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Southern Boulevard Urban Renewal, LLC

IN THE MATTER OF THE APPLICATION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION – MORRIS COUNTY
	DOCKET NO. MRS-L-1659-15
	CIVIL ACTION
	<u>(Mount Laurel)</u>
	CERTIFICATION OF JEFFREY GARFINKEL IN SUPPORT OF THE REPLY OF STERLING/SUN AT CHATHAM, LLC AND SOUTHERN BOULEVARD URBAN RENEWAL, LLC TO FAIR SHARE HOUSING CENTER'S CROSS-MOTION TO TERMINATE THE TOWNSHIP OF CHATHAM'S IMMUNITY FROM BUILDER'S REMEDY SUITS AND TO ENFORCE LITIGANT'S RIGHTS

I, Jeffrey A. Garfinkel, hereby certify pursuant to New Jersey Court Rule 1:4-4(b) as follows:

1. I am the Director of Acquisitions and Development for Defendant-Intervenor, Sterling/Sun at Chatham, LLC (“Sterling/Sun”), as well as Sterling/Sun’s affiliate and an interested party in this matter, Southern Boulevard Urban Renewal, LLC (“SBUR”). I make this certification in support of Sterling/Sun’s and SBUR’s Reply to Fair Share Housing Center’s

(“FSHC”) Cross-Motion to Terminate the Township of Chatham’s (“Township”) Immunity from Builder’s Remedy Suits and to Enforce Litigant’s Rights.

2. Sun/Sterling is currently under contract with a private property owner to purchase the approximately 30.24-acre site designated as Block 66, Lot 1 on the Township tax maps (“Dixiedale Site”) for the development of 53 market-rate multifamily units (“Dixiedale Development”)

3. SBUR is currently under contract, pursuant to a redevelopment agreement between SBUR and the Township dated December, 2019 (“Redevelopment Agreement”), to purchase an approximately 3.4-acre portion of the Township-owned site designated as Block 48.16, Lot 117.27 on the Township tax maps (“Skate Park Site”) for the development of 24 affordable multifamily units (“Arbor Green Development”).

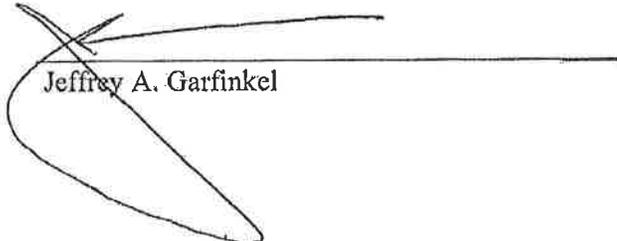
4. Collectively, Sterling/Sun and SBUR have spent approximately \$1,685,577 on obtaining approvals and other entitlements for the Dixiedale Development and the Arbor Green Development, including, but not limited to, land use approvals from the Township Planning Board for the Dixiedale Development and the Arbor Green Development, a freshwater wetlands permit for the Arbor Green Development from the New Jersey Department of Environmental Protection (“NJDEP”), the Redevelopment Agreement, a financial agreement pursuant to N.J.S.A. 40A:20-1 et seq. for the Arbor Green Development (“Financial Agreement”), and a developer’s agreements for the Dixiedale Development and the Arbor Green Development. Of this amount, approximately \$845,788 has been spent since January 1, 2019.

5. Included in these amounts is a \$15,000 payment by SBUR to the Township on November 15, 2019, to reimburse the Township for its payment of FSHC’s legal fees in

accordance with the settlement agreement between the Township and FSHC dated December 13, 2018 (as amended, the "Settlement Agreement").

6. Sun/Sterling and SBUR have been diligently seeking final, unconditional approvals for the Dixiedale Development and the Arbor Green Development, respectively, and are seeking to close on the Dixiedale Site and the Skate Park Site, respectively, within the next two (2) months.

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


Jeffrey A. Garfinkel

Dated: February 7, 2020