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Attorney for Declaratory Plaintiff,
Township of South Brunswick

<p>IN THE MATTER OF THE APPLICATION OF THE TOWNSHIP OF SOUTH BRUNSWICK FOR A JUDGMENT OF COMPLIANCE AND REPOSE AND TEMPORARY IMMUNITY FROM <u>MOUNT LAUREL</u> LAWSUITS</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION MIDDLESEX COUNTY</p> <p>DOCKET NO.: MID-L-3878-15</p> <p>CIVIL ACTION – <i>MOUNT LAUREL</i></p> <p>CERTIFICATION OF DONALD J. SEARS</p>
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I, Donald J. Sears, of full age, do hereby certify as follows:

1. I am an attorney-at-law in the State of New Jersey, employed as the Director of Law for the Township of South Brunswick, the attorney for the Declaratory Plaintiff in the above-captioned matter, and have personal knowledge of the facts set forth in this certification.

2. This certification is made in support of the Township’s Declaratory Judgment action, including the Township’s Motion for Extension of Temporary Immunity, filed with the court on November 9, 2015.

3. It was my understanding from discussions held during the Case Management Conference on November 13 that the Court was preliminarily satisfied with the compliance mechanisms proposed by the Township to meet its Prior Round (1987-1999) and “Gap Period” (1999-2014) obligations, but that the Court and Special Master had concerns related to the Township’s proposed compliance plan for its Third Round Prospective (2014-2024) obligation.

4. Specifically, the Court was concerned that the Township would be unable to produce the 59 REACH (market-to-affordable) units and that the Third Round units associated with the Wilson Farm and RPM Henderson Road 100% affordable projects would not be able to obtain funding.

5. Pursuant to the subsequent Case Management Order dated November 16, 2015, the Township was directed to meet with all of the developer objector/intervenors regarding their specific properties to determine if any were appropriate for inclusion in the Township's revised Third Round Plan. Thereafter, an amended preliminary plan was to be submitted to the Court by December 18, 2015.

6. On November 16 my office began the process of arranging meetings with all of the developer objector/intervenors. All such meetings would also include the presence of the Special Master.

7. Meetings were eventually scheduled and held with all developer objector/intervenors as follows:

- a) November 24, 2015:
 - i. Avalon Bay
 - ii. Richardson Fresh Ponds
- b) November 30, 2015:
 - i. Windsor Associates
 - ii. South Brunswick Center
- c) December 7, 2015:
 - i. Stanton Girard

8. In addition to meeting with the above developer objector/intervenors, meetings were also scheduled and held with the developers of the Wilson Farm and RPM Henderson Road projects, both of which were included in the Township's preliminary Plan, on December 16, 2015.

9. All of the above meetings included various representatives of the Township, representatives of each developer objector/intervenor and the Special Master, Christine Nazzaro-Cofone.

10. Subsequent to the meetings, I had follow-up discussions and/or exchanged further correspondence with some of these parties to further explore possible inclusion of one or more of these properties in the Township's amended preliminary plan.

11. In addition, I also had discussions with representatives of Hovnanian, which is currently in the process of constructing two separate non-age restricted townhouse developments in South Brunswick (Cambridge Crossing and The Oaks at Cranbury), regarding the possible construction of up to 48 new affordable housing units on property owned by the Township that is adjacent to The Oaks at Cranbury development.

12. In addition, the Township Council adopted a resolution on December 8, 2015, confirming its commitment to the Wilson Farm and RPM Henderson Road 100% affordable projects, including the assurance of a stable alternative funding source, such as municipal

bonding, pursuant to N.J.A.C. 5:93-5.5(a)(3)ii, in the event that other funding is not approved (Exhibit A).

13. The Township Council also adopted Ordinance 2015-43, renewing the Tax Abatement and Payment in Lieu of Taxes (PILOT) agreement with the South Brunswick Community Development Corporation, thereby extending affordability controls on the 84 senior rental units located at Charleston Place I & II (Exhibit B).

14. As a result of these meetings, follow-up discussions and actions by the Township Council, the Township has prepared an amended draft preliminary Plan for submission to the Court.

15. The Township therefore respectfully requests that the Court grant its pending Motion for Extension of Temporary Immunity.

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

Dated: December 18, 2015

By: *s/ Donald J. Sears*
Donald J. Sears



Resolution

Of Commitment to the Wilson Farm and RPM Henderson Road 100% Affordable Housing Projects

WHEREAS, on July 1, 2015, the Township of South Brunswick (Township) filed a Declaratory Judgment Action in compliance with the order of the N.J. Supreme Court in the matter of In Re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015), indicating its commitment to voluntarily comply with its obligation to provide a realistic opportunity for affordable housing; and

WHEREAS, on July 31, 2015, the trial court entered an order granting an initial five-month period of immunity from “builder’s remedy” lawsuits to the Township, nunc pro tunc, from the filing date of the complaint through and until December 2, 2015, indicating that “upon further application of the Township and on notice to all interested parties, [the Township could seek to] extend the initial immunity period past December 2, 2015, for such additional time as the court deems warranted and reasonable”; and

WHEREAS, in order to prepare the Township’s Housing Element and Fair Share Plan, which is designed to address the Township’s Third Round housing obligation, the court had to first calculate the Township’s present and prospective need, finally arriving at a definitive obligation to be assigned to the Township as its Third Round obligation. Until the court determines the Township’s obligation in a definitive fashion, the Township’s obligation would be speculative at best. Once the Township’s obligation is determined, the court would then have to determine the acceptable compliance mechanisms available to the Township before a final Third Round Plan could be prepared; and

WHEREAS, consistent with its long history of voluntary compliance with its affordable housing obligation, the Township stood ready, willing and able to prepare a Third Round Plan as soon as its obligation was determined and compliance mechanisms established; and

WHEREAS, despite the fact that its obligation was never determined and compliance mechanisms never established, pursuant to a Case Management Order entered by the court on September 16, 2015, the Township was ordered to submit to the court, Special Master and all parties its Housing Element and Fair Share Plan (either adopted or in draft) by November 9, 2015. The Township was ordered to do so without knowing its fair share obligation or the acceptable compliance mechanisms for addressing that obligation. At the same time, leave to file a motion seeking to extend the temporary immunity granted to the Township beyond the December 2, 2015, deadline was granted by the court. Any such motion was to be filed no later than November 9, 2015, returnable on short notice on November 13, 2015; and

WHEREAS, on October 2, 2015, the court entered a further order requiring submission of a Plan Summary, utilizing the “Summary of Plan” sheets prepared on behalf of the court by certain Special Masters previously appointed by the court in related declaratory judgment actions. The

completed sheets were to be submitted to the Township's designated Special Master, with copies to all intervenors and interested parties no later than November 9, 2015. Completion of the Plan Summary in compliance with the October 2, 2015, order was required as a prerequisite to any application for a further extension of immunity; and

WHEREAS, all intervenors and interested parties were permitted to submit any objections or comments on the Township's Plan Summary to the Special Master and the Township no later than November 25, 2015. Thereafter, the Special Master was required to review the submissions by the parties and provide the Township the opportunity to address any concerns that the Special Master may have with the proposed Plan. The Special Master was required to submit her report to the court on the Township's preliminary Plan no later than December 14, 2015; and

WHEREAS, without knowing its fair share obligation or the acceptable compliance mechanisms for addressing that obligation, in order to comply with the court's order, the Township submitted its completed "Summary of Plan" sheets, describing its preliminary Housing Element and Fair Share Plan, to the Special Master, intervenors and all interested parties on November 9; and

WHEREAS, the cover letter transmitting the "Summary of Plan" sheets pointed out that the Court had not yet calculated the Township's present and prospective obligation; that several estimates of the Township's obligation had been suggested in various reports offered by David Kinsey, Arthur Bernard and Robert Burchell. In addition, a report was prepared by Richard Reading at the request of the Mount Laurel judge in Ocean County, which reaches different conclusions regarding the statewide need when compared to the Kinsey/Bernard conclusions. The Kinsey conclusions have also been criticized by Econsult Solutions as well as Nassau Capital, in reports prepared by these entities on behalf of the NJ State League of Municipalities. As such, it was very difficult for the Township to identify which obligation it should plan for; and

WHEREAS, it was further stated in the cover letter that the Township reserved the right to revise its preliminary draft Third Round Housing Element and Fair Share Plan based upon the anticipated report from Econsult regarding statewide, regional and municipal obligations (expected by the end of December) and/or further order of the court. Accordingly, the Summary of Plan was submitted without prejudice, the Township reserving all rights it has to amend same should the need arise as the matter progresses; and

WHEREAS, instead of following the procedures set forth in the October 2 order regarding review and revision of the draft Plan, and without establishing the Township's obligation or determining acceptable compliance mechanisms, the court on November 13 rejected aspects of the Township's Plan, directing the Township to propose other sites for development of affordable housing; and

WHEREAS, the court specifically rejected:

- 1) Wilson Farm 100% Affordable Housing Project (300 units)
- 2) RPM Henderson Road 100% Affordable Housing Project (200 units)

stating that because these projects would be funded in part through NJHMFA tax credit funding, these projects were “phantom projects” with no hope of ever being funded or built; and

WHEREAS, although the Township has every intention of voluntarily complying with its affordable housing obligation, and will also comply with the court’s latest order directing that other sites be included in the draft Plan in place of Wilson Farm and RPM Henderson Road, the Township continues to believe that both of these sites are available, suitable, developable and approvable, as defined in N.J.A.C. 5:93-1, et seq., and that funding can be secured such that these projects can and will be built within the 2015-2025 Third Round compliance period; and

WHEREAS, the Township wishes to place formally on the record its commitment to these projects, which includes assurance of a stable alternative funding source, such as municipal bonding, in the event that the NJHMFA funding request is not approved, pursuant to N.J.A.C. 5:93-5.5(a)(3)ii;

NOW THEREFORE BE IT RESOLVED on this 8th day of December, 2015, by the Township Council of the Township of South Brunswick, County of Middlesex, State of New Jersey, that:

- I. The Township of South Brunswick hereby confirms its firm commitment to voluntarily comply with its constitutional obligation to provide for a realistic opportunity for low and moderate income housing.
- II. The Township intends to do so with a variety of housing styles, sizes and locations, designed to address the wide variety of low and moderate income housing need within the region.
- III. Contrary to the court’s determination that the Wilson Farm and RPM Henderson Road 100% Affordable Housing Projects are “phantom projects,” with no hope of ever being funded or built, these projects meet the site suitability criteria of N.J.A.C. 5:93-1, et seq., and therefore are appropriate for inclusion in the Township’s Third Round Housing Element and Fair Share Plan for the following reasons:

Wilson Farm 100% Affordable Housing Project

Contrary to the notion that this project is not a realistic affordable housing development opportunity, significant steps have already been taken by the Township and its development partners to bring this development to fruition. These include:

- Township acquisition of 17.7 acres of former Brownfields site at a cost of \$3 million dollars - December 23, 2013
- Agreement with South Brunswick Community Development Corporation (SBCDC), a non-profit affordable housing provider, for development of an affordable housing complex of up to 300 units - July 23, 2014

- Resolution of Council referring proposed declaration of area as Area in Need of Rehabilitation to the Planning Board for review - September 9, 2014
- Resolution of Planning Board in support of declaration of area as Area in Need of Rehabilitation - October 1, 2014
- Resolution of Council declaring area as Area in Need of Rehabilitation - October 14, 2014
- Letter of DCA Commissioner Richard E. Constable, III, approving Area in Need of Rehabilitation - November 5, 2014
- Draft Redevelopment Plan reviewed; application for Long Term Tax Abatement and PILOT agreement filed by SBCDC on behalf of Wilson Farm Urban Renewal I, LLC as Urban Renewal Entity - March 20, 2015
- Resolution authorizing CME Associates, Township Engineer, to provide engineering services in relation to redevelopment project - April 14, 2015
- Resolution of Council approving Wilson Farm Urban Renewal I, LLC as Urban Renewal Entity - April 28, 2015
- Introduction of Ordinance 2015-11 authorizing a Tax Abatement and PILOT agreement with Wilson Farm Urban Renewal I, LLC for affordable housing - April 28, 2015
- Introduction of Ordinance 2015-12 adopting the Wilson Farm Redevelopment Plan - April 28, 2015
- Referral of Ordinance 2015-12 to Planning Board for consideration - April 29, 2015
- Approval of Ordinance 2015-12 by Planning Board - May 7, 2015
- Adoption of Ordinance 2015-11 by Council - May 12, 2015
- Adoption of Ordinance 2015-12 by Council - May 12, 2015
- Application for Preliminary and Final Major Site Plan Approval submitted by Wilson Farm Urban Renewal I, LLC for first phase of development - May 13, 2015
- Township letter of support to New Jersey Housing and Mortgage Finance Agency on application of Wilson Farm Urban Renewal I, LLC, for Tax Credit funding - June 11, 2015
- Approval by Planning Board of application for Preliminary and Final Major Site Plan Approval submitted by Wilson Farm Urban Renewal I, LLC for first phase of development - June 17, 2015
- Resolution of Planning Board granting Preliminary and Final Major Site Plan Approval to Wilson Farm Urban Renewal I, LLC for first phase of development - July 15, 2015
- Letter from Assemblyman Jack Ciattarelli to New Jersey Housing and Mortgage Finance Agency, representing bi-partisan support for the application of Wilson Farm Urban Renewal I, LLC, for Tax Credit funding - September 11, 2015

Far from being a “phantom project” or an “unrealistic affordable housing development opportunity,” the Wilson Farm Redevelopment project is well on its way to providing up to 300 affordable housing units.

The Township’s development partners, SBCDC and The Alpert Group, are well known in the Township and throughout the State as providers of high-quality housing and support services. SBCDC and the Township have partnered on three prior projects, all of which have produced affordable housing in South Brunswick. Charleston Place I and Charleston Place II together have

produced 84 rental units for low and very-low income seniors. Oakwoods produced another 73 low and very-low income units for seniors. All three projects continue to thrive today, maintaining a wait-list of names of people hopeful of securing a unit in these well-managed facilities. SBCDC's expertise in providing quality, affordable housing opportunities and services is unparalleled. They bring that same expertise and commitment to the Wilson Farm project.

The Alpert Group is a family owned and operated full-service real estate management and development company with over 40 years of experience. Since the company's inception, they have developed and managed over 2,000 units of affordable housing in New York, New Jersey and Connecticut for multi-family, disabled and senior residents. They specialize in managing and developing projects funded by low income housing tax credits, Section 8 housing and other creative funding mechanisms.

The agreement between the Township and its development partners obligates the Township to convey the land needed for the project at no cost, which will keep the development costs extremely low in comparison to similarly situated projects. It also allows SBCDC and Alpert three years to secure the funding necessary to complete the project, a portion of which has already been secured from the County of Middlesex.

In addition, unlike other forms of affordable housing (such as inclusionary housing developments), the Wilson Farm project would create affordable housing opportunities for seniors, disabled residents and veterans. These groups represent an underserved population in the region. In addition, SBCDC is an experienced provider of services to these underserved populations. These services will be fully available to the senior, disabled and veteran residents at Wilson Farm. No such services will be readily available to these residents in inclusionary developments, where they will have no support or assistance unless they can find it on their own.

RPM Henderson Road 100% Affordable Housing

Although this project is in the early stages of development, this does not mean that it is not a realistic affordable housing development opportunity. The preliminary steps have already been taken by the Township and its development partners to bring this development to fruition. These include:

- Contract to purchase 211 Henderson Road signed between property owner Providence Corporation and purchaser/developer RPM Development - March 13, 2015
- Proposal submitted by RPM Development to Township for development of 200 affordable housing units - April 20, 2015
- Review of proposal by Township - May 2015
- Letter from Township to RPM, advising that Township is in the process of formulating its Third Round Plan and will keep RPM advised as an "interested party." Also suggests that RPM explore funding opportunities - June 4, 2015

- RPM meets with County of Middlesex and secures pledge for partial funding of project - July-August 2015
- Meeting to discuss details of development and funding sources between Township and RPM - September 8, 2015
- Resolution of Township Council authorizing Development Agreement with RPM Development for 200 units of Affordable Housing - October 13, 2015
- Resolution of Township Council authorizing and directing the Planning Board to undertake a preliminary investigation as to whether 211 Henderson Road and its surrounding environs satisfies the criteria to be designated as an Area in Need of Redevelopment and/or Rehabilitation - October 13, 2015
- Preparation of potential Redevelopment Area map - October 15, 2015
- Receipt of proposals from planning/engineering firms to perform Redevelopment Area study and preparation of plan - October 20-30, 2015
- Resolution of Township Council authorizing a contract with Bignell Planning Consultants for 211 Henderson Road Area in Need of Redevelopment Study and Plan - November 10, 2015

The agreement between the Township and RPM requires RPM to develop, construct, administer and manage up to 200 units of rental affordable housing, open to the general public and not age-restricted, contained within 2-3 buildings. Up to 25 of these units must be marketed to veterans and those with physical and/or developmental disabilities. Each building will be designed and constructed with sustainable building materials in a concerted effort to achieve the highest LEED certification available. RPM is an expert at such efforts, with 15 of the last 17 RPM projects receiving the LEED Platinum designation - the highest recognition available under the current system. In addition, a 1,600 square foot community room will provide community space where residents will have access to a wide range of on-site social services, activities and classes at no cost.

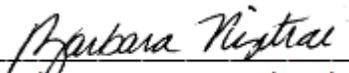
The agreement obligates the Township to pay up to \$2 million toward the project out of the South Brunswick Affordable Housing Trust Fund. It also allows RPM three years to secure the remainder of the funding necessary to complete the project, a portion of which has already been pledged by Middlesex County.

RPM has been an award winning developer of affordable housing in New Jersey for three decades. It has been successful in securing financing and development approvals for buildings and redevelopment initiatives that represent over 3,000 units of housing, nearly 200,000 square feet of commercial space and hundreds of millions of dollars in community investment across the State. In just the past 5 years alone, RPM has produced over \$250 million of development - representing over 950 housing units and tens of thousands of square feet of retail throughout New Jersey.

- IV. The Township continues to firmly believe that these projects are worthwhile and should have been permitted to remain in the Township's Plan, especially since they fully comply with the requirements of the Second Round Rules.
- V. Given that the Township would have ten (10) years to produce the housing units represented by these two projects, rejecting them at this early stage of the Third Round period (2015-2025) was inappropriate.
- VI. Notwithstanding the court's rejection of these projects, the Township hereby confirms its commitment to these projects, which includes assurance of a stable alternative funding source, such as municipal bonding, pursuant to N.J.A.C. 5:93-5.5(a)(3)ii, in the event that other funding is not approved.
- VII. A certified copy of this resolution shall be forwarded to Governor Chris Christie; Charles Richman, Commissioner, Department of Community Affairs; Sean Thompson, Acting Executive Director, Council on Affordable Housing; Senator Christopher "Kip" Bateman; Assemblyman Jack Ciattarelli; Assemblywoman Donna Simon; Assemblyman-elect Andrew Zwicker; the Middlesex County Freeholders; Fair Share Housing Center; the trial court, Special Master and all intervenors and interested parties involved in the Township's Declaratory Judgment Action; and the New Jersey State League of Municipalities.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Chris Killmurray, Deputy Mayor
SECONDER:	Joseph Camarota, Councilman
AYES:	Joseph Camarota, Josephine "Jo" Hochman, Chris Killmurray, Frank Gambatese
ABSENT:	Charlie Carley

This is to certify that the foregoing is a true copy of a resolution adopted at the South Brunswick Township Council meeting held on December 8, 2015.


 Barbara Nyitrai, Township Clerk



South Brunswick Township

540 Ridge Road
Monmouth Junction, NJ 08852

ORDINANCE 2015-43

Authorizing Renewal of a Tax Abatement and PILOT Agreement with the South Brunswick Community Development Corporation (SBCDC) for Charleston Place

WHEREAS, South Brunswick Community Development Corporation (SBCDC) is the owner of property located at 3424 Route 27, Kendall Park, New Jersey 08824 (Block 95.03, Lot 75.07), known as Charleston Place, a senior residential facility providing affordable congregate housing for approximately 98 residents that is included in the Township's Affordable Housing Plan, satisfying a portion of the Township's constitutional obligation to provide a realistic opportunity for persons of very low income to continue to live in the Township; and

WHEREAS, the Township previously authorized a tax abatement payment in lieu of taxes (PILOT) agreement pursuant to the Long-Term Tax Exemption Law (N.J.S.A. 40A:20-1, et seq.) on December 12, 1980, which agreement was amended on December 31, 1991, February 6, 2001, and May 25, 2001; and

WHEREAS, the duration of the agreement was for a term of thirty-five (35) years from the date of the original agreement, or until December 12, 2015; and

WHEREAS, the Township is permitted to extend the agreement pursuant to the Long-Term Tax Exemption Law (N.J.S.A. 40A:20-13.1, et seq.); and

WHEREAS, the Township Council believes that it is in the best interests of the Township to renew the PILOT agreement with SBCDC in order to continue to provide it with a long-term tax exemption pursuant to N.J.S.A. 40A:20-1, et seq., so as to continue to maintain it as very-low, low- and moderate-income housing; and

WHEREAS, pursuant to N.J.S.A. 40A:20-9, the PILOT agreement shall not take effect until approved by ordinance of the municipality; and

WHEREAS, SBCDC has also acquired the adjoining property known as Block 299, Lot 1.02, which should also be included in the PILOT agreement;

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of South Brunswick, County of Middlesex, State of New Jersey, that:

- I. The Township Council hereby authorizes an extension of the tax abatement and renewal of the payment in lieu of taxes (PILOT) agreement for an additional twenty (20) year period pursuant to the Long-Term Tax Exemption Law (N.J.S.A. 40A:20-1, et seq.) between the South Brunswick Community Development Corporation (SBCDC) and the Township for property with a mailing address of 3424 Route 27, Kendall Park, New Jersey 08824, consisting of Block 95.03, Lot 75.07 and Block 299, Lot 1.02, together known as Charleston Place.
- II. The Mayor, Township Manager, Township's attorney and the Township Clerk shall be and are hereby authorized to execute a renewal of the agreement and any and all documents necessary to enter into said renewal of the agreement.
- III. If any clause, sentence, paragraph, section or part of this ordinance or any other codes or ordinances incorporated herein shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but

shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

IV. This ordinance shall become effective twenty (20) days after its final passage.

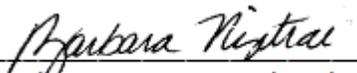
The above ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of South Brunswick held on November 10, 2015, and will be considered on second reading and final passage at a regular meeting of the Township Council of the Township of South Brunswick to be held at the Municipal Building, Monmouth Junction, New Jersey, at 7:30 p.m. on December 8, 2015, at which time and place any person having an interest therein will be given an opportunity to be heard.

History:

11/10/15 Township Council INTRODUCED Next: 12/08/15

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Chris Killmurray, Deputy Mayor
SECONDER:	Joseph Camarota, Councilman
AYES:	Joseph Camarota, Josephine "Jo" Hochman, Chris Killmurray, Frank Gambatese
ABSENT:	Charlie Carley

This is to certify that the foregoing is a true copy of an ordinance Adopted at the South Brunswick Township Council meeting held on December 8, 2015.



 Barbara Nyitrai, Township Clerk

**CHARLESTON PLACE EXTENSION OF
PAYMENT IN LIEU OF TAXES (PILOT) AGREEMENT**

THIS AGREEMENT, is made as of this 9 day of December, 2015, by and between, South Brunswick Community Development Corporation (hereinafter "SBCDC") a non-profit corporation qualified to do business under the provisions of the Long Term Tax Exemption Law, as amended and supplemented, (N.J.S.A. 40A:20-1, et seq.) having its principal office at 3424 Route 27, Kendall Park, NJ 08824, and the Township of South Brunswick, a Municipal Corporation in the County of Middlesex and the State of New Jersey (hereinafter "Township"), having its principal office at 540 Ridge Road, P.O. Box 190, Monmouth Junction, NJ 08852.

WITNESSETH:

WHEREAS, SBCDC is the owner of property located at 3424 Route 27, Kendall Park, New Jersey 08824 (Block 95.03, Lot 75.07), known as Charleston Place, a senior residential facility providing affordable congregate housing for approximately 98 residents that is included in the Township's Affordable Housing Plan, satisfying a portion of the Township's constitutional obligation to provide a realistic opportunity for persons of very low income to continue to live in the Township; and

WHEREAS, the Township previously authorized a tax abatement and Payment In Lieu Of Taxes (PILOT) Agreement pursuant to the Long-Term Tax Exemption Law (N.J.S.A. 40A:20-1, et seq.) on December 12, 1980, which agreement was amended on December 31, 1991, February 6, 2001, and May 25, 2001 (PILOT Agreement); and

WHEREAS, the duration of the PILOT Agreement was for a term of thirty-five (35) years from the date of the original agreement, or until December 12, 2015; and

WHEREAS, the Township is permitted to extend the PILOT Agreement pursuant to the Long-Term Tax Exemption Law (N.J.S.A. 40A:20-13.1, et seq.); and

WHEREAS, SBCDC has also acquired the adjoining property known as Block 299, Lot 1.02, which should also be included in the PILOT Agreement; and

WHEREAS, all properties must remain affordable to seniors and the disabled for a period of twenty (20) years from the date set forth in this agreement such that it is available to persons of very low income as defined by the Council on Affordable Housing (COAH), Uniform

Housing Affordability Controls (UHAC), and/or all applicable state and local laws and regulations governing affordable housing;

NOW THEREFORE, in consideration of the mutual covenants herein contained and for other good and valuable consideration, it is mutually covenanted and agreed as follows:

1. The Payment in Lieu Of Taxes (PILOT) Agreement between SBCDC and the Township dated December 12, 1980, as amended, shall be and is hereby extended an additional twenty (20) years, commencing December 13, 2015, and extending through December 12, 2035, pursuant to the Long-Term Tax Exemption Law (N.J.S.A. 40A:20-13.1, et seq.).
2. The property known as Block 299, Lot 1.02, recently acquired by SBCDC shall be included in the PILOT Agreement.
3. All other terms and conditions of the PILOT Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused these presents to be executed as of the day and year first above written.

WITNESS:

SOUTH BRUNSWICK COMMUNITY
DEVELOPMENT CORPORATION


ATTEST: Karen G. Scalera
Executive Director

By: 
Alan Kane, President

TOWNSHIP OF SOUTH BRUNSWICK


BARBARA NYITRAI, Township Clerk

BY: 
FRANK GAMBATESE, Mayor

STATE OF NEW JERSEY:
SS
COUNTY OF MIDDLESEX:

I CERTIFY that on 12/10, 2015, Karen G. Scalera personally came before me and she acknowledged under oath, to my satisfaction, that:

- (a) she is the Executive Director of South Brunswick Community Development Corporation, the corporation named in this document;
 - (b) she is the attesting witness to the signing of this document by Alan Kane who is the President of South Brunswick Community Development Corp.;
 - (c) this document was signed and delivered by the Corporation as its voluntary act duly authorized by a proper resolution;
 - (d) she knows the proper seal of the Corporation, which was affixed to this document;
- and
- (e) she signed this proof to attest to the truth of these facts.

Signed and sworn to before me
On 12/10, 2015

Katherine B. Christensen

Karen G. Scalera
Karen G. Scalera, Executive Director

KATHERINE B. CHRISTENSEN
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires April 17, 2016

STATE OF NEW JERSEY:

SS

COUNTY OF MIDDLESEX:

I CERTIFY that on December 9, 2015, BARBARA NYITRAI personally came before me and she acknowledged under oath, to my satisfaction, that:

(a) she is the Township Clerk of the Township of South Brunswick, the municipal corporation named in this document;

(b) she is the attesting witness to the signing of this document by Frank Gambatese who is the Mayor of the Township of South Brunswick;

(c) this document was signed and delivered by the Township of South Brunswick as its voluntary act duly authorized by a proper resolution of the Township Council;

(d) she knows the proper seal of the Township of South Brunswick which was affixed to this document; and

(e) she signed this proof to attest to the truth of these facts.

Signed and sworn to before me

On December 9, 2015



Donald J. Sears
An Attorney at Law
In the State of New Jersey



Barbara Nyitrai, Township Clerk