

# KELLY, KELLY, MAROTTA & TUCHMAN, LLC

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NJ as a Matrimonial Law Attorney

March 1, 2021

**Via Email/Overnight Mail**

Andy S. Norin, Esq.  
Faegre Drinker Biddle & Reath LLP  
600 Campus Drive  
Florham Park, New Jersey 07932

**RE: Borough of New Milford Midpoint Review**

Dear Mr. Norin:

As you know, I am the municipal attorney for the Borough of New Milford, New Jersey. The Borough of New Milford is in receipt of your February 9, 2021 letter regarding the Borough's Housing Element and Fair Share Plan.

Your letter failed to address the legal issues and concerns regarding estoppel and enforcement of the Court approved Settlement Agreement as stated in the Borough's letter to you dated October 29, 2020.

The Borough continues to assert that the existing zoning regulations for the property (Block 501, Lots 9 & 10) which permit 135 residential units with an inclusionary affordable component provide a reasonable opportunity for the creation of affordable housing in the Borough.

The Borough expects Inserra Associates to abide by the terms of the Settlement Agreement signed by Inserra Associates.

Very truly yours,

KELLY, KELLY, MAROTTA & TUCHMAN, LLC

By: \_\_\_\_\_

  
KEVIN R. KELLY, ESQ

KPK/lf

**RE: Borough of New Milford Midpoint Review**

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cc: **Via UPS Delivery**  
**Fair Share Housing Center**  
**New Milford Redevelopment Associates**  
**Francis Banisch**  
**Christine Demiris**  
**Mayor Michael Putrino**  
**Antimo DeVecchio, Esq.**  
**Stephen Eisendorfer, Esq.**