

**RESOLUTION 2026-30
TOWNSHIP OF FRELINGHUYSEN
WARREN COUNTY, NEW JERSEY**

**RESOLUTION ENDORSING THE TOWNSHIP'S AMENDED 2025
HOUSING ELEMENT AND FAIR SHARE PLAN ADOPTED BY THE
TOWNSHIP PLANNING BOARD ON FEBRUARY 10, 2026**

WHEREAS, on January 27, 2025, in accordance with the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. and Administrative Office of the Courts Directive #14-24, the Township of Frelinghuysen adopted a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action entitled In the Matter of the Application of the Township of Frelinghuysen, Docket No.: WRN-L-50-25 ("2025 Action"); and

WHEREAS, on April 23, 2025, the Court entered an Order (the "Order") fixing the Township's Fourth Round fair share obligations as a Present Need of zero (0) units and a Prospective Need of thirty-nine (39) units, which no party appealed, and ordering the Township to adopt and upload to the Court by June 30, 2025 the Township's 2025 Housing Element and Fair Share Plan ("HEFSP"); and

WHEREAS, the Township timely filed its adopted HEFSP on June 19, 2025; and

WHEREAS, on August 31, 2025, Fair Share Housing Center ("FSHC") submitted correspondence requesting the Township provide additional documentation to support its HEFSP prior to approval by the Program and Court; and

WHEREAS, no other interested party filed a challenge or any other communication; and

WHEREAS, the Township timely submitted responsive documents, which were deemed by the Program and Court to meet the "objective standard" and comply with the Fair Housing Act and the Mount Laurel Doctrine, so long as the conditions set forth in the Order were met; and

WHEREAS, the Township and FSHC negotiated the terms of a Consent Order Conditional Compliance Certification ("Consent Order"), which was approved by the Township Committee at a Special Meeting held on January 8, 2026 and filed via eCourts on January 9, 2026; and

WHEREAS, the Consent Order requires the Township to provide certain administrative documents, including an amended HEFSP, to the Program and FSHC via eCourts no later than March 15, 2026; and

WHEREAS, on timely prior notice to the public, on February 10, 2026, the Township Planning Board adopted the Township's Amended HEFSP following a public hearing thereon, all in accordance with the requirements of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., N.J.S.A. 40:49-2.1 of the Home Rule Act and the applicable provisions of the Municipal

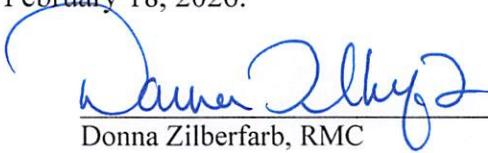
Land Use Law, N.J.S.A. 40:55D-1 et seq., and the Fair Housing Act, N.J.S.A. 52:27D-301 et seq.; and

WHEREAS, the Township Committee of the Township of Frelinghuysen has since reviewed the Amended HEFSP and now desires to endorse same.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen, in the County of Warren and State of New Jersey, as follows:

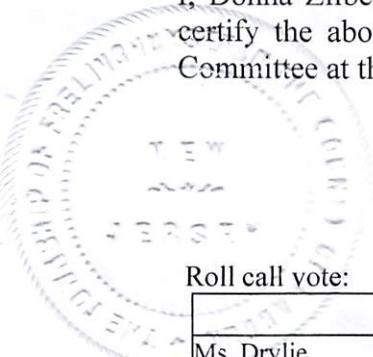
1. The Township does hereby endorse the Amended 2025 Housing Element and Fair Share Plan adopted by the Township Planning Board on February 10, 2026.
2. The Township Attorney is hereby directed to file the Amended HEFSP, this Resolution, and all additional required documentation, in accordance with the Consent Order.
3. Should any challenge to the Township’s Amended HEFSP be filed, the Township Attorney and Planner are hereby directed to defend the Township against such challenge(s) and take all necessary steps in furtherance thereof.
4. The Township Attorney, Planner and all other appropriate officials, employees and other professionals of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution such that the Township maintains its immunity from exclusionary zoning and builder’s remedy.
5. A certified copy of this Resolution and the Township’s Amended HEFSP shall remain on file with the Township for public inspection, and the Township Clerk is directed to upload this Resolution and Amended Fourth Round HEFSP to the Township’s website in accordance with the requirements of the FHA and Directive #14-24.
6. This Resolution shall take effect immediately

I, Donna Zilberfarb, Municipal Clerk of Frelinghuysen Township, Warren County, do hereby certify the above to be a true copy of a resolution adopted by the Frelinghuysen Township Committee at their Special Meeting of February 18, 2026.


 Donna Zilberfarb, RMC

Roll call vote:

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Ms. Drylie	x		x			
Mr. James			x			
Ms. Natyzak		x	x			
Mr. Perez			x			
Mr. Togno			x			



**ORDINANCE #2026-03
CALENDAR YEAR 2026**

AN ORDINANCE OF THE TOWNSHIP OF FRELINGHUYSEN AMENDING AND SUPPLEMENTING CHAPTER 20 “AFFORDABLE HOUSING” TO ENACT THE AFFORDABLE HOUSING SET-ASIDE REQUIREMENTS IN THE FAIR HOUSING ACT, SPECIFICALLY NJSA 52:27D-329.9

WHEREAS, the Fair Housing Act, specifically NJSA 52:27D-329.9, requires developments of newly constructed residential units located within the jurisdiction of any regional planning entity to require at least 20% of the residential units constructed to be reserved for occupancy by affordable households; and

WHEREAS, the Township of Frelinghuysen is located within the Highlands Region, which is one of the three state regional planning entities; and

WHEREAS, the Township of Frelinghuysen is located within the Planning Area of the Highlands Region where compliance is voluntary and to date, the Township has declined to voluntarily comply; and

WHEREAS, the Highlands Council published “Highlands Affordable Housing Implementation Guidelines” in October of 2024; and

WHEREAS, said Guidelines require the adoption of a “Highlands Affordable Housing Ordinance” to implement the standards of the Fair Housing Act, specifically NJSA 52:27D-329.9; and

WHEREAS, despite Frelinghuysen’s decision not to voluntarily comply with the Highlands Region, said lack of voluntary compliance does not absolve the Township from complying with NJSA 52:27D-329.9; and

WHEREAS, the Township seeks to comply with NJSA 52:27D-329.9 and believes it is in the best interests of the Township to adopt the Highlands Affordable Housing Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Frelinghuysen, in the County of Warren, that:

SECTION 1. Chapter 20 of the Code of the Township of Frelinghuysen entitled “Affordable Housing”, Section 5.3 entitled “Affordable Housing Programs” is hereby amended and supplemented by adding the following underlined text:

d. Highlands Affordable Housing Ordinance.

1. Any development consisting of five or more newly constructed residential units shall reserve for occupancy at least 20 percent (20%) of the residential units constructed for low- or moderate-income households.
2. Development exempt from the Highlands Act is not exempt from the 20% reservation requirement.
3. A minimum of thirteen percent (13%) of the affordable units shall be reserved for very-low-income households pursuant to section 7 of P.L.2008, c.46 (C.52:27D-329.1).

4. No density bonus or presumptive density increase over existing zoning shall be required to be granted by the municipality for the construction of the affordable housing units on site. Density bonuses or presumptive density increases may be provided through Fair Share Plans and implementing ordinances to address affordable housing needs of the municipality where inclusionary housing projects are selected as a compliance mechanism by the municipality.
5. Municipalities shall provide for the local review of the required 20% set aside of affordable units to be provided by requiring the submission of an Affordable Housing Production Plan in accordance with the following:
 - (a) An Affordable Housing Production Plan shall detail all issues related to affordable units and must be submitted to the municipality's Development Review Board at the time application is made for any development requiring affordable housing pursuant to this ordinance.
 - (b) The Affordable Housing Production Plan shall be a condition of the completeness determination and is hereby added to the submission requirements checklist for any new residential development or major residential subdivision proposing five or more new units.
 - (c) The Affordable Housing Production Plan shall include at a minimum the anticipated bedroom distribution, income split, anticipated administrative entity, tenure, maintenance obligations and any other information pertinent to the creation and long-term support of the affordable housing units.
 - (d) All Affordable Housing Production Plans shall be the subject of review by the municipality's Planning, Zoning, or Land Use Board for consistency with these guidelines and the municipality's certified Housing Element and Fair Share Plan.
 - (e) Compliance with the Fair Housing Act and the Affordable Housing Production Plan shall be a condition of any local approval.
 - (f) Any approval shall be accompanied by a requirement for a development agreement between the applicant and the municipality.
 - (g) The development agreement shall detail the responsibilities of all parties and shall include the phasing plan for the construction and occupancy of the affordable housing units.

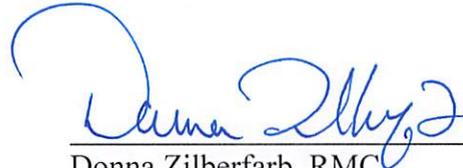
SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

SECTION 3. If any article, section, subsection, paragraph, phrase, or sentence is for any reason held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed separable.

SECTION 4. This Ordinance shall take effect immediately upon final passage and publication thereof according to law.

CERTIFICATION

I, Donna Zilberfarb, Municipal Clerk of the Township of Frelinghuysen, do hereby certify the above to be a true copy introduced by the Frelinghuysen Township Committee at a meeting held on January 21, 2026 and was adopted on final reading at the meeting of the Frelinghuysen Township Committee held on February 18, 2026 at 7:00 pm at the Municipal Building, 210 Main Street, Johnsonburg, New Jersey.



Donna Zilberfarb, RMC

Motion was made by Ms. Drylie to open for first reading for introduction, seconded by Ms. Natyzak.

Roll Call Vote for Introduction:

Ms. Drylie – Yes
Mr. James – Yes
Ms. Natyzak – Yes
Mr. Perez – Yes
Mr. Togno – Yes
Adoption will be February 18, 2026 at 7pm.

Motion was made by Ms. Drylie for adoption, seconded by Ms. Natyzak.

Roll Call Vote for Adoption:

Ms. Drylie – yes
Mr. James – yes
Ms. Natyzak – yes
Mr. Perez – yes
Mr. Togno –yes

#2026-02

CALENDAR YEAR 2026

AN ORDINANCE OF THE TOWNSHIP OF FRELINGHUYSEN AMENDING AND SUPPLEMENTING THE LAND DEVELOPMENT ORDINANCE TO PERMIT AFFORDABLE ACCESSORY APARTMENTS WITHIN THE AR-6 AGRICULTURAL RESIDENTIAL ZONE

WHEREAS, the Township of Frelinghuysen has a constitutional obligation to provide a realistic opportunity for the creation of affordable housing; and

WHEREAS, due to the lack of public water and sewer service areas most traditional affordable housing mechanisms cannot be implemented within the Township; and

WHEREAS, the Township Land Development Ordinance currently permits affordable accessory housing units as a conditional use; and

WHEREAS, the Township seeks to update the Land Development Ordinance and the regulations concerning affordable accessory housing units and specifically permit said units for agricultural workers and their families.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Frelinghuysen, in the County of Warren, that:

SECTION 1. Chapter LDC of the Code of the Township of Frelinghuysen entitled "Land Development Ordinance", Section 200 entitled "Definitions and Descriptions", subsection 201 entitled "Definitions" is hereby amended and supplemented to add the following underlined definition alphabetically and deleting text in ~~strikeout~~:

AFFORDABLE ACCESSORY APARTMENT

A self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site. Said apartment shall be occupied by an income qualified households and deed restricted for no less than ten years.

DWELLING UNIT

A room or series of connected rooms designed for permanent residency containing living, cooking, sleeping and sanitary facilities for one (1) housekeeping unit. The dwelling shall be self-contained and shall not require the use of outside stairs, passing through another dwelling unit or indirect route(s) to get to any portion of the dwelling unit, nor shall there be shared facilities with another housekeeping unit.

~~b. ACCESSORY APARTMENT~~

~~A second residential dwelling unit created within a single family dwelling; or a residential unit created within an accessory structure on a lot occupied by a residential dwelling unit, and meeting the requirements for accessory apartments set forth in this ordinance.~~

SECTION 2. Chapter LDO of the Code of the Township of Frelinghuysen entitled "Land Development Ordinance", Section 400 entitled "District Regulations", subsection 402 entitled

“AR-6 Agricultural Residential” is hereby amended and supplemented by adding the following underlined text and deleting text in ~~strikeout~~:

A. Principal Permitted Uses on Land and in Buildings.

~~7. Accessory apartments in single family detached dwellings or its accessory building on a residential lot, as Conditional Uses under N.J.S.A. 40:55D-67 (see Section 601 for standards).~~

B. Accessory Uses Permitted.

11. Affordable accessory apartments (See Section 601G for standards).

E. Area and Yard Requirements for All Residential Zones.

The table in Section LDO-402E is hereby amended to eliminate the entire column entitled “Accessory Apartment”.

SECTION 3. Chapter LDO of the Code of the Township of Frelinghuysen entitled “Land Development Ordinance”, Section 500 entitled “General Provisions and Design Standards”, subsection 501 entitled “Accessory Buildings and Structures” is hereby amended and supplemented by deleting the following text in ~~strikeout~~:

~~F. An accessory apartment, limited to not more than one thousand five hundred (1,500) square feet, shall be permitted on a Farmland Assessment qualified lot in the AR zone where there is no principal residential dwelling. Should the lot cease to meet Farmland Assessment qualifications, the accessory apartment shall be removed, or the accessory apartment shall be converted to a principal dwelling, or a principal residential dwelling unit (separate from, or incorporating the apartment and otherwise conforming to the requirements of the AR zone) shall be erected on the lot within one (1) year of such cessation.~~

SECTION 4. Chapter LDO of the Code of the Township of Frelinghuysen entitled “Land Development Ordinance”, Section 600 entitled “Exceptions, Modifications and Development Alternatives”, subsection 601 entitled “Conditional Uses” is hereby amended and supplemented by adding the following underlined text and deleting text in ~~strikeout~~:

G. Affordable Accessory Apartments.

1. Affordable accessory apartments shall be permitted within the AR-6 Zone on lots with a tax classification of “3A” or “3B”. ~~One (1) additional dwelling unit may be created on lots in the “AR-3” or “AR-4” zone by the addition of an accessory apartment within a single family dwelling or within an accessory structure located on a lot which contains an existing residential dwelling and which meets all of the requirements specified herein.~~

2. Said property must meet the minimum lot size requirement of the AR-6 Zone (6 acres). ~~In order to create an accessory apartment under the provisions of this section, the following minimum lot area shall be required:~~

~~Four (4) acres in the “AR-3” zone; and~~

~~Five acres in the “AR-4” zone.~~

3. Accessory apartments shall comply with the minimum accessory building setbacks and building coverage limitations of the AR-6 Zone (see Section 402E.). New affordable accessory apartment structures shall be limited to one story in height and 18 feet tall. The requirements for lot frontage, width, depth, coverage and all setbacks shall be as required for a single family dwelling in the zone.
4. Two (2) off-street parking spaces shall be provided for an affordable accessory apartment. per dwelling unit shall be provided.
5. Adequate sewage disposal and water supply shall be provided as approved by the Board of Health.
6. An affordable accessory apartment shall be no larger than 750 square feet. twenty-five percent (25%) of the net habitable floor area of the dwelling unit and a minimum of five hundred (500) square feet.
7. An affordable accessory apartment shall have at least two (2) rooms and shall have sanitary facilities, cooking facilities and a kitchen sink for the exclusive use of its occupants.
8. Affordable accessory apartments can be created within an existing home, through the conversion of an existing accessory structure, by an addition to an existing home or accessory building, or through the construction of a new accessory building. Each and every dwelling unit shall have direct access to the outdoors or to a hall from which there is direct access to the outdoors.
9. Occupants of the affordable accessory apartment must be income-qualified affordable households and at least one member of the household must be an employee of the farm where the housing unit is located. This does not include any lineal descendant of the farm owner or operator. Any application for creation of an apartment involving the enlargement of an existing dwelling shall be evaluated in terms of the need for adequate space for the apartment and remaining residential unit, and/or creation of adequate facilities for both units, and/or adequate access to both units. In any case, the area of the accessory apartment shall be no more than twenty-five percent (25%) of the net habitable floor area of the existing building.
10. In exchange for a one-time payment of \$35,000 from the Affordable Housing Trust Fund, the property must record a minimum 10-year deed restriction in a format acceptable to the Township's professionals. An accessory apartment may be created within an accessory structure located on a lot which contains an existing residential dwelling and which meets all of the requirements set forth herein. Such an apartment may be no larger than twenty-five percent (25%) of the net habitable floor area of the existing dwelling and the space to be converted for residential use.
11. A maximum of five affordable accessory apartments are permitted within the AR-6 Zone.

SECTION 5. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

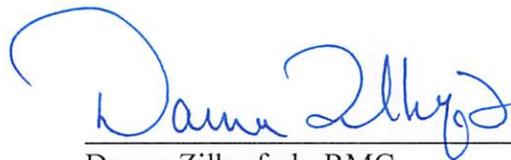
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Donna Zilberfarb, RMC

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Roll Call Vote for Introduction:

- Ms. Drylie – Yes
- Mr. James – Yes
- Ms. Natyzak – Yes
- Mr. Perez – Yes
- Mr. Togno – Yes

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Roll Call Vote for Adoption:

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- Mr. Togno – yes