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Sent via Email Only

Brian J. DiResta, President
SAFAVIEH DEVELOPMENT GROUP, LLC
666 Old Country Road, Suite 101
Garden City, NY 11530

RE: Township of Franklin, Warren County, New Jersey
Block 58, Lot 1

Dear Mr. DiResta:

The undersigned is legal counsel to the Township of Franklin, Warren County, New Jersey. As I am sure you are aware, the Township, in furtherance of the procedures mandated by the Redevelopment Law, has designated the above-referenced property as an area in need of redevelopment. The next step in the process will be to prepare a Redevelopment Plan, and ultimately designate a redeveloper. The Township's Planner, Jim Kyle, will be engaged in that process, along with the Township's Engineer, Mike Finelli, and I have recommended that the Township engage special Redevelopment Counsel, Steve Gouin, Esq.

The Township has recently been served with a Prerogative Writs Complaint challenging the Township's designation of the property. I am enclosing a courtesy copy of the filed Complaint. The Township, either through assigned insurance defense counsel or this office, in coordination with the Land Use Board Attorney, Rich Schneider, will be responding to the same.

You have also provided the Township Engineer with a copy of a Notice of Appeal filed by Skylands Preservation Alliance with respect to a flood hazard area applicability determination.

The Township is confident that this designation was done in furtherance of statutory requirements, and that the same will be upheld. While the Complaint seeks to enjoin further action by the Township in furtherance of its May 1, 2019 Resolution declaring the property in need of redevelopment, no accompanying motion has been filed, I would not anticipate any such relief being granted, and the Township is prepared to both defend the litigation and move forward with the redevelopment process on a dual track.

If Safavieh contemplates moving forward with the proposed warehouse and distribution facility in furtherance of the redevelopment of this property, the Township would like it input as far as the preparation of a Plan and would anticipate that Safavieh would post an escrow to defer the cost of the preparation of a Redevelopment Plan as well as the cost of potentially negotiating a Redevelopment Agreement and potential PILOT, should the Plan as developed be approved by the Land Use Board and the Township Committee.

In light of the Appeal and the recently-filed Prerogative Writ litigation, at this time, the Township would like to know whether Safavieh would like the to proceed with redevelopment planning or defer further participation until such time as the litigations are adjudicated.

Very truly yours,

BENBROOK & BENBROOK, LLC



Kevin P. Benbrook

KPB:sf

Enc.

cc: Denise L. Becton, Clerk – for distribution
Jeff DeAngelis, Mayor
Richard Schneider, Esq., Land Use Board Attorney
Steven Gouin, Esq., Special Counsel
Michael Finelli, Township Engineer
James Kyle, Township Planner
(via email)