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August 5, 2026

Via eCourts

Hon. Janine M. Allen, J.S.C.
Sussex County Judicial Center
43-47 High Street, Third Floor
Newton, New Jersey 078690

Re: IMO Borough of Chatham
Docket No.: MRS-L-238-25
Filing of Objection to Adequacy of Gateway Overlay Zones

Dear Judge Allen:

This firm represents AJDM Chatham, LLC ("AJDM") in the above-captioned declaratory judgment action filed by the Borough of Chatham (the "Borough"). The purpose of this correspondence is to alert the Court that AJDM had timely sent its objection to the adequacy of the Gateway Overlay zones to counsel for the Borough and Fair Share Housing Center on July 29, 2026, via electronic mail. Due to technical issues beyond AJDM's control, its objection could be filed directly through eCourts. It has since been brought to our attention that filing is possible through utilization of the Judiciary Electronic Document Submission ("JEDS"). Accordingly, the instant correspondence as well as a true and accurate copy of the July 29, 2026 correspondence are now being submitted through JEDS.

Respectfully submitted,

/s/ John T. Eder
JOHN T. EDER

cc: All counsel of record (via eCourts)



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July 29, 2026

Via eCourts

Hon. Janine M. Allen, J.S.C.
 Sussex County Judicial Center
 43-47 High Street, Third Floor
 Newton, New Jersey 07860

Re: IMO Borough of Chatham
Docket No.: MRS-L-238-25
Objection to Adequacy of Gateway Overlay Zones

Dear Judge Allen:

This firm represents AJDM Chatham, LLC (“AJDM”) in the above-captioned declaratory judgment action filed by the Borough of Chatham (the “Borough”). AJDM¹ is the owner of Block 140, Lots 7.01, 8, and 10, and the contract purchaser of Block 140, Lot 9 on the Borough’s official tax map (collectively the “Property”). The Property is located in the Borough’s Gateway Overlay Zone One. As set forth in greater detail herein, please accept this correspondence, pursuant to Paragraph 8 of the June 26, 2026 Compliance Certification, as AJDM’s formal objection to the Borough’s decision to not adopt a redevelopment plan for the subject Property. AJDM respectfully submits that the implementation of a redevelopment plan, similar to what the Borough already adopted in conjunction with the successful project constructed on the Ivy site, is also appropriate for the subject Property. AJDM looks forward to engaging with the Borough in mediation to resolve its concerns.

As the Your Honor may recall, the adequacy of the existing overlay zoning on the Property and the municipal mechanisms to address unmet need have been ongoing issues in the Fourth Round proceedings. Notably, the Borough addressed a significant portion of its Third Round obligation by adopting the River Road Redevelopment Plan and implementing a long-term tax abatement in a successful collaboration with BNE on the Ivy project. The River Road Redevelopment Plan permits residential density at 54 du/ac. In contrast, the maximum permitted density for Gateway Overlay Zone One is 35 du/ac. A redevelopment

¹ AJDM is an affiliate entity of BNE Real Estate Group (“BNE”) and also constructed the Ivy inclusionary development in Chatham, referenced herein.



Hon. Janine M. Allen, J.S.C.

July 29, 2026

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plan consistent with the density that resulted in the Ivy would ensure that a similar, high quality inclusionary project will be constructed on the Property.

For these reasons, AJDM respectfully objects pursuant to Paragraph 8 of the compliance certification, but looks forward to engaging collaboratively with the Borough on an inclusionary project that will result in the further revitalization of the River Road corridor.

We thank the Court for considering this submission.

Respectfully submitted,

/s/ Derek W. Orth

DEREK W. ORTH

cc: All counsel of record (via eCourts)