,531	\$228,088

* N.J.A.C. 5:93-7.4 requires that one bedroom units shall be affordable to 1.5 person households and three bedroom units shall be affordable to 4.5 person households.

** Assumes 28 percent of gross income per month

(1) Assume property owners insurance of \$20.00/month

(2) Assume a 4.50 percent interest rate on mortgage over 30 years.

(3) Assume mortgage insurance of \$4.00/\$1,000 property value.

(4) Assume general tax rate of 101.19 and Equalization Ratio of 1.825 for 2023.

HOUSING POLICY

Freehold Township encourages the development of a variety of housing types to suit the needs of existing and future residents. Housing development is designed to be compatible with existing residential neighborhoods, with environmental constraints, with the availability of infrastructure, and with the need to maintain adequate levels of service for public facilities.

Major housing development will be directed to the areas of the Township that are serviced by sanitary sewer and public water as presented in the Land Use Plan and Utility Elements of the Master Plan. Housing development within rural areas will be restricted to low density single family residential uses on individual septic systems and well water regulated by rural and environmentally sensitive area zoning and development regulations.

The Township addressed its Round 1-3 affordable housing obligation in accordance with applicable rules and Final JOR.

LAND USE PATTERNS

There are a variety of existing land uses within Freehold Township. Historically, the Township was a rural, agricultural area with scattered farms, small settlements and rural commercial establishments. The focus for the Township was the Monmouth Courthouse complex and surrounding the Town (now Borough) of Freehold. This early pattern of development persisted for almost two hundred years.

Following World War II, and particularly in the late 1950s and early 1960s, the pattern of land use began to change as rapid residential development occurred followed by commercial and industrial uses that extended outwardly from Freehold Borough into the Township along major county and regional highways.

Freehold Township currently contains a mixture of rural, suburban, and urban-type public and private land uses. It combines vestiges of the Township's historical and rural heritage with examples of contemporary metropolitan and suburban development including major subdivisions, garden apartments, planned residential developments, corporate offices, highway shopping centers and commercial development and industrial parks. As a result of its regional location and easy accessibility, Freehold Township is nearly fully developed. The Township is expected to continue to experience some infill development including primarily housing and commercial uses on remaining scattered developable parcels.

The Existing Land Use Map in Appendix 5 provides a graphic display of existing developed and undeveloped land within the Township. The map provides a reference for planning and guiding future development by type and at locations that are consistent with the goals and objectives of the Township and past development patterns. The Existing Land Use Map was prepared on a lot line GIS base map prepared by the NJDEP and updated by the Township Engineering Department. Existing land uses were identified from the MODIV Tax Assessment Data linked to the lot line base map and an existing land use survey.

Existing land uses have been compiled by type and acreage in tabular form and are found in Appendix 6. The table provides a detailed breakdown of land uses by acreage and by proportion of the developed land and undeveloped land totals.

Major land use categories are shown on the map and specific facilities and land uses within the major land use categories are also identified, including, for example, public uses such as parks and schools.

AVAILABILITY OF SANITARY SEWER AND WATER INFRASTRUCTURE

Sanitary Sewer

Freehold Township is divided into three broad geographical areas in terms of waste water disposal: (1) the southern third of the Township which is largely undeveloped and does not have any sanitary sewer and water infrastructure; (2) the northwestern portion of the Township which is serviced by the Western Monmouth Utilities Authority; and (3) the central and remainder of the Township which is serviced by the Freehold Township Utilities Department that conveys sewerage flow to the Manasquan River Regional Sewerage Authority.

The southern portion of the Township is rural and largely undeveloped with large lot zoning consisting predominately of Rural Residential zoning with five acre minimum lot sizes. It contains extensive public parks and wildlife management areas including the Monmouth County Turkey Swamp Park, consisting of over 600 acres, and the New Jersey Department of Environmental Protection Turkey Swamp Wildlife Management Area, consisting of over 1,000 acres. All residences and businesses in the southern portion of the Township are served by on-site disposal (septic) systems. It is economically unfeasible to provide public sanitary sewerage service to this area and the Township plans to maintain this area as a managed on-site disposal (septic) service area in accordance with the Monmouth County Water Quality Management Plan which includes portions of the Manasquan River drainage basin and the Metedeconk River Drainage Basin.

The northwestern portion of the Township, generally north of County Route 33 and west of the Route 79 and the former Central Railroad of New Jersey, is serviced by the Western Monmouth Utilities Authority (WMUA) which includes all of Manalapan Township and Englishtown Borough, and parts of Freehold Township and Marlboro Township and a small portion of Old Bridge Township in Middlesex County. The WMUA owns and operates its own collection, conveyance and treatment facilities with all flow ultimately discharging to the Pine Brook Treatment Plant located on Utility Road in Manalapan Township.

The Freehold Township municipal sewer system consists of over 200 miles of gravity collection sewer lines ranging in size from 6 to 24 inches in diameter. Nine municipally owned pump stations and a number of small, privately-owned pump stations collect wastewater from topographically remote areas of the Township and discharge it into the main gravity system via force mains. The Township also provides sanitary sewer service to an inclusionary residential development in Colts Neck north of Burlington Road in accordance with a Court Order.

Water

The Township currently has approximately 135 miles of water mains and ten active wells in the system. The wells access three different aquifers and range from 500 to 1200 gallons per minute in capacity. A water treatment plant is located at each well field. The groundwater from the wells is of very high quality. The primary function of the treatment plant is to remove iron and manganese from the water.

The water from each source of supply is discharged into a water distribution system consisting of water mains ranging from six inches to sixteen inches in diameter. The Township has a master plan and computerized program for the water distribution system and detailed design standards for extensions. Primarily, developers install extensions and each development is reviewed to ensure that the water system extension complies with the master plan and the design standards. The system is modeled with a hydraulic analysis computer program. The model is used to ensure that the system is capable of meeting demands and providing fire flow demands at adequate pressures. Modeling the system provides a basis to require developers to install any off-site improvements necessary to serve their projects.

LANDS MOST APPROPRIATE FOR AFFORDABLE HOUSING

In general, the areas that are most appropriate for affordable housing are those areas that have the necessary infrastructure including sewer and water and are not encumbered by environmental constraints. This includes properties in the northern portion of the Township designated in State Planning Area 2 in the New Jersey Development and Redevelopment Plan which the State has, for the most part, encouraged growth.

Lands most appropriate for affordable housing include those properties with proximity to commercial and office uses, schools, and public services, parcels designated for new construction, existing market rate units that have the potential to convert to affordable units, and developments designed to provide special needs affordable housing, such as Kershaw Commons, and licensed group homes.

Additionally, lands appropriate for the construction of new affordable housing would include at least the following elements:

- Access to a major roadway(s).
- Within an existing sanitary sewer service area and access to public water.
- Compatible with existing development in the surrounding neighborhood

Based upon the affordable housing rules pertaining to lack of developable land, environmental constraints and historic and architecturally important sites, parcels most appropriate for low-and -moderate-income housing include potential vacant developable sites and underdeveloped sites which have been identified in the Township's Vacant Land Inventory and Round 1-3 Housing Plan Element and Fair Share Plan. A summary listing of these properties are as follows:

Name	Location
Group Homes	Various locations
"Independence Square"	36 Whistler Dr. - off Park Ave.
"Strickland Farm"	100 Weathervane Lane - off Strickland Rd.
"Heritage Village" - Elton Corner	895 Elton Adelphia Rd.
"Kershaw Commons"	6000 Applewood Dr.
The Edge at Freehold	1101 Devon Dr. - off Route 9
"Regency at Freehold"	5 Old Eagle Rd. - off Rt. 33
"Wemrock Senior Living" - (aka PIRHL)	1 Arbor Terrace - off Rt. 33
"Regent Oaks at Freehold" - (aka Land Bank)	142 Wisteria Ct. - off Rt. 9
"The Brooks at Freehold"	off Three Brooks Rd.

Potential Properties - Zoned Not Constructed

Name	Location
55 Jackson Mills Road	55 Jackson Mills Rd.
"Chesterfield Apartments" - Expansion	240 Harding Rd. - off Colts Neck Rd. (Rt. 537)
"The Estates at Brock Farms"	off Monmouth Rd. (Rt. 537)

AFFORDABLE HOUSING DEVELOPER INTEREST

Developers who have expressed an interest in providing affordable housing in the Township include the following three (3) sites. The Township has considered each of these sites in its Round 4 Plan:

1. **Geisler Tract (Block 96, Lots 11, 23, 37 & 38; Block 95.01, Lot 31)** – The Geisler tract is located in the southern portion of the Township and is comprised of: Block 96, Lots 11, 23, 37, and 38; and Block 95.01, lot 31. The tract contains approximately +/- 108.1 total acres and +/- 39.4 developable acres based upon a review of the NJDEP GIS freshwater wetlands mapping. The wetlands split the tract with an upland area of +/- 29.5 acres located along Geisler Lane and the remaining +/-9.8 acres located along Georgia Road. The tract is in the R-E Zone. It should be noted that the tract is not located within the sewer service area and was not included in the Round 3 vacant land adjustment calculation, but rather was part of the approved and agreed upon durational adjustment.
2. **Freehold Raceway Mall Site (Portion of Block 69.01, Lot 18.01).** A portion of the Freehold Raceway Mall was proposed for 275 units located within a portion of a parking area located at the northeast corner of Raceway Mall Drive and Winners Circle in the RMZ-1 zone. The subject area highlighted by the developer included +/- 13.2 acres with a proposal for 275 total units of which a portion (20 percent) would be developable.

The development proposal was analyzed. The parking area where the development is proposed = +/- 6.8 acres and the remaining +/- 6.4 acres is for the most part environmentally sensitive and/ or constrained and is comprised of a stream buffer, detention pond, and steep slopes which vary in percentage but in some instances are 20% or greater. Pursuant to the Freehold Township zoning regulations the environmentally sensitive area is to be excluded for purposes of density calculations as defined in “minimum developable area” footnotes of Schedule C – Area, Yard and Building Requirements. This includes most especially the steep slope area. If the +/- 13.2 acre property was to be utilized for development the density would calculate to +/- 20.8 UPA. If the +/- 6.4 acre area were excluded and only the +/- 6.8 acre parking area was included for purposes of development the density would calculate to be +/- 40.4 UPA. It should be noted the density calculation of 40 UPA far exceeds any density that is permitted in the Township. The site is not suitable for residential development based upon established planning principles and considerations.

3. **Weaverville Road Site (Block 42, Lot 60)**. The Weaverville Road site is a +/- 10.7 acre property which contains a small portion of wetlands. The bulk of the site is located in the R-60 zone with a portion of the site located in the R-9 zone along Weaverville Road. A concept plan was received for the property by the developer just prior to the submission of the Township’s Housing Plan. The concept plan included 68 stacked townhouse units and included 14 affordable units (20 percent affordable). The site plan shows an area of freshwater wetlands along the eastern and western portion of the Applegate’s Creek tributaries.

It should be noted that the site was included in the Round 3 Housing Plan as a potential developable site (site #V-424) within the Township’s approved vacant land inventory and realistic development potential (RDP). The Round 3 Plan showed the site was potentially developable for a total of 50 units including 10 affordable based on the available NJDEP GIS wetlands and a density of 6 units per acre. The Round 3 RDP was addressed and deemed to be satisfied.

FAIR SHARE PLAN

A “Fair Share Plan” is defined as a plan that describes the mechanisms and the funding sources, if applicable, by which a municipality proposes to address its affordable housing obligation as established in the Housing Element. It can include the draft ordinances necessary to implement the Housing Plan. A Fair Share Plan is defined as follows:

N.J.S.A. 52:27D-304. Definitions

v. "Fair share plan" means the plan or proposal that is in a form which may readily be adopted, with accompanying ordinances and resolutions, pursuant to subsection f. of section 3 of P.L.2024, c.2 (C.52:27D-304.1), by which a municipality proposes to satisfy its obligation to create a realistic opportunity to meet its fair share of low- and moderate-income housing needs of its region and which details the affirmative measures the municipality proposes to undertake to achieve its fair share of low- and moderate-income housing, as provided in the municipal housing element, and addresses the development regulations necessary to implement the housing element, including, but not limited to, inclusionary requirements and development fees, and the

elimination of unnecessary housing cost-generating features from the municipal land use ordinances and regulations.

The need for affordable housing in New Jersey is divided into three components:

- *Prior Round Obligation* – The Prior Round Obligation is the cumulative 1987-1999 fair share obligation as was determined by COAH for Round 1 and 2, and 1999-2025 for Round 3. The first three rounds are mutually referred to as the “Prior Round”.
- * *Present Need or Rehabilitation Obligation* – The Rehabilitation Obligation represents the number of existing housing units that are both “deficient” and occupied by low-and moderate-income households for the fourth round (July 2, 2025 – June 30, 2035). Pursuant to 52:27D-304.2. 6.a.:

“Municipal present need for each 10-year round of affordable housing obligations shall be determined by estimating the deficient housing units occupied by low- and moderate-income households in the region, following a methodology similar to the methodology used to determine third round municipal present need, through the use of most recent datasets made available through the federal decennial census and the American Community Survey, including the Comprehensive Housing Affordability Strategy dataset thereof.”

- * *Prospective Need Obligation or Fourth Round Obligation* - The prospective need obligation for Round 4 covers the time period July 2, 2025 through June 30, 2035. It is defined as follows:

"Prospective need" means a projection of housing needs based on development and growth which is reasonably likely to occur in a region or a municipality, as the case may be, as a result of actual determination of public and private entities. Prospective need shall be determined by the methodology set forth pursuant to sections 6 and 7 of P.L.2024, c.2 (C.52:27D-304.2 and C.52:27D-304.3) for the fourth round and all future rounds of housing obligations.

- * Pursuant to P.L. 2024, c.2 (the “Act”) methodology was adopted to calculate every municipality’s present and prospective need affordable housing obligation for the Fourth Round (2025-2035). The Act directed the Department of Community Affairs (“DCA”) to apply the methodology and render non-binding calculations of each municipality’s present and prospective affordable housing obligations to be contained in a report to be issued not later than October 20, 2024.

Figure 11 presents the three components of the Freehold Township affordable housing obligation:

**Figure 11
FAIR SHARE OBLIGATION
Freehold Township**

Freehold Township’s Fair Share Obligation		Units
A.	Prior Round Obligation Round 1 and 2 – (1987 through 1999)	1,036
	Prior Round Obligation Round 3 – (1999 through 2025)	*1,509
B.	Round 4 Present Need Obligation (Rehabilitation Obligation)	39
C.	Round 4 Prospective Obligation (July 2, 2025 through June 30, 2035):	568

** 1,509 units for the Round 3 obligation is subject to a vacant land adjustment and durational adjustment yielding a Realistic Development Potential (or RDP) of 835 units and a Durationally Adjusted Need of 631 units and is further described in this Housing Plan Element. (835+674 = 1,509)*

Prior Rounds 1 & 2 Obligation and Credits

The Council on Affordable Housing granted Substantive Certification to Freehold Township’s Round 1 & 2 Affordable Housing Plan on December 12, 2001 (COAH Resolution 197-99). The Freehold Round 1 & 2 cumulative obligation was 1,092 units including 56 rehabilitation units and 1,036 new units. Figure 12 provides a summary of the Round 1 & 2 Fair Share Plan including all the components and credits that were applied to the 1,036 new unit obligation. The total number of credits totaled 1,037 which exceeded the 1,036 unit obligation by one (1) credit. The one (1) credit was applied to the Round 3 obligation².

The Round 1&2 credits are summarized as follows:

Prior Cycle Credits – Credits without Controls Group Homes

The Credits without Controls program credits (73) and two group homes including Ivy Hedge and ARC of Monmouth County (10 credits) were approved by the Council on Affordable Housing (COAH) on December 12, 2001 via Resolution #197-99 granting substantive certification. The COAH substantive certification is sufficient in determining creditworthiness of the projects. The Township was also approved for five (5) credits for a group home that was constructed in 1980 known as New Horizons in Autism.

² *The Monmouth Crossing assisted living facility was developed by CentraState in Round 2 with 14 affordable rental apartment units but was not utilized for credit at that time. Upon the opening of the 30-unit MS facility, Kershaw Commons, CentraState donated property for Kershaw Commons and extinguished the affordability deed restrictions at Monmouth Crossing. The result was a net increase of 16 affordable apartment units at Kershaw Commons in Round 3.*

Regional Contribution Agreements (RCA's)

The Township entered into five (5) separate RCA's with Freehold Borough, the City of Trenton and Asbury Park City from 1987 to 2001. COAH granted substantive certification for the 1987 agreement with Freehold Borough for 150 RCA units. The Township provided adequate documentation to justify the creditworthiness of the other 253 RCA credits including the executed agreements or other documentation evidencing the transfer of funds to the receiving municipalities.

Group Homes/Supportive Special Needs

COAH's 2001 substantive certification recognized six (6) of the eight (8) bedrooms for the Easter Seals group home towards the Prior Round obligation. Additional credits for thirteen (13) credits from Allies, Inc and six (6) credits from Women's Center of Monmouth as supportive and special needs bedroom units were also provided.

New Construction Built

The Township received certification from COAH for three family for-sale projects including Independence Square (64 units), Wyndham Place (96 units) and Strickland Farm (78 units) for a total of 238 credits. All units were built and occupied at the time of COAH certification. COAH's certification satisfies the creditworthy determination for these units.

Centrastate operates a 76-bedroom assisted living residence in the Township called Monmouth Crossing. Fourteen (14) of the bedrooms are available to low- and moderate-income individuals which was reviewed and certified by COAH in the 2001 substantive certification.

COAH also certified a development known as Avalon Manor (Eagle Rock Apartments) that was partially completed and occupied in 2001. Avalon Manor is a 296-unit family rental apartment complex with 30 affordable rental units.

Freehold Township in conjunction with Community Investment Services, Inc. developed a municipally sponsored age-restricted affordable housing development known as Elton Corner. The rental development was constructed with a total of 149 affordable units and one-non-affordable unit for a live-in resident. The Township is seeking 119 credits and 40 bonus credits toward the Prior Round obligation. While COAH recognized this project in the 2001 substantive certification, the project was not yet built.

COAH also approved Adelphia Green, a development consisting of 96 townhouse units of which eleven (11) units are on-site and affordable to low- and moderate-income households and ten (10) credits were realized through a RCA with Asbury Park City (included in the RCA description above).

**Figure 12
PRIOR ROUND 1&2 OBLIGATION/ CREDITS
Freehold Township**

FAIR SHARE PLAN	ROUNDS 1 and 2: 1987-1999 COAH REQUIREMENT - 1036					
	Family Units			Age Restricted Units		
	Owner	Rental	Rental Bonus	Owner	Rental	Rental Bonus
1. PRIOR CYCLE CREDITS						
A. Credits Without Controls (4/1/80 - 12/15/86) Silvermead Manufactured Housing				73		
B. Group Homes						
(1) Ivy Hedge May 1980 (1 home - 4 BR)		4				
(2) New Horizons in Autism Oct. 1980 (1 home - 5 BR)		5				
(3) ARC of Monmouth County May 1985 (1 home - 6 BR)		6				
2. REGIONAL CONTRIBUTION AGREEMENTS						
A. Freehold Borough - 1987	150					
B. Trenton City - 2001		56				
C. Freehold Borough - 2001 (Up to 221 Units)	157					
D. Asbury Park City - 2001 (Up to 45 Units)	30					
E. Asbury Park City - 10 (Adelphia Green)	10					
3. GROUP HOMES						
A. Easter Seals Feb. 1992 (4 homes - 6 BR)		6	6			
B. Allies Inc. 9/87-11/91(3 homes - 15 BR)		13	13			
C. Womens Center of Monmouth 5/96 (3 homes-6 BR)		6	6			
4. NEW CONSTRUCTION-BUILT						
A. Independence Square 9/90-12/94 (312 total 64 affordable)	64					
B. Wyndham Place 12/88-4/96 (484 total 96 affordable)	96					
C. Strickland Farm 3/93-4/97 (390 total 78 affordable)	78					
D. Monmouth Crossing - Assisted Living (1999) (14 BR) *				14	14	
E. Avalon Manor / "Eagle Rock Apts." (2000) (296 total 30 affordable)		30	30			
F. Elton Corner - "Heritage Village" (9/2006) (149 age restricted rental)				119	40	
G. Adelphia Green (2003) (96 total 11 affordable)	11					
BUILT TOTALS	596	126	55	73	133	54
ROUND 1 & 2 (1986-1999) TOTAL = 1037						
1036 OBLIGATION						

Notes:

* Monmouth Crossing transferred 14 affordable units to 30 Kershaw Commons-MS Facility in 2014.

** Rental Bonus Credits calculated at 1:1 for Non-Age Restricted Rental Units and 1:3 for Age Restricted Rental Units

Prior Round 3 Obligation and Credits

In Round 3 the Township was granted Final JOR on February 22, 2023. The obligation was 1,509 units which was adjusted to 835 units per a vacant land adjustment and RDP leaving a 674-unit durational adjustment. At that time a total of 878 credits were applied to the 835-unit adjustment for a surplus of 43 credits (See Figure 13). However, since that time the number of potential units at “55 Jackson Mills Road” was increased from 30 affordable to 46 affordable. That adjustment netted an increase of 16 affordable units which increased the potential surplus from 43 units to 59 units as will be further discussed below.

The prior Round 3 obligation and credits are summarized below with the adjustments as noted:

Group Homes

There are eight (8) separate group home providers within Freehold Township applicable to Round 3. These group home providers supply a total of 93-bedroom units. Additional group homes and group home providers located in the Township were credited in Rounds 1 and 2. A total of 93 credits for group homes is being applied to the Adjusted Round 3 Fair Share Obligation. Additional rental bonus credits also apply to the group homes in Round 3 and are described in the section below.

New Construction - Units Built

Units that have already been constructed and were credited in Round 3 include the following developments:

Elton Corner at “Heritage Village”

Freehold Township in conjunction with Community Investment Services, Inc. developed a municipally sponsored age-restricted affordable housing development known as “Elton Corner at Heritage Village” in 2006 consisting of 149 rental units. The development is located on Elton Adelpia Road (CR 524) east of CR 537. This development was included in the Round 1 and 2 Housing Plans. Forty (40) rental bonus credits were granted to the Township by COAH in accordance with Round 2 Rules (N.J.A.C. 5:93 et seq.) at the rate of one-third rental bonus credit per apartment. Based on COAH Rules, there was a cap of 40 age-restricted rental bonus credits in Round 2. To maintain the rental bonus ratio of one-third rental bonus credit for each affordable housing unit in the Elton Corner senior housing development would require a minimum of 120 age-restricted apartments. The Elton Corner development was constructed with a total of 149 affordable units and one-non-affordable unit for a live-in resident. The Township applied for surplus credit for 30 age-restricted housing units from the Elton Corner development in Round 3.

Kershaw Commons – MS Facility

In September 2011 a 30-unit permanent residence facility named “Kershaw Commons” was opened for indigent-care adults with multiple sclerosis (MS). It is located on a 3.33 acre site on the outer loop of Applewood Drive (off Gully Road) within the Applewood Estates assisted living and long-term care residential complex. The facility is one of the largest, most comprehensive facilities in the region dedicated to the diagnosis, treatment, rehabilitation and support of MS.

CentraState extinguished the deed restrictions on 14 assisted living housing units at the CentraState Monmouth Crossing facility on C.R. 537 upon the opening of Kershaw Commons. This resulted in a net increase of 16 affordable rental units. A total of 16 special needs rental units with 16 rental bonus units (32 total) was applied to Round 3.

New Construction Units Built - Continuing Credits

Freehold Township applied for credit for 202 affordable for-sale family housing units that were developed and issued Certificates of Occupancy between December 20, 1987 and January 1, 1994. These units were built at Wyndham Place, Independence Square and Strickland Farms and were targeted for affordability extension credit for Round 3.

The Township supplied the court-appointed master with the deed restrictions imposed first by the Affordable Housing Management Service of the New Jersey Housing and Mortgage Finance Agency (“HMFA”) and subsequently by the Housing Affordability Service of the HMFA. To the extent that the Court concludes that the restrictions are perpetual, the Township should not be punished for its foresight. To the extent that the affordable housing restrictions are challenged as not being perpetual, the Township will by financial or legal means as appropriate permanently restrict the units so as to preserve the credit for the extension. The Township will preserve those units as affordable units on a case by case basis following the alleged expiration of the deed restrictions and the first non-exempt sale.

The Township agreed that in the event repairs to a unit in the Extension of Expiring Controls program are required to bring the unit up to the current Building Code and Uniform Housing Affordability Controls (U.H.A.C.) at N.J.A.C. 5:80-26.1 et seq. criteria., as required by N.J.A.C. 5:97-6.14(a)3, the Township will provide funds from the Township Housing Trust Fund to make the needed repairs. However, the Township will only make the Trust Funds available to repair the unit if the owners of the unit meet the affordability requirements of a very low, low or moderate income household in accordance with the applicable household income requirements established annually by the Council on Affordable Housing.

Inclusionary Zoning – Constructed Units

The following sites were zoned and constructed for inclusionary development and contain family rental or age-restricted units:

“The Edge at Freehold”

“The Edge at Freehold” contains 209 apartments located on Route 9 and County Route 524. There are 21 affordable family rental units within the complex. These 21 units received a 1 for 1 rental bonus credit which resulted in a total of 42 credits for Round 3.

The Edge at Freehold is part of the Highway Mixed Use Development Zone (HMUD) which was adopted by the Township by Ordinance O-14-18 (12/23/2014) and amended 8/9/2016 by Ordinance O-16-10. The purpose of the Highway Mixed Use Development Zone is to provide for a mix of commercial and multifamily residential uses concentrated along Route 9, County Route 524 and County Route 23 and serves as an appropriate transition to adjacent zones.

“Regency at Freehold” (aka Parkside at Freehold)

The Regency at Freehold contains 102 single family homes which was completed in 2021 and are located on Business Route 33 west of Route 9. These homes are luxury age-restricted units with a clubhouse and other on-site amenities.

Zoning for the site was amended on December 22, 2015 per Ordinance O-15-24 with the creation of the PAC-4 zone. The purpose of the Planned Adult Community-4 PAC-4 Zone is designed to permit a planned adult, age-restricted development consisting of single-family detached housing units and community amenities.

Pursuant to the zoning provisions the developer was to provide a 15 percent affordable set-aside, or 16 affordable units, to satisfy its affordable obligation. The affordable obligation is satisfied off-site through the purchase of existing off-tract market-rate housing units at other locations in Freehold Township. The conversion of such units is to deed-restricted low- and moderate-income housing units in accordance with all of the relevant criteria set forth in the New Jersey Department of Community Affairs Uniform Housing Affordability Controls (U.H.A.C.) at N.J.A.C. 5:80-26.1 et seq. criteria, and all other regulations and policies controlling the creditworthiness of such units on the effective date of the final site plan approval.

An amended developer’s agreement was entered into on January 10, 2023 with the developer after the approval of the Round 3 Housing Plan. The amended agreement provided for 12 units at an off-site location instead of the original 16 units. The 12 units included six (6) low-income units and six (6) very low-income units. (See Appendix 9). This was part of the approved final JOR of February 22, 2023.

“Wemrock Senior Living” (aka PIRHL)

PIRHL Development Company constructed a 75-unit, four-story complex known as Wemrock Senior Living 100 percent affordable age-restricted rental community. It is located on a seven-acre site on the south side of Business Route 33 near the Freehold Raceway Mall. Construction was completed in the fall of 2019. The development includes 65 one-bedroom apartments and 10 two-bedroom apartments.

Amended zoning for the site was adopted on January 24, 2017 per Ordinance O-17-1 with the creation of a PAC-AHO Zone. The purpose of the Planned Adult Community-Affordable Housing Overlay Zone was designed to permit a planned adult, age-restricted, affordable housing development consisting of multifamily housing units as an affordable housing development option on Lot 23 in Block 69.01.

“Regent Oaks at Freehold” (aka “Land Bank”)

Pursuant to an original settlement agreement with Land Bank Freehold, this 54 acre property was rezoned on April 23, 2013 by Ordinance O-13-15 to permit the development of a planned adult community (PAC) consisting of age-restricted housing units comprised of single-family detached, duplex, attached single-family and multifamily attached housing units at the rear of the property and commercial development along the frontage of Route 9.

The zoning also permits community amenities subject to certain standards and requirements including a maximum gross density of 6.0 units per acre and a 20 percent inclusionary component of affordable low and moderate income housing units. The overall yield for this site was based upon a concept plan by Land Bank. The site provides for 115 total age-restricted housing units with 23 affordable units and is nearly completed.

“Three Brooks at Freehold” – K. Hovnanian Site

The Three Brooks Road Site (Block 72, Lot 88) was rezoned ML-3. Pursuant to a Settlement Agreement with the Township entered on November 8, 2019 this site permitted residential development at 3 dwelling units per gross acre with no more than 51 market-rate single-family dwellings and 12 affordable units in duplex dwellings. Lot sizes are approximately 4,730 square feet for single family market rate units and 6,800 square feet for duplex affordable units. Preliminary and final approval was on March 3, 2022 and construction is complete.

Inclusionary Zoning – Currently Zoned but Not Constructed

M&M at Main Street Freehold (aka Bellemeade Tract)

The +/- 77 acre vacant property (Block 70.05, Lot 17) now known as the M&M at Main Street Freehold property entered into an agreement with MACW of Freehold, known as the “Macerich Company”, to purchase the property. This is the largest private vacant commercially zoned property in the Township and is centrally located at the intersection of the Route 33 By-Pass, West Main Street (County Route 537) and Route 9. The property was formerly known as the “Bellmeade Tract” which was owned by the Bellemeade Development Corporation which sold the property to Macerich in May 2007. The property continues to be farmed for various crops with only a small pole barn for farm equipment.

On December 23, 2014 the Township adopted zoning for the property to place it within a PUD-1 Planned Unit Development -1 Zone under subsection §190-140.1 of the Zoning regulations. The purpose of the zone was to provide for a range of commercial, retail and multi-family residential uses to be designed as a single development tract. The PUD-1 zoning provided for a variety of permitted uses, parking, open space, architectural and building façade details, vehicular access and related site improvements. As part of the PUD-1 zoning the ordinance required that any developer seeking approval for a planned unit development submit a General Development Plan (GDP) to the Planning Board prior to approving any preliminary subdivision or preliminary site plan.

In May 2015 a General Development (GDP) plan was approved and adopted by the Township Planning Board for the Macerich Company. The GDP included 361,900 s.f. of commercial and 400 residential units with a 10 percent-low and moderate income set-aside in two phases. In conjunction with the Phase I development the applicant proposed roadway improvements that included:

- County Route 537/Trotters Way intersection
- Trotters Way extension traversing the property (east/west) terminating at Route 9

As part of the Phase II development roadway improvements included:

- Lane expansions of the Trotters Way Extension
- Completion of a major intersection reconstruction at Trotters Way Extension and Route 9

The “Roseland” company, which is a residential trust company that specializes in multifamily development, teamed up with Macerich to become the residential developer of the GDP.

In October 2019 Macerich and Roseland terminated their interest in the property with the pending sale to M&M at Main Street Freehold which plans to develop the property for residential and commercial uses.

A Memorandum of Understanding (MOU) was signed with the Township of Freehold on November 7, 2019. The developer agreed to develop 440 apartments, of which 100 would be affordable units and an additional 200 for-sale market rate townhouse units plus an additional 20 market rate units. The total development is expected to consist of 640-660 total residential units, which includes 100 units that would be affordable to low and moderate income households.

In the MOU the developer also agreed to certain traffic improvements on Route 537, Trotters Way, and Route 9 in conjunction with the New Jersey Department of Transportation, Monmouth County and Freehold Township, all of which are described in the MOU located in the Round 3 Housing Plan.

The Township adopted an amended Zoning Ordinance to permit the development of the property in accordance with the MOU. The site plan / subdivision for the property has been submitted to the Township for approval by the Planning Board.

Treetop Development (formerly Chesterfield Gardens) Apartment Expansion

Treetop Development (formerly Chesterfield Gardens) is located on Colts Neck Road (Block 41.01, Lot 5.03) and Harding Road just east of Freehold Borough and contains 172 garden apartments in 15 two-story buildings. The property is currently zoned High Density (HD) at 8 units per acre for garden apartments. Within the approximate 19-acre property are two vacant areas that do not contain any development including an approximate 1.8-acre piece at the rear (southwest corner) of the property and a second area of approximately 0.8 acres along the front portion of the property. It is anticipated that these two areas would be developed to expand the number of garden apartments and family rental units on the overall property.

It is anticipated the two vacant areas would each contain one building with associated parking and will be zoned to increase the number of units on the property from 172 to 272 units, or a 100-unit increase. Thirty (30) of the units would be affordable to very low, low and moderate income housing units and would be in either the newly constructed buildings or in existing buildings. The zoning would permit the new buildings to be three (3) stories

in height and would contain one and two bedroom units within the buildings. The affordable units will be restricted, regulated and administered consistent with the Township Affordable Housing Regulations, the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), including the Fair Housing Act's definition of very low-income households and all other provisions of the Township Affordable Housing Ordinance. Units shall be income restricted for a period of at least thirty (30) years from date of initial occupancy and controls may be extended at the sole discretion of the Township.

Preliminary and Final approval for this development was granted on September 5, 2022, and an extension of approvals was obtained from the Planning Board on September 19, 2024 (See Appendix 10).

“The Estates at Brock Farms” (formerly Siloam Road & Rt. 537)

The Siloam Road (CR 527) and Monmouth Road (CR 537) Site (Block 91, Lot 20.01 (portion and 22) is a vacant site located between these two County highways. The site was rezoned from R-40 and R-E (rear portion) to ML-10 which permits a residential development of no more than 128 market-rate one-family dwellings and at least 32 affordable units in two-family dwellings shall be permitted. Lot sizes would be approximately 10,000 square feet for single family market rate units and 7,800 square feet for duplex units. This was a slight reduction from the Round 3 Plan which provided for 34 affordable housing units, a reduction of 2 units. The ML-10 zone was first adopted on March 10, 2020 by Ordinance O-20-7 and amended on April 25, 2023 by Ordinance O-23-7. The subdivision has been approved by the Township Planning Board. Based on the revised subdivision layout the number of units and number of affordable units in particular was reduced from 34 to 32 and approved in the Final JOR.

55 Jackson Mills Road Site

The 55 Jackson Mills Road site (Block 83, Lot 9) is a vacant lot which contains approximately 17.4 acres and is located just south of County Route 524 adjacent to Silvermead age-restricted community. The site is currently zoned R-40. This site was rezoned ML-9 to permit a maximum total of 60 family rental units within three story buildings. Originally, this was a “municipally sponsored site” of which 30 of the households were expected to be affordable to low- and moderate-income households. However, following the entrance of the JOR, the proposed project changed and will now include 46 low and moderate income households. The change in the project type was approved by the Court via consent order between the Township and the Fair Share Housing Center dated July 24, 2024 (see Appendix 11). This is an increase of an additional 16 affordable units. Amended Preliminary major site plan approval was granted on September 5, 2024. (See Appendix 11).

**Figure 13
PRIOR ROUND 3 OBLIGATION/ CREDITS (1)
Freehold Township**

FAIR SHARE PLAN	ROUND 3: 1999-2025									
	Family Units				Age Restricted Units			Special Needs Units		
	Owner	Rental	Rental Bonus**	Continuing Credits	Owner	Rental	Rental Bonus**	Owner	Rental	Rental Bonus**
A. GROUP HOMES										
1	Easter Seals Feb. 1992 (4 homes - 8 BR); 2019 (1 home (2BR))								2	2
2	NJ Mentor / One Simple Wish (8/11/2011) (1 Home 5 BR)								5	5
3	Ocean, Inc. 2005-2012 (24 one bedroom units)								24	24
4	AMIB 2011-2015 (2 homes - 8 BR)								8	8
5	EIHAB 2012 (3 homes - 12 BR)								12	12
6	Dungarvin (1 home - 3 BR)								3	3
7	Archway / Woods Services 2018 (2 homes - 7 BR)								7	7
8	Blake Gardens (1 home - 16 BR)								16	16
GROUP HOME TOTALS									77	77
B. NEW CONSTRUCTION-BUILT										
1	Independence Square 9/90-12/94 (312 total 64 affordable)			61						
2	Wyndham Place 12/88-4/96 (484 total 96 affordable)			90						
3	Strickland Farm 3/93-4/97 (390 total 78 affordable)			51						
4	Elton Corner - "Heritage Village" (9/2006) (149 age restricted rental)					30				
5	Kershaw Commons - MS Facility (2011) (30 Special Need Apts.)*								16	16
NEW CONSTRUCTION BUILT TOTALS				202		30			16	16
C. INCLUSIONARY ZONING- UNDER CONSTRUCTION										
1	JSM Apartments "The Edge at Freehold" (21 affordable)		21	21						
2	Parkside at Freehold - "Regency at Freehold"		12							
3	PIRHL- "Wemrock Senior Living"					75				
INCLUSIONARY ZONING TOTALS		0	33	21		75				
D. INCLUSIONARY ZONING- CURRENTLY ZONED										
1	Land Bank at Freehold					23				
2	Edgewood Properties (Macerich) (GDP Concept Plan)		100	100						
CURRENTLY ZONED / NOT BUILT TOTALS			100	100		23				
E. INCLUSIONARY ZONING- NEW PROSPECTIVE ZONING										
1	55 Jackson Mills Road Site (30 family affordable)		30							
2	Siloam Road & Route 537 (100 s.f w / 34 duplex aff. units) (2)	32								
3	Chesterfield Apartment Expansion (100 units with 30 affordable)		30	30						
4	Three Brooks Road (K. Hovnanian) Concept	12								
PROSPECTIVE ZONING TOTALS		44	60	30						
I. CARRYOVER CREDITS (BASED ON INCREASED BONUSES FOR MONMOUTH CROSSING/KERSHAW COMMONS)										
		9								
J. TOTALS										
		53	193	151	202	23	105	0	0	93
ROUND 3 (1999-2025) TOTAL =										878

Notes:

- * Monmouth Crossing transferred 14 affordable units to 30 Kershaw Commons-MS Facility in 2014.
- ** Rental Bonus Credits calculated at 1:1 for Non-Age Restricted Rental Units and 1:3 for Age Restricted Rental Units
- (1) per JOR, includes revision to 55 Siloam Road from 30 to 46 units
- (2) Siloam Road revision from 30 to 46 units

Prepared By: Thomas Planning Associates - April 2, 2025

Round 4 Obligation (Present Need and Prospective Need)

The Round 4 affordable housing obligation is described below in Figure 14:

Figure 14
ROUND 4 OBLIGATION
Freehold Township

Round 4 Obligation Components		Units
A.	Present Need (Rehabilitation)	39
B.	Prospective Need	568

Present Need

The Present need obligation, also known as the Rehabilitation Obligation, represents the number of existing housing units that are both “deficient” and occupied by low-and moderate-income households for the fourth round (July 2, 2025 – June 30, 2035). Pursuant to 52:27D-304.2. 6.a.:

“Municipal present need for each 10-year round of affordable housing obligations shall be determined by estimating the deficient housing units occupied by low- and moderate-income households in the region, following a methodology similar to the methodology used to determine third round municipal present need, through the use of most recent datasets made available through the federal decennial census and the American Community Survey, including the Comprehensive Housing Affordability Strategy dataset thereof.”

The New Jersey DCA calculated the present need for Freehold Township to be 39 units. The Township will continue to work with Community Grants Planning and Housing (CGP&H) for the Township’s affordability assistance program and also to administer the Township’s rehabilitation program for the Round 4 period.

Prospective Need

The Prospective need is a measure of low-and-moderate income housing needs based on development and growth that occurred or is reasonably likely to occur in a region or municipality. The Prospective Need includes the Round 4 period from 2025 through 2035 and includes 568 units as calculated by N.J. DCA as published in the “Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background).

Adjusted Fair Share Obligation (Realistic Development Potential)

As a recap, the Township prepared and utilized a vacant land adjustment in its Round 3 Housing Plan Element and calculated a “Realistic Development Potential” (RDP) consistent with the N.J.A.C. 5:93-4.2, Lack of Land, New Construction for Site Suitability. The calculation of the RDP is also consistent with the March 15, 2015 New Jersey Supreme Court decision and is based upon the Realistic Development Potential of remaining vacant and underdeveloped parcels that have been identified in the Township. The Township adjusted its prior round obligation in accordance with these rules to adjust its prior-Round obligation to 835 units with the remainder of the obligation as unmet need and durational adjustment.

Township properties have been analyzed in Round 4 to determine if there were any change in circumstance since the prior adopted Round 3 vacant land inventory and RDP. As an example, if a property was previously developed and now is vacant, that would qualify as a change in circumstance and was counted in the analysis. Based on the analysis there are five (5) properties that are included in the updated Round 4 RDP. These sites are mapped in Appendix 7 and shown in a chart in Appendix 8. The updated calculated RDP for the Township (only for Round 4) totals 16 units.

Satisfaction of the Round 4 Adjusted Fair Share Obligation and Realistic Development Potential (RDP)

Satisfaction of the Round 4 adjusted fair share prospective need obligation of 568 units pursuant to the RDP is presented and further described below in Figure 15 - Round 3 Credits and includes a total of 106 credits that will be applied to the obligation.

Based on this regulation the Township’s obligation is calculated as follows:

Township Obligation = 568
 Round 4 RDP = 16
 RDP addressed = 106 credits

Adjusted Bonuses and Carryover Surplus Credits from Round 3

Pursuant to the adopted and accepted Round 1-3 Housing Plan and Fair Share Plan and Final JOR there was a 43-unit credit surplus based upon an RDP of 835 and units and credits equaling 878 (878-835=43). However, since that time there was a revision to the 55 Jackson Mills Road site that increased the number of units from 30 to 46 (a net increase of 16 units). The outcome adds to the surplus of units from a 43-unit surplus to a 59-unit surplus.

The 59-unit surplus will be further modified to remove 24 of 30 potential redevelopment units from Chesterfield Apartments in Round 3 and applying those credits to Round 4. An additional 3 credits were also added to Round 3 for a group home on Iron Bridge Rd. Therefore, 59 surplus credits minus 24 units = 35 surplus credits + 3 group home credits = 38 surplus credits to be utilized from Round 3 and applied to Round 4.

Based upon the following provision this adjusted surplus will be applied to its Round 4 prospective need obligation:

N.J.S.A. 52:27D-304.1.3.f (2)(a)

"If a municipality has credits in excess of its prior round obligations, and such excess credits represent housing that will continue to be deed-restricted and affordable through the current round, the municipality may include such housing, and applicable bonus credits, towards addressing the municipality's new calculation of prospective need. Consistent with subsection k. of section 11 of P.L.1985, c.222 (C.52:27D-311), the total number of bonus credits shall in no circumstance exceed 25 percent of the municipality's prospective obligation in any round."

Continuing Credits – Expiring Deed Restrictions in Round 4

During the Round 3 planning process, the Township obtained 202 credits of expiring controls on the Prior Round (1987-1999) housing mechanisms located at Independence Square, Wyndham Place, and Strickland Farms developments. Those developments had deeds that began prior to July 1, 1995. While those 202 units were considered creditworthy during the Third Round, there were 31 remaining credits with controls that began after July 1, 1995, which were not included for credits in the Third Round. Those units, since the deed restrictions began after July 1, 1995, are now creditworthy for extensions within the Fourth Round. Additionally, there are 11 properties in the Adelpia Greens development that are also creditworthy for continuing credits for a total of 42 credits (31+11=42). Fair Share Housing Center and the Township have scrutinized the extension/deed restrictions in the context of Round 3 and those documents have been described in this Housing Plan. No additional documentation is required to establish the creditworthiness of the extensions.

The Township wishes to rely upon those 42 total credits within the Fourth Round. A listing of those properties is provided in Appendix 12.

Assisted Living Senior Housing – Route 9

An assisted living senior housing development which includes assisted living units, memory care units and independent living units will be permitted on the southerly portion of the front tract of Land Bank site and known as Block 71, lot 8. This property contains approximately 10.6 acres and will generate an RDP of 8 units. The assisted living senior development is anticipated to provide up to 8 affordable (“medicare”) beds which would provide for additional credits toward its Round 4 unmet need as stipulated in the second amendment to the settlement agreement with Land Bank.

Regal Homes (Block 42, Lot 60)

Pursuant to the Round 4 mediation agreement and settlement agreement, Block 42, Lot 60, known as the Regal Homes site will be added to the list of compliance mechanisms to address the Round 4 obligation. This site comprises approximately 10.7 acres and is located to the east of Weaverville Road. Zoning for this site will permit 6.5 units per acre consisting of stacked townhouses and

duplexes at a height of three (3) stories with a 20% affordable housing set-aside. The overall yield for this development will include a total of 68 units and include 14 affordable units. Proposed zoning for this site is provided in Appendix 14.

**Figure 15
ADJUSTED ROUND 3 and ROUND 4 CREDITS
Freehold Township**

Obligation

Item	Units
Round 4 RDP	16
Round 4 Prospective Need 568 units is reduced to 16-unit RDP (16 RDP x 25%) = 4 units	4
Total Round 4 Prospective Need Obligation Required to Be Satisfied	20

Adjusted Round 3 Credits and Round 4 Credits

Site	Unit Type	Affordable Units	Bonuses
Revised surplus credits from Round 3 to be applied to Round 4 prospective need	Various	38 ⁽¹⁾	N/A
Continuing Credits - Expiring deed restrictions of affordability controls	Family	42	4
Assisted Living Senior Housing (Route 9 - Land Bank)	Senior/Assisted Living	8	N/A
Regal Homes (Block 42, Lot 60)	Inclusionary	14	N/A
Subtotal		102	4
Total		106	

Footnotes:

- (1) The Round 3 surplus was previously 59 credits (RDP = 835 minus 894 credits rounded = 59-unit surplus). The revision includes moving 24 of 30 potential redevelopment units from Chesterfield Apartments in Round 3 and applying those credits to Round 4. An additional 3 credits were added to Round 3 for the Iron Bridge Rd. group home. Therefore, 59 surplus credits minus 24 units = 35 surplus credits + 3 group home credits = 38 surplus credits.

Satisfaction of the Round 4 (25%) Obligation

N.J.S.A. 52:27D-310.1 states that a municipality is required to address at least 25 percent of the prospective need obligation that “has been adjusted” through adoption of realistic zoning. It is the Township’s position that the obligation that “has been adjusted” means RDP. FSHC has taken the

position that the language “has been adjusted” means unmet need. For the purposes of settlement with FSHC, the Township accepted FSHC’s interpretation under the agreement. However, it should not be considered a waiver, nor an acceptance of that interpretation of N.J.S.A. 52:27D-310.1 by the Township. Based upon the Round 4 prospective need obligation of 568, with an RDP of 16, and a total crediting of 106 credits towards the RDP, it would leave an unmet need of 462. Rounded to the nearest whole number, it would be 116 units.

The following mechanisms will be utilized to satisfy the Round 4 unmet need:

Nestle Redevelopment Site

The Nestle plant is an iconic plant which manufactured coffee products, including freeze dried coffee, for nearly 75 years until its closing in November 2023. On January 28, 2025, the Freehold Township Committee adopted Resolution R-25-41 (See Appendix 13) authorizing the Township Planning Board to undertake a preliminary investigation and public hearing to determine whether the property (Block 43, Lots 28, 29, 30, 31, 32, 33 & 34) known as the “Nestle Plant” property located along Jerseyville Avenue at the Borough of Freehold border north of Route 33 business (Park Avenue). The 45.3-acre property is bisected by the Township of Freehold / Borough of Freehold border with approximately 26.8 acres or 59.2 percent located in the Borough of Freehold and 18.5 acres or 40.8 percent located in Freehold Township.

A Redevelopment Plan (Ordinance O-25-24) for the site was prepared and adopted on first reading on October 21, 2025 and passed on second reading November 10, 2025. The Plan included the creation of the Nestle Redevelopment Zone (NRZ) to provide for multifamily (nonage-restricted) family rental residential uses at a density of 18 units per acre. It also provided for a realistic opportunity for the inclusion of construction of housing for persons and families of low, very-low- and moderate-incomes in accordance with the Fair Housing Act (N.J.S.A. et seq. 52:27D-310 et seq.) (“the FHA”) and New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.). Based on the acreage of 18.5 acres and density of 18 UPA it was anticipated approximately 333 total units and 67 affordable units would be realized on the site.

As part of the Round 4 mediation agreement and settlement agreement, it was agreed the Nestle Redevelopment Plan would be amended to increase the affordable housing set-aside from 20 percent to 22 percent to achieve 78 affordable units. This would include a density increase from 18 units per acre to 20 units per acre. The Redevelopment Plan will be amended to reflect these changes. (See appendix 13)

Jackson Mills Road Redevelopment Site (Block 83, Lots 5 and 6)

Block 83, Lots 5 and 6 is located on Jackson Mills Rd. just south of Elton Adelpia Road (Route 524) and adjacent to “The Edge” is comprised of approximately 2.8 acres. The Township will initiate a study to review the properties as an Area in Need of Redevelopment (AINR) pursuant to the New Jersey Redevelopment Law. It is anticipated that the properties would provide for a residential inclusionary site at a density to be determined that would provide for a total of 10 affordable units.

MU-3 Overlay Zone – Density Increase

The Township zoned Block 65.01, Lots 16 (portion) and 17 as an overlay zone known as the MU-3 Mixed Use Overlay-3 with the purpose of providing affordable housing. This overlay zone was adopted in accordance with the Fair Housing Act, P.L. 1975, c. 222 (N.J.S.A. 52:270-301 et seq.) and in accordance with the settlement agreement dated November 8, 2019 in the matter of Freehold Township Docket No. MON-L-6026-08. The overlay zone consists of approximately 7 acres and permits market-rate residential development with a 20 percent set-aside at a density (for for-sale units) of 12 units per acre. The Round 4 Plan will increase the density of this overlay zone from 12 units per acre to 15 units per acre. With this density increase it is anticipated the potential number of affordable units will increase by 4 units.

Chesterfield Apartments

As previously described, Treetop Development (formerly Chesterfield Gardens) is located on Colts Neck Road (Block 41.01, Lot 5.03) and Harding Road just east of Freehold Borough and contains 172 garden apartments in 15 two-story buildings. The property is currently zoned High Density (HD) at 8 units per acre for garden apartments. It is anticipated the apartments would be expanded to include an additional 100-units with 30 units affordable to very low, low and moderate income housing units and would be in either the newly constructed buildings or in existing buildings.

As previously described the Round 4 unmet need plan for this site would move 24 of 30 potential redevelopment units from Chesterfield Apartments in Round 3 and apply those credits to Round 4. Preliminary and Final approval for this development was granted on September 5, 2022, and an extension of approvals was obtained from the Planning Board on September 19, 2024, and August 21, 2025 (See Appendix 10).

Summary of the Round 4 (25%) Unmet Need

Figure 16 summarizes the Round 4 (25%) unmet need sites, unit types and anticipated affordable unit total.

Figure 16
SUMMARY OF ADJUSTED ROUND 3 and ROUND 4 CREDITS for
25% UNMET NEED
Freehold Township

Site	Unit Type	Affordable Units
Nestle Property (Inclusionary Redevelopment)	Inclusionary Redevelopment (22% set-aside)	78
Jackson Mills Road Redevelopment Site	Inclusionary Redevelopment (20% set-aside)	10
MU-3 Overlay Zone (Increased Density)	Inclusionary Overlay Density Increase (20% set-aside)	4
Chesterfield Apartments (transfer of credits)	Inclusionary / approved adaptive reuse	24
Total		116

Appendices

- Appendix 1 - Final Judgment of Compliance and Repose (“JOR”) – Round 1-3
- Appendix 2 – Resolution R-25-35
- Appendix 3 – Declaratory Relief – Round 4
- Appendix 4 – Order Fixing Round 4 Obligation – April 1, 2025
- Appendix 5 - Existing Land Use Map
- Appendix 6 - Existing Land Use Chart
- Appendix 7 – Updated Vacant Land Inventory Map – Round 4
- Appendix 8 – Updated Vacant Land Inventory and Realistic Development Potential (RDP) Chart – Round 4
- Appendix 9 – Regency at Freehold – Amendment to Developer’s Agreement
- Appendix 10 – Chesterfield Gardens Apartments – Planning Board Approvals
- Appendix 11 – 55 Jackson Mills Road – Approvals & Post Judgement Consent Order
- Appendix 12 – Continuing Credits – Expiring Deed Restrictions for Round 4
- Appendix 13 – Nestle Site Amended Redevelopment Plan
- Appendix 14 – Regal Homes Draft Zoning

Appendix 1
Final Judgment of Compliance and Repose (“JOR”) – Round 1-3

SURENIAN, EDWARDS, BUZAK & NOLAN LLC
311 Broadway, Suite A
Point Pleasant Beach, NJ 08742
(732) 612-3100
Attorneys for Declaratory Plaintiff, Township of Freehold
By: Michael J. Edwards (Attorney ID: 032112012)

**IN THE MATTER OF THE
APPLICATION OF THE TOWNSHIP OF
FREEHOLD, COUNTY OF MONMOUTH**

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MONMOUTH COUNTY**

CIVIL ACTION
Mount Laurel

Docket No.: MON-L-6026-08

**FINAL ORDER OF JUDGMENT OF
COMPLIANCE AND REPOSE**

THIS MATTER having been opened to the Court by Michael J. Edwards, Esq, of the law firm of Surenian, Edwards, Buzak & Nolan LLC, appearing on behalf of declaratory Plaintiff, Township of Freehold (hereinafter “the Township” or “Freehold”), via Declaratory Judgment seeking approval of the Township’s Housing Element and Fair Share Plan (hereinafter “Fair Share Plan”) in response to In Re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) (“Mount Laurel IV”); and the Court having held a properly noticed compliance hearing on December 9, 2021; and the Court having entered a Conditional Judgment of Compliance and Repose dated January 5, 2022 (hereinafter “Conditional JOR”), which approved the Township’s Fair Share Plan, subject to the satisfaction of certain conditions set forth in Paragraph 8 and corresponding P-12 of the Conditional JOR; and the Township having satisfied all of the short term conditions; and good cause having been shown;

IT IS HEREBY ORDERED on this 22nd day of February, 2023, as follows:

1. All of the conditions in Paragraph 8 of the Township’s Conditional JOR have been fully satisfied, and the Township’s is now entitled to a final Judgment of Compliance and Repeal (“JOR”), with no conditions remaining.

2. Pursuant to Paragraph 1 of the Conditional JOR, the Township’s Round 3 obligation was determined to be 1,509. The Township lacks sufficient land and sewer and/or water to address its Round 3 new construction obligation of 1,509. With a vacant land adjustment, the Township has an 835-unit RDP, which it will satisfy through various Court-approved mechanisms as shown under the following chart:

**FREEHOLD TOWNSHIP COAH ROUND 3 AFFORDABLE HOUSING
 UNITS AND CREDITS**

FAIR SHARE PLAN	ROUND 3: 1999-2025									
	Family Units				Age Restricted Units			Special Needs Units		
	Owner	Rental	Rental Bonus**	Continuing Credits	Owner	Rental	Rental Bonus**	Owner	Rental	Rental Bonus**
A. GROUP HOMES										
1 Easter Seals 7/2019 (1 home (2BR))									2	2
2 NJ Mentor / One Simple Wish (8 /11/2011) (1 Home 5 BR)									5	5
3 Ocean, Inc. 2005-2012 (24 one bedroom units)									24	24
4 AMIB 2011-2015 (2 homes - 8 BR)									8	8
5 EIHAB 2012 (3 homes - 12 BR)									12	12
6 Dungarvin (1 home - 3 BR)									3	3
7 Archway / Woods Services 2018 (2 homes - 7 BR)									7	7
8 Blake Gardens (1 home - 16 BR)									16	16
B. NEW CONSTRUCTION-BUILT										
1 Independence Square 9/90-12/94 (312 total 64 affordable)				61						
2 Wyndham Place 12/88-4/96 (484 total 96 affordable)				90						

3 Strickland Farm 3/93-4/97 (390 total 78 affordable)				51						
4 Elton Corner - "Heritage Village" (9/2006) (149 age restricted rental)						30				
5 Kershaw Commons - MS Facility (2011) (30 Special Need Apts.)*								16	16	
BUILT TOTALS				202		30	0		93	93
C. INCLUSIONARY ZONING- UNDER CONSTRUCTION										
1 JSM Apartments "The Edge at Freehold" (21 affordable)		21	21							
2 Parkside at Freehold - "Regency at Freehold"		12								
3 PIRHL- "Wemrock Senior Living"						75				
INCLUSIONARY ZONING TOTALS		33	21			75	0			
D. INCLUSIONARY ZONING- CURRENTLY ZONED										
1 Land Bank at Freehold						23				
2 M&M at Freehold (GDP Concept Plan)		100	100							
CURRENTLY ZONED / NOT BUILT TOTALS		100	100			23				
E. INCLUSIONARY ZONING- NEW PROSPECTIVE ZONING										
1 55 Jackson Mills Road Site (60 units/ 30 family affordable)		30								
2 Siloam Road & Route 537 (100 s.f. w / 34 duplex aff. units)		32								
3 Chesterfield Apartment Expansion (100 units with 30 affordable)			30	30						
4 Three Brooks Road (K. Hovnanian) Concept		12								
PROSPECTIVE ZONING TOTALS		44	60	30						
F. CARRYOVER CREDITS (BASED ON INCREASED BONUSES FOR										
		9								
G. Totals		53	193	151	202	23	105	0	0	93

ROUND 3 TOTAL = 878

* Monmouth Crossing transferred 14 affordable units to 30 Kershaw Commons-MS Facility in 2014.

** Rental Bonus Credits calculated at 1:1 for Non-Age Restricted Rental Units and 1:3 for Age Restricted Rental Units

3. Pursuant to Paragraph 1 of the Conditional JOR, the Township is entitled to a durational adjustment of 674. The Township has an unmet need of 674 for its Round 3 regional need.

The Township plans to address the unmet need as follows:

- A. Chadwick Square and Adjacent Lots (Block 80, Lots 4, 5, 6 & 7);
- B. Bank of America (Block 70.05, Lot 10)
- C. Red Roof Inn/Verizon (Block 65.01, Lot 16 portion & 17)
- D. Freehold Mall/Burlington Coat Factory (Block 50, Lot 25).

4. While this JOR is a final judgment, the Court will retain jurisdiction for the limited purpose of allowing Fair Share Housing Center (“FSHC”) and the Township the ability to enforce rights under the Settlement Agreement entered into between the Township and FSHC on November 6, 2019, as amended October 12, 2021, and (b) subject to the consent of FSHC, allowing the Township to have the future ability to seek an amendment or amendments to its Housing Element and Fair Share Plan and/or the JOR should that be necessary.

5. Regarding the Parkside project, there are three (3) existing income qualified tenants that may remain in the units, and for crediting purposes those three units would not receive credit and the deed restriction will not run until the units are turned over thereafter.

6. The Township’s Spending Plan, Appendix 21 of the Housing Element and Fair Share Plan, dated June 1, 2021 is approved and the Township is free to expend funds in its Affordable Housing Trust Fund in accordance with the FHA, applicable COAH regulations and all other applicable law.

7. All of the other terms and conditions set forth in the Conditional JOR shall remain in full force and effect, including the provision in Paragraph 2 of the JOR Order, that the Township has immunity from all Mount Laurel lawsuits until July 2, 2025.

8. A copy of this order shall be considered served on all parties via ecourts. Counsel for the Township shall provide a copy to the Court Master within 7 days of receipt.

/s/ Linda Grasso Jones, J.S.C.
Hon. Linda Grasso Jones, J.S.C.

Appendix 2
Resolution R-25-35



Resolution of the Township of Freehold

Monmouth County, New Jersey

No: R-25-35

Date of Adoption: January 28, 2025

TITLE: RESOLUTION COMMITTING TO ROUND 4 PRESENT AND PROSPECTIVE NEED AFFORDABLE HOUSING OBLIGATIONS AS AMENDED BY THE FAIR HOUSING ACT, P.L. 2024, C.2

--- RESOLUTION ---

WHEREAS, the Township has a demonstrated history of voluntary compliance as evidenced by its Round 3 record; and

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on July 2, 2015, the Township of Freehold (hereinafter “Freehold” or the “Township”) filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan (hereinafter “Fair Share Plan”), to be amended as necessary, satisfies its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine;” and

WHEREAS, that culminated in a Court-approved Housing Element and Fair Share Plan and a Final Judgment of Compliance and Repose, which precludes builder’s remedy lawsuits until July 1, 2025; and

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2 (hereinafter “A4” or “Amended FHA”); and

WHEREAS, A4 calculates the size of the regional affordable housing need as follows “projected household change for a 10-year round in a region shall be estimated by establishing the household change experienced in the region between the most recent federal decennial census, and the second-most recent federal decennial census. This household change, if positive, shall be divided by 2.5 to estimate the number of low- and moderate-income homes needed to address low- and moderate-income household change in the region, and to determine the regional prospective need for a 10-year round of low- and moderate-income housing obligations...”; and

WHEREAS, this means that the regional need equates to 40% of regional household growth; and

WHEREAS, the 1985 version of the Fair Housing Act and A4 both prohibit a result that would compel a municipality to spend its own money on compliance; and

WHEREAS, A4 determines the size of the regional need, but does not calculate allocation of the need to individual municipalities; and

WHEREAS, instead, A4 required the Department of Community Affairs (“DCA”) to produce non-binding estimates of need on or before October 20, 2024, which it did provide on October 18, 2024 (“DCA Report”); and

WHEREAS, the DCA Report calculates the Township’s Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 39 units and a Prospective Need or New Construction Obligation of 568 units; and

WHEREAS, A4 further provides that, irrespective of the DCA’s calculation, municipalities are to determine “present and prospective fair share obligation(s)...by binding resolution no later than January 31, 2025”; and

WHEREAS, this resolution satisfies the requirements of A4 by acknowledging the DCA estimate of need as described in the DCA Report; and

WHEREAS, Section 3 of A4 provides that: “the municipality’s determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7” of A4; and

WHEREAS, Township’s calculation of need is entitled to a “presumption of validity” because it complies with Sections 6 and 7 of A4; and

WHEREAS, the Township specifically reserves the right to adjust those numbers based on one or any of the foregoing adjustments: 1) a windshield survey or similar survey which accounts for a higher-resolution estimate of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment (whether predicated upon lack of sewer or lack of water); and/or 4) an adjustment predicated upon regional planning entity formulas, inputs or considerations, including, but not limited to the Highlands Regional Master Plan and its build out, the Pinelands or Meadowlands regulations and planning document; and

WHEREAS, in addition to the foregoing, the Township specifically reserves all rights to revoke or amend this resolution and commitment, as may be necessary, in the event of a successful challenge to A4 in the context of the Montvale case (MER-L-1778-24), any other such action challenging A4, or any legislation adopted and signed into law by the Governor of New Jersey that alters the deadlines and/or requirements of A4; and

WHEREAS, in addition to the foregoing, the Township reserves the right to take a position that its Round 4 Present or Prospective Need Obligations are lower than described herein in the event that a third party challenges the calculations provided for in this Resolution (a reservation of all litigation rights and positions, without prejudice); and

WHEREAS, in light of the above, the Mayor and Committee finds that it is in the best interest of Township to declare its obligations in accordance with this binding resolution and in accordance with the Act; and

WHEREAS, in addition to the above, the Acting Administrative Director issued Directive #14-24, dated December 13, 2024, and made the directive available later in the week that followed; and

WHEREAS, pursuant to Directive #14-24, a municipality seeking a certification of compliance with the Act shall file an action in the form of a declaratory judgment complaint “. . .within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner”; and

WHEREAS, nothing in this Resolution shall be interpreted as an acknowledgment of the legal validity of the AOC Directive and the Township reserves any and all rights and remedies in relation to the AOC Directive; and

WHEREAS, the Township seeks a certification of compliance with the Act and, therefore, directs its Affordable Housing Counsel to file a declaratory relief action within 48 hours of the adoption of this resolution; and

NOW, THEREFORE, BE IT RESOLVED on this 28th day of January, by the Committee of the Township of Freehold, Monmouth County, State of New Jersey, as follows:

1. All of the Whereas Clauses are incorporated into the operative clauses of this resolution.
2. The Mayor and Committee hereby commit to the DCA Round 4 Present Need Obligation of 39 units and the Round 4 Prospective Need Obligation of 568 units as described in this resolution subject to all reservations of rights, which specifically include:
 - a) The right to adjust the number based on a windshield survey, lack of land, sewer, water, regional planning inputs, or any combination thereof;
 - b) As described in the WHEREAS section, all rights to revoke or amend this resolution in the event of a successful legal challenge, or legislative change, to A4;
 - c) All rights to take any contrary position in the event of a third party challenge to the obligations.

3. The Township hereby directs its Affordable Housing Counsel to file a declaratory judgment complaint within 48 hours after adoption this resolution attaching this resolution.
4. The Township hereby directs its Affordable Housing Counsel to file this Resolution with the "Program" pursuant to the requirements on A4.
5. The Township hereby directs that this Resolution be published on the municipal website within forty-eight (48) hours of its passage, pursuant to A4.
6. This resolution shall take effect immediately, according to law.

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Committee of the Township of Freehold at a regular meeting held on the 28th of January, 2025, a quorum being present and voting in the majority.



Maureen Fasano, Mayor
Township of Freehold



Sanabel Abouzeina, Clerk

No. R-25-35

VOTE OF THE TOWNSHIP COMMITTEE						
<u>Committee Member</u>	<u>Motion / Second</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>	
Mr. Ammiano		X				
Mr. Cook	X	X				
Mr. Preston		X				
Mr. Walker		X				
Mayor Fasano		X				

Appendix 3
Declaratory Relief – Round 4

SURENIAN, EDWARDS, BUZAK & NOLAN LLC

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(732) 612-3100

By: Michael J. Edwards: mje@surenian.com (Attorney ID: 032112012)

Attorneys for Declaratory Plaintiff, Township of Freehold

**IN THE MATTER OF THE
APPLICATION OF THE TOWNSHIP OF
FREEHOLD, COUNTY OF MONMOUTH,
STATE OF NEW JERSEY**

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MONMOUTH COUNTY**

DOCKET NO.: MON-L-____

CIVIL ACTION
AFFORDABLE HOUSING
PER DIRECTIVE # 14-24

**COMPLAINT FOR DECLARATORY
RELIEF PURSUANT TO
DIRECTIVE# 14-24**

Declaratory Plaintiff, the Township of Freehold, County of Monmouth, State of New Jersey (hereinafter, “Freehold” or the “Township”), a municipal corporation of the State of New Jersey, with principal offices located at One Municipal Plaza Freehold, NJ 07728, by way of this Declaratory Judgment Action (“DJ Action”) as authorized under Directive # 14-24 of the Administrative Office of the Courts, alleges and says:

Background

1. The Township of Freehold is a municipal corporation of the State of New Jersey.
2. The Planning Board of the Township of Freehold (hereinafter, “Planning Board”) is a municipal agency created and organized under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et. seq., (“MLUL”), and, among other duties and obligations, is responsible for adopting the Housing Element and Fair Share Plan (“HEFSP”) of Freehold’s Master Plan.
3. In the Third Round (1999-2025), the Township of Freehold, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), filed a Declaratory Judgment

Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan (hereinafter “Fair Share Plan”), to be amended as necessary, satisfies its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel” doctrine.

4. That culminated in a Court-approved Housing Element and Fair Share Plan and a Final Judgment of Compliance and Repose, which precludes builder’s remedy lawsuits until July 1, 2025.

5. Freehold’s Judgement of Compliance and Repose for Round 3 assigned the Township an RDP of 835 units.

6. The Township has in fact overseen the actual construction and crediting of at least 878 credits of affordable housing in Round 3, evidencing the Township’s commitment to the satisfaction of its affordable housing obligations.

7. The Township presently has a surplus of at least 43 credits which may be applied to satisfy “any future changed circumstances, which would result in an increase in the Township’s RDP.”

8. Through this DJ Action, Freehold seeks the following relief in relation to its Fourth Round (2025-2035) affordable housing obligation: (a) to secure the jurisdiction of the Affordable Housing Alternative Dispute Resolution Program (the “Program”) pursuant to P.L. 2024, c.2 (hereinafter, the “Act”) and the Court, pursuant to Directive # 14-24; (b) to have the Program and the Court approve the Township of Freehold’s Present and Prospective affordable housing obligations as set forth in the binding resolution adopted by the Township, attached hereto as **Exhibit 1**; (c) to have the Program and the Court approve a HEFSP to be adopted by the Planning Board and endorsed by the Council and issue a conditional or unconditional “Compliance Certification” pursuant to the Act or other similar declaration; (d) to the extent it is not

automatically granted pursuant to the Act, through the filing of this DJ Action and binding resolution, to have the Program and the Court confirm Freehold’s immunity from all exclusionary zoning litigation , including builder’s remedy lawsuits, during the pendency of the process outlined in the Act and for the duration of Fourth Round, i.e., through June 30, 2035; and (e) to have the Program and the Court take such other actions and grant such other relief as may be appropriate to ensure that the Township receive and obtain all protections as afforded to it in complying with the requirements of the Act, including, without limitation, all immunities and presumptions of validity necessary to satisfy its affordable housing obligations voluntarily without having to endure the expense and burdens of unnecessary third party litigation.

COUNT I

ESTABLISHMENT OF JURISDICTION UNDER P.L.2024, C. 2

9. The Township of Freehold repeats and realleges each and every allegation as set forth in the previous paragraphs of this DJ Action as if set forth herein in full.

10. The Act represents a major revision of the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 *et seq.*

11. Among other things, the Act abolished the Council on Affordable Housing (hereinafter, “COAH”), and replaced it with seven retired, on recall judges designated as the Program. Among other things, the Act authorized the Director of the Administrative Office of the Courts, (hereinafter, respectively, “Director” and “AOC”) to create a framework to process applications for a compliance certification.

12. On or about December 13, 2024, the Director issued Directive # 14-24, which among other things, required municipalities seeking compliance certification to file an action in the form of a declaratory judgment complaint and Civil Case Information Statement in the County

in which the municipality is located within 48 hours after the municipality's adoption of a binding resolution as authorized under the Act and attach a copy of said binding resolution to the DJ Action.

13. Freehold adopted a binding resolution establishing its present and prospective affordable housing obligations within the statutory window of time set forth in the Act and in accordance with the methodology and formula set forth in the Act, a certified copy of which resolution is attached to this DJ Action as **Exhibit 1**.

14. Based on the foregoing, Freehold has established the jurisdiction of the Program and the Court in regard to this DJ Action for a compliance certification as set forth hereinafter.

WHEREFORE, the Township of Freehold seeks a declaratory judgment for the following relief:

- a.** Declaring that the Township has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as Exhibit 1 to this DJ Action or to adjust such determination consistent with the Act;
- b.** Declaring the present and prospective affordable housing obligations of the Township under the Act;
- c.** Declaring the approval of the Township's HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Township Council, including, as appropriate and applicable, (i) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (ii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); and/or (iii) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (iv) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing

obligations; (v) an adjustment based upon any ruling in litigation involving affordable housing obligations; and (vi) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations;

- d.** Declaring that the Township continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established under the Program;
- e.** Declaring and issuing compliance certification and immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to the Township of Freehold for the period beginning July 1, 2025 and ending June 30, 2035; and
- f.** Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and applicable COAH regulations.

COUNT II

DETERMINATION OF THE PRESENT AND PROSPECTIVE NEED OF THE TOWNSHIP OF FREEHOLD

15. Freehold repeats and realleges each and every allegation set forth in the previous paragraphs of this DJ Action as if set forth herein in full.

16. The Act adopted the methodology to calculate every municipality’s present and prospective need affordable housing obligation for the Fourth Round (2025-2035) and beyond. The Act directed the Department of Community Affairs (“DCA”) to apply the methodology and to render a non-binding calculation of each municipality’s present and prospective affordable housing obligations to be contained in a report to be issued not later than October 20, 2024.

17. The DCA issued its report on October 18, 2024.¹

¹ The report may be found here: https://www.nj.gov/dca/dlps/pdf/FourthRoundCalculation_Methodology.pdf

18. Pursuant to the October 18, 2024 report, the DCA calculated Freehold’s present and prospective affordable housing obligations as follows:

PRESENT NEED (REHABILITATION OBLIGATION)	FOURTH ROUND PROSPECTIVE NEED OBLIGATION (2025-2035)
39	568

19. Pursuant to the Act, a municipality desiring to participate in the Program is obligated to adopt a “binding resolution” determining its present and prospective affordable housing obligations to which it will commit based upon the methodology set forth in the Act.

20. Freehold adopted a binding resolution, a copy of which resolution is attached hereto and made a part hereof as Exhibit 1 to this DJ Action.

21. The binding resolution maintains that the Present (“Rehabilitation”) Need obligation of Freehold is 39 and its Prospective Need obligation is 568.

22. Freehold seeks the approval of and confirmation by the Program and the Court of the Present and Prospective affordable housing obligations as set forth in the binding resolution attached hereto and made a part hereof as **Exhibit 1** or the adjustment of those obligations consistent with the Act and the applicable COAH regulations

23. Pursuant to the binding resolution, the Township of Freehold reserves all rights to amend its affordable housing obligations in the event of a successful legal challenge, or legislative change, to the Act.

24. Pursuant to the binding resolution, Freehold specifically reserves the right to seek and obtain 1) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 2) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water);

and/or 3) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; 4) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; 5) an adjustment based upon any ruling in litigation involving affordable housing obligations; and 6) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations.

WHEREFORE, the Township of Freehold seeks a declaratory judgment for the following relief:

- a.** Declaring that the Township has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as Exhibit 1 to this DJ Action or to adjust such determination consistent with the Act;
- b.** Declaring the present and prospective affordable housing obligations of Freehold under the Act;
- c.** Declaring the approval of Freehold's HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Council, including, as appropriate and applicable, (i) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (ii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); and/or (iii) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (iv) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (v) an adjustment based upon any ruling in litigation involving affordable housing obligations; and (vi) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations;

- d. Declaring that the Township continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established under the Program;
- e. Declaring and issuing compliance certification and immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to Freehold for the period beginning July 1, 2025 and ending June 30, 2035; and
- f. Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and applicable COAH regulations.

COUNT III

HOUSING ELEMENT AND FAIR SHARE PLAN

25. The Township of Freehold repeats and realleges each and every allegation set forth in the previous paragraphs of this DJ Action as if set forth herein in full.

26. Pursuant to the Act, a Housing Element and Fair Share Plan (hereinafter, “HEFSP”) must be prepared adopted by the Planning Board and endorsed, by June 30, 2025.

27. Freehold hereby commits for its professionals to prepare the appropriate HEFSP to address its affordable housing obligations, as determined by the Program and the Court which HEFSP shall apply as appropriate, any applicable adjustments, including, without limitation, 1) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 2) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); and/or 3) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; 4) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; 5) an adjustment based upon any ruling in

litigation involving affordable housing obligations; and 6) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations.

WHEREFORE, the Township of Freehold seeks a declaratory judgment for the following relief:

- a.** Declaring that Freehold has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as Exhibit 1 to this DJ Action or to adjust such determination consistent with the Act;
- b.** Declaring the present and prospective affordable housing obligations of Freehold under the Act;
- c.** Declaring the approval of Freehold's HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Council, including, as appropriate and applicable, (i) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (ii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); and/or (iii) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (iv) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (v) an adjustment based upon any ruling in litigation involving affordable housing obligations; and (vi) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations;
- d.** Declaring that the Township of Freehold continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established under the Program;

- e. Declaring and issuing compliance certification and immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to the Township of Freehold for the period beginning July 1, 2025 and ending June 30, 2035; and
- f. Declaring such other relief that the program and Court deems just and proper within the parameters of the Act and applicable COAH regulations.

COUNT IV

CONFIRMATION OF IMMUNITY

28. The Township of Freehold repeats and realleges each and every allegation set forth in the previous paragraphs of this declaratory judgment complaint as if set forth herein in full.

29. Pursuant to the Act, a municipality that complies with the deadlines in the Act for both determining present and prospective affordable housing obligations affordable housing obligations and for adopting an appropriate HEFSP shall have immunity from exclusionary zoning litigation.

30. The Township of Freehold has met the deadline for the adoption and filing of its binding resolution (and the filing of this DJ Action in accordance with Directive # 14-24) not later than January 31, 2025 by adopting the binding resolution attached to this DJ Action as Exhibit 1, and has committed to the adoption of its HEFSP by the June 30, 2025.

31. Without waiving any judicial immunity from exclusionary zoning litigation that Freehold possesses as a result of any applicable Judgment of Compliance and Repose entered in favor of the Township in Round 3 as discussed above, Freehold has qualified for continued immunity under the Act while pursuing its certification of compliance in the instant matter.

WHEREFORE, the Township of Freehold seeks a declaratory judgment for the following relief:

- a.** Declaring that the Township has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as Exhibit 1 to this DJ Action or to adjust such determination consistent with the Act;
- b.** Declaring the present and prospective affordable housing obligations of Freehold under the Act;
- c.** Declaring the approval of Freehold’s HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Council, including, as appropriate and applicable, (i) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (ii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); and/or (iii) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (iv) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (v) an adjustment based upon any ruling in litigation involving affordable housing obligations; and (vi) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations;
- d.** Declaring that Freehold continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established under the Program;
- e.** Declaring and issuing compliance certification and immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to Freehold for the period beginning July 1, 2025 and ending June 30, 2035; and

- f. Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and applicable COAH regulations.

SURENIAN, EDWARDS, BUZAK & NOLAN LLC
Attorneys for the Declaratory Plaintiff
Township of Freehold

Michael J. Edwards

By: _____
 Michael J. Edwards, Esq.

Dated: January 29, 2025

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, notice is hereby given that Michael J. Edwards, Esq., attorney for the Declaratory Plaintiff, Township of Freehold is designated as trial counsel in the above captioned matter.

SURENIAN, EDWARDS, BUZAK & NOLAN LLC
Attorneys for the Declaratory Plaintiff
Township of Freehold

Michael J. Edwards

By: _____
 Michael J. Edwards, Esq.

Dated: January 29, 2025

CERTIFICATION PURSUANT TO R. 4:5-1

Michael J. Edwards, Esq., of full age, hereby certifies as follows:

1. I am a member of the Firm of Surenian, Edwards, Buzak & Nolan LLC, attorneys for declaratory plaintiff, Township of Freehold.
2. To the best of my knowledge, there is no other action pending in any court or any pending arbitration proceeding of which the matter in controversy herein is the subject and no such other action or arbitration proceeding is contemplated. To the best of my knowledge, there are no other parties who should be joined in this action.
3. The within Complaint was filed and served within the time prescribed by the Rules of Court.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

SURENIAN, EDWARDS, BUZAK & NOLAN LLC
Attorneys for the Declaratory Plaintiff
Township of Freehold

Michael J. Edwards

By: _____
Michael J. Edwards, Esq.

Dated: January 29, 2025

CERTIFICATION PURSUANT TO R. 1:38-7(b)

Michael J. Edwards, Esq., of full age, hereby certifies as follows:

1. I am a member of the firm of Surenian, Edwards, Buzak & Nolan LLC, attorneys for Declaratory Plaintiff, Township of Freehold.
2. I certify that confidential personal identifiers have been redacted from documents now submitted to the Court and will be redacted from all documents submitted in the future in accordance with R. 1:38-7(b).

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

SURENIAN, EDWARDS, BUZAK & NOLAN LLC
Attorneys for the Declaratory Plaintiff
Township of Freehold

Michael J. Edwards

By: _____
Michael J. Edwards, Esq.

Dated: January 29, 2025

Appendix 4
Order Fixing Round 4 Obligation – April 1, 2025

PREPARED BY THE COURT:

**IN THE MATTER OF THE
DECLARATORY JUDGMENT
ACTION OF THE TOWNSHIP
OF FREEHOLD, MONMOUTH
COUNTY PURSUANT TO P.L.
2024, CHAPTER 2**

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – CIVIL PART
MONMOUTH COUNTY
DOCKET NO. MON-L-398-25

Civil Action

**ORDER FIXING MUNICIPAL
OBLIGATIONS FOR “PRESENT NEED”
AND “PROSPECTIVE NEED” FOR THE
FOURTH ROUND HOUSING CYCLE**

THIS MATTER, having come before the Court on its own motion, *sua sponte*, on the Complaint for Declaratory Judgment filed on January 29, 2025 (“DJ Complaint”) by the Petitioner, Township of Freehold (“Petitioner” or “Municipality”), pursuant to N.J.S.A. 52:27D-304.2, -304.3, and -304.1(f)(1)(c) of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, *et seq.* (collectively, the “FHA”), and in accordance with Section II.A of Administrative Directive #14-24 (“Directive #14-24”) of the Affordable Housing Dispute Resolution Program (the “Program”), seeking a certification of compliance with the FHA;

AND IT APPEARING, that on October 18, 2024, pursuant to the FHA (as amended), the New Jersey Department of Community Affairs (“DCA”) issued its report entitled *Affordable Housing Obligations for 2025-2035 (Fourth Round)*,¹ therein setting forth the present need and prospective need obligations of all New Jersey municipalities for the Fourth Round housing cycle (the “DCA’s Fourth Round Report”);

¹ See https://nj.gov/dca/dlps/pdf/FourthRoundCalculation_Methodology.pdf

AND IT APPEARING that, pursuant to the DCA's Fourth Round Report, the **present need** obligation of the Petitioner has been calculated and reported 39 affordable units, and its **prospective need** obligation of the Petitioner has been calculated and reported as 568 affordable units, and which calculations have been deemed presumptively valid for purposes of the FHA;

AND THE COURT, having determined that no interested party has filed a challenge to the Petitioner's DJ Complaint by way of an Answer thereto as provided for and in accordance with Section II.B of Directive #14-24 of the Program;

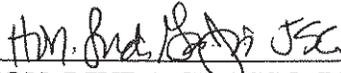
AND THE COURT, having found and determined, therefore, that the present need and prospective need affordable housing obligations of the Petitioner for the Fourth Round housing cycle as calculated and reported in the DCA's Fourth Round Report have been committed to by the Petitioner and are uncontested, and for good cause having otherwise been shown:*

IT IS, THEREFORE, on this 1st day of **APRIL, 2025 ORDERED AND ADJUDGED** as follows:

1. That the present need obligation of the Municipality, be, and hereby is fixed as 39 affordable units for the Fourth Round housing cycle.
2. That the prospective need obligation of the Municipality, be, and hereby is fixed as 568 affordable units for the Fourth Round Housing cycle; and
3. That the Petitioner is hereby authorized to proceed with preparation and adoption of its proposed Housing Element and Fair Share Plan for the Fourth Round, incorporating therein the present need and prospective need allocations aforesaid (and which plan shall include the elements set forth in the "Addendum" attached to Directive #14-24), by or before June 30, 2025, as provided for and in accordance with Section III.A of Directive #14-24, and without further delay.

IT IS FURTHER ORDERED, that a copy of this Order shall be deemed served on the Petitioner and Petitioner's counsel.

SO ORDERED:



HON. LINDA GRASSO JONES, J.S.C.

(X) Uncontested.

*Pursuant to N.J.S.A. 52:27D-304.1, “[i]f the municipality meets th[e] January 31 [, 2025] deadline [for adoption of a binding resolution setting forth a determination of present and prospective fair share obligation for the fourth round], then the municipality’s determination of its obligation shall be established by default and shall bear a presumption of validity beginning on March 1, 2025, as the municipality’s obligation for the fourth round, unless challenged by an interested party on or before February 28, 2025.” The municipality’s determination of its present and prospective fair share obligation for the fourth round was adopted prior to January 31, 2025 in accordance with N.J.S.A. 52:27D-304.1, and no challenge was filed in response thereto. A presumption of validity thus attaches to the determination made by the municipality that is set forth in the resolution adopted by the municipality and which is incorporated within this order.

Appendix 5
Existing Land Use Map



FREEHOLD TOWNSHIP

Monmouth County, New Jersey

EXISTING LAND USE

DEVELOPED

- SINGLE FAMILY RESIDENTIAL
- APARTMENT / CONDOMINIUM / ASSISTED LIVING
Includes Apartment, Condominium, Active Adult, Age Restricted Apartments, Assisted Living, Special Needs Apartments (as Noted)
- COMMERCIAL
- INDUSTRIAL
- QUASI-PUBLIC

PUBLIC/PUBLIC SERVICE

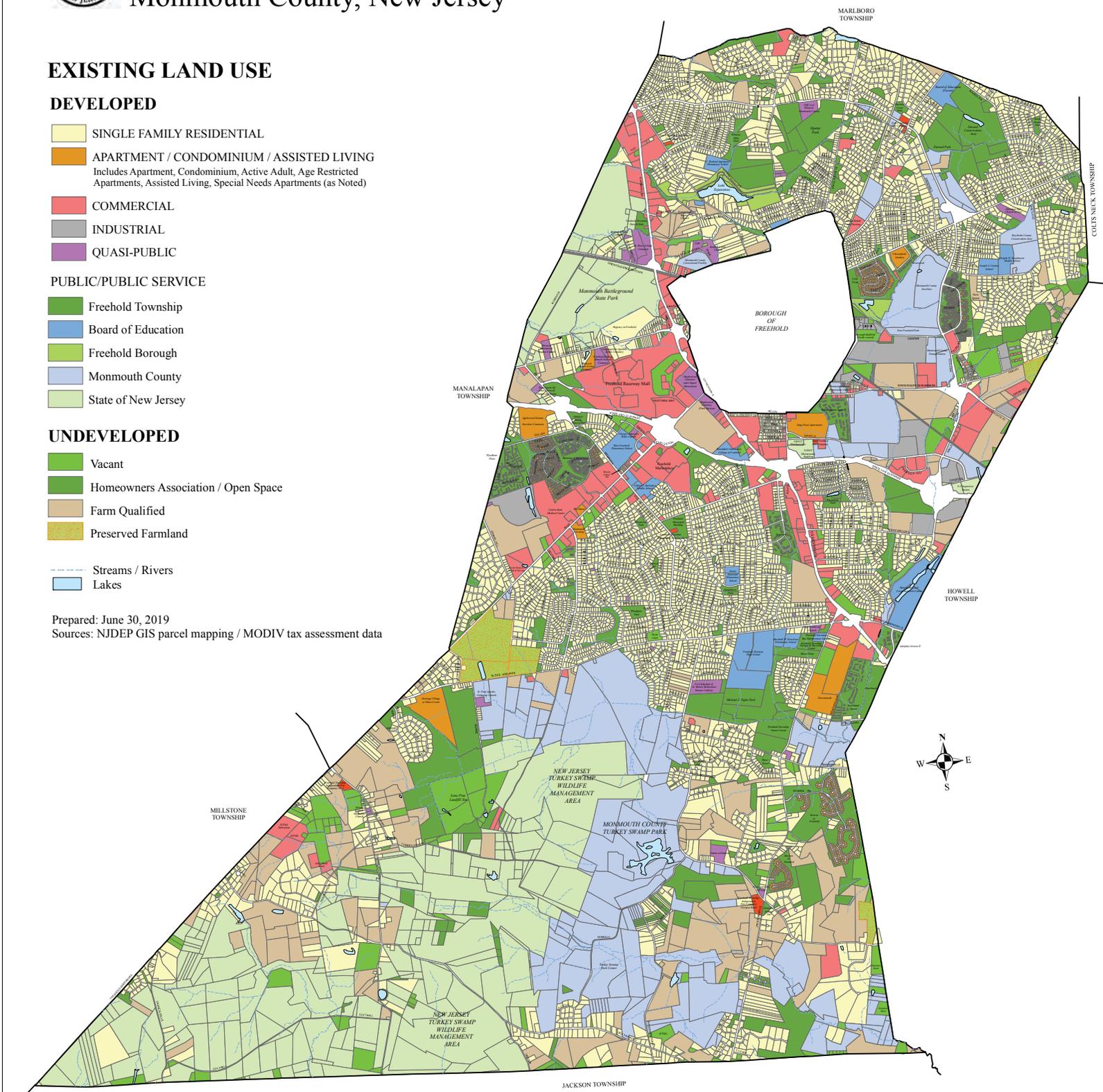
- Freehold Township
- Board of Education
- Freehold Borough
- Monmouth County
- State of New Jersey

UNDEVELOPED

- Vacant
- Homeowners Association / Open Space
- Farm Qualified
- Preserved Farmland

- Streams / Rivers
- Lakes

Prepared: June 30, 2019
Sources: NJDEP GIS parcel mapping / MODIV tax assessment data



THOMAS PLANNING ASSOCIATES, LLC
Professional Planning and GIS Consultants
P.O. Box 363
Bridle, N.J. 08730-0363

Thomas A. Thomas, P.P. T. Andrew Thomas, P.P., A.I.C.P.
Tel: (732) 223-2118 Tel: (732) 223-2118
www.thomasplanning.com andrew@tpa.com

Appendix 6
Existing Land Use Chart

Figure 4-4
Existing Land Use
Freehold Township – 2019

Land Use	Acres	Percent Developed Land	Percent of Total Land
DEVELOPED LAND			
Residential			
Single Family (includes farm house) (1)	8,212	37.3%	33.1%
Apartment / Condo / Active Adult / Age-Restricted / Assisted Living / Special Needs (2)	430	2.0%	1.7%
Commercial	1,418	6.4%	5.7%
Industrial	301	1.4%	1.2%
Quasi-Public			
Churches/Parsonages/Convents	77	0.3%	0.3%
Cemeteries	79	0.4%	0.3%
Organizations	29	0.1%	0.1%
Land Use			
State of New Jersey			
Parks and Open Space	4,462	20.3%	18.0%
Rutgers-Soil Crop Research Facility	84	0.4%	0.3%
	36	0.2%	0.1%
Streets and Highways (2)			
Township	893	4.1%	3.6%
County	170	0.8%	0.7%
State	215	1.0%	0.9%
Private Roads	22	0.1%	0.1%
Railroads	27	0.1%	0.1%
TOTAL DEVELOPED LAND	22,018	100.0%	88.7%

(2) Estimates based upon roadway mileage and average R.O.W width

(1) Single family is based upon tax assessment data and categorized as 1-4 family

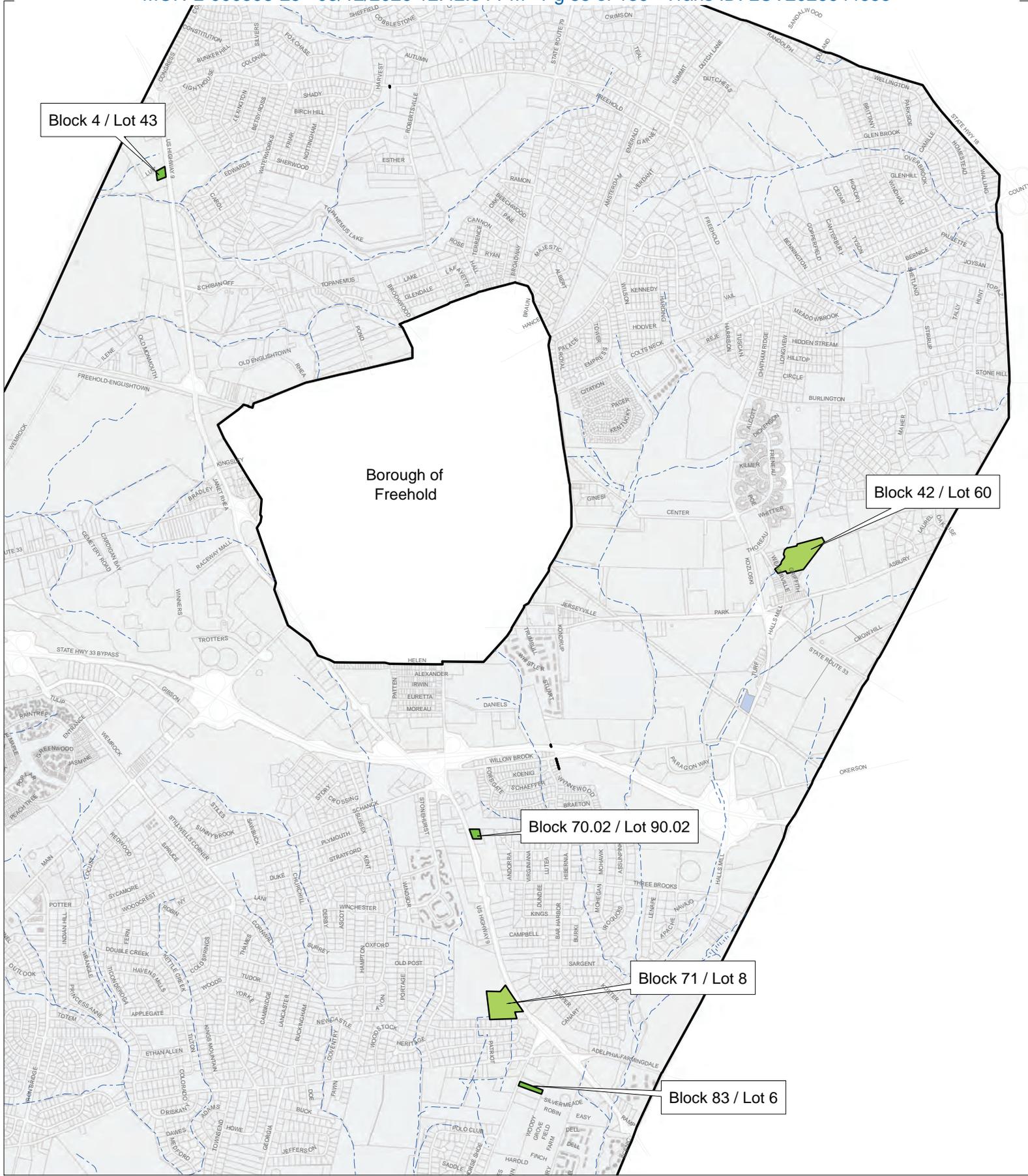
(2) Does not include acreage for open space, homeowners association, or roadways

Public/Public Service

Land Use	Acres	Percent Developed Land	Percent of Total Land
Freehold Township			
Parks/Recreation/Open Space	1,512	6.9%	6.1%
Freehold Township Fire Company	21	0.1%	0.1%
Facilities	140	0.6%	0.6%
Utilities	321	1.5%	1.3%
Historic Sites	5	0.0%	0.0%
Lone Pine Land Fill (Vacant)	146	0.7%	0.6%
Board of Education			
Freehold Township Board of Education	268	1.2%	1.1%
Freehold Regional Board of Education	107	0.5%	0.4%
Freehold Borough			
Freehold Borough (Utilities)	45	0.2%	0.2%
Freehold Borough (Lake Topanemus /Park)	71	0.3%	0.3%
Monmouth County			
Facilities	331	1.5%	1.3%
Parks/Open Space/Conservation	2,596	11.8%	10.5%
UNDEVELOPED LAND			
Vacant	1,183	42.0%	4.8%
Homeowners Assoc/Open Space	405	14.4%	1.6%
Farm Qualified	1,013	36.0%	4.1%
Preserved Farmland	213	7.6%	0.9%
TOTAL UNDEVELOPED	2,814	100.0%	11.3%
TOTAL TOWNSHIP AREA	24,832		100.0%

Sources: Freehold Twp. GIS mapping; MODIV data; and existing land use survey
 Prepared by: Thomas Planning Associates - July 9, 2019

Appendix 7
Updated Vacant Land Inventory Map – Round 4



**ROUND 4
VACANT LAND INVENTORY /
REALISTIC DEVELOPMENT POTENTIAL (RDP)**

- Vacant Land - (Change in Circumstance from Round 3 Housing Plan)
- Freshwater Wetlands



Appendix 8
Updated Vacant Land Inventory and
Realistic Development Potential (RDP) Chart – Round 4

**ROUND 4
VACANT LAND INVENTORY AND REALISTIC DEVELOPMENT POTENTIAL (RDP) (1)
Township of Freehold**

Block	Lot(s)	Address	Owner	Total Acres	Upland Acreage	Density	Total Potential Units	Potential Affordable Units (@ 20% set-aside)	Notes / Change in Circumstance
4	43	2 Luiz Lane	Luiz Lane Realty	1.2	1.2	6	7	1	Vacant property / prior house
72	90.02	3541 Route 9	3541 Route 9 Realty	1.1	1.1	6	7	1	Vacant property / prior gas station
83	6	39 Jackson Mills Rd	JSM @ Eaton, LLC	1.5	1.5	6	9	2	Vacant property / prior house
42	60	36 Weaverville Rd.	Twin Brooks at Freehold	10.7	9.3	N/A	N/A	4	Prior Round 3 RDP showed this site for a potential set-aside of 10 affordable units based upon an upland acreage of 8.6 acres @ 6 UPA. Agreed upon change in circumstance increases the set-aside to 14 units (a net of 4 units)
71	8	3390 Route 9	Land Bank Freehold, LLC	+/- 53.0	+/- 53.0	N/A	N/A	8	Prior Round RDP showed this site for a potential set-aside of 23 units based upon a court order. Agreed upon change in circumstance increases the set-aside to 31 units (a net of 8 units)
Total							16		

(1) Round 4 RDP based upon change in circumstance since prior approved Round 1-3 RDP in Round 3 Housing Plan

Appendix 9
Regency at Freehold – Amendment to Developer’s Agreement

AMENDMENT TO DEVELOPERS AGREEMENT

THIS AMENDMENT (hereinafter “Amendment”) is entered into on this 10 day of ~~December, 2022~~ ^{Jan 2023} by and between **GROSSMAN LANDHOLDINGS LLC** (hereinafter “Grossman”) as successor in interest to WG Freehold, LLC, the **TOWNSHIP OF FREEHOLD** (hereinafter “Township”), and **HABCORE, Inc.** (hereinafter “Purchaser”)

WHEREAS, WG Freehold, LLC was the prior owner of the property known as Block 67, Lot 21, in the Township of Freehold (the “Property”), which Property was approved for an inclusionary active adult community known as “Parkside” a/k/a “Regency @ Freehold” (hereinafter “Parkside”); and

WHEREAS, the Property was conveyed to Toll Bros., Inc. and Toll NJ XII, L. P (“Toll”) for the development of the Parkside project; and

WHEREAS, the Township entered into a Developer’s Agreement on May 7, 2018, (hereinafter “2018 Agreement”) between Toll and WG Freehold arising out of the proposed development of the Parkside project on the Property, with WG Freehold’s interest and obligations limited solely to the affordable housing obligations addressed in the 2018 Agreement; and

WHEREAS, Toll has completed construction of the Parkside active adult community and has no further interest and obligation in the 2018 Agreement or the affordable housing obligations addressed in the 2018 Agreement; and

WHEREAS, Grossman is the successor in interest to WG Freehold as to the affordable housing obligations of WG Freehold in the 2018 Agreement; and

WHEREAS, the 2018 Agreement recognized and permitted the Grossman to create a total of sixteen (16) affordable units off tract from the Parkside development, which off tract obligation required four (4) three bedroom units, six (6) two bedroom units, and six (6) one bedroom units, with the following affordability distribution: two (2) very low income units, seven (7) low income

units, and seven (7) moderate income units, all units as originally required to be created within the Parkside development and;

WHEREAS, that 2018 Agreement provided for the production of 16 affordable credits to be produced by May 7, 2028 and further provided that satisfaction may be obtained with “for sale” units, rental units or a combination thereof (collectively “Affordable Units”) and in the event any such Affordable Units resulted in an approved bonus credit toward the Township’s affordable housing obligation, the Grossman shall receive such bonus credit toward satisfying its 16 unit obligation; and

WHEREAS, the Affordable Units were required to be located within an established complex of 30 or more rental units, and all units must all be owned by the same entity and managed by a rental agency; and

WHEREAS, the 16 affordable units (no bonus credits) stemming from the 2018 Agreement were relied upon the Township’s Declaratory Judgment Action, bearing docket MON-L-6026-08, seeking approval of the Township’s Housing Element and Fair Share Plan (“HEFSP”) and the issuance of a Judgment of Compliance and Repose (“JOR”); and

WHEREAS, the Court issued a Conditional JOR on January 5, 2022 and provided as one remaining condition that the Township provide the crediting information for the subject project, which it referred to as credits for “Parkside” a/k/a “Regency @ Freehold”; and

WHEREAS, the Parties discussed the status of the credits and potential revisions to the Settlement Agreement and involved Fair Share Housing Center (“FSHC”) in those discussions, which focused around accelerating the obligations to deliver the units at a more rapid rate than the 2018 Agreement; and

WHEREAS, in light of this practical hardship, the Parties agree to modify the 2018

Agreement in order to reduce the total unit yield to twelve (12) units in exchange for the accelerated production of low and Very Low Income (“VLI”) affordable units, including production of six (6) VLI units, four more VLI units than contemplated by the 2018 Agreement; and

WHEREAS, Grossman now intends to sell twelve (12) one-bedroom units at Stonehurst Condominium complex to Purchaser, a recognized affordable housing not for profit devoted to providing housing for the homeless, with the affordability distribution of six (6) low-income units, and six (6) very low-income units; and

WHEREAS, Purchaser had no interest, obligation, responsibility or liability associated with the 2018 Agreement, and is bound solely by the terms of this Agreement; and

WHEREAS, Grossman currently owns the twelve (12) one-bedroom units and has in place an agreement in principle with Purchaser to convey to Purchaser the affordable units in accord with this Agreement.

NOW, THEREFORE for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in consideration of the mutual covenants and undertakings set forth herein, the Parties enter into this Amendment, as follows:

1. Paragraph 13 of the 2018 Developers Agreement is deleted in its entirety shall have no further effect and is hereby superseded by the terms of this Agreement.

2. Grossman shall be responsible for providing twelve (12) affordable housing units (the “Affordable Units”), which shall be income restricted by the recording of a UHAC 30 year deed restriction in the Monmouth County Clerk’s Office, in the form attached hereto as **Exhibit A**, on all twelve (12) Affordable Units (the “Deed Restriction”).

3. Grossman currently owns the twelve (12) proposed affordable units, occupied by tenants with month-month lease(s). Grossman shall provide a lease buyout plan, as necessary and at no cost to Purchaser, to allow for vacant possession of Affordable Units to convey to Purchaser for any Affordable Units not vacated by no later than January 1, 2025, or such additional time up to July 1, 2025, and shall transfer title and vacant possession to the Purchaser by no later than July 1, 2025, or such additional time as may be required for delivery of vacant possession. Grossman shall be responsible for the voluntary relocation of any tenant in occupancy of and Grossman owned unit by January 1, 2025 in accordance with all laws protecting tenant occupancy, including relocation expenses and replacement rent, at no cost to Purchaser. In conjunction with securing vacant possession of a unit, Grossman and Purchaser shall enter into an agreement of sale for the unit(s) to be vacated, on the same terms and conditions set forth herein.
4. The Affordable Units income levels and bedroom distribution shall be as follows:
 - i. Six (6) Affordable Units shall be for “low-income housing” as that term is defined by N.J.S.A. 52:27D-304.
 - ii. Six (6) Affordable Units shall be for “very low-income housing” as that term is defined by N.J.S.A. 52:27-D-304.
 - iii. The bedroom distributions of the Affordable Units shall be Twelve (12) one-bedroom units.
5. Township shall pay Purchaser the sum of **\$35,000** for each Very Low Income (hereinafter “VLI”) Affordable Unit as a subsidy to Purchaser, for a total of **\$210,000** for six VLI Units, which shall be paid by the time of closing for each VLI unit. The subsidy payments may be made from the Township Affordable Housing Trust Fund.

6. Grossman shall use good faith efforts to close four (4) Affordable Units per year with Purchaser, with a final closing by July 1, 2025. Grossman has the obligation to bring all Affordable Units up to building code prior to transferring any individual unit, as evidenced by the issuance of a Certificate of Continued Occupation (CCO). Upon the closing of sale of any and all Affordable Units with the Purchaser, the Deed Restriction shall be executed and recorded and the recorded Deed Restriction returned to Community Grants, Planning & Housing (“CGP&H”), the Township’s affordable housing administrator.
7. In order to guarantee performance under this Agreement, Grossman has posted with the Township and shall continue a ten (10) year letter of credit in the amount of Seven Hundred Thousand Dollars (\$700,000.00), in substantively the same form as posted with the Township pursuant to the Developer’s Agreement. The letter of credit shall be maintained in its original amount, and not be reduced until the Grossman has satisfied six (6) of the 12 Affordable Unit obligation. Thereafter, upon occupancy by a qualified tenant of each remaining six Affordable Units, the letter of credit shall be reduced by \$116,666.67 per additional Affordable Unit by written resolution of the Township Committee.
8. Obligation to Provide Credit-worthy units: All Affordable Units shall be non-age-restricted family units and shall fully comply with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq. (“UHAC”), with the exceptions of bedroom and income distributions as described in this Agreement. Further, the Affordable Units shall be subject to affordability controls of at least 30 years for each Affordable Unit, which may be extended by the Township. The Township shall not consider the units “family” for purposes of affordable housing compliance, though it is entitled to claim credits for the units.

9. Grossman shall apply to the Township for the issuance of the CCO for the Affordable Units in conjunction with the transfer of title to Purchaser of all vacant units. Prior to issuance of the CCO, the Township's building inspector shall inspect the existing units, consistent with the Township's requirements for a residential CCO, to ensure that the existing unit meets all applicable building code standards. If the existing unit requires repairs to bring it up to code, Grossman shall fund and complete such work prior to the issuance of the CCO.

10. With the exception of the 24H Manchester Ct. and 60B Manchester Court units, Grossman shall ensure that the existing units are vacant prior to the issuance of the CCO. Subject to a subsequent purchase agreement between Grossman and Purchaser, the Township may accept one (1) additional existing Tenant as occupant of a unit, for up to three (3) total Units. All existing tenants shall be approved by Community Grants, Planning & Housing ("CGP&H"). Upon the Township's acceptance of the existing income qualified tenant, Grossman may convey the Affordable Unit to Purchaser, subject to the contemporaneous recording of the Deed Restriction. The Township acknowledges that any Affordable Unit occupied by an existing income qualified tenant shall not be entitled to prospective need credit. When the existing income qualified tenant vacates the Affordable Unit, Purchaser shall rent said Affordable Unit to a qualified tenant approved by CGP&H, and Grossman and the Purchaser agree the minimum 30-year restriction period shall commence once the new qualified tenant occupies the Affordable Unit, which shall not expire automatically.

11. Purchaser, if certified as an administrative agent, may provide all required administrative duties for low and very low-income qualified tenants and marketing of same or, if Purchaser is not certified as an administrative agent or at Purchaser's option if certified as an administrative agent, coordinate with CGP&H to provide administrative duties for low and very

low-income qualified tenants and marketing. If the Purchaser elects to utilize its own administrative agent, it must get the approval of the Township, which approval shall not be unreasonably withheld.

12. Purchaser shall be responsible for the distribution of pre-applications of tenants. Purchaser and CGP&H shall immediately begin the affirmative marketing process upon transfer of ownership of any Affordable Units.

13. Purchaser shall process the Tenant pre-applications; screen pre-applicants including all proposed tenants and refer eligible or approve households to CGP & H for registration with the Township as qualified tenants. Purchaser shall then income certify all tenants as low or VLI occupants, and shall coordinate with CGP&H the processing of the pre-applications, screening of pre-applicants including all proposed tenants submitted by Purchaser to CGP&H, and refer eligible or approve households to Purchaser, who shall then income certify all tenants as low or VLI occupants.

14. If necessary to assure affordable unit compliance, Purchaser will work directly with the CPG&H on day-to-day administrative services which may include but are not limited to, pricing, affirmative marketing, drafting the restrictive covenants, and answering questions from applicants, so as to assure that the tenants are duly qualified and that all marketing and administrative services are properly discharged.

15. Upon the final sale to Purchaser, Grossman shall be relieved of any further obligations and shall have satisfied in full its obligations under the Developer Agreement and this Agreement, including the requirement to post a Letter of Credit required pursuant to paragraph 7 of this Agreement.

16. This Agreement shall run with the land and be binding on any successor in interest to Grossman.

17. The provisions of this Amendment and the obligations and benefits hereunder shall be binding upon and inure to the benefit of the Parties, their successors and assigns, including any person, corporation, partnership or other legal entity which at any particular time may have an interest in any of the provisions which are the subject of this Amendment.

18. This Amendment shall be governed by and construed by the laws of the State of New Jersey.

19. This Amendment may not be modified, amended, or altered in any way except by a writing signed by each of the Parties.

20. Each of the Parties hereto acknowledges that this Amendment 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 Amendment; and (ii) it has conferred due authority for execution of this Amendment upon the persons executing it.

21. Anything herein contained to the contrary notwithstanding, the effective date of this Amendment shall be the date upon which all the Parties hereto have executed and delivered this Amendment.

22. The rights contained herein are fully enforceable in law and equity in the Superior Court, Monmouth County, New Jersey.

23. Attached hereto as **Exhibit B** is the list of the Units owned by Grossman that are subject to conveyance to Purchaser in accord with this Agreement

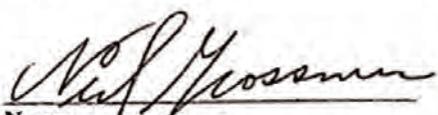
24. The Purchaser's obligations here under shall be contingent upon Purchaser obtaining good and marketable title to the affordable housing units described herein. Purchaser shall pursue the acquisitions in good faith. There shall be no liability on Purchaser if Purchaser does not acquire title to some or all of the aforesaid units as a result of Grossman's failure to perform its obligations herein.

25. This Agreement is subject to approval from Fair Share Housing Center. The Township shall undertake such actions as may be deemed necessary to modify the Township's approved fair share plan to incorporate the terms of this Agreement, including if necessary, court approval of the modification of the fair share plan.

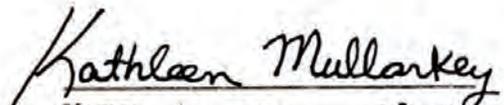
Witness:

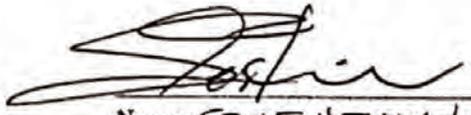
GROSSMAN LAND HOLDINGS, LLC


Name: Henry L. Smith


Name: Neil Grossman
Title: OWNER
Date: Jan 10, 2023

HABcore, Inc.


Name: Kathleen Mullarkey


Name: STEVE HEIMAN
Title: EXECUTIVE DIRECTOR
Date: JAN 10, 2023

TOWNSHIP OF FREEHOLD


Name: Samahel Abouzeina
Township Clerk

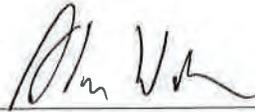

Name: Alan C. Walker
Title: Mayor
Date: Jan. 10, 2023

EXHIBIT A
FORM UHAC LEASE

EXHIBIT B

GROSSMAN UNITS TO BE SOLD TO PURCHASER

- 1) 8A Manchester Court
- 2) 24H Manchester Court
- 3) 12D Windsor Terrace
- 4) 30A Windsor Terrace
- 5) 79 A Stonehurst Blvd.
- 6) 79G Stonehurst Blvd.
- 7) 77A Stonehurst Blvd.
- 8) 2E Windsor Terrace
- 9) 16E Manchester Court
- 10) 39E Manchester Court
- 11) 60B Manchester Court
- 12) 76E Manchester Court

updated June 2007

APPENDIX E-1

MANDATORY DEED RESTRICTION FOR RENTAL PROJECTS

Deed Restriction

**DEED-RESTRICTED AFFORDABLE HOUSING PROPERTY
WITH RESTRICTIONS ON RESALE AND REFINANCING**

With Covenants Restricting Rentals, Conveyance and Improvements
And Requiring Notice of Foreclosure and Bankruptcy

THIS DEED RESTRICTION, entered into as of this the ___ day of _____, 20___, by and between the [Administrative Agent] ("Administrative Agent"), and _____ a New Jersey [Corporation / Partnership / Limited Partnership] having offices at _____ the developer/sponsor (the "Owner") of a residential low- or moderate-income rental project subsidized by the State Of New Jersey (the "State") in cooperation with the Administrative Agent, under the [Name of Program] (the "Project");

WITNESSETH

Article 1. Consideration

In consideration of the subsidies received for the Project, the Owner hereby agrees to abide by the covenants, terms and conditions set forth in this Deed restriction, with respect to the land and improvements more specifically described in Article 2, hereof (the Property).

Article 2. Description of Property

The Property consists of all of the land, and a portion of the improvements thereon, that is located in the municipality of Freehold, County of Monmouth, State of New Jersey, and described more specifically as Block No. ___ Lot No. ___, and known by the street address as shown on attached Exhibit ___

More specifically designated as:

See attached Exhibit ___

Article 3. Affordable Housing Covenants

updated June 2007

The following covenants (the "Covenants") shall run with the land for the period of time (the "Control Period"), determined separately with respect for each dwelling unit, commencing upon the earlier of the date hereof or the date on which the first certified household occupies the unit, and shall and expire as determined under the Uniform Controls, as defined below.

In accordance with N.J.A.C. 5:80-26.11, each restricted unit shall remain subject to the requirements of this subchapter, the "Control Period," until the municipality in which the unit is located elects to release the unit from such requirements. Prior to such a municipal election, a restricted unit must remain subject to the requirements of this subchapter for a period of at least 30 years.

- A. Sale and use of the Property is governed by regulations known as the Uniform Housing Affordability Controls, which are found in New Jersey Administrative Code at Title 5, chapter 80, subchapter 26 (N.J.A.C. 5:80-26.1, *et seq.*, the "Uniform Controls").
- B. The Property shall be used solely for the purpose of providing rental dwelling units for low- or moderate-income households, and no commitment for any such dwelling unit shall be given or implied, without exception, to any person who has not been certified for that unit in writing by the Administrative Agent. So long as any dwelling unit remains within its Control Period, sale of the Property must be expressly subject to these Deed Restrictions, deeds of conveyance must have these Deed Restrictions appended thereto, and no sale of the Property shall be lawful, unless approved in advance and in writing by the Administrative Agent.
- C. No improvements may be made to the Property that would affect the bedroom configuration of any of its dwelling units, and any improvements to the Property must be approved in advance and in writing by the Administrative Agent.
- D. The Owner shall notify the Administrative Agent and the State of any foreclosure actions filed with respect to the Property within five (5) business days of service upon Owner.
- E. The Owner shall notify the Administrative Agent and the State within three (3) business days of the filing of any petition for protection from creditors or reorganization filed by or on behalf of the Owner.

Article 4. Remedies for Breach of Affordable Housing Covenants

A breach of the Covenants will cause irreparable harm to the Administrative Agent, to the State and to the public, in light of the public policies set forth in the New Jersey Fair Housing Act, the Uniform Housing Affordability Control rules found at N.J.A.C. 5:80-26, and the obligation for the provision of low and moderate-income housing.

- A. In the event of a threatened breach of any of the Covenants by the Owner, or any successor in interest of the Property, the Administrative Agent and the State shall have all remedies provided at law or equity, including the right to seek injunctive relief or specific performance.
- B. Upon the occurrence of a breach of any Covenants by the Grantee, or any successor in interest or other owner of the Property, the Administrative Agent shall have all remedies provided at law or equity including but not limited to forfeiture, foreclosure, acceleration of all sums due under any mortgage, recouping of any funds from a sale in violation of the Covenants, diverting of rent proceeds from illegal rentals, injunctive relief to prevent further violation of said Covenants, entry on the premises, those provided under Title 5, Chapter 80, Subchapter 26 of the New Jersey Administrative Code and specific performance.

updated June 2007

IN WITNESS WHEREOF, the Administrative Agent and the Owner have executed this Deed Restriction in triplicate as of the date first above written.

[THE ADMINISTRATIVE AGENT]

BY: _____
XXXXXXXXXXXXX
Title

[THE OWNER]

BY: _____
XXXXXXXXXXXXX
Title

APPROVED BY THE STATE OF NEW JERSEY

BY: _____
XXXXXXXXXXXXX
Title

ACKNOWLEDGEMENTS

On this the _____ day of _____, 20 _____ before me came _____, to me known and known to me to be the _____ of the Department of Community Affairs of the State of New Jersey, who states that (s)he has signed said Agreement on behalf of said State for the purposes stated therein.

NOTARY PUBLIC

On this the _____ day of _____, 20 _____ before me came _____, to me known and known to me to be _____, the Owner of the Property, who states that (s)he has signed said Agreement for the purposes stated therein.

NOTARY PUBLIC

On this the _____ day of _____, 20 _____ before me came _____ known and known to me to be _____ of _____, the Administrative Agent identified as such in the foregoing Agreement, who states that (s)he is duly authorized to execute said Agreement on behalf of the State, and that (s)he has so executed the foregoing Agreement for the purposes stated therein

NOTARY PUBLIC

Appendix 10
Chesterfield Gardens Apartments – Planning Board Approvals

PLANNING BOARD OF THE TOWNSHIP OF FREEHOLD

**RE: CHESTERFIELD HOLDINGS, LLC
APPLICATION NO: 374-2-20; VARIANCE NO. 020-20**

**AMENDED PRELIMINARY AND FINAL SITE PLAN APPROVAL
WITH VARIANCE AND WAIVER**

MEETING DATE: SEPTEMBER 15, 2022

RESOLUTION

Mr. Bazzurro offered the following Resolution and moved its adoption which was seconded by Mr. Cook.

WHEREAS, Chesterfield Holdings, LLC, hereinafter referred to as the "Applicant", is the owner of premises known as Lot 5.03 in Block 41.01 and Lots 5.04, 5.05 and 5.06 in Block 41, as shown on the Tax Map of the Township of Freehold and located at 210 Harding Road; and

WHEREAS, the Applicant has applied to the Planning Board for amended preliminary and final site plan approval, as more particularly described hereinafter; and

WHEREAS, the Freehold Township Planning Board has the authority to exercise to the same extent and subject to the same restrictions all of the powers of the Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-25; and

WHEREAS, the Applicant gave notice pertaining to a public hearing to be held on said Application in accordance with Revised Statutes of the State of New Jersey and Section 190-7 of the Freehold Township Land Use Ordinance; and

WHEREAS, pursuant to said notice a public hearing was conducted by the Freehold Township Planning Board at the Freehold Township Municipal Complex on June 16, 2022 and on August 18, 2022; and

WHEREAS, the Applicant presented the testimony of Ryan McDermott, P.E., architects Michael Higgins and Bruce Stieve; Nicholas Verderese, P.E. and Nicholas Gravano, P.P. in support of the application; and

WHEREAS, the Planning Board received certain exhibits into evidence which are enumerated in Schedule A to this Resolution; and

WHEREAS, the Freehold Township Planning Board carefully considered all of the evidence and exhibits presented and based thereon has made the following findings of fact and conclusions of law:

1. The Applicant seeks amended preliminary and final major site plan approval to construct 99 new apartment units on a site which is currently developed with a 172 unit garden apartment complex known as Chesterfield at Freehold.
2. The Applicant proposes to construct two (2) new three (3) story buildings on vacant portions of the site; Building No. 1 to contain 47,180 s.f. of gross floor area and Building No. 2 to contain 62,041 s.f. of gross floor area. Thirty (30) apartment units will be set aside for low and moderate income families in accordance with the Freehold Township Housing Element and Fair Share Plan.
3. Proposed site improvements include new parking areas and modifications to the existing parking lots to provide a total of 514 parking spaces; sidewalk and drive aisle modifications; lighting; landscaping; below grade detention basins

with associated stormwater infrastructure; water and sanitary sewer services and a community park area.

4. The Applicant proposed two (2) new trash enclosures, which the Board finds to be inadequate. The Applicant has agreed to work with the Township Engineer who shall determine in his reasonable discretion the exact number and location of trash enclosures required to adequately serve the expanding apartment complex, all of which shall comply with the requirements of the Township's Land Use Ordinance.
5. The Applicant has agreed to upgrade all lighting fixtures on the existing buildings and to perform a post-construction light study to ensure adequate lighting throughout the site.
6. The Applicant has requested a waiver from the requirement of the Township's Ordinance which requires all drainage piping to be reinforced concrete. The Applicant proposes to utilize HDPE piping for the underground storm drainage facilities. The Board finds that the granting of the waiver is appropriate and the waiver is hereby granted.
7. The current number of off street parking spaces on the site is 215 and the Applicant proposes to increase the number of parking spaces to 514. The Applicant has consulted with the Township's professionals to increase the number of off-street parking spaces on site during the review of the Applicant's plans. The Applicant and the Board's professionals agree, however, that continued review of the parking facilities may result in further modifications.

- The Township Engineer, in his reasonable discretion, may approve any such modifications provided that the total number of spaces conforms to the requirements of the applicable ordinance and that the location of the parking spaces are properly distributed throughout the site and provided further that the parking spaces proposed in the Harding Road cul-de-sac shall not be removed.
8. The Applicant is required to make a right-of-way dedication along the Colts Neck Road (CR 537) frontage of the property due to the fact that the Monmouth County Road Plan provides for a 100-foot right-of-way along this portion of County Road 537. The right-of-way dedication will result in the loss of approximately 10 to 11 feet of property along the front property line. As a result of that dedication, several existing buildings on the site as well as proposed Building No. 1 will have set backs between 54.9 and 55.4 feet from the front yard property line, where 65 feet is required.
 9. The Board accepts the testimony of the Applicant's Planner as well as the findings of the Board's Professional Planner that the Applicant's request for front yard set-back variance relief meets the positive criteria for bulk variances under both subsection c.(1) and c.(2) of N.J.S.A. 40:55D-70. The Board also finds that the granting of variance relief will not result in substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance. The Board finds that the right-of-way dedication required by the County creates the requirement for a front yard

setback variance for the existing buildings and that the proposed new building No. 1 will not be any closer to the road than the existing buildings on the site.

NOW, THEREFORE, BE IT RESOLVED by the Freehold Township Planning Board based on the foregoing findings of fact and conclusions of law that the application for amended preliminary and final major site plan approval and known as case number 374-2-20 and variance number 020-20 be and the same are hereby approved subject however to the following:

SPECIFIC CONDITIONS

1. The Applicant shall revise its construction plans to include and/or revise all necessary construction details to comply with Freehold Township site plan standards. Such revisions shall be coordinated with and subject to the approval of the Township Engineer.
2. The Applicant shall upgrade all lighting fixtures on the existing buildings and perform a post-construction lighting study. The Township Engineer in his reasonable discretion shall determine after review of the study whether any further lighting improvements are required.
3. The Applicant shall provide sight triangle easements and painted curbs at interior intersections.
4. The Applicant shall provide street speed limit signs along Harding Road and Harding Avenue.

5. The Applicant shall request that the Freehold Township Committee provide for Title 39 jurisdiction on Harding Road and Harding Avenue.
6. The Applicant shall submit to the Township Engineer and the Board Attorney for review and approval an amendment to any existing easement agreement required to provide for the parking spaces as proposed on Harding Avenue, Harding Road and the Harding Road cul-de-sac.

GENERAL CONDITIONS

1. **Conditions and Agreements in Record.** Applicant shall comply with all requirements, agreements and conditions contained in the record of the proceedings in this matter including those set forth in the reports of the Freehold Township agencies, boards, commissions, and staff which have not been satisfied or specifically waived by the Board.
2. **Escrow Accounts.** It is a condition of the approval granted by the Planning Board herein that the Applicant shall pay any additional escrow fees required under Section 190-10 of the Land Use Ordinance of the Township of Freehold in order to pay the expenses for professional services related to the within application. Therefore, the Applicant shall not receive a signed subdivision plat, deed of Subdivision, signed site plan, construction permit or certificate of occupancy, nor shall the Applicant receive any other municipal authority to proceed with the development described herein unless and until the chief

financial officer of the Township certifies that sufficient funds remain in the escrow account to pay the aforesaid expenses.

3. **Developer's Agreements.** In conjunction with any application for Final Approval, no site plan or subdivision plat shall be signed by the Chairperson, Secretary or Engineer unless and until the application shall enter into a developer's agreement with the Township Committee of the Township of Freehold associated with this development which agreement shall include provision for any water main or sewer extension required for the project and shall further post such performance guarantees and deposits as shall be required in order to assure completion and maintenance of improvements required in order to assure completion and maintenance of improvements required by the Land Use Ordinance of the Township of Freehold and this resolution to the extent permitted by N.J.S.A. 40:55D-53 as amended. The Applicant shall further have filed with the Clerk of Monmouth county all deeds of easement or other conveyances associated with the development to establish rights of way, access, utility location, sight triangles, conservation areas, landscape buffers and the like and shall provide such assurances of title as may be required by the Township Attorney. Further, in the event that any off-trace improvements are required by the Township Attorney. Further, in the event that any off-tract improvements are required in conjunction with the proposed development for which the Applicant is to pay a pro-rata share allocation of cost pursuant to Section 190-64 et seq. of the Freehold Township Land Use

Ordinance, then provision for such contributions shall be made in the Developer's Agreement.

4. **Availability of Public Water and Public Sewer.** In the event that the Township of Freehold is subject to any limitation on its water diversion rights, or if there shall be any moratorium or other restriction of whatever nature pertaining to public water supply or public sewer, then the within approval is expressly conditioned upon the ability of the Township Committee of the Township of Freehold to provide these utilities to the proposed development.
5. **Private Wells and Septic Systems.** Development of the subject premises employing a private well is contingent upon satisfaction of the Freehold Township Health Officer that a proper potable water supply will be available. Septic systems shall meet the requirements of N.J.A.C. 7:9A "Standards for the Construction of Individual Subsurface Sewage Disposal Systems" and the freehold Township Water Resources Protection Ordinance.
6. **Other Governmental Approvals.**

6.1 **Monmouth County Planning Board.** If the within application is subject to review and approval from the Monmouth County Planning board, and said approval has not been obtained, then the within approval shall be deemed to be conditioned upon the Applicant securing approval from the Monmouth County Planning Board. If Applicant has obtained conditional approval from the Monmouth County Planning Board then

such County condition shall be satisfied as further conditions of this approval.

6.2 Freehold Soil Conservation District. If the within application is subject to the New Jersey Soil Erosion and Sediment Control Act, and the Applicant has not obtained certification of a soil erosion and sediment control plan from the Freehold Soil Conservation District, then the within approval shall be deemed to be conditioned upon the application securing certification of its soil erosion and sediment control plan.

6.3 Department of Environmental Protection. If the subject premises are affected by any freshwater wetlands, freshwater wetland transition areas, flood hazard and riparian lines, wetlands mitigation or buffer areas or any other condition requiring agency approval, then the Applicant shall obtain from the State of New Jersey Department of Environmental Protection all required letters of interpretation, permits or other authority necessary to permit the development to proceed. Further, if the Applicant required any stream encroachment permit from the New Jersey department of Environmental Protection, the securing of such permit shall be deemed to be a condition of this approval. If the Application involves public water service, the Applicant shall obtain permits as required from the N.J.D.E.P. Bureau of Safe Drinking Water relative to the extension of the Township water system. If the Application involves public sewer service, the Applicant shall

obtain permits as required from the N.J.D.E.P. Division of Water Quality to extension of sanitary sewers of either township, Manasquan River Regional Sewerage Authority and Ocean County Utilities Authority or the Township and Western Monmouth Utilities Authority as applicable.

6.4 State Highway Permits. If the proposed development is on a State highway, the Applicant shall obtain such highway access permits or other permits as shall be required by the State of New Jersey Department of Transportation.

- 7. Modifications of Plans.** In the event that any other agency having jurisdiction over the application or any portion thereof requires modifications of the plans approved by the Freehold Township Planning Board, such modifications may require further action by the Planning Board and in no event shall the Freehold Township Planning Board be deemed to have given authority for development of the project in any manner other than as shown on the approved plans herein. Any modifications to the plan submitted to other concerned governmental agencies shall simultaneously be submitted to the Planning Board.
- 8. Storm Water Detention/Retention/Re-Charge Basins.** If the Applicant has proposed to dedicate to the Township of Freehold any lot or lots within the development for storm water management facilities, then at the time of acceptance by the Freehold Township Committee, the Applicant shall post with the Township of Freehold a maintenance guaranty for said facilities for a

ten-year period as provided by the Freehold Township Land Use Ordinance and as calculated by the Freehold Township Engineer.

9. **Dedication of Lands.** The within approval is subject to the Applicant securing the acceptance by the Township Committee of the Township of Freehold of any lands proposed by the developer to be dedicated to the Township of Freehold and associated with this development.
10. **Taxes and Assessments.** All taxes and assessments applicable to the subject premises shall be paid and current.
11. **Restrictive Covenants.** Any restrictive covenant or other condition of record proposed to be included in deeds to purchasers shall be set forth on the final plat and a copy thereof shall be submitted to the Board for approval.
12. **Plan Revisions.** It is a condition of this approval that the Applicant submit to the Planning Board within 90 days of the date of the adoption of this resolution the revised plats, maps, reports or other data containing the additions or corrections specified in the record of the proceedings including but not limited to those additions or corrections set forth in the reports of Freehold Township agencies, boards, commissions and staff. No construction permits shall issue nor shall any further action whatsoever be taken on account of the application until this condition is met. Further, in the event that the correctly revised data is not submitted within the 90-day period aforesaid, the Planning Board may presume that the Applicant does not intend to submit the revisions and

therefore upon notice to the Applicant, the approval shall be rendered null, void and of no further effect.

13. Mount Laurel Contribution. The Applicant shall pay all fees due and owing to the municipality's Affordable Housing Trust Fund.

14. Breach of Conditions. Failure to satisfy any conditions set forth herein or a subsequent breach of any such condition or a failure by the Applicant to discharge any obligation hereunder will result in the reconsideration and possible revocation or rescinding of the within approval. A certification by the Freehold Township Engineer that the Applicant has breached any such conditions shall immediately terminate the right of the Applicant to obtain construction permits, certificates of occupancy or any other government authorizations necessary in order to continue or complete development of the project pending a hearing before the Freehold Township Planning Board regarding the breach.

15. Waiver regarding Installation of Sidewalks. If the Planning Board has granted a waiver for the installation of sidewalks in conjunction with this approval then, in accordance with Section 190-73 of the Freehold Township Land Use Ordinance, Applicant shall contribute sixty percent of the reasonable cost of sidewalk installation as calculated by the Freehold Township Engineer to the sidewalk construction account of the Township.

16. **Lapse of Protection.** Pursuant to N.J.S.A. 40:55D-52, the statutory protections afforded by the within action shall expire two years from today's date.

BE IT FURTHER RESOLVED that a copy of this Resolution certified by the Secretary of the Planning Board to be a true copy be forwarded to the Clerk of the Township of Freehold with ten days of today's date, and to the Applicant herein. Further, notice of this decision shall be published in accordance with the requirements of the Revised Statutes of the State of New Jersey and the Freehold Township Land Use Ordinance.

ROLL CALL

YES: Mayor Fasano, Mr. Bazzurro, Mr. Bruno, Mr. Cook, Mr. Levy,
Mr. Shortmeyer, Mr. Marion and Mr. Krok.

NO:

ABSENT: Mr. Pucci.

ABSTAINED:

DISQUALIFIED: Mr. Barbieri, Mr. Coburn and Ms. Kurtz.

DATED: September 15, 2022.

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution which was passed by the Freehold Township Planning Board at its meeting of September 15, 2022.


ROBERT SHORTMEYER

Hearing Date: ~~June 16, 2022~~
Carried to August 18, 2022

EXHIBIT LIST

Amended Preliminary & Final Major Site Plan Application - SP# 374-2-20
Variance Application - VAR# 020-20
Chesterfield Holding, LLC
Block 41.01, Lot 5.03 & Block 41, Lot 5.06 – 210 Harding Rd

ADMINISTRATIVE & TECHNICAL (APPLICANT)

- A-1 a. Application for Preliminary Approval - Major Site Plan
b. Application for Final Approval - Major Site Plan
c. Application for Variance
d. Minor Site Plan Checklist – Part A Submission Documents
e. Minor Site Plan Checklist – Part B Plat / Map Requirements
- A-2 Completeness Checklist Affidavit – Major Site Plan
- A-3 Major Site Plan Checklists Parts A & B Waiver Requests [2 pages], received 7/22/2020
- A-4 Consent of Owner/Consent to Inspect/Disclosure Statement, 3 pages
- A-5 Escrow Maintenance Form/W-9/Tax Statement
- A-6 Waiver of Statutory Time Limitations
- A-7 Completeness Review, prepared by Todd Brown, Township Planner, dated 9/24/2020
- A-8 Monmouth County Development Review Committee, Conditional Approval, dated 5/9/2022
- A-9 Freehold Soil Conservation District, Initial Application Review, dated 7/27/2020
- A-10 Architect's Certification of Square Footage, prepared by Michael Higgins, AIA, Marchetto Higgins Stieve, dated 1/20/2022
- A-11 DuBois & Associates, Freshwater Wetlands Application Notice & Map, dated 8/5/2020
- A-12 Flood Insurance Rate Map, Effective Date 9/25/2009, received 1/7/2022
- A-13 Architect Material Color Samples, 4 pages, prepared by Marchetto Higgins Stieve, dated 6/26/2020
- A-14 Overall Signing & Striping Plan, prepared by Andrew Jafolla, PE, Dynamic Traffic, revised 3/11/2022
- A-15 ALTA/NSPS Land Survey, prepared by John W. McCord, Sr., PLS, Clearpoint Services, dated 3/21/2021
- A-16 Architect Plans [21 sheets], prepared by Michael Higgins, AIA, of Marchetto Higgins Stieve, revised 1/20/2022
- A-17 Traffic Impact Study, prepared by Dynamic Engineering, revised 3/8/2022
- A-18 Stormwater Management Operation & Maintenance Manual, prepared by Joshua M. Sewald, PE, PP, of Dynamic Engineering, dated 4/2022

Chesterfield Holding, LLC - SP#474-2-20

Hearing Date: July 21, 2022

- A-19 Stormwater Management, Groundwater Recharge & Water Quality Analysis, prepared by Joshua M. Sewald, PE, PP, of Dynamic Engineering, revised 4/2022
- A-20 Water & Sanitary Sewer Engineer's Report, prepared by Joshua M Sewald, PE, PP, of Dynamic Engineering, revised 4/2022
- A-21 Color-Coded Overall Site Plan with Parking Breakdown, prepared by Dynamic Engineering, revised 4/7/2022
- A-22 Overall Demolition Plan, prepared by Joshua Sewald, PE, Dynamic Engineering, revised 4/5/2022
- A-23 Preliminary and Final Major Site Plan [24 sheets], prepared by Joshua Sewald, PE, PP, of Dynamic Engineering, revised 4/5/2022
- A-24 Previous Resolutions: Zoning Board of Adjustment – Application Var# 002-87
Zoning Board of Adjustment – Application Var# 014-84
Preliminary Site Plan Approval – SP 374-82
Final Site Plan Approval – SP 374-82
- A-25 Proof of Service
- A-26 Aerial Map Exhibit (board presented at PB mtg 6/16/2022)
- A-27 Overall Site Plan, Included in Exhibit Packet (board presented at PB mtg 6/16/2022)
- A-28 Rendering of Building 2 (board presented at PB mtg 6/16/2022)
- A-29 Rendering of Building 1 (board presented at PB mtg 6/16/2022)
- A-30 Architect Color Rendering, Front & Rear Elevations, Bldg. E1
(board presented at PB mtg 8/4/2022)
- A-31 Architect Color Rendering, Side Elevations, Bldg. E1 & E2
(board presented at PB mtg 8/4/2022)
- A-32 Architect Color Rendering, Front & Rear Elevations, Bldg. E2
(board presented at PB mtg 8/4/2022)

REPORTS/CORRESPONDENCE

- P-1 Memorandum from Timothy P. White, PE, Township Engineer, dated 5/17/2022
- P-2 Memorandum from Kate Keller, PP, Phillips, Preiss Grygiel, LLC, dated 5/25/2022
- P-3 Memorandum from Kyle A. Smith, PE, Mott MacDonald, dated 5/9/2022
- P-4 Memorandum from Edward Broberg, PE, T&M Engineering, dated 5/18/2022
- P-5 Memorandum from Nicholas Netta, AIA, Netta Architects, dated 1/31/2022
- P-6 Memorandum from Andrew Feranda, PE, Shropshire Associates, LLC, dated 6/2/2022
- P-7 Memorandum from Margaret B. Jahn, Township Health Officer, dated 11/3/2020
- P-8 Memorandum from Shaun Reilly, Township Fire Official, dated 1/24/2022

Chesterfield Holding, LLC - SP#474-2-20

Hearing Date: July 21, 2022

P-9 Memorandum from Tom Moskal, Township Environmental Commission, dated 10/14/2020

P-10 Memorandum from Greg Hanley, Licensed Tree Expert, dated 5/15/2022

MAYOR
Anthony J. Ammiano

TOWNSHIP OF FREEHOLD



TOWNSHIP COMMITTEE
Thomas L. Cook, Deputy Mayor
Lester A. Preston
Maureen Fasano
Alan C. Walker

"Preserving and Enhancing the Quality of Life"

September 25, 2024

Sal Alfieri, Esq.
Cleary Jacobbe Alfieri Jacobs LLC.
955 State Hwy 34, Suite 200
Matawan, NJ 07747

RE: TIME EXTENSION # 1
Amended Preliminary & Final Major Site Plan Application SP# 374-2-20
Variance Application VAR# 020-20
Chesterfield Holding, LLC
Block 41.01, Lot 5.03 & Block 41, Lot 5.06 – 210 Harding Rd

Dear Mr. Alfieri, Esq.

Enclosed herewith is a certified copy of the resolution adopted by the Freehold Township Planning Board. The resolution was adopted at the meeting held on September 19, 2024.

Sincerely,

Lori Bivona
Administrative Officer

Encls.

cc: Peter R. Valesi, Township Administrator (email)
Sanabel Abouzeina, Township Clerk (email)
Andrew Ball, Esq. (via email)
Toni F. Whalen, Davison Eastman & Munoz (via email)
Paul Vitale, Construction Official (email)
Matthew J. Bryant, Township Engineer
Laura Krontiris, Engineering (email)
Donna Butch, Engineering (email)
Todd Brown, Township Planner/Zoning Officer (email)
Matthew R. Barbieri, Tax Assessor (email)
Fire Prevention Bureau (email)
PB File /Resolution File/Geo-3-0/AX

PLANNING BOARD OF THE TOWNSHIP OF FREEHOLD

**RE: CHESTERFIELD HOLDINGS, LLC
APPLICATION FOR EXTENSION OF TIME OF AMENDED PRELIMINARY AND
FINAL SITE PLAN APPROVAL NO. 374-2-20 AND VARIANCE NO. 020-20**

MEETING DATE: SEPTEMBER 19, 2024

Mr. Shortmeyer offered the following Resolution and moved its adoption which was seconded by Mr. Ammiano.

WHEREAS, Chesterfield Holdings, LLC, hereinafter referred to as the "Applicant", is the owner of premises known as Lot 5.03 in Block 41.01 and Lots 5.04, 5.05, and 5.06 in Block 41 as shown on the Tax Map of the Township of Freehold and located at 210 Harding Road; and

WHEREAS, the Applicant has submitted an application for an extension of time of amended preliminary and final major site plan approval with variance for the development hereafter described; and

WHEREAS, the Planning Board considered the application at its public meeting of September 5, 2024; and

WHEREAS, the Freehold Township Planning Board carefully considered all of the evidence and exhibits presented and based thereon has made the following findings of fact and conclusions of law:

1. The Applicant received preliminary and final site plan approval via resolution dated September 15, 2022, to construct two (2) new three (3) story buildings, consisting of 99 new apartments, within an already-existing 172-unit garden apartment complex known as Chesterfield at Freehold. Thirty (30) of the new apartment units will be set aside for low- and moderate-income families in accordance with the Freehold Township Housing Element and Fair Share Plan.

2. The Freehold Township Planning Board, having reviewed the proposed application and having considered the impact of the proposed application on the Township and its residents to determine whether it is in furtherance of the Municipal Land Use Law, and having considered whether the proposal is conducive to the orderly development of the site and the general area in which it is located pursuant to the Land Use Ordinance of the Township of Freehold, hereby determines that the Applicant's request for an extension of time pursuant to N.J.S.A. 40:55D-52 should be granted for a period of one (1) year.

NOW, THEREFORE, BE IT RESOLVED by the Freehold Township Planning Board that the application for Extension of Time No. 1 for the amended preliminary and final site plan approval SP#374-2-20 and Variance No. 020-20, is hereby approved, subject, however, to the following:

SPECIFIC CONDITIONS

Applicant shall comply with all terms and conditions of previous approvals granted in this matter.

The Applicant is granted a one (1) year extension of protection expiring on September 15, 2025.

It is a condition of the approval granted by the Planning Board that the Applicant shall pay any additional escrow fees required under Section 190-10 of the Land Use Ordinance of the Township of Freehold in order to pay the expenses for professional services related to the application. Therefore, the Applicant shall not receive a signed subdivision plat, Deed of Subdivision, signed site plan, construction permit or Certificate of Occupancy for the development described herein, as the case may be,

unless and until the chief financial officer of the Township is satisfied that sufficient funds remain in the escrow account to pay the aforesaid expenses.

4. All taxes and assessments applicable to the subject premises shall be paid and current.

BE IT FURTHER RESOLVED that a copy of this Resolution certified by the Secretary of the Planning Board to be a true copy be forwarded to the Clerk of the Township of Freehold within ten days of today's date, and to the Applicant herein. Further, notice of this decision shall be published in accordance with the requirements of the Revised Statutes of the State of New Jersey and the Freehold Township Land Use Ordinance.

ROLL CALL

YES: Mr. Ammiano, Mr. Bruno, Mr. Levy, Mr. Pucci, Mr. Shortmeyer, Mr. Marion, Mr. Krok

NO:

ABSENT: Mr. Walker, Ms. Kurtz

ABSTAINED:

DISQUALIFIED:

DATED: September 19, 2024

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution which was passed by the Freehold Township Planning Board at its meeting of September 19, 2024.


ROBERT SHORTMEYER



Order Confirmation

Not an Invoice

Account Number:	1122027
Customer Name:	Freehold Township
Customer Address:	Freehold Township 1 Municipal PLZ Andrea DiGiovanni Freehold NJ 07728-3064
Contact Name:	Bivona
Contact Phone:	
Contact Email:	
PO Number:	

Date:	09/20/2024
Order Number:	10597415
Prepayment Amount:	\$ 0.00

Column Count:	2.0000
Line Count:	21.0000
Height In Inches:	0.0000

Product	#Insertions	Start - End	Category
ASB Asbury Park_Press	1	09/25/2024 - 09/25/2024	Public Notices
ASB local.app.com	1	09/25/2024 - 09/25/2024	Public Notices

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	\$53.48
Tax Amount	\$0.00
Service Fee 3.99%	\$2.13
Cash/Check/ACH Discount	-\$2.13
Payment Amount by Cash/Check/ACH	\$53.48
Payment Amount by Credit Card	\$55.61

Order Confirmation Amount

\$53.48

Ad Preview

NOTICE OF DECISION

Please take notice that the Freehold Township Planning Board adopted a Resolution granting a one-year extension of the site plan and variance approvals previously granted by the Planning Board to construct (2) new three-story buildings, consisting of 99 apartment units, 30 units reserved for low- and moderate-income families, which original resolution was memorialized on September 15, 2022, regarding applications SP 374-2-20 and VAR 020-20 for Chesterfield Holding, LLC, located at 210 Harding Rd, Block 41.01, Lot 5.03 & Block 41, Lot 5.06, in the Township of Freehold, Monmouth County, New Jersey. The Extension of Time Resolution was memorialized on September 19, 2024, is on file at the Planning Board office in the Municipal Building, One Municipal Plaza, Freehold, New Jersey.

TODD BROWN
Township Planner
Planning Board
(\$18.48)

Appendix 11
55 Jackson Mills Road - Approvals & Post Judgement Consent Order

**PLANNING BOARD OF THE TOWNSHIP OF FREEHOLD
RE: PIRHL DEVELOPERS, LLC
APPLICATION NO: 910-21**

PRELIMINARY MAJOR SITE PLAN APPROVAL WITH WAIVER

MEETING DATE: AUGUST 19, 2021

RESOLUTION

Mr. Preston offered the following Resolution and moved its adoption which was seconded by Ms.Jahn:

WHEREAS, PIRHL Developers, LLC, hereinafter referred to as the "Applicant" is the contract developer of the property known as Block 83, Lot 9 as shown on the Tax Map of the Township of Freehold, and located at 55 Jackson Mills Road; and

WHEREAS, the Applicant has applied to the Planning Board for Preliminary Major Site Plan Approval; and

WHEREAS, the Freehold Township Planning Board has the authority to exercise to the same extent and subject to the same restrictions all of the powers of the Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-25; and

WHEREAS, the Applicant gave notice pertaining to the public hearing to be held on said application in accordance with Revised Statutes of the State of New Jersey and Section 190-7 of the Freehold Township Land Use Ordinance; and

WHEREAS, pursuant to said notice a public hearing was conducted by the Freehold Township Planning Board at the Freehold Township Municipal Complex on August 19, 2021; and

WHEREAS, the Applicant presented the testimony of the following persons: Jay Kruse, P.E., Maurice Rached, P.E., Lara Schwager, Senior V.P. of Development for PIRHL and the project architect, Jaquelin Camp in support of the Application; and

WHEREAS, the Planning Board received certain exhibits into evidence which are enumerated in Schedule A to this Resolution; and

WHEREAS, the Freehold Township Planning Board carefully considered all of the evidence and exhibits presented and the questions and comments of interested property owners and based thereon has made the following findings of fact and conclusions of law:

1. Applicant seeks preliminary major site plan approval to permit the development of the site for a multi-family residential development consisting of four (4), 3-story residential buildings containing a total of sixty (60) units, with a 50% set aside for affordable households. In addition, a 2,210 s.f. community building, community play area and garden areas, with two storage areas and shared walking paths are proposed, with associated site improvements, including two signs and three refuse enclosures.
2. The premises are located in the ML-9 Zone and the uses proposed are permitted uses therein.
3. The proposed development complies with all lot, yard area and other bulk requirements applicable to the ML-9 Zone.
4. The Applicant has deferred submission of various checklist items until final approval, as noted in the reports of the Board professionals. The Board finds

that those items may be submitted as part of the Applicant's submission for final Major Site Plan approval.

5. The Applicant proposes a number of parking spaces which satisfies RSIS requirements, together with ten (10) additional "banked spaces". A review of the layout and efficacy of parking spaces and internal traffic circulation will be deferred until the final approval process.
6. The Applicant has requested a design waiver to permit the use of HDPE pipe outside of paved surface areas and the Board finds that such waiver request is reasonable and should be granted.

NOW, THEREFORE, BE IT RESOLVED by the Freehold Township Planning Board based on the foregoing findings of fact and conclusions of law that the application for preliminary major site plan approval with waiver known as case number 910-21 is hereby approved subject, however, to the following:

SPECIFIC CONDITIONS

1. All checklist items waived or deferred shall be submitted as part of an application for final Major Site Plan Approval, unless application for further waiver is made to and approved by the Board.
2. No trucks larger than box-type trucks shall be allowed on the site after the completion of construction.

GENERAL CONDITIONS

1. **Conditions and Agreements in Record.** Applicant shall comply with all requirements, agreements and conditions contained in the record of the proceedings in this matter including those set forth in the reports of the Freehold Township agencies, boards, commissions, and staff which have not been satisfied or specifically waived by the Board.
2. **Escrow Accounts.** It is a condition of the approval granted by the Planning Board herein that the Applicant shall pay any additional escrow fees required under Section 190-10 of the Land Use Ordinance of the Township of Freehold in order to pay the expenses for professional services related to the within application. Therefore, the Applicant shall not receive a signed subdivision plat, deed of Subdivision, signed site plan, construction permit or certificate of occupancy, nor shall the Applicant receive any other municipal authority to proceed with the development described herein unless and until the chief financial officer of the Township certifies that sufficient funds remain in the escrow account to pay the aforesaid expenses.
3. **Developer's Agreements.** In conjunction with any application for Final Approval, no site plan or subdivision plat shall be signed by the Chairperson, Secretary or Engineer unless and until the application shall enter into a developer's agreement with the Township Committee of the Township of Freehold associated with this development which agreement shall include provision for any water main or sewer extension required for

the project and shall further post such performance guarantees and deposits as shall be required in order to assure completion and maintenance of improvements required by the Land Use Ordinance of the Township of Freehold and this resolution to the extent permitted by N.J.S.A. 40:55D-53 as amended. The Applicant shall further have filed with the Clerk of Monmouth county all deeds of easement or other conveyances associated with the development to establish rights of way, access, utility location, sight triangles, conservation areas, landscape buffers and the like and shall provide such assurances of title as may be required by the Township Attorney. Further, in the event that any off-tract improvements are required in conjunction with the proposed development for which the Applicant is to pay a pro-rata share allocation of cost pursuant to Section 190-64 et seq. of the Freehold Township Land Use Ordinance as of the date of this Resolution and/or the Affordable Housing Agreement between the Applicant and the Township, then provision for such contributions shall be made in the Developer's Agreement.

4. **Availability of Public Water and Public Sewer.** In the event that the Township of Freehold is subject to any limitation on its water diversion rights, or if there shall be any moratorium or other restriction of whatever nature pertaining to public water supply or public sewer, then the within approval is expressly conditioned upon the ability of the Township

Committee of the Township of Freehold to provide these utilities to the proposed development.

5. **(Intentionally omitted).**

6. **Other Governmental Approvals.**

6.1 Monmouth County Planning Board. If the within application is subject to review and approval from the Monmouth County Planning board, and said approval has not been obtained, then the within approval shall be deemed to be conditioned upon the Applicant securing approval from the Monmouth County Planning Board. If Applicant has obtained conditional approval from the Monmouth County Planning Board then such County condition shall be satisfied as further conditions of this approval.

6.2 Freehold Soil Conservation District. If the within application is subject to the New Jersey Soil Erosion and Sediment Control Act, and the Applicant has not obtained certification of a soil erosion and sediment control plan from the Freehold Soil Conservation District, then the within approval shall be deemed to be conditioned upon the application securing certification of its soil erosion and sediment control plan.

6.3 Department of Environmental Protection. If the subject premises are affected by any freshwater wetlands, freshwater wetland transition areas, flood hazard and riparian lines, wetlands mitigation or buffer areas or any other condition requiring agency approval, then the

Applicant shall obtain from the state of New Jersey department of Environmental Protection all required letters of interpretation, permits or other authority necessary to permit the development to proceed.

The property is subject to a Wetlands Letter of Interpretation dated December 11, 2020. Further, if the Applicant required any stream encroachment permit from the New Jersey department of Environmental Protection, the securing of such permit shall be deemed to be a condition of this approval. If the Application involves public water service, the Applicant shall obtain permits as required from the N.J.D.E.P. Bureau of Safe Drinking Water relative to the extension of the Township water system. If the Application involves public sewer service, the Applicant shall obtain permits as required from the N.J.D.E.P. Division of Water Quality to extension of sanitary sewers of either the Township, Manasquan River Regional Sewerage Authority and Ocean County Utilities Authority or the Township and Western Monmouth Utilities Authority as applicable.

6.4 (Intentionally omitted).

7. **Modifications of Plans.** In the event that any other agency having jurisdiction over the application or any portion thereof requires modifications of the plans approved by the Freehold Township Planning Board, such modifications may require further action by the Planning Board and in no event shall the Freehold Township Planning Board be deemed to

have given authority for development of the project in any manner other than as shown on the approved plans herein. Any modifications to the plan submitted to other concerned governmental agencies shall simultaneously be submitted to the Planning Board.

8. **Storm Water Detention/Retention/Re-Charge Basins.** The Applicant will own the storm water management facilities, then at the time of acceptance by the Freehold Township Committee, the Applicant shall post with the Township of Freehold a maintenance guaranty for said facilities for a ten-year period as provided by the Freehold Township Land Use Ordinance and as calculated by the Freehold Township Engineer.

9. **(Intentionally omitted).**

10. **Taxes and Assessments.** All taxes and assessments applicable to the subject premises shall be paid and current.

11. **Restrictive Covenants.** Any restrictive covenant or other condition of record proposed to be included in deeds to purchasers shall be set forth on the final plat and a copy thereof shall be submitted to the Board for approval.

12. **Plan Revisions.** It is a condition of this approval that the Applicant submit to the Planning Board within 12 months of the date of the adoption of this resolution, except as may be further extended by the Board, the revised plats, maps, reports or other data containing the additions or corrections specified in the record of the proceedings including but not limited to those

additions or corrections set forth in the reports of Freehold Township agencies, boards, commissions and staff. No construction permits shall issue nor shall any further action whatsoever be taken on account of the application until this condition is met. Further, in the event that the correctly revised data is not submitted within the 12 month period aforesaid, the Planning Board may presume that the Applicant does not intend to submit the revisions and therefore upon notice to the Applicant, the approval shall be rendered null, void and of no further effect.

13. Breach of Conditions. Failure to satisfy any conditions set forth herein or a subsequent breach of any such condition or a failure by the Applicant to discharge any obligation hereunder will result in the reconsideration and possible revocation or rescinding of the within approval. A certification by the Freehold Township Engineer that the Applicant has breached any such conditions shall immediately terminate the right of the Applicant to obtain construction permits, certificates of occupancy or any other government authorizations necessary in order to continue or complete development of the project pending a hearing before the Freehold Township Planning Board regarding the breach.

14. Waiver regarding Installation of Sidewalks. If the Planning Board has granted a waiver for the installation of sidewalks in conjunction with this approval then, in accordance with Section 190-73 of the Freehold Township Land Use Ordinance, Applicant shall contribute sixty percent of the

reasonable cost of sidewalk installation as calculated by the Freehold Township Engineer to the sidewalk construction account of the Township.

15. **Lapse of Protection.** Pursuant to N.J.S.A. 40:55D-49, the statutory protections afforded by the within action shall expire three years from today's date.

BE IT FURTHER RESOLVED that a copy of this Resolution certified by the Secretary of the Planning Board to be a true copy be forwarded to the Clerk of the Township of Freehold with ten days of today's date, and to the Applicant herein. Further, notice of this decision shall be published in accordance with the requirements of the Revised Statutes of the State of New Jersey and the Freehold Township Land Use Ordinance.

ROLL CALL

YES: Mayor Cook, Mr. Bazzurro, Mr. Bruno, Mr. Gatto, Ms. Jahn, Mr. Preston, Mr. Shortmeyer, Mr. Levy and Mr. Pucci.

NO:

ABSENT: Mr. Kash, Mr. Coburn and Ms. Kurtz.

ABSTAINED:

DISQUALIFIED:

DATED: August 19, 2021

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution which was passed by the Freehold Township Planning Board at its meeting of August 19, 2021.



ROBERT SHORTMEYER

Hearing Date: August 19, 2021

EXHIBIT LIST

**Preliminary Major Site Plan Application # 910-21
PIRHL at Jackson Mills Road
Block 83, Lot 9 – 55 Jackson Mills Road**

ADMINISTRATIVE & TECHNICAL (APPLICANT)

- A-1 Application for Preliminary Approval Major Site Plan
- A-2
 - a. Minor Site Plan Checklist – Part A Submission Documents
 - b. Minor Site Plan Checklist – Part B Plat / Map Requirements
 - c. Checklist Waiver Request Letter
 - d. Affidavit of Completeness
- A-3 Application Addendum
- A-4 Freehold Township Planning Board's Declaration of Completeness dated 6/23/2021
- A-5 Consent of Owner/Consent to Inspect/Disclosure Statements
- A-6 Escrow Maintenance Form/W-9/Tax Statement
- A-7 Waiver of Statutory Time Limitations
- A-8 Environmental Summary, prepared by Michael Kovas with EcolSciences, Inc., revised 6/17/2021
- A-9 Freshwater Wetlands Letter of Interpretation: Line Verification, dated 12/11/20
- A-10 Traffic Assessment Letter and Report, prepared by Jeffrey M. Fiore, PE, with Colliers Engineering & Design, dated 6/16/2021.
- A-11 Water System Engineer's Report, by Jay S. Kruse, PE, with ESE Consultants, Inc., dated 7/30/2021.
- A-12 Sanitary Sewer System Engineer's Report, by Jay S. Kruse, PE, with ESE Consultants, Inc., dated 7/30/2021.
- A-13 Soils and Foundation Investigation Report, by Mark R. Denno, PE, with Melick-Tully & Associates, dated 6/17/2021.
- A-14 Stormwater Management Report, by Jay S. Kruse, PE, with ESE Consultants, Inc., revised 6/21/2021.
- A-15 Boundary and Topographic Survey, prepared by Suzanne E. Warren, PLS, dated 6/3/2021.
- A-16 Preliminary Major Site Plan [19 sheets], by Jay S. Kruse, PE, with ESE Consultants, Inc., revised 8/2/2021.
- A-17 Architectural Floor Plans and Elevations [11 sheets], prepared by Joseph W. Healy, AIA, with Wallace Roberts & Todd, LLC, dated 6/8/2021.
- A-18 Response letter to Professional Reports, by Jay S. Kruse, PE, with ESE Consultants, Inc., dated 8/3/2021.
- A-19 Proof of Service pkg

PHIRL at Jackson Mills Road (SP# 910-21)

Hearing Date: 8/19/2021

- A-20 Exhibit Site Location – Aerial Map (presented at PB meeting)
- A-21 Overall Landscape Plan Rendering Board (presented at PB meeting)
- A-22 Color Rendering of Proposed Buildings Board (presented at PB meeting)
- A-23 Color Rendering of Proposed Buildings Board (presented at PB meeting)

REPORTS/CORRESPONDENCE

- P-1 Memorandum from Timothy P. White, Township Engineer, dated 8/11/2021
- P-2 Memorandum from Kyle Smith, Mott MacDonald, dated 8/10/2021
- P-3 Memorandum from Dennis Dayback, T & M Associates, dated 8/5/2021
- P-4 Memorandum from Kate Keller, PP, Phillips, Preiss Grygiel, LLC, dated 8/10/2021
- P-5 Memorandum from Margaret B. Jahn, Township Health Officer, dated 7/1/2021
- P-6 Memorandum from Shaun Reilly, Township Fire Official, dated 8/5/2021
- P-7 Memorandum from Tom Moskal, Township Environmental Commission, dated 7/29/2020