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October 19, 2022

Hon. Stephen Hansbury, J.S.C.  
Courtroom 151  
Morris County Courthouse  
Court Street and Anne Street  
Morristown, NJ 07960

Re: I/M/O Borough of Chatham Application for Judgment of Compliance  
with Third Round Mount Laurel Affordable Housing Obligation,  
Docket No. MRS-L-1906-15  
SUBMISSION OF REVISED COMPLIANCE DOCUMENTS SUPPORTING THE BC UW  
15-UNIT 100% AFFORDABLE FAMILY RENTAL HOUSING PROJECT

Dear Judge Hansbury:

As you are aware, I represent plaintiff / petitioner Borough of Chatham (the "Borough") in the above matter which has a compliance hearing scheduled for November 7, 2022. I recently submitted a letter to your Honor dated October 12, 2022 responding to the court's special master's October 3, 2022 report on the status, feasibility and timing of the proposed BC UW 100% affordable family rental housing project (the "BC UW project"), in which I advised that the Borough agreed with the report and was in the process of making a few revisions to the compliance documents to address the three issues raised in the report.

As I said I would in my October 12, 2022 letter, I am now submitting the revised documents at issue with copies to the master as well as to counsel. Specifically, accompanying this letter are the following documents, which I am identifying starting as document #13 as the last compliance document I submitted was document #12 (which was a larger size copy of the BC UW June 16, 2022 proposal and pro forma):

#13 Memo from Robert S. Powell, PhD dated October 19, 2022, with attachments, commenting on the adequacy of the \$6M bond to cover any funding shortfall, as referenced on page 4 of the master's report. Dr. Powell's provides his opinion in the memo that the \$6M funding commitment far exceeds any realistic funding shortfall that BC UW might encounter. I also add that the Chatham Borough - BC UW Redevelopment Agreement contractually obligates the Borough to fund any shortfall, no matter what the amount. I also add that, if the master recommends and the court agrees, the Borough can adopt a resolution of intent to bond for any shortfall over \$6M, and I note in this regard that COAH's rules only require the adoption of a resolution of intent to bond and the Borough in this case has actually adopted a bonding ordinance.

#14 Revised copy of the Chatham Borough - BC UW Redevelopment Agreement with revised / replacement pages 22 and 23, to correctly reference the UHAC regulations as noted on page 4 of the master's report.

#15 Revised copy of the timeline for the BC UW project to provide for a 3-month period for the municipal site plan hearing process, to add two months to that item as noted on page 4 of the master's report. The Chatham Borough - BC UW Redevelopment Agreement will be revised once again to insert the revised timeline as exhibit B-4 but I did not want to wait on that to happen prior to submitting the revised compliance documents to the court and counsel.

Finally, I previously submitted copies of three ordinances that had been introduced by the Borough on September 12, 2022 (documents #s 1.B, 2 and 3) and reviewed by the Planning Board on September 21, 2022 (documents #s 9, 10 and 11), and I am now submitting copies of the ordinances as adopted on October 11, 2022:

#16 Ordinance #22-10, adopting the Amended and Restated Post Office Plaza Redevelopment Plan.

#17 Ordinance #22-11, reinstating prior zoning of the lots eliminated from the Post Office Plaza Redevelopment Area as amended and restated.

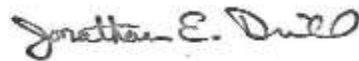
#18 Ordinance #22-12, the \$6M bonding ordinance to fund any shortfall in funding for the BC UW project.

As I stated in my October 13, 2022 letter to your Honor, the Borough has no objection to your Honor directing the special master to issue a supplemental compliance report ahead of the November 7, 2022 scheduled compliance hearing reporting on the planning issues involved with the BC UW project, both as raised by Rachel Lokken in

her October 12, 2022 letter to the court submitted on behalf of FSHC as well as raised by Craig Gianetti in his October 12, 2022 and August 24, 2022 letters submitted on behalf of objector SV.

Respectfully submitted,

STICKEL, KOENIG, SULLIVAN & DRILL, LLC



By:

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JONATHAN E. DRILL

Copy via eCourts and email:

Joseph H. Burgis, AICP, PP (court special master)

Rachel N. Lokken, Esq. (attorney for defendant intervenor FSHC)

Craig M. Gianetti, Esq. (attorney for objector SV joint venture)