

**RESOLUTION GRANTING DEVELOPER CEDAR MANOR, L.L.C.,  
IN FRANKLIN TOWNSHIP, COUNTY OF SOMERSET, A WAIVER  
FROM THE INCLUSIONARY ZONING REGULATION SCHEDULE  
PROVISIONS UNDER N.J.A.C. 5:97-6.4(d)**

**COAH DOCKET #09-2142**

**WHEREAS**, the Township of Franklin, Somerset County, filed a Petition with a Third Round Housing Element and Fair Share Plan pursuant to N.J.A.C. 5:96 and N.J.A.C. 5:97 on December 31, 2008; and

**WHEREAS**, the petition included a 136-unit inclusionary development, known as Cedar Manor; and

**WHEREAS**, the developer Cedar Manor L. L. C., received approvals on March 5, 2008 to construct a 136-unit inclusionary development, including 28 low and moderate income affordable housing rental units; and

**WHEREAS**, the developer currently has 48 market units, in 6 buildings, under construction that are anticipated to be completed prior to November 1, 2009; and

**WHEREAS**, the developer seeks to complete the 48 market units prior to completion of the first 16 affordable housing units which are to be built in one building and completed by November 1, 2009; and

**WHEREAS**, the developer was delayed in obtaining a construction permit on the building for the 16 affordable housing units, due in part to a change in design issues that will create market enhancements for the affordable units; and

**WHEREAS**, N.J.A.C. 5:97-6.4(d), requires the construction of 10% of the affordable units prior to the construction of 25% plus 1 market units and the developer seeks a waiver allowing it to complete and occupy the first 48 market units prior to completion of the initial 16 affordable units; and

**WHEREAS**, the developer maintains that, without the waiver, undue financial strain will result in the developer losing the opportunity to receive cash flow associated with the occupancy of the market units, which would create a financial hardship; and

**WHEREAS**, the Township supports the waiver request confirming the status of the construction implementation; and

**WHEREAS**, there are no replies in opposition to the motion; and

**WHEREAS**, a Task Force reviewed the waiver request on August 24, 2009 and recommended that the waiver be granted with conditions.

**NOW THEREFORE BE IT RESOLVED** that strict construction of the building schedule under N.J.A.C. 5:97-6.4(d) may create a financial hardship for the developer and the waiver is temporary in nature and only applies to construction in the first phase of the project; and

**BE IT FURTHER RESOLVED** that the Council requires as a condition of the waiver that the developer Cedar Manor L.L.C. will complete the 16 affordable rental units prior to the construction start of any further market units; and

**BE IT FURTHER RESOLVED** the waiver is hereby granted under N.J.A.C. 5:96-15.2 in order to avoid unnecessary financial hardship and subject to the above conditions; and

**BE IT FURTHER RESOLVED** that the waiver fosters the production of affordable housing and is consistent with the intent of COAH's rules.

I hereby certify that this Resolution was  
Duly adopted by the Council on Affordable  
Housing at its meeting on September 9, 2009

A handwritten signature in cursive script that reads "Renee Reiss". The signature is written in black ink and is positioned above the printed name and title.

Renee Reiss  
Council Secretary