

2013 MASTER PLAN REEXAMINATION REPORT

CHESTER TOWNSHIP Morris County, New Jersey



CHESTER TOWNSHIP PLANNING BOARD

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The original of this document was signed and sealed
in accordance with N.J.S.A. 45:14A-12.

Prepared by:

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Introduction

The New Jersey Municipal Land Use Law (MLUL) (N.J.S.A. 40:55D-1 et seq.) provides that each municipality within the State of New Jersey periodically reexamine its Master Plan policies and assumptions, and its zoning restrictions and site plan and subdivision regulations, and prepare and adopt by resolution, a report on the findings of such reexamination. The Reexamination Report must include the following components (N.J.S.A. 40:55D-89):

1. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
2. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
3. The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.
4. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.
5. The recommendations of the Planning Board concerning the incorporation of redevelopment plans adopted pursuant to the “Local Redevelopment and Housing Law,” into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

The current Chester Township Master Plan was adopted by the Planning Board pursuant to Article 3 of the MLUL (N.J.S.A. 40:55D-28) on October 23, 2001 (Reexamination Report adopted on October 23, 2007). The Board subsequently adopted amendments to the Master Plan in April of 2004, April of 2005, April of 2004, November of 2005 and May of 2010, affecting the following Master Plan Elements, respectively: Environmental Plan and Utility Plan; Land Use Plan; Housing Plan and Fair Share Plan; and Housing Plan and Fair Share Plan.

Since the time of adoption of the last amendment to the Master Plan, the assumptions, policies, and objectives upon which the Master Plan is based have changed by virtue of: a) the enactment of the

Highlands Water Protection and Planning Act (“Highlands Act,” N.J.S.A. 13:20-1 et seq.) by the State Legislature on August 10, 2004; b) the adoption of the Highlands Regional Master Plan by the Highlands Water Protection and Planning Council (“Highlands Council”) on July 17, 2008, which became effective on September 8, 2008; c) the requirement of the Highlands Act that municipal Master Plans and regulatory provisions be brought into alignment with the Highlands Regional Master Plan for lands located within the Highlands Preservation Area; d) the authorization within the Highlands Act for voluntary municipal Master Plan and regulatory conformance with the Highlands Regional Master Plan with respect to lands located within the Highlands Planning Area; and e) the affirmative decision of the Chester Township Governing Body to conform to the Highlands Regional Master Plan for municipal lands located in both the Preservation Area and Planning Area, as set forth by Resolution No. R2009-101 adopted on November 17, 2009.

Accordingly, the Planning Board has reexamined the Township Master Plan and development regulations to determine the specific changes necessary to achieve consistency with the Highlands Regional Master Plan and thereby, to incorporate the specific changes in State policies, goals, and objectives as set forth by the Highlands Act. It is the intent of this Report to identify the specific revisions needed to bring the Township Master Plan and development regulations into conformance with the Highlands Regional Master Plan.

1. Major Land Development Problems & Objectives

The major problems and objectives relating to land development in the Township at the time of the adoption of the last reexamination report which have changed, specifically as a result of the passage of the Highlands Act, the adoption of the Regional Master Plan, and/or the decision of the Governing Body to conform its planning documents to the Regional Master Plan, include the following:

- a. Through public action and private incentives, promote the retention of open space in Chester Township for the benefit of Township residents and the region at large.
- b. Encourage the continuation of active farming in Chester Township without detriment to the quality of life of neighboring residences.
- c. Encourage development of housing opportunities to serve the future needs of Chester Township residents.
- d. Provide housing opportunities in fulfillment of the Township's Mt. Laurel obligations while respecting the inherent development constraints of the land in Chester Township.

2. Extent of Reduction/Increase in Problems & Objectives

The extent to which each of the problems and objectives listed in item 1 above, have been reduced or have increased subsequent to the date of the last reexamination report, specifically as a result of passage of the Highlands Act, the adoption of the Regional Master Plan, and/or the decision of the Governing Body to conform its planning documents to the Regional Master Plan, is indicated below, in the same order provided at 1, above:

- a. Since October 2007, Chester Township has increased its inventory of public open space by 329 acres. The additional acreage is comprised of 107 acres of public parkland and preserved farmland totaling 222 acres.
- b. Chester Township continues to encourage farmland owners to participate in the County's Farmland Preservation Program.
- c. With regard to encouraging development of housing opportunities, this is now less of an objective in recognition of the limited development opportunities precipitated by the Highlands Regional Master Plan (RMP) overlay zoning.
- d. Opportunities for development of affordable housing in Chester Township have been impacted by adoption of the Highlands RMP. The Township is heavily reliant upon individual subsurface sewage disposal systems. With the entire Township subject to either NJDEP or Highlands Council strict nitrate dilution standards, development of new affordable housing units is severely limited. The Township remains, however, committed to meeting its obligations to provide its fair share of the region's affordable housing need.

3. Significant Changes in Assumptions, Policies, Objectives

Since the reexamination of the Township Master Plan on October 23, 2007, the passage of the Highlands Act, adoption of the Regional Master Plan by the Highlands Council, and the adoption by the Governing Body of its resolution to conform the municipal planning documents to the Regional Master Plan, have significantly altered and increased the objectives that must be addressed in the Township Master Plan, including but not limited to incorporating a variety of Highlands Resource protections, providing an emphasis on infrastructure and environmental carrying capacities, and initiating a substantial modification to the methodology to be used in determining permitted densities of development within the municipality.

4. Specific Recommended Changes to the Master Plan

The Planning Board recommends that specific changes to the Chester Township Master Plan be adopted, including modifications to the underlying objectives, policies and standards, all as outlined in detail, in the “Highlands Master Plan Element”. The Highlands Element was approved by the Highlands Council as part of the Township’s Petition for Plan Conformance. Since approval of the Township’s Petition for Plan Conformance, the Highlands Element has undergone significant amendments in recognition of Chester Township’s limited development capacity. The Township of Chester has limited potential for development other than projects that would be exempt from the Highlands Act. The Highlands Element recommended for adoption has been scaled back to reflect this limited development potential (copy attached herewith).

5. Specific Recommended Changes to Development Regulations

The Planning Board recommends that the Governing Body adopt and put into effect the “Highlands Checklist Ordinance” (copy attached herewith) in lieu of the document titled “Chester Township Highlands Land Use Ordinance,” approved by the Highlands Council as part of the Township’s Petition for Plan Conformance. In recognition of Chester Township’s limited development capacity, the Highlands Checklist Ordinance is the most appropriate mechanism to implement the objectives, policies and standards as outlined in the Highlands Element of the Master Plan. The Township anticipates that most proposals for development will qualify for Highlands Act exemptions. Development not covered by such exemptions will, as applicable, be subject to the provisions of the Regional Master Plan, or in the Preservation Area, the Department of Environmental Protection (NJDEP) “Highlands Water Protection and Planning Act Rules” (N.J.A.C. 7:38-1 et seq), or both. In addition, the Checklist Ordinance will require that evidence of consistency with the Highlands Regional Master Plan be submitted with Development Applications as a requirement of Application completeness.

6. Changes Recommended for Incorporation of Redevelopment Plans

At this time the Planning Board makes no findings or recommendations regarding the incorporation of redevelopment plans pursuant to the Local Redevelopment and Housing Law, P.L. 1992, c.79 (C.40A:12A-1 et al.).

APPENDIX 'A'

HIGHLANDS MASTER PLAN ELEMENT

APPENDIX 'B'

HIGHLANDS CHECKLIST ORDINANCE