



RAINONE
COUGHLIN
MINCHELLO
ATTORNEYS AT LAW

Louis N. Rainone
Craig J. Coughlin*
David L. Minchello
Ronald H. Gordon
Carol A. Berlen
John F. Gillick
Brian P. Trelease*
Claudia Marchese
Matthew R. Tavares*
Sapana Shah*Δ
Michael R. Burns †
Christopher D. Zingaro
John P. Harrington
Harlynn A. Lack*

Thomas Schoendorf
Frank J. Dyevoich*
Lonnie J. Hinton, Jr.,
Aaron L. Rainone
Michael M. Wuest*
Scott A. Aitken, Jr.
Allan C. Zhang*

* Also admitted in New York
Δ Also admitted in DC
† Also admitted in Pennsylvania

CZingaro@NJRCMLAW.com

January 30, 2025

Via eCourts and Regular Mail

Clerk, Law Division
Somerset County Courthouse
Civil Case Management
PO Box 3000
Somerville, New Jersey 08876

**Re: In the Matter of the Application of the Township of Franklin
Declaratory Judgment Filing Pursuant to Directive No. 14-24
Our File No.: 4.03-0009**

Dear Sir or Madam:

Please be advised that this office represents Declaratory Plaintiff, Township of Franklin (the "Township") in connection with the above referenced matter. Enclosed, please find a copy of a Declaratory Judgment Action filed by the Township with the Affordable Housing Dispute Resolution Program in connection with the Township's affordable housing obligations for the Fourth Round. The within is filed pursuant to N.J.S.A. 52:27D-304.1, et seq. and Directive No. 14-24 of the Administrative Offices of the Courts.

555 U.S. Highway One South
Suite 440
Iselin, New Jersey 08830

Tel:(732)709-4182
Fax(732) 791-1555
www.njrcmlaw.com

RAINONE COUGHLIN MINCHELLO

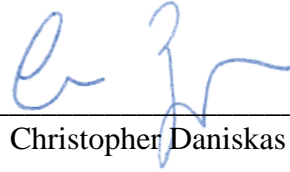
January 30, 2025

Page 2

Very truly yours,

RAINONE COUGHLIN MINCHELLO, LLC

By:



Christopher Daniskas Zingaro, Esq.

Encls.

cc: Department of Community Affairs, Division of Local Government Services,
(via *Certified and Regular Mail*)
Fair Share Housing Center, (via *Certified and Regular Mail*)

Louis N. Rainone, Esq. – (ID# 021791980)
Christopher D. Zingaro, Esq. – (ID#264412018)
RAINONE COUGHLIN MINCHELLO, LLC
555 U.S. Highway 1 South, Suite 440
Iselin, New Jersey 08830
Phone: 732-709-4182
Fax: 732-791-1555
Attorneys for Declaratory Plaintiff, Township of Franklin

IN THE MATTER OF THE APPLICATION
OF THE TOWNSHIP OF FRANKLIN,
COUNTY OF SOMERSET, A Municipal
Corporation of the State of New Jersey

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
SOMERSET COUNTY

DOCKET NO.: _____

CIVIL ACTION

**COMPLAINT FOR DECLARATORY
JUDGMENT PURSUANT TO N.J.S.A.
52:27D-301, ET SEQ. AND AOC
DIRECTIVE #14-24**

Declaratory Plaintiff, Township of Franklin, a municipal corporation and body politic organized under the laws of the State of New Jersey, with principal offices located at 475 DeMott Lane Somerset, New Jersey, 09973, by way this Declaratory Judgment Action (the “DJ Action”), alleges and says the following:

BACKGROUND

1. Declaratory Plaintiff, Township of Franklin (“Township” or “Franklin”) is a body politic and corporate organized under the laws of the State of New Jersey.
2. On March 20, 2024, Governor Murphy signed into law Bill A4/S50 (P.L. 2024, c.2), which amends the New Jersey Fair Housing Act, P.L. 1985, c.222 (N.J.S.A. 52:27D-301, et seq.) (the “Amended FHA”).

3. Pursuant to the Amended FHA, municipalities are required to determine the Present Need obligation and Prospective Need obligation of their fair share of the regional need for affordable housing (“Fair Share Obligation”) during the 10-year period beginning on July 1, 2025 (the “Fourth Round”).

4. Pursuant to the Amended FHA, should a municipality determine its Fair Share Obligation by January 31, 2025, the municipality’s determination shall be established by default and shall bear a presumption of validity beginning on March 1, 2025, unless challenged by an interested party on or before February 28, 2025.

5. Pursuant to the Amended FHA, any challenge to a municipality’s determination must be initiated through the Affordable Housing Alternative Dispute Resolution Program (the “Program”), explain with particularity how the municipality’s calculation fails to comply with N.J.S.A. 52:27D-304.2 and 52:27D-304.3, and include the challenger’s own calculation of the municipality’s Fair Share Obligation in compliance with said sections.

6. On October 18, 2024, the New Jersey Department of Community Affairs (the “DCA”) published a report with an estimate of the fair share affordable housing obligations of all municipalities, which, pursuant to the Amended FHA, shall not be binding on a municipality when calculating a municipality’s respective Fair Share Obligation (the “DCA Report”).

7. On January 28, 2025, upon receipt of the recommendations and findings of Franklin’s professionals, the Township Council of the Township of Franklin adopted a duly authorized Resolution determining Franklin’s Fair Share Obligation for the Fourth Round, which consists of a Present Need obligation of two hundred and sixty-eight (268) units and a Prospective Need obligation of six-hundred and twenty-three (623) units. A copy of said Resolution, along with the findings of the Franklin’s professionals, is attached to this DJ Action as **Exhibit A**.

8. Pursuant to the Amended FHA and Directive No. 14-24 of the Administrative Offices of the Courts, Franklin has filed this DJ Action with the Program to: (a) secure the jurisdiction of the Program and the Court; (b) establish Franklin's presumptively valid calculation of its Present Need and Prospective Need obligations, as set forth in the duly adopted Resolution attached as Exhibit A; (c) obtain issuance of a "Compliance Certification" following Franklin's preparation and submission of a Housing Element and Fair Share Plan ("HEFSP"), which shall in part grant immunity to Franklin from all exclusionary zoning litigation, including builder's remedy lawsuits, for the Fourth Round, i.e. through June 30, 2035; (d) to the extent not automatically granted pursuant to the Amended FHA, confirm Franklin's continuing immunity from all exclusionary zoning litigation, including builder's remedy lawsuits, during the pendency of the process established by the Amended FHA for establishing a Fair Share Obligation, preparing a HEFSP, and securing a Compliance Certification; and (e) secure all other relief appropriate to ensure Franklin receives and obtains all protections afforded by the Amended FHA, including, but not limited to all immunities and presumptions of validity necessary to satisfy Franklin's affordable housing obligations voluntarily without having to endure the expense and burden of unnecessary third party litigation.

COUNT ONE

DECLARATORY RELIEF ESTABLISHING THE PRESENT AND PROSPECTIVE NEED OF THE TOWNSHIP OF FRANKLIN PURSUANT TO N.J.S.A. 52:27D-304.1, ET SEQ.

9. Franklin repeats and incorporates herein each and every allegation set forth in the previous paragraphs as if set forth herein in full.

10. Pursuant to N.J.S.A. 52:27D-304.1, et seq., Franklin, by way of this DJ Action, seeks the confirmation of the Program and the Court of its Present and Prospective affordable housing obligations set forth in the binding Resolution attached hereto and made a part hereof as **Exhibit A**.

11. Franklin reserves its right to revise its Fair Share Obligation in the event that a decision of a court of competent jurisdiction, or an action by the New Jersey Legislature, alters the Amended FHA or the meaning of the Amended FHA.

12. Franklin reserves its right to take a Vacant Land Adjustment or Durational Adjustment, which may result in a reduction to the Township's Fair Share Obligation.

WHEREFORE, Franklin seeks a declaratory judgment for the following relief:

A. Declaring that Franklin is properly within the jurisdiction of Program and the Court for the purpose of establishing its Fair Share Obligation.

B. Declaring, pursuant to N.J.S.A. 52:27D-304.1(f), that Franklin's affordable housing obligations for the Fourth Round consists of a Present Need obligation of two hundred and sixty-eight (268) units and a Prospective Need obligation of six-hundred and twenty-three (623) units.

C. Declaring that Franklin is entitled to immunity from all exclusionary zoning litigation, including builder's remedy lawsuits, during the pendency of the process established by the Amended FHA for establishing a Fair Share Obligation, preparing a HEFSP.

D. Such other relief that the Program and Court deems just and proper.

COUNT TWO

**DECLARATORY RELIEF APPROVING THE TOWNSHIP OF FRANKLIN'S
HOUSING ELEMENT AND FAIR SHARE PLAN PURSUANT TO N.J.S.A. 52:27D-
304.1, ET SEQ.**

13. Franklin repeats and incorporates herein each and every allegation set forth in the previous paragraphs as if set forth herein in full.

14. In compliance with the Amended FHA, Franklin prepare a HEFSP demonstrating compliance with the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.) and the Mount Laurel doctrine, which said HEFSP shall apply, as appropriate, any applicable adjustments, including but not limited to a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); and/or an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; an adjustment based upon any ruling in litigation involving affordable housing obligations; and any other applicable adjustments permitted in accordance with the Act and/or applicable regulations.

15. Upon the adoption of the HEFSP by the Planning Board of the Township of Franklin, Franklin shall file it with the Court and submit it to the Program.

16. After such filing, Franklin will seek approval of the HEFSP issuance of the relief set forth below.

WHEREFORE, Franklin seeks a declaratory judgment for the following relief:

- A. Declaring the approval of Franklin HEFSP.
- B. Declaring that Franklin is constitutionally compliant and issuing a Compliance Certification, with the force and effect of a Judgment of Compliance and Repose, or such other protections as afforded to Franklin in complying with the requirements of the Amended FHA,

including but not limited to all immunities and presumption of validity, for the Fourth Round, i.e. the period beginning July 1, 2025 and ending June 30, 2035.

C. Declaring and issuing immunity to Franklin from all exclusionary zoning litigation, including builder's remedy lawsuits, for the Fourth Round, i.e. the period beginning July 1, 2025 and ending June 30, 2035.

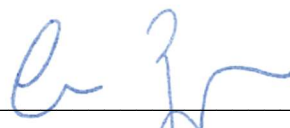
D. For such other relief as the court deems just.

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, notice is hereby given that Louis N. Rainone, Esq. and Christopher D. Zingaro, Esq. are designated as trial counsel in the above captioned matter.

RAINONE COUGHLIN MINCHELLO, LLC
Attorneys for Declaratory Plaintiff,
Township of Franklin

Dated: January 29, 2025

By: 

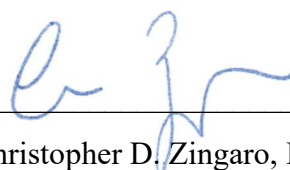
Christopher D. Zingaro, Esq.

CERTIFICATION PURSUANT TO R. 4:5-1

Pursuant to R. 4:5-1, I hereby certify that to the best of my knowledge: (1) the matter in controversy is not the subject of another action pending in this Superior Court; (2) no other action or arbitration proceeding is contemplated; and (3) no other necessary party to be joined in this litigation is presently known to counsel. Further, I hereby 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).

RAINONE COUGHLIN MINCHELLO, LLC
Attorneys for Declaratory Plaintiff,
Township of Franklin

Dated: January 29, 2025

By: 

Christopher D. Zingaro, Esq.

EXHIBIT A
(Resolution)



Resolution #25-069
1/28/2025

RESOLUTION - ADOPTING THE TOWNSHIP OF FRANKLIN'S PRESENT NEED AND PROSPECTIVE NEED FOR THE FOURTH ROUND OF AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, on March 20, 2024, Governor Murphy signed into law Bill A4/S50, codified as P.L. 2024, c.2 (the "**Amended FHA**"), which amends the New Jersey Fair Housing Act, P.L. 1985, c.222 (N.J.S.A. 52:27D-301, et seq.) and other related housing laws; and

WHEREAS, pursuant to the Amended FHA, municipalities are required to determine the Present Need obligation (Rehabilitation) and Prospective Need obligation (New Construction) of their fair share of the regional need for affordable housing ("**Fair Share Obligation**") during the 10-year period beginning on July 1, 2025 (the "**Fourth Round**"); and

WHEREAS, pursuant to the Amended FHA, should a municipality determine its Fair Share Obligation by January 31, 2025, the municipality's determination shall be established by default and shall bear a presumption of validity beginning on March 1, 2025, unless challenged by an interested party on or before February 28, 2025; and

WHEREAS, pursuant to the Amended FHA, any challenge to a municipality's determination must be initiated through the Affordable Housing Alternative Dispute Resolution Program (the "**Program**"), explain with particularity how the municipality's calculation fails to comply with N.J.S.A. 52:27D-304.2 and 52:27D-304.3 and include the challenger's own calculation of the fair share obligations in compliance with said sections; and

WHEREAS, on October 18, 2024, the New Jersey Department of Community Affairs (the "**DCA**") published a report with an estimate of the fair share affordable housing obligations of all municipalities, which, pursuant to the Amended FHA, may be taken into consideration by a municipality but shall not be binding on a municipality when calculating a municipality's respective Fair Share Obligation; and

WHEREAS, the Township of Franklin (the "**Township**"), with the assistance of its professionals, has determined its Fair Share Obligation for the Fourth Round based upon the methodology set forth in the Amended FHA, which included consideration of the DCA's calculations and analysis; and

WHEREAS, the Township Council of the Township of Franklin (the "**Township Council**") has reviewed the findings of the Township's Planning Director, Mark Healey, PP/AICP, which is described in **Exhibit A** attached hereto, and adopts a Fair Share Obligation for the Fourth Round consisting of a Present Need obligation of 268 units and a Prospective Need obligation of 623 units; and

WHEREAS, in accordance with N.J.S.A. 52:27D-311(m) of the Amended FHA, the Township reserves its right to take a vacant land adjustment, which may result in a reduction to the new construction portion of its Fair Share Obligation; and

WHEREAS, the Township reserves its right to revise its Fair Share Obligation downwards in the event a decision of a court of competent jurisdiction, or an action by the New Jersey Legislature, would result in a lower calculation of an obligation for the Township; and

WHEREAS, the Amended FHA requires municipalities to satisfy various administrative and procedural requirements in connection with the adoption of a municipality's Fair Share Obligation, including but not limited to the publication of this Resolution to the Township's publicly accessible Internet website and the filing of an action with the Program through the Judiciary's electronic filing systems, within forty-eight (48) hours of the adoption of this Resolution; and

Franklin Township

In Somerset County



WHEREAS, the Township Council directs the Township Clerk to satisfy all required notice and publications requirements, and authorizes the Township and its professionals to take all actions required to file the necessary action with the Program.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin that the:

1. The foregoing recitals are hereby incorporated by reference as if fully set forth herein.
2. The Township of Franklin's Fair Share Obligation for the Fourth Round of affordable housing obligations consists of a Present Need obligation of 268 units and a Prospective Need obligation of 623 units.
3. The Township reserves its right to take a vacant land adjustment, which may result in a reduction to the new construction portion of its Fair Share Obligation.
4. The Township reserves its right to revise its Fair Share Obligation in the event that a decision of a court of competent jurisdiction, or an action by the New Jersey Legislature, would result in a lower calculation of an obligation for the Township.
5. The Municipal Clerk be and is hereby directed to forward a copy of this Resolution to the Department of Community Affairs and to publish a copy to the Township's publicly accessible Internet website within forty-eight (48) hours of the adoption of this Resolution.
6. The Township be and is hereby directed to file an action with the Affordable Housing Alternative Dispute Resolution Program regarding this Resolution in compliance with the Amended FHA, and the Mayor and Township Clerk are authorized to execute any and all documents required for said purpose.
7. This Resolution shall take effect immediately.

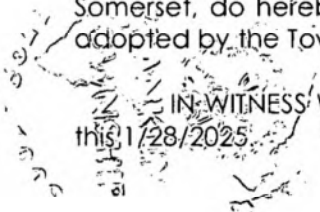
SO RESOLVED, as aforesaid.

CERTIFICATION

I, Ann Marie McCarthy, Township Clerk of the Township of Franklin, in the County of Somerset, do hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the Township Council at a Work Session/Regular Meeting held on the 1/28/2025.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of said Township this 1/28/2025

Ann Marie McCarthy
Township Clerk



Franklin Township

Somerset County, New Jersey



Municipal Building
475 DeMott Lane
Somerset, NJ 08873
732.873.2500

Fax: 732.873.0844
www.franklintwpnj.org

DEPARTMENT OF PLANNING AND ZONING
Planning – Zoning – Affordable Housing
Planning Board – Zoning Board of Adjustment

MEMORANDUM

To: Franklin Township Mayor and Council

From: Mark A. Healey, PP/AICP
Director of Planning/ Municipal Housing Liaison

Date: January 13, 2025

Re: 2025-2035 Affordable Housing Obligation

As you are aware, last year the State adopted updates to the State's affordable housing laws. The bill (A-4/S-50) establishes a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the State's Fair Housing Act.

The Department of Community Affairs (DCA) has published "non-binding" calculations of municipalities' **Present Need** and **Prospective Need**¹ for affordable housing (for the "4th Round Period of 2025-2035) using a formula based on prior court decisions.

Disputes about municipalities' affordable housing obligations and plans to meet those obligations will be resolved by the Judiciary via a new dispute resolution program.

DCA's "Non Binding" Calculations of Need

As mandated by the bill and following the methodology established by the bill, the DCA has calculated Fourth Round (years 2025-2035) regional and municipal **Present Need** and **Prospective Need** fair share housing obligations.

- *Present Need (aka, Rehab. Obligation)*: Starting with a State and Regional² Present Need of 65,410 and 7,073 units respectively, DCA has calculated **Franklin's Present Need** to be **268** units for the 2025-2035 period.

¹ "Present Need" refers to the number of *existing units* occupied by low- and moderate-income households that are in need of rehabilitation. "Prospective Need" refers to the *creation of new* affordable units.

² Franklin is located in Region 3 (consisting of Somerset, Middlesex and Hunterdon Counties)

- *Prospective Need*: Starting with State and Regional Prospective Need of 84,698 and 11,604 units respectively, DCA has calculated **Franklin's Prospective Need** to be **714** for the 2025-2035 period.

Establishing Municipal Present and Prospective Need

The bill established a deadline of 1/31/25 for municipalities to opt into the Affordable Housing Dispute Resolution Program (AHDRP or the "Program") by adopting their determinations of Fourth Round Present Need and Prospective Need obligations by "binding resolution" of the governing body. The bill indicates that adoption of this "binding resolution" will protect the Township from exclusionary zoning litigation (aka, "builder's remedy lawsuits") and the Township would retain this protection provided it continues to comply with subsequent requirements and deadlines (e.g., filing of the Fair Share Plan, etc.).

Importantly, the *bill permits a municipality to diverge from DCA's calculations in determining its obligations as long as it adheres to the methodology established by the bill* (hence the reason why DCA's calculated obligations are referred to as being "non-binding").

Below I set forth my analysis and recommendations regarding the Township's obligations.

First, I should provide a general overview of how the DCA determined the Township's obligations (concentrating on **Prospective Need**).

- **Regional Need** - Calculated based on 40% of the change in regional household growth between the 2010 and 2020 censuses ($29,009 \times .40 = 11,604$)
- **Municipal Need** - Determined based on each municipality's regional share of three "factors"
 - *Equalized Nonresidential Valuation Factor* - the municipal share of the regional increase in equalized nonresidential valuation between 1999-2023
 - *Income Capacity Factor* – measures the extent to which a municipality's income level differs from that of the lowest-income municipality in its housing region
 - *Land Capacity Factor* – the municipal share of "developable" land in the housing region

These three factors are then averaged resulting in the "average allocation factor" which is then multiplied by the regional obligation to determine the *municipal* Prospective Need (i.e., municipal "average allocation factor" x regional obligation = municipal obligation). DCA calculated Franklin's "average allocation factor" to be 6.15%, which when multiplied by the regional obligation of 11,604 results in a municipal **Prospective Need** of **714**.

Table 1: DCA Calculation of Prospective and Present Need Obligations

land capacity factor		nonres. value factor	income capacity factor	average allocation factor	Prospective Need	Present Need
Franklin developable acres	472.8					
Franklin % of regional developable acres	4.58%	10.76%	3.11%	6.15%	714	268
Regional developable acres	10,324					

As indicated above, *the bill permits a municipality to diverge from DCA's calculations in determining its obligations as long as it adheres to the methodology established by the bill.*

In my opinion, several of the factors are difficult to challenge. DCA's calculation of **Present Need** and the **Income Capacity Factor** are based on Census data which is difficult to refute. DCA's calculation of the **Equalized Nonresidential Valuation Factor** is also difficult to refute as its based on municipal-reported tax assessment data.

However, DCA's calculation of the Township's **Land Capacity Factor** contains numerous errors that should be corrected to identify a more accurate determination of the Township's fair share of regional need.

As indicated in Table 1 above, DCA calculated a total of 472.8 acres of "developable"³ land in the Township, comprised of 201 different "developable" areas.

I have reviewed each of the 201 "developable" areas identified by the DCA and have evaluated whether each should be included towards the Township's "land capacity factor" consistent with the methodology outlined in the bill and consistent with the analysis employed by the DCA. This evaluation was based on my knowledge of the Township as the Township's planner for nearly 20 years and was based on several factors including but not necessarily limited to an evaluation of: ownership and use; Township tax maps and tax data; up-to-date satellite imagery; development-approval status. Each area was identified in one of the following three categories:

- "Yes" – Those areas which should be included towards the Township's "land capacity

³ It is important to note that DCA's identification of "developable" areas is NOT intended to imply that the individual identified areas are each appropriate for the development of affordable housing. Instead, the identification of "developable" areas was DCA's methodology of comparing the *relative amount of "developable" area from municipality-to-municipality* as one of the three factors in distributing the regional housing need. Likewise, *the results of my analysis should not be construed as an identification of properties necessarily suitable for the development of affordable housing.*

factor”

- “No” – Those areas which should not be included towards the Township’s “land capacity factor”
- “Partial” – Those areas where a portion of the area should be excluded towards the Township’s “land capacity factor”

Both Table 3 and the “Vacant Land Evaluation” map at the end of this report identify the category for each of DCA’s 201 identified areas (“Yes”, “No” or “Partial”).

Table 3, under the column entitled “Notes”, provides commentary why areas were excluded either entirely (“No”) or excluded in-part (“Partial”).

For those areas excluded *in whole* (“No”), reasons for exclusion included:

- Open space or farmland preserved by the Township, County or State;
- A number of sites that have received recent development approval or have been recently developed;
- Detention basin sites;
- Within developed sites that do not significantly exceed required lot area;
- Preserved open space;
- Open space areas of cluster subdivisions;
- Utility easements

Further, a few areas were excluded *in-part* (i.e., “Partial”). With respect to these areas: one area encompassed two tax lots – one which was the subject of a recent development approval while the portion of the area in the other was included in the “developable” acreage; and a recent Township-acquired site (where the portion funded by Township open space funds was excluded from the “developable” acreage, while the remainder was included).

The evaluation described above indicates that the total “developable” acreage that should be counted towards the Township’s “land capacity factor” is **226.09 acres**.

With the reduction in “developable” acreage to 226.09 acres, Table 2 shows the resulting changes in the Township’s “land capacity factor” and “average allocation factor” as well as the commensurate change in regional developable acres. These changes result in an adjusted municipal **Prospective Need** of **623 units** for Franklin.

Table 2: Revised Calculation of Prospective and Present Need Obligations⁴

land capacity factor	nonres value factor	income capacity factor	average allocation factor	Prospective Need	Present Need
Franklin developable acres: adjusted	225.86				
Franklin % of regional developable acres; adjusted	2.24%	10.76%	3.11%	623	268
Regional developable acres; adjusted	10,077				

Should the Township opt into the “Program” I would recommend that the Council adopt a resolution setting forth the following obligations (with reference to this report):

- **Present Need: 268 units**
- **Prospective Need: 623 units**

It is noted that the bill requires filing of the resolution with the State no later than 48 hours following adoption and requires that the municipality also publish the resolution on its website.

It should be noted that the bill establishes the following timelines:

- **2/28/25:** Deadline for an interested party to file a challenge to the Township’s determination of present and prospective obligations
- **3/31/25:** Deadline the “Program” to resolve disputes over challenges to municipal fair share determinations
- **6/30/25: Deadline for municipalities to adopt and file a Fair Share Plan with the “Program”**
- **8/31/25:** Deadline for filing challenges to an adopted Fair Share Plan claiming that it is not in compliance with the Fair Housing Act and the Mount Laurel Doctrine
- Additional deadlines should the municipality’s Fair Share Plan be challenged.

⁴ It should be noted that the “adjusted” vacant acreage of 225.86 acres for the Township was input into the State-wide spreadsheet (link below). Input of this adjusted municipal acreage generated a revised municipal “land capacity factor” (2.24%), a revised regional “developable” acreage figure (10,077); a revised “average allocation factor” (5.37%) and an adjusted Prospective Need obligation of 623. Using DCA’s spreadsheet (with the sole change being the revised figure for Township “developable” area) ensured that all methodology employed by the DCA remained intact. https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fnj.gov%2Fdca%2Fdtps%2Fpdf%2FFourthRoundCalculation_Workbook.xlsx&wdOrigin=BROWSELINK

Table 3: Evaluation of "Developable" Areas

State ID	Area	Weight Factor (per DCA)	Weighted Area (square feet)	Include? (Y/N)	Included Area (square feet)	Included Area (acres)	Notes
32843	3137	0.5	1569	N	0	0.00	Very small area of residential side yard and/or Township-preserved open space; silver
32844	6593	0.5	3296	N	0	0.00	Inaccessible; within powerline easement
32845	8641	0.5	4321	N	0	0.00	Inaccessible; within powerline easement
32846	2986	0.5	1493	N	0	0.00	Very small area of residential side yard and/or Township-preserved open space; silver
32847	680531	0.5	340266	Y	340266	7.81	
32848	48374	0.5	24187	N	0	0.00	Inaccessible; within powerline easement
32849	151774	0.5	75887	N	0	0.00	Inaccessible, no road frontage, surrounded by State-preserved open space
32850	45092	0.5	22546	N	0	0.00	Preserved farmland - County
32851	4477	0.5	2238	N	0	0.00	Preserved farmland - County
32852	349049	0.5	174524	Y	174524	4.01	
32853	354533	0.5	177267	Y	177267	4.07	
32854	3202	0.5	1601	N	0	0.00	Preserved farmland - SADC; silver
32855	254252	0.5	127126	N	0	0.00	Preserved farmland - Township
32856	6096	0.5	3048	N	0	0.00	Preserved farmland - SADC; silver
32857	2833	0.5	1417	N	0	0.00	Very small area of residential side yard

State ID	Area	Weight Factor (per DCA)	Weighted Area (square feet)	Include? (Y/N)	Included Area (square feet)	Included Area (acres)	Notes
32858	287509	0.5	143754	Y	143754	3.30	
32859	7573	0.5	3786	N	0	0.00	Preserved farmland - County; silver
32860	52219	0.5	26110	N	0	0.00	formerly common open space of cluster development - recently dedeed to the Township as open space
32861	365479	0.5	182740	N	0	0.00	formerly common open space of cluster development - recently dedeed to the Township as open space
32862	4193	0.5	2097	N	0	0.00	formerly common open space of cluster development - recently dedeed to the Township as open space
32863	199197	0.5	99599	N	0	0.00	formerly common open space of cluster development - recently dedeed to the Township as open space
32864	60004	0.5	30002	N	0	0.00	formerly common open space of cluster development - recently dedeed to the Township as open space
32865	85814	0.5	42907	Y	42907	0.99	
32866	13490	0.5	6745	N	0	0.00	road right-of-way and/or preserved farmland; silver
32867	79683	1.0	79683	Y	79683	1.83	
34610	30260	1.0	30260	Y	30260	0.69	
34611	186737	1.0	186737	Y	186737	4.29	
34612	274491	1.0	274491	Y	274491	6.30	
34613	6501	1.0	6501	N	0	0.00	recently developed site -office building
34614	39284	1.0	39284	Y	39284	0.90	
34615	3248	1.0	3248	N	0	0.00	small part of developed site - place of worship

State ID	Area	Weight Factor (per DCA)	Weighted Area (square feet)	Include? (Y/N)	Included Area (square feet)	Included Area (acres)	Notes
34616	2946	1.0	2946	N	0	0.00	detention basin of developed site; silver
34617	138489	1.0	138489	N	0	0.00	detention basin - Township-owned
34618	5065	1.0	5065	N	0	0.00	detention basin - Township-owned; silver
34619	657305	1.0	657305	P	435600	10.00	Consolata Property - Township-owned. 10-acres of the site not included in preservation area
34620	861507	1.0	861507	N	0	0.00	Consolata Property - preserved by Township
34621	2331425	1.0	2331425	N	0	0.00	Preserved farmland - County
34622	201962	1.0	201962	N	0	0.00	portions of several developed residential lots
34623	2965	1.0	2965	N	0	0.00	excessively narrow, small portion of developed residential lot; silver
34624	8983	1.0	8983	Y	8983	0.21	
34625	9906	1.0	9906	Y	9906	0.23	
34626	92689	1.0	92689	N	0	0.00	Preserved farmland
34627	31722	1.0	31722	N	0	0.00	Preserved farmland
34628	908692	1.0	908692	Y	908692	20.86	
34629	250616	1.0	250616	Y	250616	5.75	
34630	6974	1.0	6974	Y	6974	0.16	
34631	414308	1.0	414308	N	0	0.00	open space area of cluster subdivision - deeded to Rutgers University - open space

State ID	Area	Weight Factor (per DCA)	Weighted Area (square feet)	Include? (Y/N)	Included Area (square feet)	Included Area (acres)	Notes
34632	89459	1.0	89459	N	0	0.00	open space area of cluster subdivision - deeded to Rutgers University - open space
34633	5595	1.0	5595	Y	5595	0.13	
34634	52703	1.0	52703	Y	52703	1.21	
34635	6626	1.0	6626	N	0	0.00	recently developed home
34636	9911	1.0	9911	Y	9911	0.23	
34637	167272	1.0	167272	N	0	0.00	open space area of cluster subdivision - deeded to Rutgers University - open space
34638	3005	1.0	3005	N	0	0.00	detention basin - Township-owned; silver
34639	21423	1.0	21423	Y	21423	0.49	
34640	40111	1.0	40111	N	0	0.00	developed site; Dept. of Defense
34641	22506	1.0	22506	Y	22506	0.52	
34642	44656	1.0	44656	Y	44656	1.03	
34643	8253	1.0	8253	Y	8253	0.19	
34644	3792	1.0	3792	Y	3792	0.09	
34645	2622	1.0	2622	N	0	0.00	Township preserved open space
34646	12785	1.0	12785	Y	12785	0.29	
34647	3996	1.0	3996	N	0	0.00	developed site; silver

State ID	Area	Weight Factor (per DCA)	Weighted Area (square feet)	Include? (Y/N)	Included Area (square feet)	Included Area (acres)	Notes
34648	12486	1.0	12486	Y	12486	0.29	
34649	328805	1.0	328805	N	0	0.00	open space area of cluster subdivision - deeded to Rutgers University - open space
34650	7969	1.0	7969	Y	7969	0.18	
34651	6838	1.0	6838	N	0	0.00	open space area of cluster subdivision - deeded to Rutgers University - open space
34652	14711	1.0	14711	Y	14711	0.34	
34653	2962	1.0	2962	Y	2962	0.07	
34654	3237	1.0	3237	Y	3237	0.07	
34655	16561	1.0	16561	N	0	0.00	developed site - place of worship
34656	194241	1.0	194241	N	0	0.00	open space area of cluster subdivision - deeded to Rutgers University - open space
34657	11114	1.0	11114	Y	11114	0.26	
34658	3142	1.0	3142	Y	3142	0.07	
34659	49409	1.0	49409	N	0	0.00	developed site - place of worship
34660	2702	1.0	2702	Y	2702	0.06	
34661	3809	1.0	3809	N	0	0.00	Township preserved open space and/or road right-of-way/ silver
34662	7844	1.0	7844	N	0	0.00	developed site - place of worship
34663	58891	1.0	58891	N	0	0.00	developed site - place of worship

State ID	Area	Weight Factor (per DCA)	Weighted Area (square feet)	Include? (Y/N)	Included Area (square feet)	Included Area (acres)	Notes
34664	59137	1.0	59137	N	0	0.00	developed site - US Post Office
34665	40068	1.0	40068	N	0	0.00	developed site - place of worship
34666	331100	1.0	331100	N	0	0.00	recent development approval - SF subdivision
34667	2669	1.0	2669	N	0	0.00	exceedingly narrow; sliver
34668	3257	1.0	3257	N	0	0.00	open space area of cluster subdivision - deeded to Rutgers University - open space; sliver
34669	179800	1.0	179800	Y	179800	4.13	
34670	11676	1.0	11676	N	0	0.00	recently preserved by Township - open space
34671	12257	1.0	12257	N	0	0.00	recently preserved by Township - open space
34672	117459	1.0	117459	Y	117459	2.70	recently preserved by Township - open space
34673	6668	1.0	6668	N	0	0.00	developed site - campus including assisted living, nursing facility; senior affordable
34674	8930	1.0	8930	Y	8930	0.20	
34675	11667	1.0	11667	N	0	0.00	recently preserved by Township - open space
34676	23128	1.0	23128	N	0	0.00	recent permit for single-family home
34677	175192	1.0	175192	N	0	0.00	recent development approval - solar panel field
34678	64853	1.0	64853	N	0	0.00	developed site - portion of municipal complex
34679	267390	1.0	267390	N	0	0.00	developed site - place of worship

State ID	Area	Weight Factor (per DCA)	Weighted Area (square feet)	Include? (Y/N)	Included Area (square feet)	Included Area (acres)	Notes
34680	47376	1.0	47376	N	0	0.00	developed site - portion of municipal complex
34681	40718	1.0	40718	N	0	0.00	developed site - place of worship
34682	170657	1.0	170657	Y	170657	3.92	
34683	302584	1.0	302584	N	0	0.00	developed site - campus including assisted living, nursing facility; senior affordable
34684	79488	1.0	79488	Y	79488	1.82	
34685	82776	1.0	82776	N	0	0.00	recently preserved by Township - open space
34686	57165	1.0	57165	Y	57165	1.31	
34687	4157	1.0	4157	Y	4157	0.10	
34688	83450	1.0	83450	Y	83450	1.92	
34689	28598	1.0	28598	Y	28598	0.66	
34690	2515	1.0	2515	Y	2515	0.06	
34691	1618497	1.0	1618497	Y	1618497	37.16	
34692	21083	1.0	21083	Y	21083	0.48	
34693	15385	1.0	15385	N	0	0.00	developed site
34694	147366	1.0	147366	N	0	0.00	preserved farmland - Township
34695	3711	1.0	3711	N	0	0.00	developed site - place of worship

State ID	Area	Weight Factor (per DCA)	Weighted Area (square feet)	Include? (Y/N)	Included Area (square feet)	Included Area (acres)	Notes
34696	40425	1.0	40425	N	0	0.00	developed site
34697	7958	1.0	7958	N	0	0.00	developed site
34698	10046	1.0	10046	N	0	0.00	part of Township park
34699	24689	1.0	24689	N	0	0.00	developed site - place of worship
34700	119962	1.0	119962	Y	119962	2.75	
34701	15248	1.0	15248	N	0	0.00	developed site - place of worship
34702	61558	1.0	61558	Y	61558	1.41	
34703	113587	1.0	113587	N	0	0.00	common area of HOA decided to Twp as open space
34704	102124	1.0	102124	Y	102124	2.34	
34705	110220	1.0	110220	Y	110220	2.53	
34706	51552	1.0	51552	N	0	0.00	developed site - place of worship
34707	103362	1.0	103362	N	0	0.00	recent permit for single-family home
34708	4134	1.0	4134	N	0	0.00	developed site - nursing home
34709	12121	1.0	12121	N	0	0.00	developed site - nursing home
34710	105650	1.0	105650	Y	105650	2.43	
34711	23671	1.0	23671	N	0	0.00	approved development site - warehouse

State ID	Area	Weight Factor (per DCA)	Weighted Area (square feet)	Include? (Y/N)	Included Area (square feet)	Included Area (acres)	Notes
34712	18179	1.0	18179	Y	18179	0.42	
34713	29088	1.0	29088	Y	29088	0.67	
34714	63513	1.0	63513	N	0	0.00	recently developed - office/warehouse
34715	8064	1.0	8064	N	0	0.00	developed site - place of worship
34716	105579	1.0	105579	Y	105579	2.42	
34717	963232	1.0	963232	P	481616	11.06	1/2 is recently approved development site or inaccessible
34718	4103	1.0	4103	Y	4103	0.09	
34719	19766	1.0	19766	N	0	0.00	developed - portions of several developed residential lots
34720	2504	1.0	2504	N	0	0.00	developed site - place of worship
34721	70352	1.0	70352	Y	70352	1.62	
34722	46943	1.0	46943	N	0	0.00	developed site - place of worship
34723	18101	1.0	18101	Y	18101	0.42	
34724	22240	1.0	22240	N	0	0.00	Preserved open space - Township
34725	126119	1.0	126119	Y	126119	2.90	
34726	47632	1.0	47632	Y	47632	1.09	
34727	112404	1.0	112404	N	0	0.00	part of development - multi-family development

State ID	Area	Weight Factor (per DCA)	Weighted Area (square feet)	Include? (Y/N)	Included Area (square feet)	Included Area (acres)	Notes
34728	171087	1.0	171087	Y	171087	3.93	
34729	96873	1.0	96873	N	0	0.00	part of development - multi-family development
34730	35255	1.0	35255	N	0	0.00	recently developed home
34731	207705	1.0	207705	Y	207705	4.77	
34732	27189	1.0	27189	N	0	0.00	developed site
34733	40136	1.0	40136	N	0	0.00	developed site - place of worship
34734	3843	1.0	3843	N	0	0.00	developed site - place of worship
34735	12974	1.0	12974	N	0	0.00	developed site - shopping center
34736	45181	1.0	45181	N	0	0.00	developed site - place of worship
34737	17196	1.0	17196	Y	17196	0.39	
34738	3344	1.0	3344	N	0	0.00	detention basin - Township-owned
34739	108028	1.0	108028	Y	108028	2.48	
34740	1577977	1.0	1577977	Y	1577977	36.23	
34741	69218	1.0	69218	N	0	0.00	developed site - senior affordable development
34742	71853	1.0	71853	Y	71853	1.65	
34743	101820	1.0	101820	N	0	0.00	recently developed site - warehouse

State ID	Area	Weight Factor (per DCA)	Weighted Area (square feet)	Include? (Y/N)	Included Area (square feet)	Included Area (acres)	Notes
34744	60539	1.0	60539	Y	60539	1.39	
34745	40441	1.0	40441	N	0	0.00	recently developed site - warehouse
34746	28230	1.0	28230	N	0	0.00	recently developed site - self-storage facility
34747	31239	1.0	31239	N	0	0.00	developed site - senior affordable development
34748	22461	1.0	22461	N	0	0.00	utility site - Texas Eastern Transmission Corp.
34749	21184	1.0	21184	N	0	0.00	developed site - place of worship
34750	73832	1.0	73832	N	0	0.00	recently developed - warehouse
34751	22908	1.0	22908	N	0	0.00	recent development approval - warehouse
34752	538594	1.0	538594	N	0	0.00	developed - utility - American Water facility
34753	45996	1.0	45996	N	0	0.00	developed - utility - American Water facility
34754	8190	1.0	8190	N	0	0.00	recent development approval - warehouse
34755	5289	1.0	5289	N	0	0.00	developed - utility - American Water facility
34756	15693	1.0	15693	N	0	0.00	recently developed - warehouse
34757	44398	1.0	44398	N	0	0.00	recently developed - warehouse
34758	12612	1.0	12612	N	0	0.00	recent development approval - warehouse
34759	56529	1.0	56529	N	0	0.00	recently developed - warehouse

State ID	Area	Weight Factor (per DCA)	Weighted Area (square feet)	Include? (Y/N)	Included Area (square feet)	Included Area (acres)	Notes
34760	5680	1.0	5680	N	0	0.00	developed site
34761	41070	1.0	41070	Y	41070	0.94	
34762	11164	1.0	11164	N	0	0.00	developed site
34763	3600	1.0	3600	N	0	0.00	developed, in accessible frontage of I-287
34764	452413	1.0	452413	N	0	0.00	two sites - one is recently developed Township park; other has recent site plan approval for warehouse development
34765	39549	1.0	39549	N	0	0.00	developed, contaminated site
34766	5821	1.0	5821	N	0	0.00	developed, in accessible frontage of I-287
34767	80974	1.0	80974	N	0	0.00	developed site
34768	216538	1.0	216538	Y	216538	4.97	
34769	2832	1.0	2832	N	0	0.00	insufficient acreage, stream corridor, utility easement, inaccessible portion of place of worship site
34770	6572	1.0	6572	N	0	0.00	recently developed home
34771	10824	1.0	10824	N	0	0.00	inaccessible, no road frontage, Township-owned
34772	6220	1.0	6220	N	0	0.00	inaccessible, no road frontage, Township-owned
34773	14084	1.0	14084	Y	14084	0.32	
34774	2932	1.0	2932	N	0	0.00	inaccessible, no road frontage, Township-owned
34775	13532	1.0	13532	N	0	0.00	recent subdivision approval

State ID	Area	Weight Factor (per DCA)	Weighted Area (square feet)	Include? (Y/N)	Included Area (square feet)	Included Area (acres)	Notes
34776	11036	1.0	11036	N	0	0.00	recent subdivision approval
34777	11736	1.0	11736	Y	11736	0.27	
34778	3483	1.0	3483	Y	3483	0.08	
34779	6682	1.0	6682	N	0	0.00	detention basin of developed site
34780	7344	1.0	7344	Y	7344	0.17	
34781	5638	1.0	5638	Y	5638	0.13	
34782	185848	1.0	185848	Y	185848	4.27	
34783	11972	1.0	11972	Y	11972	0.27	
34784	4275	1.0	4275	Y	4275	0.10	
34785	2556	1.0	2556	Y	2556	0.06	
TOTALS			20630808		9840903	225.86	

Civil Case Information Statement

Case Details: SOMERSET | Civil Part Docket# L-000169-25

Case Caption: IN THE MATTER OF FRANKLIN TWP

Case Initiation Date: 01/30/2025

Attorney Name: CHRISTOPHER D ZINGARO

Firm Name: RAINONE COUGHLIN MINCHELLO, LLC

Address: 555 US HIGHWAY ONE SOUTH STE 440

ISELIN NJ 08830

Phone: 7327094182

Name of Party: PLAINTIFF : Township of Franklin

Name of Defendant's Primary Insurance Company

(if known): None

Case Type: AFFORDABLE HOUSING

Document Type: Complaint

Jury Demand: NONE

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

Does this case involve claims related to COVID-19? NO

Are sexual abuse claims alleged by: Township of Franklin? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? NO Consumer Fraud? NO Medical Debt Claim? NO

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 *Rule* 1:38-7(b)

01/30/2025

Dated

/s/ CHRISTOPHER D ZINGARO

Signed