# Chester Borough

# Chapter of the Morris County

# Wastewater Management Plan

**Amending the Following Areawide Water Quality Management Plans:**

**Upper Raritan**

**Prepared by the State of New Jersey Highlands Water Protection and Planning Council in support of Chester Borough's approved Petition for Plan Conformance and the Water Quality Management Planning Rules, N.J.A.C. 7:15.**

**April 2025**

**Submitted by the Board of County Commissioners of Morris County**

**Approved by the New Jersey Department of Environmental Protection:**

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## Introduction

The New Jersey Department of Environmental Protection (DEP) is responsible for ensuring that all areas of New Jersey are addressed by Wastewater Management Plans (WMPs) that comply with the provisions of the Water Quality Management Planning (WQMP) Rules at N.J.A.C. 7:15. Within the Highlands Region, this process will be achieved through a coordinated process with the affected county, municipality and the Highlands Water Protection and Planning Council (Highlands Council) as provided in N.J.A.C. 7:15-2.9 and N.J.A.C. 7:38-1.1. One of the conditions for each municipality that fully conforms to the Regional Master Plan (RMP) ("Plan Conformance" for the entire municipality) is the development of a municipal WMP or municipal chapter for a County WMP, as appropriate, in conformance with the RMP, and where applicable the DEP Highlands Preservation rules N.J.A.C. 7:38-3.4 (a and b) and N.J.A.C. 7:15. Please note that the WMP document only takes into consideration consistency with the septic guidelines of the RMP Policy 2L2 (**Appendix E**, Select List of Highlands Goals, Policies, and Objectives) and does not apply to any RMP consistency determinations required for other Highlands resources; these resources include, but are not limited to: Highlands Open Water Buffers, Forests Resource Areas, Prime Groundwater Recharge Areas, Carbonate Rock, Vernal Pools, Highlands Critical Habitat, and Steep Slopes. The purpose of the WMP is to ensure that sewer service areas and non-sewer service areas (septic system service area) for wastewater planning flows of 2,000 gallons per day (gpd) or less (individual subsurface sewage disposal systems – ISSDS) are consistent with the Land Use Capability Zone (LUCZ) Map designations and policies of the Highlands RMP. The WMP is therefore a direct result of the Plan Conformance process, intended to be adopted as the municipal chapter of the relevant County WMP where a County WMP is developed, or as a stand-alone document where a County WMP is not developed. Municipalities that do not pursue Plan Conformance for the Planning Area will address their wastewater planning responsibilities in cooperation with their counties or directly with DEP, which in turn will coordinate review with the Highlands Council.

Chester Borough is a municipality that fully conforms to the Highlands Water Protection and Planning Act (Highlands Act) and the Highlands RMP. On July 21, 2016, the Highlands Council adopted Resolution 2016-6 (attached as **Appendix A**) which approved Chester Borough's Petition for Plan Conformance, subject to conditions as set forth in the Final Consistency Review and Recommendation Report for Chester Borough (**Appendix B**). On June 20, 2017, the municipality adopted land use ordinance amendments consistent with the Highlands Council's approval of the Petition for Plan Conformance (**Appendix D**). The petition was amended at the January 16, 2020, Highlands Council meeting to approve the designation of a Highlands Center that encompasses the entire Borough. Plan Conformance applies to the entirety of Chester Borough, all of which is Highlands Planning Area.

A condition of the approved Petition for Plan Conformance, as detailed in the Final Consistency Review and Recommendation Report, is the requirement that Chester Borough adopt a WMP working with the Highlands Council under Plan Conformance. As such, the Chester Borough Chapter of the Morris County WMP has been developed under Plan Conformance for the entire Borough. The Highlands Council worked cooperatively with Chester Borough throughout the Plan Conformance process to conduct an extensive analysis of the complete land area of the municipality, using a geodatabase that documents the status of development for each parcel, and wastewater utility service, build-out potential, etc. Mapping depicting these analyses, as identified in this document, is provided.

## Wastewater Management Planning Area

The WMP Area is Morris County. This document is the Chester Borough municipal chapter of the Morris County WMP. The WMP chapter has been submitted to the DEP for approval so that it may be incorporated into the Upper Raritan WQMP via the plan amendment procedure at N.J.A.C. 7:15-3.5.

Chester Borough is a designated Highlands Center. The Chester Borough Highlands Center redesignated all Highlands Land Use Capability Zone designations in the Borough to two designations: (1) Highlands Center and (2) Highlands Environmental Resource Zone (HERZ). The HERZ designation includes Chester Borough lands formerly designated Protection Zone and Environmentally Sensitive subzones. Chester Borough's Highlands Center planning objective is designation of all non HERZ-designated land in Chester Borough as Future Sewer Service Area for connection to a new planned 0.352 million gallons per day (MGD) centralized Chester Borough Wastewater Treatment Facility (WTF) Highlands Domestic Treatment Work (DTW), which is proposed by this WMP amendment.

## Summary of Significant Actions Proposed in this WMP

The WMP chapter was reviewed in accordance with the WQMP rules and the Highlands RMP for areas eligible for sewer service and non-sewer service areas. The applicable areas were then assessed to determine if there was adequate wastewater treatment capacity available for the identified type of wastewater service. Because of this evaluation, 393 acres are being added to the sewer service area. As a result of the Highlands Center designation which includes the entire Borough, more areas are eligible for sewer service according to the WQMP rules and RMP. Six hundred and sixteen (616) acres are designated as future sewer service area with an additional 351,650 gpd proposed to go to the new Chester Borough Wastewater Treatment Facility (WTF).

The existing Chester Borough WTF does not have adequate existing capacity to serve the areas identified as sewer service (all Highlands Center, non-HERZ land in Chester Borough). Chester Borough plans to construct a new 0.352 MGD wastewater treatment facility that will discharge to surface water, specifically the Oakdale Creek. The planned capacity of the new treatment plant will be designed to be able to treat the full build-out projected in this analysis with limited opportunities for growth and development, which is consistent with a Highlands Center designation and Chester Borough zoning. In this WMP amendment, Chester Borough's planned new WTF will treat the full build-out potential identified in this analysis for the proposed sewer service area that includes all Highlands Center, non-HERZ land, except for the Dickerson/Bragg Elementary School.

The antidegradation study for this new discharge to surface water was approved by the Department in a letter dated September 30, 2021, based on an antidegradation study conducted in 2020. Subsequently, there was a change in the classification of Oakdale Creek to Category 1. The DEP requested additional stream sampling to confirm that the discharge complies with antidegradation requirements for Category 1 waters. After reviewing all available data, the DEP has determined that the replacement of the existing treatment plant discharging to groundwater with a new discharge to surface water treatment facility will result in improved water quality for Oakdale Creek, Lamington River, and the surrounding streams year-round during all flow conditions.

Areas identified as non-sewer service areas, which are served by individual subsurface sewage disposal systems, have been evaluated in accordance with the standards identified in the RMP Land Use Capability Zones (LUCZs) to determine the potential number of equivalent dwelling units

which could occur within the Highlands Region. The build-out analysis identified the potential for zero (0) additional septic systems in the Planning Area for all RMP LUCZs and HUC 14 subwatersheds. Underdeveloped parcels in the Planning Area were not evaluated against the septic standards set by the RMP if the development proposes fewer than three residential units. There are an estimated eleven (11) potential dwelling units that could be developed on underdeveloped parcels in Chester Borough. These underdeveloped parcels do not meet the Highlands standards identified in the RMP LUCZs because the development of these additional units identified would trigger an exceedance of nitrate dilution capacities. The septic build-out for underdeveloped parcels is based on some assumptions and does not take into account environmental constraints that may affect the buildability of a parcel. Therefore, the total number of equivalent dwelling units is approximate. A future analysis to determine whether these parcels are buildable may be undertaken, thus possibly reducing the number of septics that contribute to a potential exceedance in nitrate dilution. However, due to the Borough's plan to connect most homes and businesses to the new WTF, it is the Highlands Council's belief that these eleven (11) additional units outside the sewer service area would not trigger nitrate dilution capacity exceedances and therefore the Highlands Council does not recommend any strategies to address the potential for additional septic systems.

## Sewer Service in the Highlands Region

**1. Assigned Sewer Service Area** – These areas may be designated as one of the following:

a. The Existing Areas Served (EAS) includes all areas currently served by New Jersey Pollutant Discharge Elimination System (NJPDES) permitted wastewater treatment facilities, both domestic and industrial, discharging to surface or ground water, including T-1 sites (general NJPDES permit for existing sanitary septic systems with design flows of greater than 2,000 gpd which were designed and approved in accordance with either N.J.A.C. 7:9A-1 et seq. or its regulatory precursors prior to January 1, 1990).

b. In the Highlands Planning Area, the Future Sewer Service Area (FSSA) includes other lands in Highlands conforming municipalities as defined at N.J.A.C. 7:15-1.5, proposed for treatment by a NJPDES permitted facility in accordance with N.J.A.C. 7:15-4.4(c)2, sewer service may only be provided to those areas established within the RMP as Existing Community Zone (excluding the Environmentally-Constrained Subzone), Lake Community Sub-Zone, or designated as Highlands Redevelopment Areas or Highlands Centers – in this case, the Chester Borough Highlands Center. Additionally, lands previously approved by the DEP as sewer service areas for which a currently valid municipal development approval and valid DEP Treatment Works Approval (TWA), if required, has been issued and is currently in effect, where such information was documented by the municipality or the DEP and provided to the Highlands Council have been included in the SSA.

**RMP Consistency Determinations:** Any proposed modification to this WMP will not be approved without a review of Highlands RMP consistency by the Highlands Council and coordination between the Highlands Council and the DEP in accordance with N.J.A.C. 7:38-1.1(k) and 7:15-2.9.

Additional properties may be proposed for inclusion in the assigned sewer service area through DEP approval of amendment(s) to this WMP, where determined to be consistent with the RMP

(through a Highlands Council Consistency Determination). Amendments may also be approved to address public health and safety issues. Further, connection of additional properties or expansion of flows from existing connections is subject to municipal approval regarding availability of utility capacity, including both remaining available utility capacity (e.g., wastewater flows) and infrastructure capacity (e.g., pump stations, mains). Compliance with the connection requirement will be governed through compliance with N.J.A.C. 7:9A-1.6(e), which provides guidance on sewer connections.

## Wastewater Treatment Facilities

This section addresses wastewater treatment facilities currently or anticipated to be utilized within the municipality, regardless of whether the treatment works itself is located within or outside of the municipality. Facility tables are provided for each existing and proposed wastewater treatment facility.

### Overview of Wastewater Services and Wastewater Responsibilities

#### Wastewater Facility Tables

Below are wastewater facility tables for all sanitary and/or process wastewater discharge to surface water facilities and those sanitary and/or process wastewater discharges to ground water facilities discharging greater than 2,000 gpd (e.g., requiring NJPDES permits). They include domestic wastewater treatment facilities which may serve one or multiple municipalities, onsite domestic treatment facilities, onsite existing sanitary septic system general permit (T-1) treatment facilities, and/or industrial treatment facilities which treat only industrial process wastewater, and/or facilities serving industrial land uses that have independent wastewater treatment facilities that treat and discharge manufacturing process waste and/or sanitary sewage that may be discharged to ground water or to surface water.

| Table 1. Chester Borough Wastewater Treatment Facility (WTF) | | |
|---|---|---|
| **1. Existing or proposed facility:** | Existing | |
| **2. New Jersey Pollutant Discharge Elimination System (NJPDES) Permit Number:** | NJ0054101 | |
| **3. Discharge to ground water (DGW) or surface water (DSW):** | DGW | |
| **4. Receiving water or aquifer name:** | Hardyston Aquifer | |
| **5. Classification of receiving water or aquifer:** | II-A | |
| **6. Owner of facility:** | Chester Borough | |
| **7. Operator of facility:** | Chester Borough | |
| **8. Co-Permittee of facility *(where applicable)*:** | | |
| **9. Location of facility:** | | |
| **a. Municipality & County** | Chester Borough, Morris County | |
| **b. Street address** | 111 Oakdale Road | |
| **c. Block and Lot** | Block 110 Lot 3 | |
| **10. Location of discharge:** | State Plane Coordinates X: 439099, Y: 714044 | |
| **11. Present permitted flow:** | 0.075 MGD | |
| **12. Summary of population served/to be served:** | **Current (Year 2020) Population** | **Build-Out Population** |
| **Chester Borough** | 606 | 0 |
| **13. Summary of wastewater flow** | **Max 12-Month Rolling Average Over 5 Years (June 2023-May 2024) (MGD)** | **Build-Out (MGD)** |
| **Chester Borough** | 0.081 | 0 |

* This facility will be decommissioned and replaced with a new wastewater treatment facility.

| Table 2. Chester Borough Wastewater Treatment Facility (WTF) | | |
|---|---|---|
| **1. Existing or proposed facility:** | Proposed | |
| **2. New Jersey Pollutant Discharge Elimination System (NJPDES) Permit Number:** | TBD | |
| **3. Discharge to ground water (DGW) or surface water (DSW):** | DSW | |
| **4. Receiving water or aquifer name:** | Oakdale Creek | |
| **5. Classification of receiving water or aquifer:** | FW2-TP(C1) | |
| **6. Owner of facility:** | Chester Borough | |
| **7. Operator of facility:** | Chester Borough | |
| **8. Co-Permittee of facility *(where applicable)*:** | | |
| **9. Location of facility:** | | |
| **a. Municipality & County** | Chester Borough, Morris County | |
| **b. Street address** | 111 Oakdale Road | |
| **c. Block and Lot** | Block 110 Lot 3 | |
| **10. Location of discharge:** | State Plane Coordinates X: 439099, Y: 714044 | |
| **11. Present permitted flow:** | N/A | |
| **12. Summary of population served/to be served:** | **Current (Year 2020) Population** | **Build-Out Population** |
| **Chester Borough** | 0 | 5,068 |
| **13. Summary of wastewater flow** | **Max 12-Month Rolling Average Over 5 Years (MGD)** | **Build-Out (MGD)** |
| **Chester Borough** | 0 | 0.35165* |

* This build-out includes the connections of all facilities and areas within the assigned sewer service area in Chester Borough except for the Dickerson/Bragg Elementary School. Dickerson/Bragg Elementary School is discussed in the Chester Township Wastewater Management Plan.

| Table 3. Chester Shopping Center Treatment Facility (Chester Mall) | | |
|---|---|---|
| **1. Existing or proposed facility:** | Existing | |
| **2. New Jersey Pollutant Discharge Elimination System (NJPDES) Permit Number:** | NJ0026824 | |
| **3. Discharge to ground water (DGW) or surface water (DSW):** | DSW | |
| **4. Receiving water or aquifer name:** | Hacklebarney Brook | |
| **5. Classification of receiving water or aquifer:** | FW2-TP(C1) | |
| **6. Owner of facility:** | Victor Pocorobba, Savro LLC | |
| **7. Operator of facility:** | Michael J. Lyons, Lyons Environnemental Services LLC | |
| **8. Co-Permittee of facility *(where applicable)*:** | | |
| **9. Location of facility:** | | |
| **a. Municipality & County** | Chester Borough, Morris County | |
| **b. Street address** | 11-85 West Main Street | |
| **c. Block and Lot** | Block 133 Lot 5 | |
| **10. Location of discharge:** | State Plane Coordinates X: 436824, Y: 709738 | |
| **11. Present permitted flow:** | 0.011 MGD | |
| **12. Summary of population served/to be served:** | **Current (Year 2020) Population** | **Build-Out Population** |
| **Chester Borough** | 16 | 0 |
| **13. Summary of wastewater flow** | **Max 12-Month Rolling Average Over 5 Years (October 2020 to September 2021) (MGD)** | **Build-Out (MGD)** |
| **Chester Borough** | 0.006 | 0 |

* Facility is not expected to expand and is anticipated to connect to the new Chester Borough WTF. Wastewater flows previously sent to this facility will be accounted for in the Chester Borough WTF facility table.

| Table 4. Chester Springs Shopping Center Treatment Facility | | |
|---|---|---|
| **1. Existing or proposed facility:** | Existing | |
| **2. New Jersey Pollutant Discharge Elimination System (NJPDES) Permit Number:** | NJ0090115 | |
| **3. Discharge to ground water (DGW) or surface water (DSW):** | DGW | |
| **4. Receiving water or aquifer name:** | Byram Gneiss Formation | |
| **5. Classification of receiving water or aquifer:** | II-A | |
| **6. Owner of facility:** | John Cerbone, DPF Chester LLC | |
| **7. Operator of facility:** | Jason Ballo, DPF Chester LLC | |
| **8. Co-Permittee of facility *(where applicable)*:** | | |
| **9. Location of facility:** | | |
| **a. Municipality & County** | Chester Borough, Morris County | |
| **b. Street address** | 141-205 Route 206 North | |
| **c. Block and Lot** | Block 128 Lot 4 | |
| **10. Location of discharge:** | State Plane Coordinates X: 437701, Y: 708846 | |
| **11. Present permitted flow:** | 0.03 MGD | |
| **12. Summary of population served/to be served:** | **Current (Year 2020) Population** | **Build-Out Population** |
| **Chester Borough** | 46 | 0 |
| **13. Summary of wastewater flow** | **Max 12-Month Rolling Average Over 5 Years (June 2023 to May 2024) (MGD)** | **Build-Out (MGD)** |
| **Chester Borough** | 0.0147 | 0 |

* Facility is not expected to expand and is anticipated to connect to the new Chester Borough WTF. Wastewater flows previously sent to this facility will be accounted for in the Chester Borough WTF facility table.

| Table 5. 95 West Main Street Treatment Facility | | |
|---|---|---|
| **1. Existing or proposed facility:** | Existing | |
| **2. New Jersey Pollutant Discharge Elimination System (NJPDES) Permit Number:** | NJ0128872 | |
| **3. Discharge to ground water (DGW) or surface water (DSW):** | DGW | |
| **4. Receiving water or aquifer name:** | Crystalline Rocks | |
| **5. Classification of receiving water or aquifer:** | II-A | |
| **6. Owner of facility:** | Donald Duryea, 95 Main Street LLC | |
| **7. Operator of facility:** | Michael J. Lyons, Lyons Environnemental Services LLC | |
| **8. Co-Permittee of facility *(where applicable)*:** | | |
| **9. Location of facility:** | | |
| **a. Municipality & County** | Chester Borough, Morris County | |
| **b. Street address** | 95 West Main Street | |
| **c. Block and Lot** | Block 133 Lot 4 | |
| **10. Location of discharge:** | State Plane Coordinates X: 436187, Y: 709547 | |
| **11. Present permitted flow:** | 0.0025MGD | |
| **12. Summary of population served/to be served:** | **Current (Year 2020) Population** | **Build-Out Population** |
| **Chester Borough** | 28,000 square feet | 0 |
| **13. Summary of wastewater flow** | **Max 12-Month Rolling Average Over 5 Years (November 2020 to October 2021) (MGD)** | **Build-Out (MGD)** |
| **Chester Borough** | 0.0007 | 0 |

* Facility is not expected to expand and is anticipated to connect to the new Chester Borough WTF. Wastewater flows previously sent to this facility will be accounted for in the Chester Borough WTF facility table.

| Table 6. CPP Streets of Chester, LLC Treatment Facility | | |
|---|---|---|
| **1. Existing or proposed facility:** | Existing | |
| **2. New Jersey Pollutant Discharge Elimination System (NJPDES) Permit Number:** | NJ0134058 | |
| **3. Discharge to ground water (DGW) or surface water (DSW):** | DGW | |
| **4. Receiving water or aquifer name:** | Lossee Gneiss | |
| **5. Classification of receiving water or aquifer:** | II-A | |
| **6. Owner of facility:** | Drew E. Mazura, Lincoln Property Co | |
| **7. Operator of facility:** | Stacy Rash, Natural Systems Utilities | |
| **8. Co-Permittee of facility *(where applicable)*:** | | |
| **9. Location of facility:** | | |
| **a. Municipality & County** | Chester Borough, Morris County | |
| **b. Street address** | 128 Route 206 S | |
| **c. Block and Lot** | Block 132 Lot 3 | |
| **10. Location of discharge:** | State Plane Coordinates X: 437254, Y: 709427 | |
| **11. Present permitted flow:** | 0.011MGD | |
| **12. Summary of population served/to be served:** | **Current (Year 2020) Population** | **Build-Out Population** |
| **Chester Borough** | 104,632 square feet | 0 |
| **13. Summary of wastewater flow** | **Max 12-Month Rolling Average Over 5 Years (February 2021 to January 2022) (MGD)** | **Build-Out (MGD)** |
| **Chester Borough** | 0.008 | 0 |

* Facility is not expected to expand and is anticipated to connect to the new Chester Borough WTF. Wastewater flows previously sent to this facility will be accounted for in the Chester Borough WTF facility table.

| Table 7. 2-4 Mill Ridge, LLC Treatment Facility | | |
|---|---|---|
| **1. Existing or proposed facility:** | Existing | |
| **2. New Jersey Pollutant Discharge Elimination System (NJPDES) Permit Number:** | NJ0167495 | |
| **3. Discharge to ground water (DGW) or surface water (DSW):** | DGW | |
| **4. Receiving water or aquifer name:** | Vincentown Formation | |
| **5. Classification of receiving water or aquifer:** | II-A | |
| **6. Owner of facility:** | Brenda Ventrella, M&M Chester LLC | |
| **7. Operator of facility:** | Brenda Ventrella, M&M Chester LLC | |
| **8. Co-Permittee of facility *(where applicable)*:** | | |
| **9. Location of facility:** | | |
| **a. Municipality & County** | Chester Borough, Morris County | |
| **b. Street address** | 2-4 Mill Ridge Lane | |
| **c. Block and Lot** | Block 101 Lots 12.04 & 12.05 | |
| **10. Location of discharge:** | State Plane Coordinates X: 435791, Y: 710233 | |
| **11. Present permitted flow:** | 0.004 MGD | |
| **12. Summary of population served/to be served:** | **Current (Year 2020) Population** | **Build-Out Population** |
| **Chester Borough** | 32,000 square feet | 0 |
| **13. Summary of wastewater flow** | **Max 12-Month Rolling Average Over 5 Years (MGD)** | **Build-Out (MGD)** |
| **Chester Borough** | DMR data not available | 0 |

* Facility is not expected to expand and is anticipated to connect to the new Chester Borough WTF. Wastewater flows previously sent to this facility will be accounted for in the Chester Borough WTF facility table.

| Table 8. Chester Borough Center (aka Turkey Farm Mill Ridge Lane) Treatment Facility | | |
|---|---|---|
| **1. Existing or proposed facility:** | Proposed | |
| **2. New Jersey Pollutant Discharge Elimination System (NJPDES) Permit Number:** | NJ0353795 | |
| **3. Discharge to ground water (DGW) or surface water (DSW):** | DGW | |
| **4. Receiving water or aquifer name:** | Crystalline Rocks | |
| **5. Classification of receiving water or aquifer:** | II-A | |
| **6. Owner of facility:** | Global Acquisitions Co. | |
| **7. Operator of facility:** | TBD | |
| **8. Co-Permittee of facility *(where applicable)*:** | | |
| **9. Location of facility:** | | |
| **a. Municipality & County** | Chester Borough, Morris County | |
| **b. Street address** | 46 West Main Street | |
| **c. Block and Lot(s)** | Block 101 Lots 12.07, 12.08, 13, 14, 15, & 16 | |
| **10. Location of discharge:** | X:436851, Y: 710793 | |
| **11. Present permitted flow:** | 0.026125 MGD | |
| **12. Summary of population served/to be served:** | **Current (Year 2020) Population** | **Build-Out Population** |
| **Chester Borough** | 57 total residential units<br>40,000 square feet commercial<br>225-seat restaurant | 0 |
| **13. Summary of wastewater flow** | **Max 12-Month Rolling Average Over 5 Years (MGD)** | **Build-Out (MGD)** |
| **Chester Borough** | 0 | 0 |

* Facility is not expected to expand and is anticipated to connect to the new Chester Borough WTF. Wastewater flows previously sent to this facility will be accounted for in the Chester Borough WTF facility table.

| Table 9. Windy Acres Mobile Home Park Existing Sanitary Septic System General Permit (T-1) Treatment Facility | |
|---|---|
| **1. New Jersey Pollutant Discharge Elimination System (NJPDES) Permit Number:** | NJG0084701 |
| **2. Discharge to ground water (DGW):** | DGW |
| **3. Name of receiving aquifer:** | Crystalline Rocks |
| **4. Classification of receiving aquifer:** | II-A |
| **5. Owner of facility:** | Covenant Capital Chester LLC |
| **6. Operator of facility:** | Victor Garrido, GG Property Services |
| **7. Location of facility:** | |
| **a. Municipality & County** | Chester Borough, Morris County |
| **b. Street address** | 195 West Main Street |
| **c. Block and Lot** | Block 133 Lot 2 |
| **8. Location of discharge:** | State Plane Coordinates X: 435079, Y: 709385 |
| **9. Summary of current population served identifying all wastewater generating uses:** | _____ |
| **Mobile Home Park:** | The mobile home park has a capacity of 50 mobile homes. The park is serviced by 2 disposal fields, 4 seepage pits, 2 cesspools (1,500-gallon capacity for each cesspool) and 2 septic tanks (1500-gallon capacity for each tank). There are no laundry facilities on site. |
| **Other: Refer to N.J.A.C. 7:9A-7.4** | 0.0072 estimated flow |

* Facility is not expected to expand and is anticipated to connect to the new Chester Borough WTF. Wastewater flows previously sent to this facility will be accounted for in the Chester Borough WTF facility table. The existing flow is unmetered. The identified flow is calculated based on existing uses in accordance with N.J.A.C. 7:9A design criteria.

| Table 10. Redwoods Grill & Bar Existing Sanitary Septic System General Permit (T-1) Treatment Facility | |
|---|---|
| **1. New Jersey Pollutant Discharge Elimination System (NJPDES) Permit Number:** | NJG0169901 |
| **2. Discharge to ground water (DGW):** | DGW |
| **3. Name of receiving aquifer:** | Igneous and metamorphic rocks |
| **4. Classification of receiving aquifer:** | II-A |
| **5. Owner of facility:** | Keith Holmes, Redwoods Really LLC |
| **6. Operator of facility:** | John O'Leary, Redwoods Really LLC |
| **7. Location of facility:** | |
| **a. Municipality & County** | Chester Borough, Morris County |
| **b. Street address** | 459 Main Street |
| **c. Block and Lot** | Block 110 Lot 26 |
| **8. Location of discharge:** | State Plane Coordinates X: 441604, Y: 712462 |
| **9. Summary of current population served identifying all wastewater generating uses:** | _____ |
| **Restaurant/Commercial/Residential:** | The facility contains one restaurant with 187 seats, one pool and spa store, one tile store, one chocolate shop, and two 2-bedroom apartments. The facility's septic system consists of four 1,000-gallon septic tanks, one 2,400 square foot disposal field, one 1,000-gallon pump tank and one 275-gallon grease trap |
| **Other: Refer to N.J.A.C. 7:9A-7.4** | 0.0068 estimated flow |

* Facility is not expected to expand and is anticipated to connect to the new Chester Borough WTF. Wastewater flows previously sent to this facility will be accounted for in the Chester Borough WTF facility table. The existing flow is unmetered. The identified flow is calculated based on existing uses in accordance with N.J.A.C. 7:9A design criteria.

| Table 11. Dickerson/Bragg Elementary School Existing Sanitary Septic System General Permit (T-1) Treatment Facility | |
|---|---|
| **1. New Jersey Pollutant Discharge Elimination System (NJPDES) Permit Number:** | NJG0108260 |
| **2. Discharge to ground water (DGW):** | DGW |
| **3. Name of receiving aquifer:** | Igneous and metamorphic rocks |
| **4. Classification of receiving aquifer:** | II-A |
| **5. Owner of facility:** | Peter Frascella |
| **6. Operator of facility:** | Evan Morley |
| **7. Location of facility:** | |
| **a. Municipality & County** | Chester Township, Morris County |
| **b. Street address** | 250 Route 24 |
| **c. Block and Lot** | Block 25.01 Lot 38.01 |
| **8. Location of discharge:** | State Plane Coordinates X: 442654, Y: 710812 |
| **9. Summary of current population served identifying all wastewater generating uses:** | _____ |
| **School:** | Maximum of 918 students. |
| **Other: Refer to N.J.A.C. 7:9A-7.4** | 0.0095 estimated flow |

*The existing flow is unmetered. The identified flow is calculated based on existing uses in accordance with N.J.A.C. 7:9A design criteria. The facility is not expected to expand.

## Non-Sewer Service Areas (Wastewater Planning Flows of 2,000 gallons per day (gpd) or less)

Remaining areas of the municipality, not otherwise identified as eligible to receive sewer service from a NJPDES regulated domestic or industrial treatment works where small treatment works that treat 2,000 gpd or less of wastewater with discharge to groundwater, are included within the non-sewer service area (HERZ). This category applies to all lands for which the density of new septic system development will be consistent with applicable septic density/nitrate dilution allowances. Portions of the Existing Community Zone or Highlands Centers that are not sewered and are not intended to receive sewer service may be designated in the same manner. These areas will be subject to a septic maintenance program that will ensure these facilities are functioning properly.

All non-HERZ land in the Chester Borough Highlands Center are proposed for sewer service area designation, and ultimately connection to a new Chester Borough WTF. Until such time as wastewater collection infrastructure is developed and extended throughout the Borough, sites served by individual subsurface sewerage disposal facilities will be subject to a septic maintenance program to ensure these facilities are functioning properly.

In the Highlands Planning Area, for Highlands conforming municipalities, the nitrate dilution capacity analysis shall be performed in accordance with the procedures set forth pursuant to the Highlands RMP; however, development is not evaluated against the septic standards set by the RMP if the development consists of fewer than three residential dwelling units.

The septic build-out for underdeveloped parcels in the Planning Area is based on some assumptions, as discussed in **Appendix F**, and therefore the total number of equivalent dwelling units is approximate.

Projects in non-sewer service areas with cumulative wastewater flows of more than 2,000 gpd shall not be eligible for NJPDES discharge permits or TWAs unless a WQMP revision or amendment to this WMP is proposed and adopted to change the service area designation from a non-sewer service area to a sewer service area (assigned) for one of the following reasons:

- Projects approved under septic system density provisions consistent with the RMP, as required by the Highlands land use ordinance amendments adopted by the municipality pursuant to Highlands Council approval of its Petition for Plan Conformance. (NOTE: Approval pursuant to these provisions is deemed in conformance with the septic system density requirements of N.J.A.C. 7:15); or
- The Highlands Council has determined that the discharge is consistent with the RMP.

Chester Borough planning objective for the Center is to eventually connect all parcels of non-HERZ land in the Chester Borough Highlands Center to a new 0.352 MGD Chester Borough Highlands Domestic Treatment Works WTF. These lands include existing developed residential and non-residential parcels as well as several redevelopment and vacant parcels situated primarily as in-fill lots among the developed areas of the Borough. The Borough's plan is to phase the extension of wastewater collection infrastructure based on the need to connect substandard and existing failing septic systems and based on economies of scale that can be achieved through carefully planned extensions of new wastewater collection infrastructure.

## Municipal Build-Out Results

The Highlands Technical Method for WMP Build-Out Analysis (attached as **Appendix F**) for Chester Borough is based upon local zoning, Highlands LUCZs in the Planning Area, Highlands Act Rules (N.J.A.C. 7:38-3.4), and prior approvals. Open space, preserved land, and DEP environmentally constrained land are not included as developable land in the build-out analysis for the assigned sewer service areas. The Highlands Council estimated the number of new development units for potential developable lands for the entire municipality, as summarized in **Tables 12 and 14** below. The results of the municipal build-out analysis are designed to be utilized at a municipal scale and are not appropriate for determining if a particular parcel or development project is consistent with the RMP (for example, certain results regarding residential or non-residential development that may be altered through a specific development review). The municipal results are a result of current conditions and application of RMP septic requirements. The analysis below provides a critical planning tool but cannot be used as a definitive prediction of the future or as a basis for parcel-based development potential.

**Development in Assigned Sewer Service Areas:** As summarized in **Table 15**, 673 residential units and 1,285,992 square feet of non-residential development result in a wastewater demand of 351,650 gpd, or 0.35165 MGD to be treated by the proposed Chester Borough WTF. This build out includes the connections of all existing sites identified as Future Sewer Service Area within the Borough, which is explained in more detail below.

The Chester Borough Center (aka Turkey Farm Mill Ridge Lane) Treatment Facility will be designed to treat the projected build-out consisting of twenty 3-bedroom townhouses, eight 1-bedroom apartments, twenty-two 2-bedroom apartments, seven 3-bedroom apartments, a 225-seat (7,500 sq ft) restaurant and 40,000 square feet of non-residential development, which results in a wastewater demand of 26,125 gpd or 0.026125 MGD.

The Chester Shopping Center (a.k.a. Chester Mall, NJ0026824) has an affordable housing overlay designation as per the Borough's Court-approved Third Round settlement agreement, which results in a future calculated wastewater demand of 19,000 gpd, whereas the facility currently has a permitted flow of 11,000 gpd.

There is no projected build-out for the following facilities: Chester Springs Shopping Center (NJ0090115), 95 West Main Street (NJ0128872), CPP Streets of Chester LLC (NJ0134058), 2-4 Mill Ridge, LLC (NJ0167495), Windy Acres (NJG0084701), Redwoods Grill and Bar (NJG0169901), and Dickerson/Bragg Elementary School (NJG0108260). However, the Borough's wastewater planning projections anticipate potential future development opportunities at the shopping centers (Chester Springs (NJ0090115) and CPP Streets of Chester (NJ0134058)) among other existing developed sites. The Borough's planned 0.352 MGD WTF is identified to allow for connection of all existing Chester Borough NJPDES sites in the future and includes capacity to accommodate a modest amount of future nonresidential build-out development potential identified for existing developed sites that are not fully developed under current zoning.

## Available Wastewater Utility Capacity and Municipal Build-Out Results

**Assigned Sewer Service Area** – This table shows wastewater flows within the Sewer Service Area for the facilities discussed under the section Municipal Build-Out Results.

**Table 12. Sewer Service Area Wastewater Treatment Capacity Analysis**

| | Facility | NJDPES Permit # | Municipality | Current Flow[1] (MGD) | Additional Projected Flow[2] (MGD) | Total Build-Out Flow[3] (MGD) | NJDPES Permitted Flow (MGD) | Surplus (+) or Deficiency[4] (-) |
|---|---|---|---|---|---|---|---|---|
| Assigned | Chester Borough WTF | NJ0054101 | Chester Borough | 0.081 | 0 | 0 | 0.075 | N/A |
| | Chester Borough WTF | TBD | Chester Borough | N/A | 0.35165 | 0.35165 | 0.35165 (proposed) | 0 |
| | Chester Shopping Center Treatment Facility | NJ0026824 | Chester Borough | 0.006 | 0 | 0 | 0.011 | N/A |
| | Chester Springs Shopping Center Treatment Facility | NJ0090115 | Chester Borough | 0.018 | 0 | 0 | 0.03 | N/A |
| | 95 West Main | NJ0128872 | Chester Borough | 0.0007 | 0 | 0 | 0.0025 | N/A |

*[1] Highest consecutive rolling 12-month average in most recent 5 years of DMR Data for all of the facilities with flow data between October 20219 and August 2024*

*[2] Combined flows from both existing developments not connected to the STP and acreage that can support development within the SSA – See* ***Appendix F*** *– "Highlands Technical Method for WMP Build-Out Analysis"*

*[3] Combined flows of Current and Projected Flows*

*[4] A deficiency will constitute a "potential capacity deficiency"; All existing facilities can handle the existing flows. Chester Borough WTF will be expanded to include all existing facilities and additional build out within Chester Borough; therefore, there is no real capacity deficit once the new WTF is built.*

| Table 12. Sewer Service Area Wastewater Treatment Capacity Analysis | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Street Treatment Facility | | | | | | | |
| | CPP Streets of Chester, LLC Treatment Facility | NJ0134058 | Chester Borough | 0.008 | 0 | 0 | 0.011 | N/A |
| | 2-4 Mill Ridge, LLC Treatment Facility | NJ0167495 | Chester Borough | TBD | 0 | 0 | 0.004 | N/A |
| | Chester Borough Center (Turkey Farm Mill Ridge Lane) | NJ0353795 | Chester Borough | 0 | 0.026125 | 0 | 0.026125 | N/A |

## Nitrate Dilution Analysis

The build-out method for non-sewer service areas (discharges to groundwater with planning flows of 2,000 gpd or less) in the Highlands Region is based on RMP Policy 2L2 (**Appendix E**). The septic system yields associated with this area are listed in **Tables 13 through 15 below**. A Septic Inventory of properties with existing septic systems is provided as **Appendix G**.

**Development Reliant on Septic Systems:** The build-out analysis identified the potential for zero (0) septic systems in the Planning Area for all RMP LUCZs. Additionally, in Chester Borough there is the potential for 11 dwelling units on underdeveloped lots in the Planning Area.

**Table 13** shows the septic densities allowed based on RMP LUCZ in the Planning Area.

| Table 13. Non-Sewer Service Area Nitrate Dilution Build-Out by Land Use Capability Zone in the Planning Area | |
|---|---|
| **RMP LUCZ** | **Septic Density (acres/du)[5]** |
| **Protection Zone** | 23 |
| **Conservation Zone** | 9 |
| **Existing Community Zone** | 8 |

[5] *Du-dwelling unit*

**Table 14** shows the total number of units projected based on LUCZ in the Planning Area. Nitrate dilution capacity is exceeded when projecting for potential development of underdeveloped parcels.

| Table 14. Non-Sewer Service Area Nitrate Dilution Build-Out Analysis | | | | |
|---|---|---|---|---|
| **Highlands Area** | **Developable Land (acres)** | **Allowed Units based on Septic Density*** | **Nitrate Dilution Capacity Exceeded **** | **Total New Units** |
| Planning Area | 32 | 0 | 11 | 11 |

***Number of equivalent dwelling units projected based on the results of nitrate dilution capacity build-out analysis**
**** Number of equivalent dwelling units projected that are not subject to evaluation against the RMP**

| Table 15. Municipal Build-Out Results Summary | |
|---|---|
| | **Planning Area Totals** |
| **Residential units – Sewered** | **673** |
| **Septic System Yield (Planning Area: LUCZ)(equivalent dwelling units)** | **0** |
| **Underdeveloped Residential units- Septic** | **11** |
| **Non-Residential – Sewered** | **1,285,992 sq. ft.** |

## Strategies to Address Capacity Deficiencies

The Borough plans to expand the Chester Borough WTF wastewater treatment capacity in the near future. The plans include converting the wastewater treatment plant from a DGW to a DSW and to increase capacity up to 351,652 gpd., consistent with the Highlands build-out capacity prepared for this WMP amendment.

Although under full build-out Chester Borough is estimated to have 11 additional septic systems that would exceed RMP nitrate dilution capacity, due to the expected additional sewer capacity planned for the Chester Borough WTF, these additional septic systems would ultimately result in fewer septic systems in the Borough than what currently exist. Four hundred and five (405) septic systems currently operating in Chester Borough will be connecting to the new treatment facility, greatly reducing the nitrate load that the groundwater will receive.

## Septic Maintenance Program

The WQMP rules require that WMPs for municipalities with septic systems contain a septic system maintenance program (see **Appendix H**) that at a minimum contains the following:

- A current inventory of ISSDS;
- A description of the current practices required to promote ISSDS care and maintenance; and
- A description of planned improvements to the current practices to improve the septic system inventory and promotion of improved septic system care and maintenance.

The septic inventory of all existing septic systems within the municipality can be found in **Appendix G**.

## Mapping Requirements Pursuant to N.J.A.C. 7:15-4.3(c)

The relevant mapping requirements of the WQMP Rules at N.J.A.C. 7:15-4.3(c) are met through the following maps for Chester Borough, as developed specifically for the WMP or as identified and included from the Highlands Plan Conformance documents approved by the Highlands Council. Maps of existing and future treatment works, and sewer service areas are used by the DEP for WQMP consistency reviews regarding proposed TWAs and NJPDES permits. They have been developed specifically for this WMP Chapter and are incorporated herein. Maps of environmental and administrative features are used by DEP as basis and background information for the identification of areas eligible for sewer service.

- **Wastewater Management Plan Area (Map #1)** *Jurisdictional Boundaries* – The affected WMP Area is the municipal boundary of Chester Borough and the Areawide WQMP is the Upper Raritan, both of which are shown on the municipal maps. Chester Borough is entirely within the Highlands Region, Planning Area.
- **Selected Environmentally Sensitive Features (Map #2)**
    - Suitable habitat for endangered and threatened wildlife species Ranks 3, 4, and 5 (Version 3.4)
    - Surface waters
    - Category One Waters and their corresponding 300-foot riparian zones (NOTE: Under the Regional Master Plan, all Highlands Open Waters in the Planning Area are associated with 300-foot buffers.)
    - Freshwater wetlands
- **Highlands Land Use Capability Zones (Map #3a)**
    - Land Use Capability Zones established within the RMP
- **Zoning & NJ Highlands Center (Map #3a1)**
    - Chester Borough's Existing Zoning.
    - Highlands Center Designation
- **Wastewater Service Area (Map #3b)**
    - District boundaries of sewerage authority districts, any municipal authorities, or municipal utility authority districts
    - Existing and future domestic and industrial treatment works and their discharge outfalls
    - Assigned sewer service area
        - Chester Borough WTF (NJ0054101)
        - Chester Shopping Center (NJ0026824)
        - Chester Springs Shopping Center (NJ0090115)
        - 95 West Main Street (NJ0128872)
        - CPP Streets of Chester, LLC (NJ0134058)
        - 2-4 Mill Ridge, LLC (NJ0167495)
        - Chester Borough Center (aka Turkey Farm Mill Ridge Lane) (NJ0353795)
        - Windy Acres Mobile Home Park (NJG0084701)
        - Dickerson/Bragg Elementary School (NJG0108260)
        - Redwoods Grill & Bar (NJG0169901)
    - Non-sewer service area (planning flows of 2,000 gpd or less that discharge to groundwater)

- **Composite Zoning (Map #4)**
    - Parcel mapping
    - Current composite zoning

**MAP 1 - BOROUGH OF CHESTER**
**WASTEWATER MANAGEMENT PLAN AREA**

Wastewater Management Plan
Chester Borough, Morris County, New Jersey
March 21, 2024

## Legend

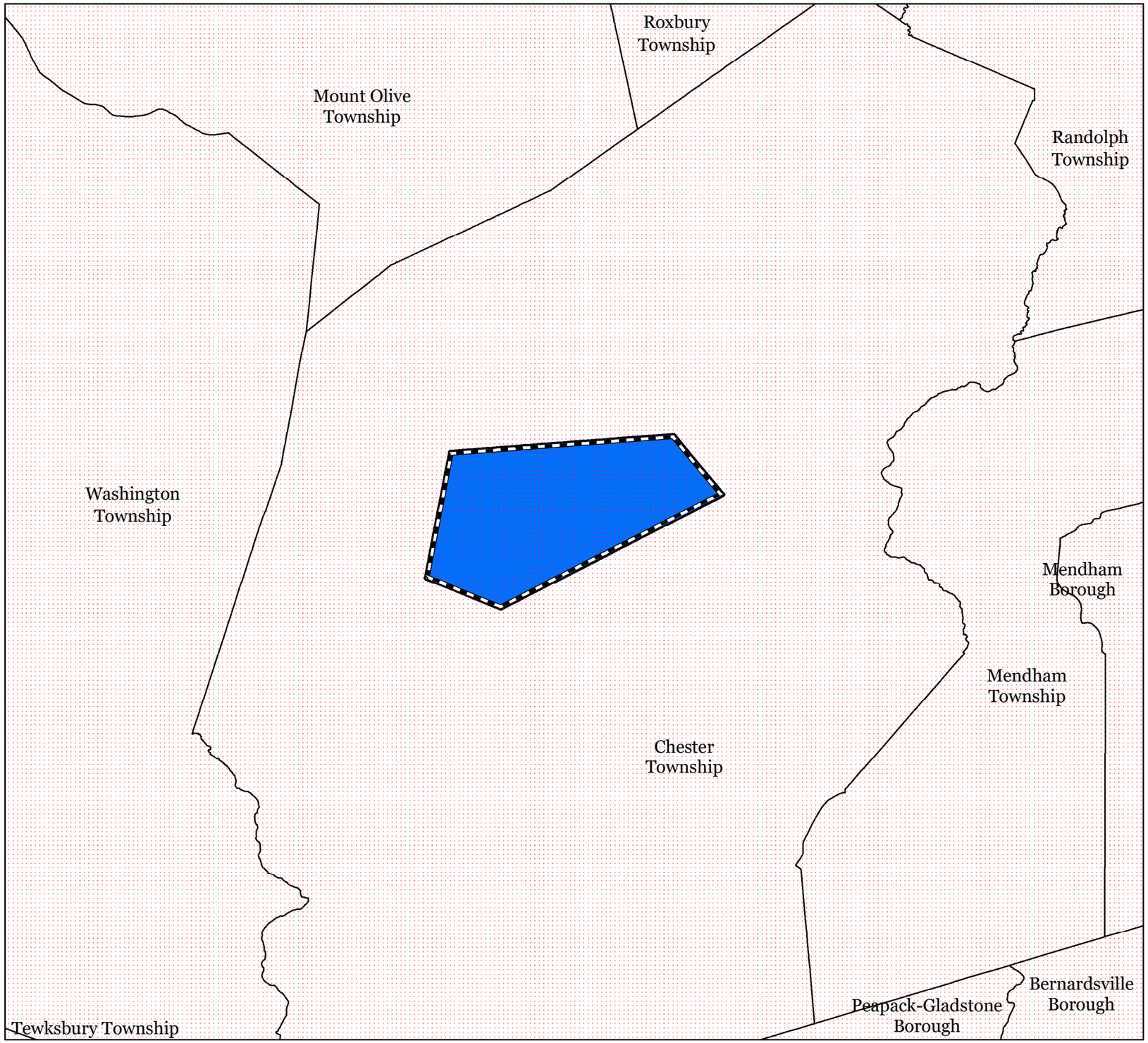
- WMP Area - Chester Borough
- Upper Raritan Water Quality Management Area
- Municipal Boundaries
- Highlands Planning Area
- Highlands Preservation Area




Highlands Council
New Jersey

N

1 inch = 0.75 miles
1 inch = 3,960 feet

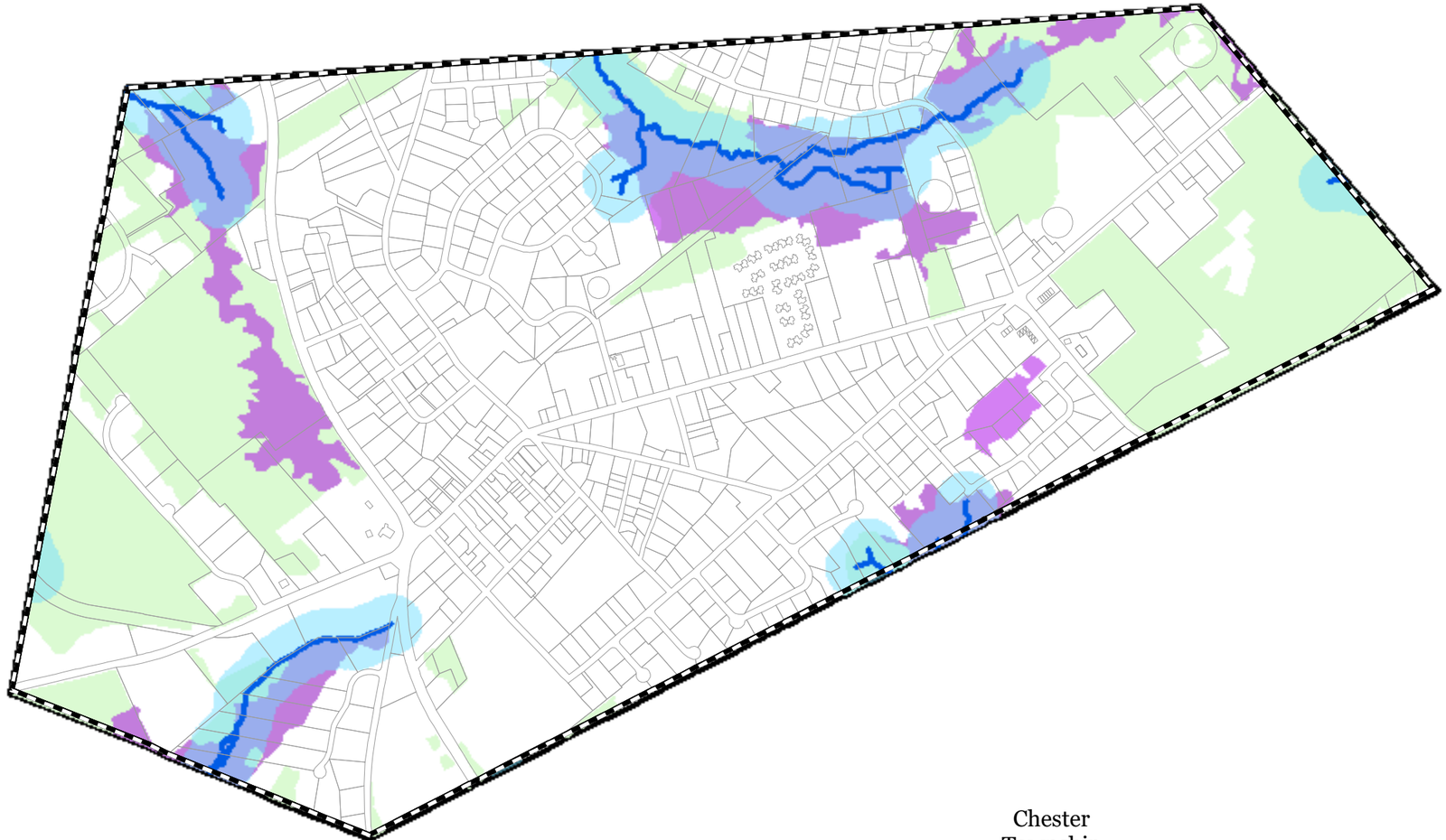


**MAP 2 - BOROUGH OF CHESTER**
**SELECTED ENVIRONMENTALLY SENSITIVE FEATURES**

Wastewater Management Plan
Chester Borough, Morris County, New Jersey
March 11, 2025

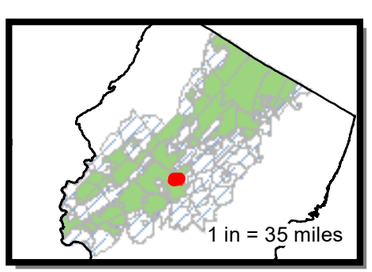
## Legend

- WMP Area - Chester Borough
- Municipal Boundaries
- Parcel Boundaries
- Surface Water
- Wetlands
- C1 Surface Waters and Associated 300ft Buffer
- Rank 3, 4, and 5 Habitat



Chester Township

Development in areas mapped as environmentally sensitive features may be subject to special restrictions under Federal or State statutes or rules. Interested persons should check with the Department of Environmental Protection for the latest information. Depiction of environmental features shall be for general information purposes only, and shall not be construed to define the legal geographic jurisdition of such statutes or rules.




Highlands Council
New Jersey

N

1 inch = 0.2 miles
1 inch = 1,056 feet

# MAP 3a - BOROUGH OF CHESTER HIGHLANDS LAND USE CAPABILITY ZONES

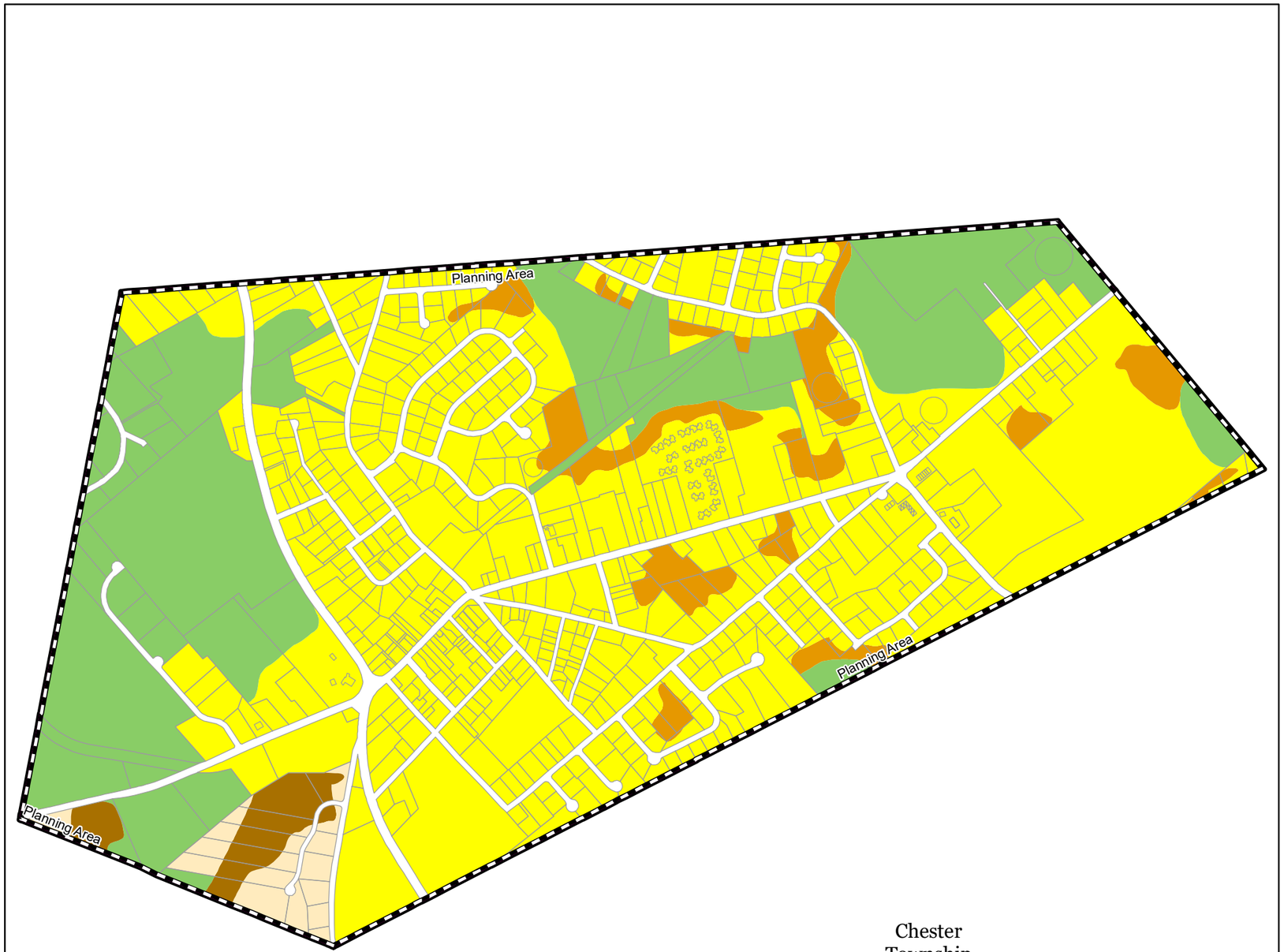
Wastewater Management Plan
Chester Borough, Morris County, New Jersey
March 21, 2024

## Legend

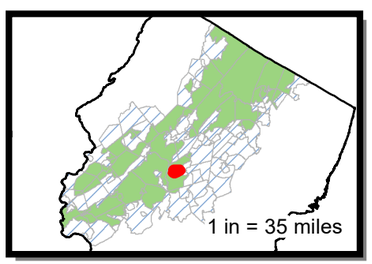
- WMP Area - Chester Borough
- Municipal Boundaries
- Parcel Boundaries

### Land Use Capability Zones

- Conservation Environmentally Constrained Subzone
- Conservation Zone
- Existing Community Environmentally Constrained Subzone
- Existing Community Zone
- Protection Zone




Chester Township




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New Jersey

N

1 inch = 0.2 miles
1 inch = 1,056 feet

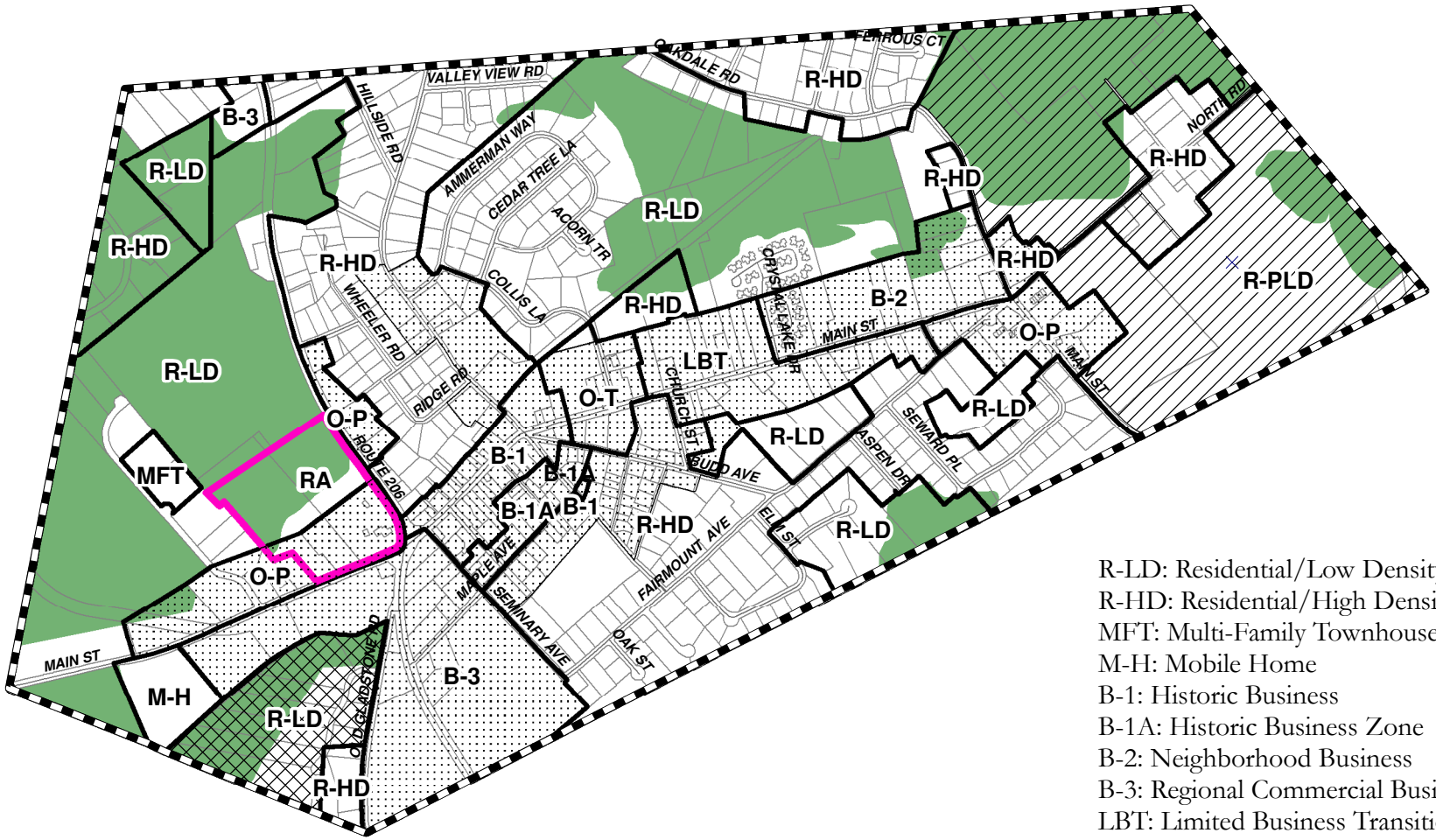
# Map 3a.1 Borough of Chester
# Zoning & NJ Highlands Center
# June 2022

0 500 1,000 Feet

## Legend

- Neighborhood Clustering/Lot Averaging Overlay
- R-PLD Overlay
- Historic Overlay
- RA - Redevelopment Area
- Zoning Districts
- Highlands Center
- HERZ Areas

Chester Borough Designated NJ Highlands Center:
Highlands Council Res. No. 2020-03, adopted Jan. 16, 2020




R-LD: Residential/Low Density
R-HD: Residential/High Density
MFT: Multi-Family Townhouse
M-H: Mobile Home
B-1: Historic Business
B-1A: Historic Business Zone
B-2: Neighborhood Business
B-3: Regional Commercial Business
LBT: Limited Business Transitional
O-P: Office Professional
O-T: Office Transitional
I: Industrial
R-PLD: Residential-Planned Low Density Overlay
Neighborhood Clustering/Lot Averaging Overlay
Historic Preservation District Overlay

Data Sources:
Morris County Planning Department parcels
NJDEP Highlands Council

BANISCH ASSOCIATES, INC Planning and Design

# MAP 3b - BOROUGH OF CHESTER
# WASTEWATER SERVICE AREAS

Wastewater Management Plan
Chester Borough, Morris County, New Jersey
April 4, 2025

**Legend**

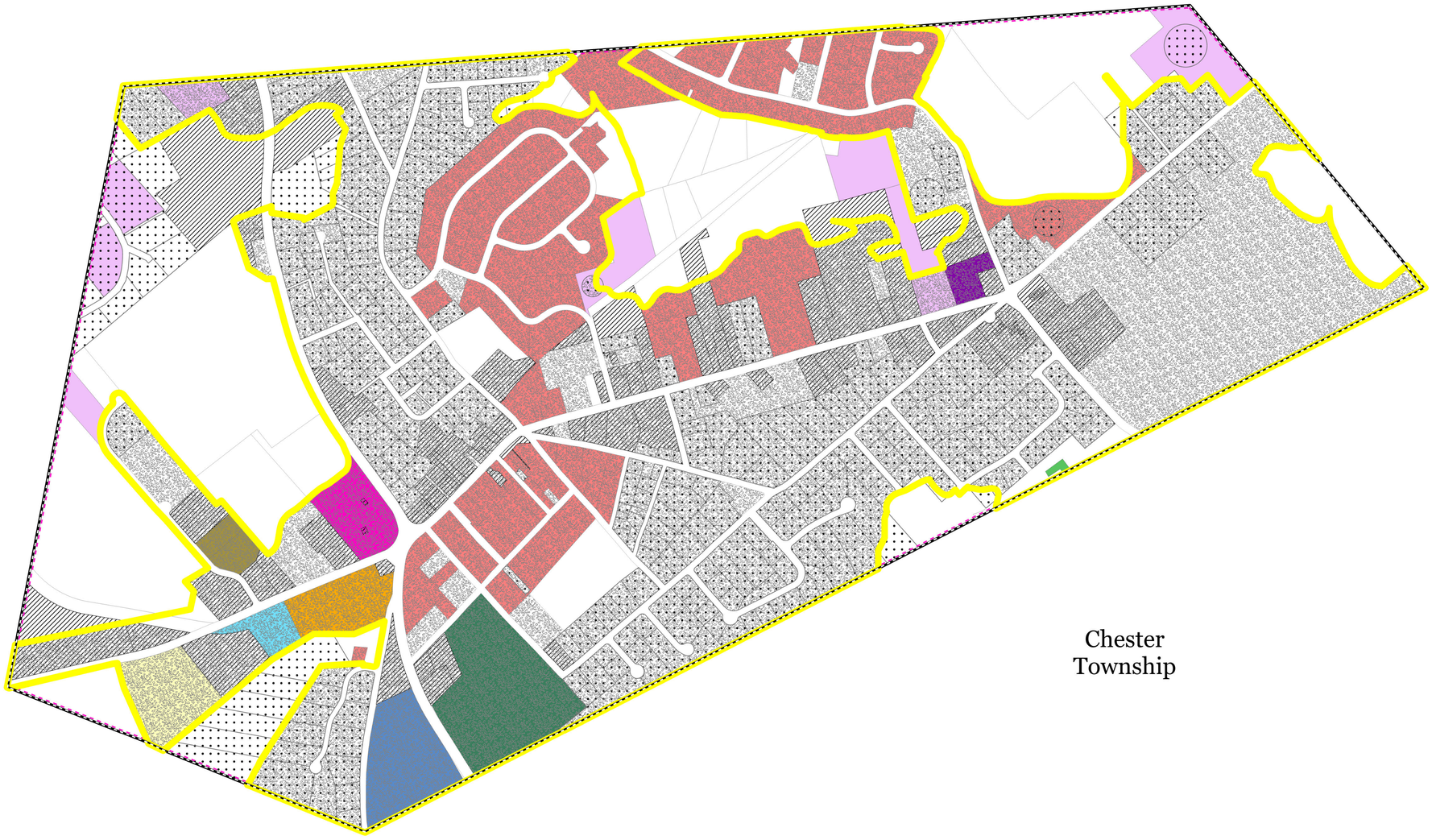
- WMP Area - Chester Borough
- Highlands Designated Center (Excluding Highlands Environmental Resource Zones)
- Highlands Preservation/Planning Area line
- Municipal Boundaries
- Parcel Boundaries

**Assigned Sewer Area - Existing Area Served (EAS) and Future Sewer Service Area (FSSA)**

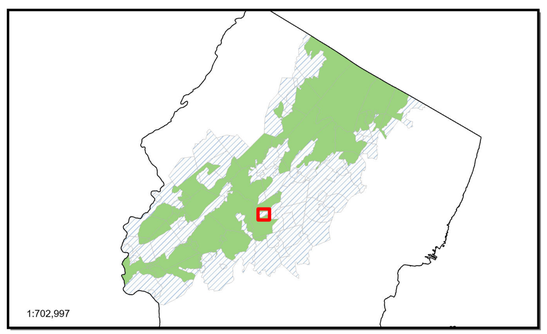
- EAS - NJ0026824 - Chester Shopping Center
- EAS - NJ0054101 - Chester Borough WTF
- EAS - NJ0090115 - Chester Springs Shopping Center
- EAS - NJ0128872 - 95 West Main Street
- EAS - NJ0134058 - CPP Streets of Chester LLC
- EAS - NJ0167495 - 2-4 Mill Ridge, LLC
- EAS - NJ0353795 - Chester Borough Center
- EAS - NJG0084701 - Windy Acres Mobile Home Park
- EAS - NJG0108260 - Dickerson/Bragg Elementary School
- EAS - NJG0169901 - Redwoods Grill and Bar
- FSSA - Proposed Chester Borough WTF

**Non Sewer Service Area**

- Existing Septic Areas - Residential
- Existing Septic Areas - Non Residential
- Non-Sewer Service Area
- Planning Area Underdeveloped Lots



Chester
Township




Highlands Council
New Jersey

N

1:4,390
1:4,390

Notes:
- All of Chester Boro is in the Chester Boro WTF district.
- Highlands Environmental Resource Zones are ineligible for sewer service.

The information contained on this map is the best available according to the Highlands Council. However, unintentional inaccuracies may occur, particularly where data or information is derived from sources other than the Highlands Council. The Highlands Council cannot be responsible for the misuse or misinterpretation of the information presented herein. Therefore, under no circumstances shall the State of New Jersey or specifically, the Highlands Council be liable for any actions taken or omissions made from reliance on any information contained herein from whatever source nor shall the State be liable for any other consequences from any such reliance. Additional sources of information may have been used to collect the GIS digital data, but this secondary product has not been verified by those sources.

# MAP 4 - BOROUGH OF CHESTER COMPOSITE ZONING

Wastewater Management Plan
Chester Borough, Morris County, New Jersey
March 21, 2024

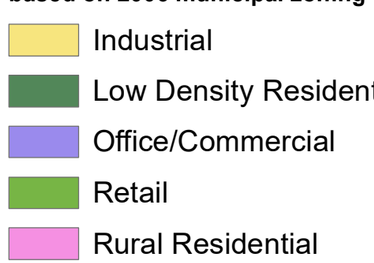
## Legend

- WMP Area - Chester Borough
- Municipal Boundaries
- Parcel Boundaries

## Composite Zoning

**based on 2006 municipal zoning**

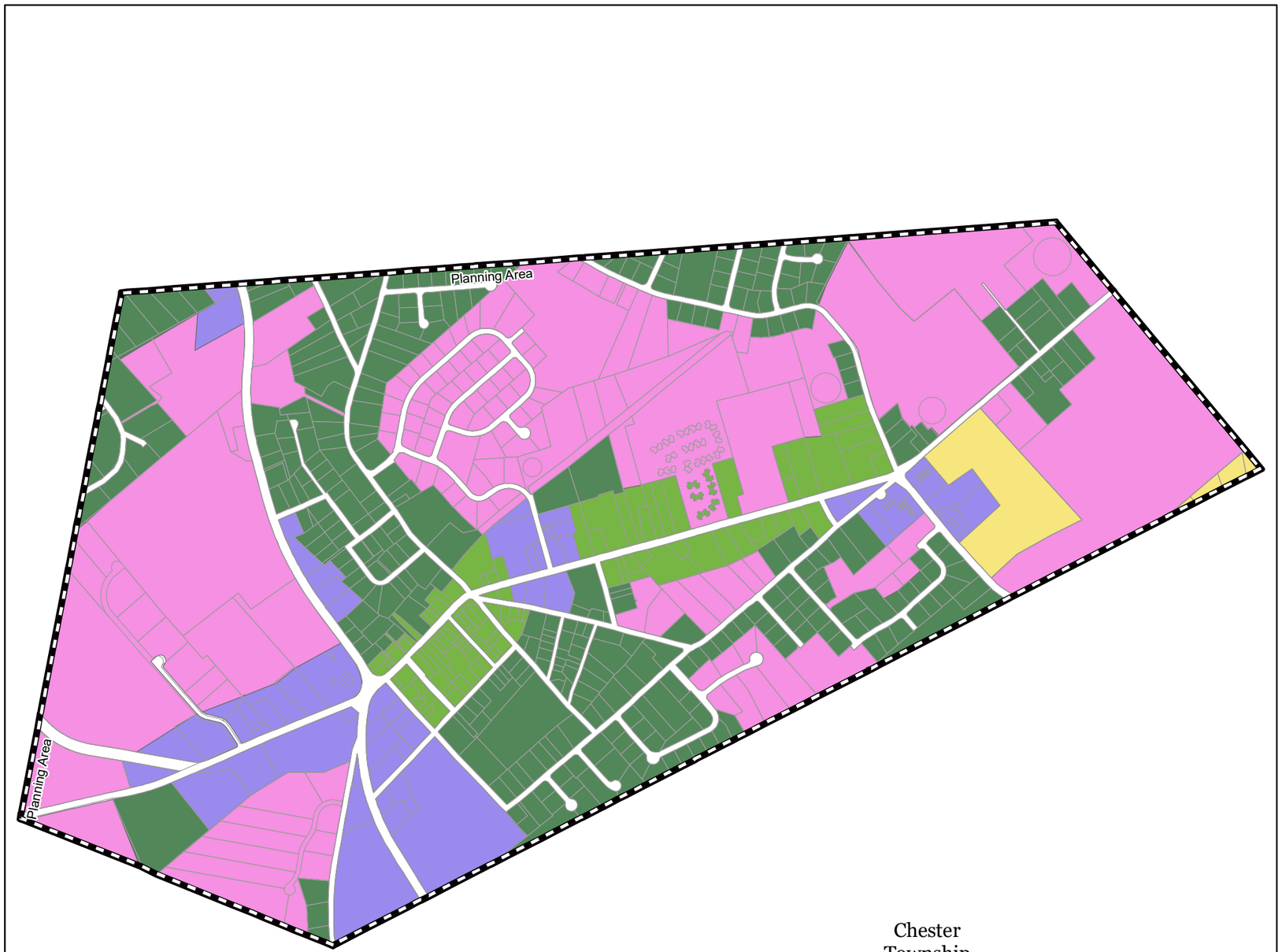
- Industrial
- Low Density Residential
- Office/Commercial
- Retail
- Rural Residential




Highlands Council
New Jersey

N

1 inch = 0.2 miles
1 inch = 1,056 feet




Chester
Township

Highlands Composite Zoning data based on data collected in 2006.

# APPENDIX A

## Highlands Council Resolution Approving Plan Conformance Petition

# RESOLUTION 2016-6

## NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR THE BOROUGH OF CHESTER, MORRIS COUNTY

**WHEREAS**, **t**he New Jersey Highlands Region (Highlands Region) is an area of over 859,358 acres that consists of 88 municipalities in parts of seven counties – Bergen, Hunterdon, Morris, Passaic, Somerset, Sussex and Warren; and

**WHEREAS**, the New Jersey Legislature found that the Highlands Region is an essential source of drinking water, providing clean and plentiful drinking water for one-half of the population of the State of New Jersey, and also contains other exceptional natural resources such as clean air, contiguous forest lands, agricultural lands, wetlands, pristine watersheds, and habitat for fauna and flora, as well as sites of historic significance and recreational opportunities; and

**WHEREAS**, the Legislature found that the Highlands Region also provides a desirable quality of life and place where people live and work, that it is important to ensure the economic viability of Highlands communities and that residential, commercial, and industrial development, redevelopment, and economic growth in certain appropriate areas of the Highlands are also in the best interests of all the citizens of the State, providing innumerable social, cultural, and economic benefits and opportunities; and

**WHEREAS**, the Legislature found that the Highlands Region contains agricultural lands in active production and that these lands are important resources of the State that should be preserved, that the agricultural industry in the Region is a vital component of the economy, welfare, and cultural landscape of the Garden State and that maintenance of agricultural production and a positive agricultural business climate should be encouraged to the maximum extent possible; and

**WHEREAS**, the Legislature found that the pace of development in the Highlands Region has dramatically increased, that the Region, because of its proximity to rapidly expanding suburban areas, is at serious risk of being fragmented and consumed by unplanned development and that the existing land use and environmental regulation system cannot protect the water and natural resources of the Highlands against the environmental impacts of sprawl development; and

**WHEREAS**, deeming protection of the Highlands Region an issue of State level importance, the Legislature enacted the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 et seq. (Highlands Act), to establish a regional approach to land use planning for the Highlands Region; and

**WHEREAS**, the Highlands Act delineates two areas in the Highlands Region: a Preservation Area, containing approximately 415,000 acres, and a Planning Area, containing approximately 445,000 acres; and

**WHEREAS**, the Legislature created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council) to advance a new regional approach to land use planning and to prepare a Regional Master Plan to protect and enhance the significant values of the Highlands resources throughout the entire Highlands Region; and

**WHEREAS**, the Preservation Area is an area with exceptional natural resource value that should be subject to stringent water and natural resource protection standards, policies, planning and regulation; and

# RESOLUTION 2016-6

## NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR THE BOROUGH OF CHESTER, MORRIS COUNTY

**WHEREAS**, the Planning Area is the area outside of the Preservation Area that should likewise be part of a comprehensive planning approach that serves to protect the water and other significant resources of the entire Highlands Region while also accommodating appropriate patterns of development, redevelopment and economic growth; and

**WHEREAS**, the Legislature found that such a new regional approach to land use planning shall be complemented by increased standards more protective of the environment established by the New Jersey Department of Environmental Protection (NJDEP) for development in the Preservation Area of the Highlands; and

**WHEREAS**, the Legislature found that this comprehensive approach should be guided, in heart, mind, and spirit, by an abiding and generously given commitment to protecting the incomparable water resources and natural beauty of the New Jersey Highlands so as to preserve them intact, in trust, forever for the pleasure, enjoyment, and use of future generations while also providing every conceivable opportunity for appropriate economic growth and development to advance the quality of life of the residents of the Highlands Region and the entire State; and

**WHEREAS**, Sections 8 and 10 of the Highlands Act mandate that the Highlands Council prepare and adopt the Regional Master Plan with the goal of protecting and enhancing the significant values of the resources in the Highlands Region; and

**WHEREAS**, Section 10 of the Highlands Act establishes goals for the Regional Master Plan for both the Preservation Area and Planning Area, including to protect, restore, and enhance the quality and quantity of the waters of the Highlands, to preserve environmentally sensitive lands, to preserve lands needed for recreation and conservation, to promote brownfield remediation and redevelopment, to preserve farmland, historic sites and other historic resources, to preserve outdoor recreation opportunities, to promote water resource conservation, and to promote compatible agricultural, horticultural, recreational, and cultural uses and opportunities; and

**WHEREAS**, the Highlands Act establishes development goals in the Preservation Area, to prohibit or limit, to the maximum extent possible, construction or development which is incompatible with the Preservation Area; and

**WHEREAS**, the Highlands Act establishes development goals in the Planning Area, to encourage, consistent with the State Development and Redevelopment Plan and smart growth strategies and principles, appropriate patterns of compatible residential, commercial, and industrial development, redevelopment, and economic growth, in or adjacent to areas already utilized for such purposes, and to discourage piecemeal, scattered, and inappropriate development, in order to accommodate local and regional growth and economic development in an orderly way while protecting the Highlands environment from individual and cumulative adverse impacts; and

**WHEREAS,** Sections 11 and 12 of the Highlands Act specifically require that the Regional Master Plan be comprised of (a) a Resource Assessment that seeks to determine the amount and type of human development and activity that can be sustained by the Highlands Region's ecosystem while maintaining the Region's overall ecological values; (b) a Financial Component that details the costs of implementing the Regional Master Plan, and details the sources of revenue for covering those costs; (c) a Local Participation Component that provides for the maximum feasible local

# RESOLUTION 2016-6
## NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR THE BOROUGH OF CHESTER, MORRIS COUNTY

government and public input; (d) a Coordination and Consistency Component that details the ways in which local, State, and federal programs and policies may be best coordinated to promote the goals, purposes, policies, and provisions of the Regional Master Plan; (e) a Transportation Component that provides a plan for transportation system preservation; (f) a Smart Growth Component that assesses opportunities for appropriate development, redevelopment, economic growth and a transfer of development rights program, and includes a Land Use Capability Map; (g) a Land Use Capability Map for the Preservation Area and a comprehensive statement of policies for the development and use of land in the Preservation Area; and (h) a statement of policies, including a preservation zone element that identifies zones within the Preservation Area where development shall not occur in order to protect water resources and environmentally sensitive lands and which shall be permanently preserved through use of a variety of tools, including but not limited to land acquisition and the transfer of development rights and minimum standards governing municipal and county master planning and development regulations; and

**WHEREAS**, after a careful analysis of the best available scientific and planning data and consultation with State, federal and local agencies pursuant to the Highlands Act, the Highlands Council adopted Resolution 2008-27 approving the Regional Master Plan on July 17, 2008 and, pursuant to the Highlands Act requirement for gubernatorial review, the Regional Master Plan thereafter became effective on September 8, 2008; and

**WHEREAS**, the Highlands Act creates a bifurcated system for municipal conformance with the Regional Master Plan – mandatory Plan Conformance for any portion of a municipality located wholly or partially in the Preservation Area and voluntary Plan Conformance for the municipalities with lands wholly in the Planning Area or for any portion of a municipality lying within the Planning Area; and

**WHEREAS**, Section 14 of the Highlands Act expressly requires mandatory Plan Conformance where municipalities, located wholly or partially in the Preservation Area, must revise and conform their local master plan and development regulations, as they relate to development and use of land in the Preservation Area, with the goals, requirements and provisions of the Regional Master Plan within 15 months of adoption thereof, or December 8, 2009; and

**WHEREAS**, Section 15 of the Highlands Act provides for voluntary Plan Conformance where any municipality located wholly or partially in the Planning Area may voluntarily revise and conform their local master plans and development regulations, as they relate to the development and use of land in the Planning Area, with the goals, requirements and provisions of the Regional Master Plan at any time; and

**WHEREAS**, pursuant to Sections 14 and 15 of the Highlands Act, the Highlands Council shall approve, reject, or approve with conditions the revised plan and development regulations, as it deems appropriate, after public hearing, within 60 days after the date of submission thereof; and

**WHEREAS**, the Highlands Act provides that an approval of a Petition for Plan Conformance entitles the conforming municipality with specific benefits including: planning grants, technical assistance, state aid, priority for projects, tax stabilization funds, a strong presumption of validity and extraordinary deference in the event of legal challenge, and legal representation; and

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## NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR THE BOROUGH OF CHESTER, MORRIS COUNTY

**WHEREAS**, the Highlands Council approval of Resolution 2008-27 adopting the Regional Master Plan included the adoption of the Highlands Plan Conformance Guidelines that outlines the procedures, schedule, planning assistance, and benefits available for the submission of a Petition for Plan Conformance; and

**WHEREAS**, the Plan Conformance Guidelines provides a process for Basic Plan Conformance requiring the submission of plans and regulations that are immediately necessary to ensure protection of the Highlands resources and resource areas with more complex tasks to be completed in accordance with an Implementation Plan and Schedule as a condition of Plan Conformance; and

**WHEREAS**, Section 18 of the Highlands Act obligates the Highlands Council to establish a grant funding program to reimburse municipalities for reasonable expenses associated with Plan Conformance; and

**WHEREAS**, on December 18, 2008, the Highlands Council approved Resolution 2008-73 to provide grant funding for the Highlands municipalities to cover the reasonable expenses associated with revisions to master plans, development regulations or other regulations to conform them to the Regional Master Plan; and

**WHEREAS**, under Resolution 2008-73, the Highlands Council authorized the Executive Director to develop and implement a process for the solicitation and distribution of the Plan Conformance Grants in a total amount not to exceed $7.5 million and up to $100,000 allocation for each individual municipality for Basic Plan Conformance; and

**WHEREAS**, the Bylaws of the Highlands Council authorizes the Executive Director, as chief administrative officer, to approve contracts and issue payments up to $25,000; and

**WHEREAS**, as directed, the Executive Director developed the Plan Conformance Grant Program, a program that splits Plan Conformance into the following seven steps or modules for administering the authorized grant funding: (1) and (2) Highlands municipal build-out analysis and report; (3) housing element and fair share plan; (4) Highlands environmental resource inventory; (5) master plan Highlands element; (6) Highlands Area land use ordinance; and (7) municipal Petition for Plan Conformance; and

**WHEREAS**, Chester Borough is located entirely within the Highlands Region, and contains approximately 1,020 acres in the Planning Area; and

**WHEREAS**, on November 8, 2008, Chester Borough submitted a Petition for Plan Conformance including a resolution for all lands lying in the Planning Area; and

**WHEREAS**, on April 14, 2016, the Executive Director deemed the Petition for Plan Conformance administratively complete, and on the same day, posted the Petition documents on the Highlands Council website and thereafter commenced staff review of the Petition for consistency with the Regional Master Plan; and

**WHEREAS**, on May 26, 2016, the Executive Director provided Chester Borough with a Draft Consistency Review and Recommendations Report, which provides the staff's assessment of the

# RESOLUTION 2016-6
## NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR THE BOROUGH OF CHESTER, MORRIS COUNTY

Petition for Plan Conformance, the level of conformance with the Regional Master Plan, and recommendations for any further actions necessary for Plan Conformance; and

**WHEREAS**, the Executive Director provided Chester Borough with a deliberative municipal response period allowing Chester Borough to review and respond to the Draft Consistency Review and Recommendations Report; and

**WHEREAS**, on June 17, 2016, the Executive Director completed the Final Draft Consistency Review and Recommendations Report, and posted a Public Notice, the Final Draft Consistency Review and Recommendations Report, and the complete Petition documents on the Highlands Council website for a public review and comment period with written comments due on or before July 5, 2016; and

**WHEREAS**, the Highlands Implementation Plan and Schedule includes a detailed accounting of the existing Plan Conformance Grants and the allocation of additional grant funding in order to address the Highlands Act requirements for Plan Conformance funding; and

**WHEREAS**, on July 13, 2016, the Executive Director posted the Final Consistency Review and Recommendations Report and Highlands Implementation Plan and Schedule on the Highlands Council website which responded to comments received during the public comment period; and

**WHEREAS**, on July 21, 2016, the Highlands Council held a public hearing on Chester Borough's Petition for Plan Conformance and provided an opportunity for public comment; and

**WHEREAS,** the Highlands Council accepts the recommendation of the Executive Director as stated in the Final Consistency Review and Recommendations Report; and

**WHEREAS**, according to the Highlands Act and the Plan Conformance Guidelines, Chester Borough's compliance with an approved Final Consistency Review and Recommendations Report, the Highlands Implementation Plan and Schedule, the Highlands Plan Conformance Guidelines and the Highlands Act shall maintain Chester Borough's status as conforming to the Regional Master Plan and all statutory benefits associated with Plan Conformance; and

**WHEREAS**, the Plan Conformance Guidelines recognize that conformance in the Planning Area is voluntary under the Highlands Act and provide that the period of an approval of a Petition for Plan Conformance shall be for a period of no more than six (6) years, or until six (6) months after the completion of a reexamination by Chester Borough of its master plan and development regulations as required by the Municipal Land Use Law, or until one (1) year after the Highlands Council adopts its six-year reexamination of the Regional Master Plan, whichever time period is the shorter; the six (6) month and one (1) year periods provided herein allowing time for the submittal and processing of petitions for a re-examination of Plan Conformance before the Highlands Council; and

**WHEREAS**, the Plan Conformance Guidelines provide that no amendment to any master plan or development regulations applicable to the development and use of land in Chester Borough shall be effective until Chester Borough has submitted such amendment to the Highlands Council and such amendment has been found by the Council to be in conformance with the Regional Master Plan, or

# RESOLUTION 2016-6
## NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR THE BOROUGH OF CHESTER, MORRIS COUNTY

the Executive Director has notified Chester Borough that such amendment does not affect the Highlands Council's prior finding of Plan Conformance; and

**WHEREAS**, the Plan Conformance Guidelines provide that following the receipt of any amendment to Chester Borough's master plan or development regulations, the Executive Director is required to determine whether or not the amendment raises a substantive issue with respect to the conformance of the municipal master plan or development regulations with the Regional Master Plan, and

**WHEREAS**, the Plan Conformance Guidelines provide that if the Executive Director determines no such substantive issue is raised with respect to an amendment, the Executive Director shall certify such fact and notify the Clerk of Chester Borough and the Highlands Council, and shall provide notice on the Highlands Council website, and such amendment shall thereupon take effect in accordance with its terms and applicable law; and

**WHEREAS**, the Plan Conformance Guidelines provide that if the Executive Director determines that an amendment raises a substantive issue with respect to the conformance of the municipal master plan or development regulations to the Regional Master Plan, the amended municipal master plan or development regulations shall be reviewed in accordance with the Plan Conformance Guidelines; and

**WHEREAS,** pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

**NOW, THEREFORE, BE IT RESOLVED** that the Highlands Council hereby approves Chester Borough's Petition for Plan Conformance with conditions as set forth in the Final Consistency Review and Recommendations Report and the Highlands Implementation Plan and Schedule; and

**BE IT FURTHER RESOLVED**, that the Highlands Council hereby approves Chester Borough's Highlands Implementation Plan and Schedule including the reallocation of the existing Plan Conformance Grant and the allocation of additional grant funding to pay for the reasonable expenses incurred to complete the Plan Conformance conditions; and

**BE IT FURTHER RESOLVED**, that the Executive Director is authorized to make any amendments and publicly release the Final Consistency Review and Recommendations Report, Highlands Implementation Plan and Schedule, and amend the Plan Conformance Grant Agreement consistent with direction from the Highlands Council, to properly effectuate the intent of the Council and thereafter execute the Report and Schedule on behalf of the Council; and

**BE IT FURTHER RESOLVED**, that Chester Borough is hereby entitled to the statutory benefits associated with Plan Conformance as detailed in the Highlands Act, the Regional Master Plan and the Plan Conformance Guidelines, so long as Chester Borough remains in conformance with the Regional Master Plan and to the extent such funds are made available by the State; and

# RESOLUTION 2016-6

## NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR THE BOROUGH OF CHESTER, MORRIS COUNTY

**BE IT FURTHER RESOLVED**, the Executive Director is authorized, consistent with direction from the Council, to oversee and monitor Chester Borough's compliance with this Resolution and to take any and all action necessary in coordination with the Highlands Council.

### CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 21st day of July, 2016.

Kurt W. Alstede, Vice Chair

| Vote on the Approval of The Resolution | Motion | Second | Yes | No | Abstain | Absent |
|---|---|---|---|---|---|---|
| Councilmember Alstede | | | ✓ | | | |
| Councilmember Carluccio | | | ✓ | | | |
| Councilmember Dougherty | | | | ✓ | | |
| Councilmember Dressler | | | ✓ | | | |
| Councilmember Francis | | | ✓ | | | |
| Councilmember Holtaway | | ✓ | ✓ | | | |
| Councilmember James | ✓ | | ✓ | | | |
| Councilmember Richko | | | ✓ | | | |
| Councilmember Sebetich | | | ✓ | | | |
| Councilmember Tfank | | | ✓ | | | |
| Councilmember Visioli | | | ✓ | | | |
| Councilmember Vohden | | | ✓ | | | |
| Councilmember Walton | | | | ✓ | | |
| Chairman Rilee | | | | | | ✓ |

# RESOLUTION 2020-03
## NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
## AMENDED PETITION FOR PLAN CONFORMANCE
## CHESTER BOROUGH, MORRIS COUNTY

**WHEREAS**, the Highlands Water Protection and Planning Act (Highlands Act) has created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council); and

**WHEREAS**, N.J.S.A. § 13:20-14 of the Highlands Act expressly requires mandatory Plan Conformance where municipalities, located wholly or partially in the Preservation Area, must revise and conform their local master plan and development regulations, as they relate to development and use of land in the Preservation Area, with the goals, requirements and provisions of the Regional Master Plan (RMP) within 15 months of adoption thereof, or December 8, 2009; and

**WHEREAS**, N.J.S.A. § 13:20-15 of the Highlands Act provides for voluntary Plan Conformance where any municipality located wholly or partially in the Planning Area may voluntarily revise and conform their local master plans and development regulations, as they relate to the development and use of land in the Planning Area, with the goals, requirements and provisions of the RMP at any time; and

**WHEREAS**, the Highlands Act provides that an approval of a Petition for Plan Conformance entitles the conforming municipality with specific benefits including: planning grants, technical assistance, state aid, priority for projects, tax stabilization funds, a strong presumption of validity and extraordinary deference in the event of legal challenge, and legal representation; and

**WHEREAS**, N.J.S.A. § 13:20-18 of the Highlands Act obligates the Highlands Council to establish a grant funding program to reimburse municipalities for reasonable expenses associated with Plan Conformance; and

**WHEREAS**, on December 18, 2008, the Highlands Council approved Resolution 2008-73 to provide grant funding for the Highlands municipalities to cover the reasonable expenses associated with revisions to master plans, development regulations or other regulations to conform them to the RMP; and

**WHEREAS**, under Resolution 2008-73, the Highlands Council authorized the Executive Director to develop and implement a process for the solicitation and distribution of the Plan Conformance Grants in a total amount not to exceed $7.5 million and up to a $100,000 allocation for each individual municipality to address the immediate mandatory components of Plan Conformance; and

**WHEREAS**, Chester Borough is located entirely within the Planning Area; and

**WHEREAS**, on July 21, 2016, after due consideration and opportunity for public comment, the Highlands Council approved Chester Borough's Petition for Plan Conformance with conditions as set forth in Resolution 2016-6, as well as the Final Consistency Review and Recommendations Report dated August 29, 2016 and the Highlands Implementation Plan and Schedule; and

**WHEREAS**, in the process of completing its Petition for Plan Conformance, the Borough of Chester determined, and the Highlands Council concurred, that Highlands Center designation should be studied for the municipality; and

# RESOLUTION 2020-03
## NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
## AMENDED PETITION FOR PLAN CONFORMANCE
## CHESTER BOROUGH, MORRIS COUNTY

**WHEREAS,** the resultant analysis proposed designation of a Highlands Center within Chester Borough, which is intended to advance the goals and intent of both the Chester Borough Master Plan and the RMP; and

**WHEREAS,** Chester Borough adopted Resolution #2019-102 on August 12, 2019 to request the Highlands Council to amend the Borough's Petition for Plan Conformance to include a designated Highlands Center within the Borough; and

**WHEREAS,** Chester Borough submitted a Highlands Center Designation Feasibility Report to the Highlands Council on October 3, 2019 with a request that the Highlands Council amend the previously approved Petition for Plan Conformance to include the Highlands Center; and

**WHEREAS,** Highlands Council staff have reviewed the Highlands Center Designation Feasibility Report and found it to be consistent with the RMP; and

**WHEREAS,** in consideration of the proposed Amended Petition, and a revised Final Consistency Review and Recommendations Report and Highlands Implementation Plan and Schedule which addresses funding needs relating to the Amended Petition, a Public Notice was posted, with the revised Petition materials, on the Highlands Council website for public review and comment on November 15, 2019; and

**WHEREAS,** no comments were received during the public comment period, which closed on December 16, 2019; and

**WHEREAS,** pursuant to N.J.S.A. § 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

**NOW, THEREFORE, BE IT RESOLVED** that the Highlands Council hereby grants Chester Borough's Amended Petition for Plan Conformance, and adopts the Revised Consistency Review and Recommendations Report and Revised Highlands Implementation Plan for Fiscal Year 2020 and authorizes additional funding in the amount of $107,500 (subject to funding availability) as set forth in the Highlands Implementation Plan; and

**BE IT FURTHER RESOLVED** that the Executive Director is authorized to make any amendments and publicly release the Revised Final Consistency Review and Recommendations Report, Revised Highlands Implementation Plan, and amend the Plan Conformance Grant Agreement consistent with direction from the Highlands Council, to properly effectuate the intent of the Council and thereafter execute the Report and Schedule on behalf of the Council; and

**BE IT FURTHER RESOLVED,** that the Chester Borough is hereby entitled to the statutory benefits associated with Plan Conformance as detailed in the Highlands Act, the Regional Master Plan and the Plan

# RESOLUTION 2020-03
## NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
## AMENDED PETITION FOR PLAN CONFORMANCE
## CHESTER BOROUGH, MORRIS COUNTY

Conformance Guidelines, so long as the Chester Borough remains in conformance with the RMP and to the extent such funds are made available by the State; and

**BE IT FURTHER RESOLVED**, the Executive Director is authorized, consistent with direction from the Council, to oversee and monitor Chester Borough's compliance with this Resolution and to take any and all action necessary in coordination with the Highlands Council.

### CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 16th day of January 2020.

Carl Richko, Chairman

| Vote on the Approval of This Resolution | Motion | Second | Yes | No | Abstain | Absent |
|---|---|---|---|---|---|---|
| Councilmember Alstede | | | √ | | | |
| Councilmember Carluccio | | | | √ | | |
| Councilmember Dougherty | | | √ | | | |
| Councilmember Dressler | | | √ | | | |
| Councilmember Francis | | √ | √ | | | |
| Councilmember Holtaway | | | √ | | | |
| Councilmember James | √ | | √ | | | |
| Councilmember Sebetich | | | | | | √ |
| Councilmember Visioli | | | √ | | | |
| Councilmember Vohden | | | | √ | | |
| Councilmember Walton | | | | √ | | |
| Chair Richko | | | √ | | | |

# APPENDIX B

## Highlands Council Final Consistency Review and Recommendations Report

# FINAL CONSISTENCY REVIEW AND RECOMMENDATIONS REPORT

**INCORPORATED BY REFERENCE INTO**
**HIGHLANDS COUNCIL RESOLUTION 2016-6**
**ADOPTED JULY 21, 2016**

## PETITION FOR PLAN CONFORMANCE: BOROUGH OF CHESTER, MORRIS COUNTY

Prepared by the State of New Jersey Highlands Water Protection and Planning Council in Support of the Highlands Regional Master Plan

**AUGUST 29, 2016**

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**
**Petition for Plan Conformance – Final Consistency Review and Recommendations Report**

## INTRODUCTION

This Final Consistency Review and Recommendations Report ("Report") has been prepared by the Staff of the New Jersey Highlands Water Protection and Planning Council ("Highlands Council"). It provides review and recommendations for consideration by the Highlands Council as to the consistency of the Petition for Plan Conformance of the Borough of Chester, with the Highlands Regional Master Plan (RMP). The Report provides review and discussion of each component of the Petition for Plan Conformance, in the order in which they are set forth under submission guidelines provided to municipalities by the Highlands Council. It begins with a brief summary of Staff findings, displayed in a table format, to provide an at-a-glance overview of the results of Staff review.

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**
**Petition for Plan Conformance – Final Consistency Review and Recommendations Report**

## REPORT SUMMARY

**Municipality:** Borough of Chester

**Date of Petition Submission:** October, 2015

**Date Deemed Complete:** April 14, 2015

**Conformance Area:** Planning Area

**Staff Recommendation:** Approve with Conditions

| Administrative Submittals | Meets Requirements | Modifications Needed | Does Not Address Requirements | Not Applicable |
|---|---|---|---|---|
| 1. Resolution or Ordinance | X | | | |
| 2. Record of Public Involvement | X | | | |
| 3. List of Current Planning and Regulatory Documents | X | | | |
| 4. Other | | | | X |

| Petition Components | Consistent | Modifications Needed | Substantially Inconsistent | Not Applicable |
|---|---|---|---|---|
| 1. Modules 1-2 Build-Out Report* | X | | | |
| 2. Module 3 Housing Element/Plan | X | | | |
| 3. Module 4 ERI | X | | | |
| 4. Module 5 Highlands Element | X | | | |
| 5. Module 6 Land Use Ordinance | X | | | |
| 6. Module 7 Petition | | | | |
| a. Self-Assessment Report | X | | | |
| b. Implementation Plan/Schedule | X | | | |
| 7. Other | | | | |

*Completed by the Highlands Council in collaboration with the municipality prior to substantive review of the Petition.

| Optional Submission Items | Submission Date | Status/Recommendation |
|---|---|---|
| 1. RMP Updates | N/A | |
| 2. Map Adjustments | N/A | |
| 3. Center Designation Requests | N/A | |
| 4. Highlands Redevelopment Area Designation Requests | N/A | |
| 5. Other | N/A | |

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**
**Petition for Plan Conformance – Final Consistency Review and Recommendations Report**

## REVIEW OF ADMINISTRATIVE SUBMITTALS

1. **Resolution or Ordinance.** Consistent. Two Resolutions petitioning the Highlands Council for Plan Conformance were adopted by the municipal Governing Body at its noticed meetings of November 3rd, 2008 and October 20th, 2015. The documents submitted are appropriately signed and certified by the Municipal Clerk to verify authenticity. The language of the Resolutions largely meets that of the models provided by the Highlands Council, clearly petitioning the Highlands Council for Plan Conformance. Conformance is proposed for the entirety of the municipality, which consists of 1,020 acres lying fully within the Planning Area (100%).

2. **Record of Public Involvement.** The Petition includes appropriate documentation of the public process engaged in by the municipality with regard to the development of Petition materials and adoption of the Resolution petitioning the Highlands Council for Plan Conformance. The submission includes the following:

    **a.** Statement provided in the draft Master Plan Highlands Element indicating that the Planning Board held a noticed public meeting on October 22, 2009 to discuss Plan Conformance and/or Petition components, specifically including the draft Borough Master Plan Highlands Element.

    **b.** Copy of adopted meeting minutes associated with public meetings of the Borough Council (held 11/3/08, 10/20/15) during which the petitioning resolutions were adopted.

3. **List of Current Planning Documents.** The list of current municipal planning and regulatory documents is comprehensive and includes required dates of adoption, as applicable. Pursuant to Highlands Council Module 7 Municipal Plan Conformance Petition instructions, all of these documents should be available in the offices of the Highlands Council in both paper and electronic formats Adobe Acrobat PDF format. Staff review indicates that all of the required documents are available in both formats as required.

    **a.** Borough Master Plan (adopted 2002), including:

        **i.** Land Use Plan Element
        **ii.** Utilities Plan Element
        **iii.** Transportation/ Circulation Plan Element
        **iv.** Community Facilities Plan Element
        **v.** Recreation and Open Space Element
        **vi.** Conservation Plan
        **vii.** Historic Preservation Plan Element
        **viii.** Community Character Element
        **ix.** Recycling & Energy Conservation Element
        **x.** Farmland Preservation Plan Element
        **xi.** Housing Element

**xii.** Economic Plan Element

**b.** Reexamination Report/ Updated Master Plan Elements (adopted 2008), including:

**i.** Land Use Plan Element
**ii.** Utilities Plan Element
**iii.** Transportation/ Circulation Plan Element
**iv.** Community Facilities Plan Element
**v.** Recreation and Open Space Element
**vi.** Conservation Plan

**c.** Revised General Ordinances of the Borough of Chester (1998), including updates:

**i.** Zoning Map Amendment Ordinance (2004)
**ii.** Maximum Impervious Coverage Standards Ordinance (2005)
**iii.** Historic District Overlay Zone Ordinance (2006)
**iv.** Ordinance Regulating Solar Facilities (2007)
**v.** Buffer Requirements Ordinance (2008)

Please note that the Borough Code is available online at http://ecode360.com/CH1917?needHash=true and therefore is not required in PDF format.

## B. REVIEW OF PLAN CONFORMANCE PETITION COMPONENTS

1. **Highlands Municipal Build-Out Report (Modules 1-2).** Consistent. The Highlands Municipal Build-Out Report was completed by the Highlands Council in collaboration with the municipality prior to a finding of Administrative Completeness of the Petition. The date of the Highlands Municipal Build-Out Report is 2009.

2. **Housing Element & Fair Share Plan (Module 3).** Consistent as submitted.

   The Highlands Council recognizes that Supreme Court decision of March 10, 2015, "In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing" has placed the responsibility of confirming a municipality's fair share obligation on the courts. However, the impacts of Plan Conformance on the municipality, as well as the standards of the Fair Housing Act related to Regional Planning Entities (N.J.S.A. 52:27D-329.9 c.(1 and 2)) and the requirements of the Highlands Act (C.13:20-23 - Regional master plan considered in allocation of prospective fair housing share) have not changed. Accordingly, the analysis below is provided with the intent being to ensure that the municipality remains in compliance with all applicable statutes, rules, regulations, and requirements regarding affordable housing, at any given time, and maintains consistency with the RMP. At this time the Highlands Council recognizes that the Borough is actively in compliance with the March 2015 court decision and the determination of the fair share incorporates the Module 1 and 2 buildout conditions. Therefore, this review is limited to the consistency of the affordable housing sites and mechanisms proposed in the Borough's most recently adopted Housing Element and Fair Share Plan.

   Insofar as all sites selected for affordable housing are located within the existing community zone, review of the Borough's March 31, 2016 Housing Element and Fair Share Plan indicates that the municipality will likely complete the planning process necessary to satisfactorily address the Fair Share Obligation while at the same time ensuring consistency with the requirements of the RMP as to site development. These findings constitute a preliminary analysis of the Housing Element and Fair Share Plan by the Highlands Council.

   a. **Summary of Proposed Fair Share Plan.** The Fair Share Plan proposed to address the municipal obligation by use of the mechanisms and/or development projects listed below. Where Affordable Housing Sites were included that have not yet been constructed, each was reviewed for consistency with the RMP using the on-line Highlands Council RMP Consistency Review Report tool.

      i. **Rehabilitation Program:**

      ii. **Projects Completed** (Prior Cycle Credits: 16 Units)**:**

         - Existing group home: located at Block 110 Lot 13, a 6-bedroom group home for special needs persons.

- Existing Apartment: located at Block 129 Lot 9, one rental apartment in a mixed-use configuration.

- Senior Housing: located at Block 110 Lot 48, a 38 unit age-restricted apartment complex. As a joint project between Chester Borough and Chester Township, one half of the credits (19) are creditable towards Chester Borough's obligations.

- Existing Apartments: located at Block 110 Lot 38, one unit in a 9-unit apartment complex.

**iii. Projects Proposed**

15 surplus credits of age-restricted rental housing are available to address the Borough's prospective Round 3 obligation.

- Community Hope Veterans Apartments: Block 101 Lot 11, 4-unit rental apartment project for US Veterans located on a vacant commercial redevelopment site acquired by the Borough. Planning Area – Existing Community Zone. Site is already developed, and contains a dilapidated vacant building. Project appears consistent with RMP.

- Homeless Solutions, Inc. Apartment Project: Block 119 Lot 8, 16-unit apartment project located at the former Chester Borough Municipal Building. Planning Area – Existing Community Zone. Site is already developed, and contains an existing structure. Project appears consistent with RMP.

- Zoning Modifications – Main Street: The Borough has proposed zoning changes to permit affordable mixed-use apartments in the commercial downtown portion of Main Street. Planning Area – Existing Community Zone. The modifications would not result in any additional land development, the intent being to permit residential occupancy of portions of existing structures. The Borough anticipates zoning modifications will result in 10 units. Proposal appears consistent with the RMP.

- Accessory Apartment Program: The Borough proposes to undertake a marketing campaign to make residents aware of opportunities to create affordable apartments within all existing single-family detached dwelling residential neighborhoods. The Borough anticipates the Accessory Apartment Program will result in 10 units. The entire Borough is within the Planning Area. A preliminary review for consistency is not possible without precise locations and details for each proposed project. However, it is likely that Highlands Act exemptions (e.g., exemption 4) may allow for some number of such improvements.

3. **Environmental Resource Inventory (Module 4).** Consistent. The proposed Borough of Chester Highlands Environmental Resource Inventory (ERI) is based on the Highlands Model ERI provided to municipalities by the Highlands Council. The document has undergone previous revisions under a collaborative process between the municipality and the Highlands Council to address and incorporate the input and concerns of all parties. The Borough of Chester Highlands ERI, as now proposed, contains all required Highlands ERI language and all applicable maps/exhibits, as necessary, to fully describe the Highlands Resources, Resource Areas, and Special Protection Areas located within the municipality. As such, the Highlands ERI is consistent with the RMP and the immediate mandatory requirements of Plan Conformance.

4. **Master Plan Highlands Element (Module 5).** The proposed Borough of Chester Master Plan Highlands Element is based on the model Highlands Element provided to municipalities by the Highlands Council. The Borough of Chester Highlands Element as now proposed, contains all required Highlands Element language and all applicable maps/exhibits, as necessary, to fully address the immediate mandatory requirements of Plan Conformance.

   The specific components of the model Highlands Element are listed below. Where each is consistent with the Highlands Council model or otherwise satisfactorily addresses all RMP requirements for Basic Plan Conformance, the heading or sub-heading indicates "Consistent." Where any section of the model Highlands Element has been appropriately deleted due to non-applicability, the heading or sub-heading indicates "Not Applicable – Deleted." Where modifications are required to achieve consistency or otherwise address Basic Plan Conformance requirements, the heading or sub-heading indicates, "Modifications Required." In that case, explanatory discussion and/or recommendations are provided. Where appropriate, discussion may summarize the issue and refer to detailed edits recommended by Staff within the document, itself.

   a. **Policies, Goals & Objectives.** Consistent

      **i.** Preservation Area Goals: Not Applicable – Deleted

      **ii.** Planning Area Goals: Consistent

      **iii.** General Purposes of Zoning: Consistent

      **iv.** Relationship Between Highlands Act & MLUL: Consistent

   b. **Land Use Plan Element.** Consistent

      **i.** Highlands Zones and Sub-Zones: Consistent

      - Protection Zone: Consistent

        **i.** Wildlife Management Sub-Zone: Not Applicable – Deleted.
        - Also see Highlands Council comments within Element.

- Conservation Zone: Consistent
  - **i.** Environmentally Constrained Sub-Zone: Consistent
- Existing Community Zone: Consistent
  - **i.** Environmentally Constrained Sub-Zone: Consistent
  - **ii.** Lake Community Sub-Zone: Not Applicable – Deleted

**ii.** Land Uses: Consistent

**iii.** Density and Intensity of Development: Consistent

**iv.** Cluster Development: Consistent

**v.** Land Use Inventory: Consistent

**vi.** Redevelopment Planning: Modifications Required

**c. Housing Plan Element.** Review and recommendations concerning the Housing Plan Element appear at item #2 above, Housing Element & Fair Share Plan.

**d. Conservation Plan Element.** Consistent

**i.** Forest Resources: Consistent

**ii.** Highlands Open Waters and Riparian Areas: Consistent

**iii.** Steep Slopes: Consistent

**iv.** Critical Habitat: Consistent

**v.** Carbonate Rock: Not Applicable – Deleted

**vi.** Lake Management: Not Applicable – Deleted

**vii.** Water Resources Availability: Consistent

**viii.** Prime Ground Water Recharge Areas: Consistent

**ix.** Water Quality: Consistent

**x.** Wellhead Protection: Consistent

**xi.** Low Impact Development: Consistent

e. **Utility Services Plan Element:** Consistent

   i. Preservation Area: Not Applicable – Deleted

   ii. Planning Area: Consistent

   iii. Planning & Preservation Areas: Not Applicable – Deleted

f. **Circulation Plan Element:** Consistent

g. **Land Preservation/Stewardship Plan Element:** Consistent

h. **Agriculture Retention/Farmland Preservation Plan Element:** Consistent

i. **Community Facilities Plan Element:** Consistent

j. **Sustainable Economic Development Plan Element:** Consistent

k. **Historic Preservation Plan Element:** Consistent.

   i. Historic, Cultural, and Archaeological Resources: Consistent

   ii. Scenic Resources: Consistent

l. **Development Transfer Plan Element.** Inclusion of this Section is optional and the municipality has elected not to incorporate it.

m. **Relationship of Master Plan to Other Plans.** Consistent

n. **Exhibits.** Consistent

5. **Highlands Area Land Use Ordinance (Module 6).** The proposed Borough of Chester Highlands Area Land Use Ordinance is based on the model Highlands Area Land Use Ordinance provided to municipalities by the Highlands Council. The Borough of Chester Highlands Area Land Use Ordinance as proposed, and with revisions by the Highlands Council, contains nearly all required Highlands Area Land Use Ordinance language and all applicable maps/exhibits, as necessary, to fully address the immediate mandatory requirements of Plan Conformance.

   The specific components of the model Highlands Land Use Ordinance are listed below. Where each is consistent with the Highlands Council model or otherwise satisfactorily addresses all RMP requirements for Basic Plan Conformance, the heading or sub-heading indicates "Consistent." Where any section of the model Highlands Land Use Ordinance has been appropriately deleted due to non-applicability, the heading or sub-heading indicates "Not Applicable – Deleted." Where modifications are required to achieve consistency or otherwise address Plan Conformance requirements, the heading or sub-heading indicates "Modifications Required." In that case, explanatory discussion and/or recommendations are provided. Where appropriate, discussion may summarize the issue and refer to detailed edits recommended by Staff within the document, itself.

a. **Article 1. Title, Purpose, Scope:** Consistent

b. **Article 2. Applicability:** Consistent

c. **Article 3. Definitions:** Consistent

d. **Article 4. Establishment of Highlands Area Districts:** Consistent

e. **Article 5. Highlands Area Zone District Regulations:** Consistent

f. **Article 6. Highlands Area Resource Regulations.** Consistent

   i. Forest Resources: Consistent

   ii. Highlands Open Waters & Riparian Resources: Consistent

   iii. Steep Slopes: Consistent

   iv. Critical Habitat: Consistent

   v. Carbonate Rock: Not Applicable – Deleted

   vi. Lake Management Area: Not Applicable – Deleted

   vii. Water Conservation & Deficit Mitigation: Consistent

   viii. Prime Ground Water Recharge Areas: Consistent

   ix. Wellhead Protection: Consistent

   x. Agricultural Resources: Consistent

   xi. Historic, Cultural & Archaeological Resources: Consistent

   xii. Scenic Resources: Not Applicable – Deleted

g. **Article 7. Highlands Area General Regulations.** Consistent

   i. Affordable Housing: Consistent

   ii. Low Impact Development: Consistent

   iii. Conservation Restrictions: Consistent

   iv. Stormwater Management: Consistent

   v. Special Environmental Zone: Consistent

vi. Septic System Design and Maintenance. Consistent

vii. Public Water Systems. Consistent

viii. Wastewater Collection and Treatment Systems: Consistent

h. **Article 8. Planned Development Regulations:** Consistent

i. **Article 9. Application Review Procedures & Requirements:** Consistent

i. Application Procedures: Consistent

ii. Applications for Development: Consistent

iii. Application Fee & Escrow Requirements: Consistent

iv. Submission Checklist Requirements: Consistent

j. **Article 10. Appeals, Waivers, Exceptions:** Consistent

k. **Article 11. Enforcement, Violations, Penalties.** Consistent

l. **Appendices.** Consistent

m. **Exhibits.** Consistent

6. **Petition Submission Documents (Module 7).**

a. **Municipal Self-Assessment Report.** The Municipal Self-Assessment Report consists of two components as listed herein. The Report accurately describes the status of municipal Plan Conformance to date, indicating both municipal accomplishments and the items that remain to be completed to achieve Full Plan Conformance.

i. **Narrative Portion.** The Narrative Portion has been completed accurately for purposes of Basic Plan Conformance.

ii. **Spreadsheet Portion.** The Spreadsheet Portion has been completed accurately for purposes of Basic Plan Conformance.

b. **Highlands Implementation Plan & Schedule.** The Highlands Implementation Plan and Schedule provides a template for future Plan Conformance activities. It is intended to indicate all outstanding items, both required and discretionary, along with estimated costs and timeframes for completion, for the municipality to achieve or exceed Full Plan Conformance with the Regional Master Plan. As proposed by the municipality, the Implementation Plan and Schedule: a) includes all mandatory

components required to achieve full Plan Conformance; and b) incorporates realistic cost and/or timeframe estimates associated with each mandatory element.

In addition, the Implementation Plan and Schedule proposes non-mandatory Full Plan Conformance activities, for which it incorporates estimated costs and timeframes for completion. The non-mandatory activities proposed by the municipality: a) constitute appropriate projects and/or activities in furtherance of the goals, policies, and objectives of the Regional Master Plan and are thus eligible for funding or partial funding under the Highlands Plan Conformance protocols and grant program requirements; and b) are accompanied by realistic cost estimates and/or timeframes to provide for completion.

## C. REVIEW OF OPTIONAL SUBMISSION COMPONENTS

1. **RMP Updates.** The Petition for Plan Conformance was not accompanied by any requests for RMP Updates.

2. **Map Adjustments.** The Petition for Plan Conformance was not accompanied by any request(s) for Map Adjustments.

3. **Highlands Center Designation Requests.** The Petition for Plan Conformance was not accompanied by any request for certain Highlands Center Designation.

4. **Highlands Redevelopment Area Designation Requests.** The Petition for Plan Conformance was not accompanied by any request(s) for Highlands Redevelopment Area Designation.

5. **Other.** The Petition for Plan Conformance was not accompanied by any other requests for approvals, not listed above.

## D. PRELIMINARY RECOMMENDATIONS

On the basis of the comprehensive review completed and discussed in detail as described in the preceding Sections, which examined both sufficiency of administrative submittals and consistency of all substantive materials with the Highlands Regional Master Plan, Highlands Council staff recommends that the Petition for Plan Conformance of the Borough of Chester, as currently proposed by the municipality and including revisions provided by Highlands Council staff, be approved with conditions.

1. **Approval with Conditions.** The Petition for Plan Conformance requires certain modifications, as noted within Sections A through C of this Report. Provided these issues are addressed in accordance with the detailed recommendations as indicated within this Report [*if applicable:* and the herein-referenced Highlands Council staff-provided MSWord "Track-Changes" versions of the various Petition documents], this Petition for Plan Conformance can and should be approved by the Highlands Council. Any approval should in addition, be conditioned upon satisfaction of the below-listed requirements.

    a. **Adoption of Approved Planning Area Ordinance.** The municipality shall prepare and submit to the Highlands Council a draft municipal ordinance petitioning the Highlands Council for Plan Conformance with respect to the municipality's Planning Area lands (based upon or consistent with the model provided by the Highlands Council). Upon receipt of Highlands Council approval, the Ordinance shall be prepared for purposes of public review and adoption by the municipal Governing Body. The Governing Body shall provide for and complete the adoption process, at the conclusion of which, a certified copy of the adopted Highlands Area Land Use Ordinance shall be provided to the Highlands Council with notice of its effective date. The process of Ordinance adoption shall be conducted in accordance with all legal

requirements and protocols pursuant to the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), and shall be guided by the timeframes set forth in the Highlands Council-approved Highlands Implementation Plan and Schedule. Should this process lead to proposed modifications to any portion of the Ordinance, the proposed changes shall be submitted for review by the Highlands Council prior to adoption by the Governing Body. In the event the Highlands Council determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption at the municipal level.

b. **Adoption of Approved Checklist Ordinance.** The municipality shall prepare and submit to the Highlands Council a draft "Checklist Ordinance" (model available) requiring that Development Applications be deemed incomplete by the reviewing board or applicable municipal authority, until or unless accompanied by: a) for applications under Highlands Council jurisdiction, a Highlands Council Consistency Determination indicating that the application is consistent, or can and will be made consistent with the Regional Master Plan; or b) an NJDEP Highlands Preservation Area Approval, waiver, or Highlands Applicability Determination indicating non-applicability. Upon receipt of Highlands Council approval, the Ordinance shall be prepared for purposes of public review and adoption by the municipal Governing Body. The Governing Body shall provide for and complete the adoption process, at the conclusion of which a certified copy of the adopted Checklist Ordinance shall be provided to the Highlands Council with notice of its effective date. The process of ordinance adoption shall be conducted in accordance with all legal requirements and protocols pursuant to the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), and shall be guided by the timeframes set forth in the Highlands Council-approved Highlands Implementation Plan and Schedule. Should this process lead to proposed modifications to any portion of the Checklist Ordinance, the proposed changes shall be submitted for review by the Highlands Council prior to adoption by the Governing Body. In the event the Highlands Council determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption at the municipal level.

c. **Adoption of Approved Highlands ERI.** The Highlands Environmental Resource Inventory (ERI) shall be completed in accordance with the requirements of Section B3 of this Report (if applicable), and submitted to the Highlands Council for final approval. Upon receipt of final Highlands Council approval, the ERI shall be prepared in a clean, final document format for purposes of public review and adoption. A copy shall be provided to the Highlands Council. The municipal Environmental Commission (or Planning Board in the absence of an Environmental Commission) shall provide for and complete the required process of formal adoption of the ERI by the local Commission or Board. At the conclusion of the process, a certified copy of the adopted ERI shall be provided to the Highlands Council. The process of ERI adoption shall be conducted in accordance with all applicable legal requirements and protocols, and shall be guided by the timeframes set forth in the

Highlands Council-approved Implementation Plan and Schedule. Should this process lead to proposed modifications to any portion of the ERI, the proposed changes shall be submitted to the Highlands Council for review. In the event the Highlands Council determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption by the local Commission or Board.

d. **Adoption of Approved Master Plan Highlands Element.** The Master Plan Highlands Element shall be completed in accordance with the requirements of Section B4 of this Report (if applicable), and submitted to the Highlands Council for final approval. Upon receipt of final Highlands Council approval, the Highlands Element shall be prepared in a clean, final document format for purposes of public review and adoption. A copy shall be provided to the Highlands Council. The municipal Planning Board shall arrange for the required process of scheduling, notice, public hearing, consideration, and formal adoption of the Highlands Element by the municipal Planning Board. At the conclusion of the process, a certified copy of the adopted Highlands Element shall be provided to the Highlands Council. The process of Highlands Element adoption shall be conducted in accordance with all applicable legal requirements and protocols, and shall be guided by the timeframes set forth in the Highlands Council-approved Implementation Plan and Schedule. Should this process lead to proposed modifications to any portion of the Highlands Element, the proposed changes shall be submitted to the Highlands Council for review. In the event the Highlands Council determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption by the local Planning Board.

e. **Adoption of Approved Highlands Area Land Use Ordinance.** The Highlands Area Land Use Ordinance shall be completed in accordance with the requirements of Section B5 of this Report (if applicable), and submitted to the Highlands Council for final approval. Upon receipt of final Highlands Council approval, the Highlands Area Land Use Ordinance shall be prepared in a clean, final document format for purposes of public review and adoption. A copy shall be provided to the Highlands Council. After the municipal Planning Board has adopted the Master Plan Highlands Element, the municipal Governing Body shall arrange for the required process of scheduling, notice, public hearing, consideration, and formal adoption of the Highlands Area Land Use Ordinance by the municipal Governing Body. At the conclusion of the process, a certified copy of the adopted Highlands Area Land Use Ordinance shall be provided to the Highlands Council with notice of its effective date. The process of Highlands Area Land Use Ordinance adoption shall be conducted in accordance with all legal requirements and protocols pursuant to the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), and shall be guided by the timeframes set forth in the Highlands Council-approved Implementation Plan and Schedule. Should this process lead to proposed modifications to any portion of the Highlands Area Land Use Ordinance, the proposed changes shall be submitted to the Highlands Council

for review. In the event the Highlands Council determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption by the Governing Body.

i. **Municipal Exemption Determinations.** As a component of the Highlands Area Land Use Ordinance, the Borough may provide for "Municipal Exemption Determinations" in accordance with Highlands Council delegation of such authority to the municipality in the Planning Area. Such determinations (detailed within the current draft Ordinance) refer to the process of reviewing and making determinations concerning exemptions from the Highlands Act, which in turn represent exemptions from the provisions of the Highlands Area Land Use Ordinance. The effective date of such provisions shall occur only after the municipality indicates readiness to proceed and receives written authorization from the Highlands Council or the NJDEP, respectively, granting it the authority to do so.

ii. **Highlands Council Information and Training Sessions.** Prior to the effective date of the Highlands Area Land Use Ordinance, municipal representatives (e.g., Land Use Administrators, Zoning Officials, Planners) shall attend information and training session(s) to be provided by the Highlands Council on the implementation and administrative procedures set forth within the Ordinance. Such sessions will provide detailed instruction on application processes and procedures, notice requirements, Highlands Council referrals and call-up provisions, decision-making and formal action, variances, waivers, exceptions, and enforcement activities. Prior to the effective date of the Municipal Exemption Determination provisions, moreover, municipal representatives (in particular, Exemption Designee(s)) shall attend an information and training session on the exercise of Municipal Exemption Determination authority.

f. **Adoption of Updated Zoning Map.** The Borough shall prepare an updated Municipal Zoning Map which shall be adopted immediately following or at the time of adoption of the Highlands Area Land Use Ordinance, to reflect the new overlay Highlands Zones and Sub-Zones. The adoption process shall mirror that outlined above for the Highlands Area Land Use Ordinance

g. **Housing Element & Fair Share Plan.** The Borough shall submit a motion for a declaratory judgement in accordance with the guidance provided by the NJ Supreme Court and shall follow the court's guidance on all future submission dates and requirements. The Highlands Council shall be copied on all related correspondence and kept apprised of the process as it unfolds. Any subsequent revision to the Housing Element and Fair Share Plan shall be provided to the Highlands Council for review and approval prior to implementation by the municipality. Until and unless the municipality secures final approval of a Highlands Council-approved (as RMP

consistent) Housing Element and Fair Share Plan, this Plan Conformance component shall remain a conditionally approved item.

h. **Adoption of Ordinances Implementing Fair Share Plan.** Governing Body adoption of Ordinances required to implement the Fair Share Plan shall follow approval of the Housing Element and Fair Share Plan, in accordance with all requirements of the Superior Court or COAH, as applicable, and all legal requirements and protocols pertaining thereto. Plan implementation and continued compliance with the final Court- or COAH-approved Fair Share Plan moreover, shall be a condition of continued Plan Conformance approval, subject to Highlands Council review and monitoring.

i. **Wastewater Management Plan (WMP).** The municipality shall prepare a Wastewater Management Plan working with the Highlands Council under Plan Conformance, for approval by the NJDEP. This plan will be recognized as a chapter of the Morris County WMP in accordance with NJDEP Administrative Order 2010-03 and all applicable NJDEP rules and requirements. As a municipality conforming for the full municipal area, Chester Borough will collaborate with the Highlands Council to develop a WMP that conforms to the RMP, on a schedule based on Plan Conformance approval. The Highlands Council will draft the WMP using information from the Borough, and collaborate with the Borough to finalize the WMP for NJDEP consideration and approval.

j. **Adherence to Approved Highlands Implementation Plan & Schedule.** The municipality shall undertake to complete all remaining mandatory Plan Conformance activities listed in the Highlands Council-approved Implementation Plan & Schedule, in accordance with: a) the timeframes set forth therein, to the maximum extent feasible and practicable, or with such adjusted timeframes as may be authorized by the Highlands or otherwise mutually agreed by the municipality and the Highlands Council; and b) the availability of funding from the Highlands Council or, on a voluntary basis, by the municipality or other party, to ensure the satisfactory completion of each project or activity, or each phase of such project or activity, as appropriate. Non-mandatory Plan Conformance activities shall neither take precedence over nor shall impede the completion of mandatory items and shall be undertaken only as time and resources are available to support them.

    i. **Development/Approval of Implementation Plan Components.** Within the constraints above, all planning, regulatory, and resource management documents shall be prepared and provided to the Highlands Council for review and approval prior to formal adoption by the applicable municipal board, commission, or governing body.

    ii. **Adoption of Regulations Implementing Plan Components.** All ordinances, rules, and regulations shall be prepared and provided to the

Highlands Council for review and approval prior to formal adoption by the applicable municipal board, commission, or governing body.

iii. **Mandatory Components.** Specific mandatory components include development and implementation of the plans/programs/ordinances herein listed (once models have been provided by the Highlands Council, if applicable, and funding provided), all intended as municipal-wide, long-term initiatives unless specifically noted otherwise. Where applicable and appropriate, these will build upon any such plans, programs, or ordinances that have already been developed or adopted by the municipality. It is the explicit intention of the Highlands Council that such plans/programs be developed in a manner to ensure that implementation is both feasible and practicable, potentially involving assistance of outside agencies/organizations, working cooperatively for and with the municipality. In each case where the municipality will serve as lead, release of funds is contingent upon approval of a scope of work by the Highlands Council Executive Director

- Sustainable Economic Development Planning. The Highlands Implementation Plan & Schedule prioritizes this task by allocation of funding to improve the economic viability of the Borough, which has areas with limited growth and redevelopment capacity due to the lack of sewerage. This examination may further prior Borough efforts, potentially leading to Highlands Redevelopment Area designation, or potential Highlands Center designation.
- Stormwater Management Plan. Funding for this Plan has been allocated in the Borough IPS in the amount of $15,000.
- Implementing ordinances associated with each of the above (long-term, as applicable). (The Highlands Council will review the Borough's already-adopted Right to Farm ordinance for RMP consistency.)

k. **Revisions/Amendments Subject to Highlands Council Approval.** Any proposed revision or amendment to any of the aforementioned documents, or to any other document, plan, or other item approved by the Highlands Council as a component of Plan Conformance, shall be provided to the Highlands Council for review. In the event the Highlands Council determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption by the applicable municipal board, commission, or governing body. Any revision or amendment adopted without the approval of the Highlands Council may subject the municipality to revocation of Plan Conformance approval.

## E. MUNICIPAL RESPONSE PERIOD

The Highlands Council provided a Draft Consistency Review and Recommendations Report dated May 25, 2016, to the municipality on May 25, 2016. The Municipal Response Period concluded on June 13, 2016. The municipality provided supplemental materials in support of the Petition for Plan Conformance, prior to expiration of that Period, for Highlands Council consideration.

## F. COMMENTS FROM THE PUBLIC

The Final Draft Consistency Review and Recommendations Report was posted to the Highlands Council website and made available (in paper format) at the Highlands Council offices in Chester, NJ, for review and comment by the general public. Several comments were received during the period established by the Highlands Council for receipt of written public comment (June 17, 2016 – July 5, 2016). The comment/response document is attached to this document, at Appendix A.

## G. FINAL RECOMMENDATIONS

Based upon the comments received, the recommendations of Highlands Council staff concerning the Petition for Plan Conformance of the Borough of Chester remain unchanged.

**In conclusion, the Highlands Council staff recommends that the Petition for Plan Conformance of the Borough of Chester, be approved with conditions; with all applicable conditions being those listed and discussed in Section D, above.**

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**
**Petition for Plan Conformance – Final Consistency Review and Recommendations Report**

# APPENDIX A

## PUBLIC COMMENTS/HIGHLANDS COUNCIL RESPONSES

**Petition for Plan Conformance**

**Chester Borough, Morris County**

**Public Comment Period: June 17, 2016 – July 5, 2016**

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**
**Petition for Plan Conformance – Final Consistency Review and Recommendations Report**

## PUBLIC COMMENTS RECEIVED

Written comments regarding Clinton Township's Petition for Plan Conformance were accepted by the Highlands Council from June 17, 2016 through the close of the Public Comment Period on July 5, 2016. Comments were provided by the following individuals/entities:

1. Sean Gilson, on behalf of New Jersey Highlands Coalition

2. Nicholas R. Homyak

3. Henry L. Kent-Smith, Esq., representing Turkey Farm Acquisition, LLC and West Chester Acquisitions, LLC

4. Laura Smith-Denker, on behalf of Fair Share Housing Center

5. Wilma Frey, on behalf of New Jersey Conservation Foundation

The comments are summarized in the section that follows with Highlands Council responses provided below, for each.

## PUBLIC COMMENT/RESPONSE SUMMARY

### 1. Gilson

**Comment** (NJ Highlands Coalition)**:** Mr. Gilson, on behalf of the New Jersey Highlands Coalition, supports Chester Borough's Petition for Plan Conformance and applauds the Borough's decision to adopt the best possible planning objectives for the benefit of the Community. The Coalition supports the Borough's proposed Housing Element and Fair Share Plan noting that it is responsive to available water and wastewater capacity and supports the Borough's Environmental Resource Inventory.

**Response:** The Highlands Council acknowledges and thanks Mr. Gilson and the Highlands Coalition for the comments.

### 2. Homyak

**Comment** (Mr. Homyak)**:** Mr. Homyak's comments are broad in nature and are supportive of the Highlands Council. Specifically, Mr. Homyak is supportive of the Highlands Act's approach for calculating water availability based on the drought of record.

**Response:** The Highlands Council acknowledges and thanks Mr. Homyak for his comments.

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**
**Petition for Plan Conformance – Final Consistency Review and Recommendations Report**

**3. Kent-Smith**

**Comment** (Turkey Farm Acquisitions, LLC and West Chester Acquisitions, LLC): Mr. Kent-Smith, attorney representing Turkey Farm Acquisition, LLC and West Chester Acquisitions, LLC, concerning property located at the intersection of Routes 206 and 24 in Chester Borough (Block 101, Lots 12.07-12.10, 12.22, 13, 14, 15, and 16, including property on Mill Ridge Lane and the "Turkey Farm"), provided comments on Chester Borough's Petition for Plan Conformance, including "as comments," copies of four (4) professional certifications apparently prepared for purposes of proceedings in the Superior Court of New Jersey Law Division – Morris County, concerning Docket No. MRS-L-1661-15. The certifications include one by each of the individuals listed below.

- Tony DiLodovico, Graduate Engineer, retained by Turkey Farm Acquisitions, LLC and W. Chester Acquisitions, LLC "to assist in this litigation regarding the NJDEP permit requirements associated with development of a sewage treatment package plant on Turkey Farm's property in the Borough of Chester."
- Art Bernard, PP, Professional Planner and Managing Member of Art Bernard and Assoc., LLC, retained by Turkey Farm Acquisitions, LLC and W. Chester Acquisitions, LLC "to assist in its litigation with the Borough of Chester."
- Bryon DuBois, Certified Professional Wetland Scientist and Certified Senior Ecologist and President and a Senior Environmental Scientist of DuBois Environmental Consultants, LLC, retained by Turkey Farm Acquisitions, LLC and W. Chester Acquisitions, LLC "to assist in this litigation and to perform a habitat assessment relative to the development of a sewage treatment package plant of the client's property in the Borough of Chester."
- David N. Kinsey, PhD, FAICP, PP, Professional Planner and partner in planning consulting firm, Kinsey & Hand, retained by Fair Share Housing Center "for advice and assistance in the implementation of Mount Laurel IV, including this litigation concerning the compliance of the Borough of Chester, Morris County, New Jersey with its constitutional fair share housing obligations."

The comments of Mr. Kent-Smith summarize and are supported by the professional opinions expressed in the above-listed certifications, and as Counsel for Turkey Farm Acquisitions, LLC and West Chester Acquisitions, LLC are the comments summarized herein, with Highlands Council responses to each, following.

a) Mr. Kent-Smith notes that the Borough's wastewater treatment facility is at capacity while a significant number of septic systems in the Borough have failed or are failing. Mr. Kent-Smith calls for the Borough's Petition for Plan Conformance to be "summarily rejected" based on the refusal of the Borough to endorse and support the creation and development of a package treatment plan on his client's property. The commenter states that the development of a package treatment plan on his client's property could be used to connect failing septic systems in the Borough to treat effluent effectively while eliminating nitrates and recharging the aquifer below.

b) Mr. Kent-Smith states that designation of his Client's Mill Ridge Lane property as Forest Preservation zone is inappropriate since the property has been approved and partially developed for single-family homes on potable wells and septic systems which would result in the property being fully disturbed. Mr. Kent-Smith states that for these reasons the environmental and forest preservation goals have already been lost as they relate to the property and feels that endorsing a plan that would allow

millionaires to reside on this sensitive land but exclude more environmentally-friendly lower-income persons, is unjust and without any basis in any reasonable environmental protection policy. Mr. Kent-Smith further states that his client has proposed to develop the properties for a mixed-use development that includes 22 affordable rental apartments as part of a 144-unit rental complex. The project's 15% rental set-aside comports with COAH standards and, with retail/commercial development proposed on the Turkey Farm property, provides sufficient return to fully subsidize the development of a 60,000 GPD membrane sewage treatment package plant.

c) The commenter also notes that the mapping of threatened and endangered species on his client's property is "aggressive" as described by certification in Exhibit B of this comment. Mr. Kent-Smith states that his client has already preserved 44 acres of forested area immediately to the north of the subject property which should provide more than ample mitigation for any potential adverse environmental outcome associated with the development of his client's property.

d) Finally, Mr. Kent-Smith states that the Borough's Petition is deficient because it does not provide a realistic opportunity for satisfying its regional fair share of affordable housing (Exhibit C). Commenter further notes that the Borough's calculation of its affordable housing obligation will be rejected by the court, stating that the court will establish the Borough's affordable housing obligation, as well as whether the Borough's compliance mechanisms meet the "realistic opportunity" mandate of the Mount Laurel doctrine and Fair Housing Act. Mr. Kent-Smith states that the Borough's plan envisions 100% affordable housing projects that require additional sewer or septic service, and that the plan fails to address the present public health crisis associated with the Borough's failed sewer and residential septic systems.

**Response:** The Highlands Council acknowledges and thanks Mr. Kent-Smith and Turkey Farm Acquisition, LLC and West Chester Acquisitions, LLC for the comments.

a) The Highlands Council is aware of Chester Borough's limited wastewater treatment capacity, as well as its problems with failed or failing septic systems. In response, the Highlands Council is proposing funding, as a component of Petition approval (under section 7d1 of the Implementation Plan and Schedule), for an innovative alternative wastewater treatment evaluation to be completed by the Borough. During this process, the Highlands Council will work closely with NJDEP and the Borough to ensure that any site(s) selected for a wastewater treatment facility meets the goals, policies and objectives of the Highlands Regional Master Plan and the Highlands Act.

b) Reference to a "Forest Preservation Zone" appears to refer to RMP designation of portions of the subject properties as Forest Resource Area and/or Total Forest Area. These designations are technical in nature, deriving from GIS mapping and technical reports completed by the Highlands Council in support of adoption of the Highlands RMP in 2008. As noted in the draft Highlands ERI, "the Highlands Council spatially delineated the Forest Resource Area by including those forested areas that express one or more of the following indicators – a contiguous forest patch of equal to or greater than 500 acres in size, an area consisting of >250 acres of core forest area greater than 300 feet from an altered edge, or areas that include >45% of mean total forest cover, and mean distance to nearest patch (HUC14 only)." The Total Forest Area includes all portions of the Region identified by the Highlands Council as containing "forest," as the term is defined under NJDEP Highlands Rules (NJAC 7:3-3.9).

While these designations do have implications for future development in conforming Planning Area municipalities, it should be noted that in the case of unexpired development approvals this is not the case. Provided such approvals retain legal status as of the date of adoption of a municipality's Highlands Land Use Ordinance (or Checklist Ordinance), they are not subject to the changes such ordinances introduce to municipal zoning provisions.

c) As to the mapping of threatened and endangered species habitat, the NJDEP's Nongame and Endangered Species Program (ENSP) uses the Landscape Project to identify potential habitats for rare, threatened and endangered wildlife. The RMP uses the Landscape Project data to map Critical Wildlife Habitat throughout the Highlands Region.

d) With regard to the Borough's Housing Element and Fair Share Plan, as the commenter notes, Chester Borough is currently engaged in litigation in Superior Court for determination of its affordable housing obligation. We agree, and acknowledge in the Report, that the Borough's fair share obligation will be determined by the court and court approval of the Borough's Housing Element and Fair Share Plan is a continuing condition of the Borough's Plan Conformance approval (condition D.1.g). As for any need to update that may be necessary, a component of Petition approval proposes grant funding (under section 1 of the Implementation Plan and Schedule) for updates to the Borough's Build-Out Analysis and Housing Element and Fair Share Plan. An update of the Build-Out Analysis may take place shortly after the Petition for Plan Conformance is approved by the Highlands Council.

e) Finally, the Borough of Chester's Petition for Plan Conformance has been recommended by Highlands Council staff to be "Approved with Conditions." One such condition is that the Borough adhere to the approved Highlands Implementation Plan & Schedule. Adherence requires that the Borough undertake all mandatory Plan Conformance activities listed in the Highlands Council-approved Implementation Plan & Schedule, in accordance with: a) the timeframes set forth therein, to the maximum extent feasible and practicable, or with such adjusted timeframes as may be authorized by the Highlands or otherwise mutually agreed by the municipality and the Highlands Council; and b) the availability of funding from the Highlands Council or, on a voluntary basis, by the municipality or other party, to ensure the satisfactory completion of each project or activity, or each phase of such project or activity, as appropriate.

**4. Kinsey**

**Comment** (Fair Share Housing Center): David N. Kinsey, PhD, FAICP, PP (same author as above-referenced, in Kent-Smith/Turkey Farm Certifications) provided comments on behalf of the Fair Share Housing Center, which were submitted by Ms. Smith-Denker.

a) Mr. Kinsey disagrees with the statement by the Highlands Council that Chester Borough is "actively in compliance with the March 2015 court decision." Mr. Kinsey states that the Borough is either in compliance or not and it is his opinion that the Borough is not in compliance.

b) Addressing the 2009 Build-Out Analysis completed by the Highlands Council, Mr. Kinsey states that the Borough recognizes an obligation for just 2 affordable units based on a build-out capacity of 9 units. Mr. Kinsey states that the Borough's fair share housing consultant, Econsult, has determined

that the Borough's affordable housing obligation is 50 units according to its 2016 Housing Element and Fair Share Plan and that Econsult's most recent, May 2016 determination is 58 units. In Mr. Kinsey's opinion, however, the Borough's obligation is 124 units.

c) Mr. Kinsey states the Highlands Council should be aware of the limitations of its 2009 Build-Out Report stating that "the Highlands Council Build-Out Model is not intended to be applied at a parcel level to determine the development potential of that parcel." Mr. Kinsey states that a Realistic Development Potential Analysis has been performed on a parcel-by-parcel basis and that a proper analysis is conducted without being entirely bound by existing zoning, because the purpose of the analysis is to determine how much affordable housing can reasonably be produced if zoning is changed.

d) In summary, Mr. Kinsey recommends that the Highlands Council deem the Borough's Petition inconsistent with the RMP.

**Response:** The Highlands Council acknowledges and thanks Mr. Kinsey, Ms. Smith-Denker, and the Fair Share Housing Center for the comments.

1) As to the Borough's Housing Element and Fair Share Plan, Chester Borough has engaged the courts with regard to its affordable housing obligation, as required by the Highlands Council. Only the court can determine whether the Borough's Housing Element and Fair Share Plan satisfactorily addresses its affordable housing obligation. Beyond requiring compliance with the Fair Housing Act, the Highlands Council's role is limited to review of affordable housing development proposals for consistency with the RMP.

2) The Highlands Council's approval of the Borough's Petition proposes to include funding for updates to the Borough's Build-Out Analysis and Housing Element and Fair Share Plan (see section 1 of the Implementation Plan and Schedule). In response to the March 2015 Supreme Court ruling, the Highlands Council launched a revised grant program that assists municipalities in updating Build-Out Reports and Housing Elements and Fair Share Plans.

3) The updated Build-Out Report that will be completed by the Borough does not use municipal zoning. An update of the Build-Out Analysis may take place shortly after the Petition for Plan Conformance is approved by the Highlands Council. A revised Housing Element and Fair Share Plan will be completed as appropriate based on the decision of the courts.

4) Finally, the Borough of Chester's Petition for Plan Conformance has been recommended by Highlands Council staff to be "Approved with Conditions." One such condition is that the Borough adhere to the approved Highlands Implementation Plan & Schedule. Adherence requires that the Borough undertake all mandatory Plan Conformance activities listed in the Highlands Council-approved Implementation Plan & Schedule, in accordance with: a) the timeframes set forth therein, to the maximum extent feasible and practicable, or with such adjusted timeframes as may be authorized by the Highlands or otherwise mutually agreed by the municipality and the Highlands Council; and b) the availability of funding from the Highlands Council or, on a voluntary basis, by the municipality or other party, to ensure the satisfactory completion of each project or activity, or each phase of such project or activity, as appropriate.

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**
**Petition for Plan Conformance – Final Consistency Review and Recommendations Report**

**5. Frey**

**Comment** (NJ Conservation Foundation): Ms. Frey, on behalf of the New Jersey Conservation Foundation provided comments in support of Chester Borough's Petition for Plan Conformance. Specifically, Ms. Frey commends the Borough's recognition of its historic, cultural, and archeological resources, as well as its intention to protect scenic resources. Ms. Frey also recognizes that two HUC 14 subwatersheds within the Borough are in deficit and supports the Borough's acknowledgements that "the availability of water for human use is a critical factor in determining the capacity for growth and continued economic vitality in the Borough," and that "the availability of water for ecological purposes is critical to sustaining the aquatic ecosystems of streams, ponds and lakes," and that "of particular concern to the Borough is the potential for overuse of water to reduce base flows, impair ecological function and integrity, and reduce the reliability of potable water supplies that the municipality depends upon."

**Response:** The Highlands Council acknowledges and thanks Ms. Frey for her comments.

State of New Jersey
Highlands Water Protection and Planning Council
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*Lt. Governor*

**CARL RICHKO**
*Chairperson*

**LISA J. PLEVIN**
*Executive Director*

# CONSISTENCY REVIEW AND RECOMMENDATIONS REPORT

## INCORPORATED BY REFERENCE INTO HIGHLANDS COUNCIL RESOLUTION 2020-03

**PETITION FOR HIGHLANDS CENTER DESIGNATION**
**BOROUGH OF CHESTER, MORRIS COUNTY**

Prepared by the State of New Jersey Highlands Water Protection and Planning Council in Support of the Highlands Regional Master Plan

**JANUARY 2020**

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**
**Petition for Highlands Center Designation – Consistency Review and Recommendations Report**

## INTRODUCTION

The New Jersey Highlands Water Protection and Planning Council ("Highlands Council") approved the Borough of Chester's Petition for Plan Conformance on July 21, 2016, by adoption of Resolution #2016-6. The Borough conformance area is municipal-wide and is entirely within the Planning Area. Since the time of Highlands Council approval, the Borough has made steady progress toward completion of all required Plan Conformance implementation tasks, as set forth in the Highlands Implementation Plan and Schedule.

In the process of completing its Petition for Plan Conformance, the Borough determined, and the Highlands Council concurred, that Highlands Center designation should be studied for the municipality. This initiative was completed with assistance of Highlands Council funding, as an eligible component of the Highlands Council Plan Conformance program. The resultant analyses propose designation of a Highlands Center within the Borough, which is intended to advance the goals and intents of both the Borough Master Plan and the Highlands Regional Master Plan (RMP). The Borough petitioned the Highlands Council for designation of a Highlands Center on October 3, 2019.

This Consistency Review and Recommendations Report ("Report") has been prepared by Highlands Council Staff for consideration by the Highlands Council as to the consistency of the Center Designation, proposed by the Borough of Chester, with the RMP. The Report begins with a brief summary of Plan Conformance activities, including a Plan Conformance status update indicating completion of required implementation tasks by date. The Staff recommendation is for approval with conditions of the Petition for Highlands Center Designation as proposed by the Borough.

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**
**Petition for Highlands Center Designation – Consistency Review and Recommendations Report**

## REPORT SUMMARY

| | |
|---|---|
| **Municipality:** | Borough of Chester |
| **Date of Amended Petition Submission:** | October 3, 2019 |
| **Date Deemed Complete:** | October 17, 2019 |
| **Highlands Center Proposal:** | Chester Borough Center (1,020 Acres, 100% of the Borough) |
| **Staff Recommendation:** | Approve Amended Petition with Conditions |

## PLAN CONFORMANCE STATUS UPDATE

| Implementation Task | Completion |
|---|---|
| 1. Petition for Plan Conformance | Approved by Highlands Council 7/21/16 |
| 2. Planning Area Petition Ordinance | Adopted 9/20/16 |
| 3. Master Plan Reexamination Report | Adopted 11/21/16 |
| 4. Highlands Municipal Referral Ordinance | Adopted 12/20/16 |
| 5. Highlands Master Plan Element | Adopted 3/9/17 |
| 6. Highlands Land Use Ordinance | Adopted 6/20/17 |
| 7. Highlands Center Designation Study | 10/3/19 |
| 8. Wastewater Management Plan (WMP) | In Progress |

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**
**Petition for Highlands Center Designation – Consistency Review and Recommendations Report**

## A. REVIEW OF ADMINISTRATIVE SUBMITTALS

1. **Resolution or Ordinance.** Consistent. Chester Borough Resolution # 2019-102 was adopted on August 12, 2019, requesting that the Highlands Council amend the Borough's Petition for Plan Conformance to include a designated Highlands Center.

2. **Highlands Center Feasibility Report.** Consistent.

## B. SUBSTANTIVE REVIEW

The Borough of Chester established a sub-committee comprised of Planning Board and governing body members to investigate the feasibility of designation of a Highlands Center within the municipality. With the assistance of its planning consultant, this effort culminated in production of a "Highlands Center Designation Feasibility Report," dated October 3, 2019. The Borough submitted the study to the Highlands Council on October 3, 2019 with a request that the Highlands Council amend the previously approved Petition for Plan Conformance to include the Highlands Center. The "Highlands Center Designation Feasibility Study" is attached as Appendix A of this Report.

1. **Proposed Boundaries.** Consistent.

   Boundary Summary: The Borough is 100% Planning Area. The entirety of the Borough will be contained within the center boundaries with 308 Acres to be located in Highlands Environmental Resource Zones (HERZ).

   Highlands Environmental Resource Zones (Figure 1): *A Highlands Environmental Resource Zone (HERZ) is a land area within a designated center that contains environmentally sensitive resources. The delineation of the HERZ recognizes that a designated center, while generally suitable for future development and redevelopment, may contain areas of sensitive resources that may require additional protections. Each HERZ will be identified according to its features and be afforded appropriate planning and management as part of the comprehensive center planning.*

   The majority of the proposed Chester Borough Center is currently developed and identified as Existing Community Zone. Undeveloped areas within the Borough are constrained by wetlands and critical habitat and are currently designated as Protection Zone. Highlands resources within the developed area are very limited. Where Highlands resources do exist within the proposed Highlands Center, they will be protected in the same manner as those resources existing in the Protection Zone of the Planning Area. All HERZ are to be protected as a condition of Highlands Center planning, along with additional conditions enumerated here and repeated under the "Conditions" section below. These conditions are specific to the Chester Borough Highlands Center, to address potential impacts to Highlands resources known to be located within the proposed Center boundaries.

   The proposed HERZ primarily consist of three significant areas. The western area, encompassing the majority of the land west of Route 206 and north of County Route 513, consists of critical habitat and wetlands. The second area, located to the south of Oakdale Road, consists of wetlands and Category-1 (C-1) tributaries. The third area, located to the

north of North Road (County Route 513), abutting the eastern Borough border, contains wetlands, critical habitat, and forest resource area.

All areas mapped as HERZ will remain subject to the protections set forth for the Protection Zone of the Land Use Capability Zone Map in the Regional Master Plan and Highlands Land Use Ordinance (the most restrictive zone). However, due to the condition of the Borough's wastewater treatment plant and numerous failing subsurface disposal systems and cesspools located throughout the developed portion of the Borough, a new wastewater treatment plant is proposed adjacent to one of the proposed HERZ. The feasibility study for the proposed treatment plant, funded by the Highlands Council, demonstrated that the only practical location for the needed surface water discharge is in the vicinity of the HERZ located to the south of Oakdale Road in the north-central area of the Borough. The extension of a wastewater discharge into the Oakdale Road HERZ is recommended to be permitted to address issues of public health and safety. Such extension will not provide service to any new development in the HERZ. Such a discharge would be required to meet all the applicable standards for a discharge into the waterway. Additional details on wastewater service can be found in Section 3A of this report.

2. **RMP Goals, Policies and Objectives.** Consistent.

*(The following is excerpted from the Borough's Center Planning document prepared by Banisch Associates, attached as Appendix A.)*

The Borough is almost entirely designated Existing Community Zone with pockets of Existing Community Environmentally Constrained found in select areas. The western portion of the Borough, and areas to the northeast, where areas of forests and wetlands are found, are in the Protection Zone. These areas have not been developed or are underdeveloped for the area given the environmental constraints. However, as part of the Center plan, the Borough envisions two minor incursions into the area currently designated Protection Zone for (1) residential development on Mill Ridge Lane adjacent to existing office and residential development; and (2) construction of a new wastewater treatment plant on Oakdale Road in the vicinity of the existing sewage treatment plant, which today is designated Protection Zone. It is not envisioned that remaining areas currently designated Protection Zone in Chester Borough will be further developed. Instead, the Borough will maintain these areas as they exist today to protect the integrity and function of the natural systems recognized by the Protection Zone designation.

In addition, center designation will further the Borough's long-term planning goals and is heavily aligned with the Highlands RMP goals and objectives, in particular for smart growth and economic development (see Appendix A).

3. **Plan Conformance Procedures Implementation Plan.** Consistent. The Highlands Center Implementation Plan shall include the proposed center boundaries, the purpose and goals of the proposed center, the relationship of the RMP goals, policies, and objectives to those of the proposed center, a description of the built and natural resources within the proposed

boundaries, and a narrative of how the municipality intends to undertake implementation of the center.

A. Infrastructure: The proposed Highlands Center is located in an area with sufficient water availability, water supply, and wastewater, and is appropriate for increased land use intensity.

Public Water Service: Chester Borough is provided with public water service primarily from NJ American Water. New Jersey American Water indicates that there is sufficient water supply available for the Borough, with an estimated available capacity of 0.050 MGD, which is expected to increase of 0.100 MGD in 2021 due to infrastructure upgrades. There is no indication that potable water supply would be a limiting factor to future development.

Wastewater Service: The sewerage system of the Borough is currently exceeding capacity and numerous failing cesspools and subsurface disposal systems are creating a public health and safety issue. The Highlands Council is funding the Borough's efforts to replace and expand its treatment plant to accommodate existing failing private systems and limited infill development and redevelopment.

The Borough has conducted a feasibility analysis and has met with NJDEP and the Highlands Council to discuss the construction of an upgraded treatment facility. The designation of the Borough as a Highlands Center will help to facilitate the necessary upgrades of the wastewater system within the Borough. Continuation of the work towards these upgrades is recommended as a condition of approval and grant funding is recommended to be provided as part of the implementation plan.

As a condition of approval, the existing Highlands Land Use Ordinance will maintain the septic densities and other requirements of the Existing Community Zone where it currently exists and apply the Protection Zone septic density requirement and the limitation of extension of public/community water and sewer to any area designated as a Highlands Environmental Resource Zone (HERZ). It appears that there are no existing lots in the Borough that are not deed restricted that would be sub-dividable under either the ECZ density or HERZ density.

B. Resource Protection: The proposed Highlands Center is consistent with the resource protection standards of the Regional Master Plan, in accordance with the intent and purpose of the Highlands Act.

Chester Borough's location at the intersection of 206 and County Route 513 make it a crossroads of the surrounding region. The Borough is largely developed and contains limited resources that are not on deed restricted properties. Where resources do exist, they are generally on small, private single-family lots that are either exempt from the Highlands Act and RMP or do not meet the applicability standards of the Highlands Land Use Ordinance. As a condition of approval, the currently adopted Chester Borough Highlands Land Use Ordinance will be amended to afford the same

protections to the HERZ as those of the Protection Zone (the most protective zone in the Planning Area).

C. Smart Growth and Low Impact Development (LID): The proposed Highlands Center is consistent with the Smart Growth and LID standards of the Regional Master Plan.

Chester Borough's existing land use pattern is the product of more than two centuries of settlement, growth, and development. Much of the Borough's early historic settlement grew out of the rural farming economy of the 18th and 19th centuries that prevailed in west Morris County. Early development occurred along Main Street, which today is a vital and very active center of community life. Land use in Chester Borough is compact and efficient and it cannot reasonably be characterized as suburban or urban sprawl.

Chester Borough is a center of commercial and tourism activities within the Region. The continued development of the Borough through proposed redevelopment areas and expansion of sewer service will promote economic development, while implementing HERZ will afford critical protection of important resources.

D. Land Use: There is a need for land uses within the community that may be met by the Highlands Center, particularly those that complement local and regional (or sub-regional) socio-economic needs and provide for affordable housing, increased transit opportunities, and the potential use of Highlands Development Credits.

Chester Borough is currently addressing two primary issues that are limited by the current LUCZ designations and lack of center designation. The first is the replacement and expansion of its existing wastewater treatment plant. Replacement of the plant will permit the Borough to connect residences and businesses that have failing subsurface disposal systems and cesspools thus improving the overall water quality in the area. The proposed wastewater treatment plant is anticipated to improve water quality in the discharge stream based on the elimination of "human markers" caused by failing subsurface disposal systems presently found in the stream. Designation of the Borough as a Center will permit the flexibility to implement the wastewater management project.

Second is the proposed development of the Turkey Farm and Mill Ridge Lane properties, which is a component of the Borough's affordable housing settlement. Sections of each property are designated Protection Zone under the current LUCZ mapping, which will not afford the density proposed in the settlement agreement. It is important to note that Mill Ridge Lane was developed after the creation of the LUCZ mapping for the RMP. The settlement agreement provides for infill development in those areas of the Protection Zone currently surrounded by development. Designation of the Borough as a Center will provide the flexibility to meet the requirements of the affordable housing settlement agreement, while implementation of a HERZ will ensure that critical natural resources remain protected.

## C. STAFF RECOMMENDATIONS

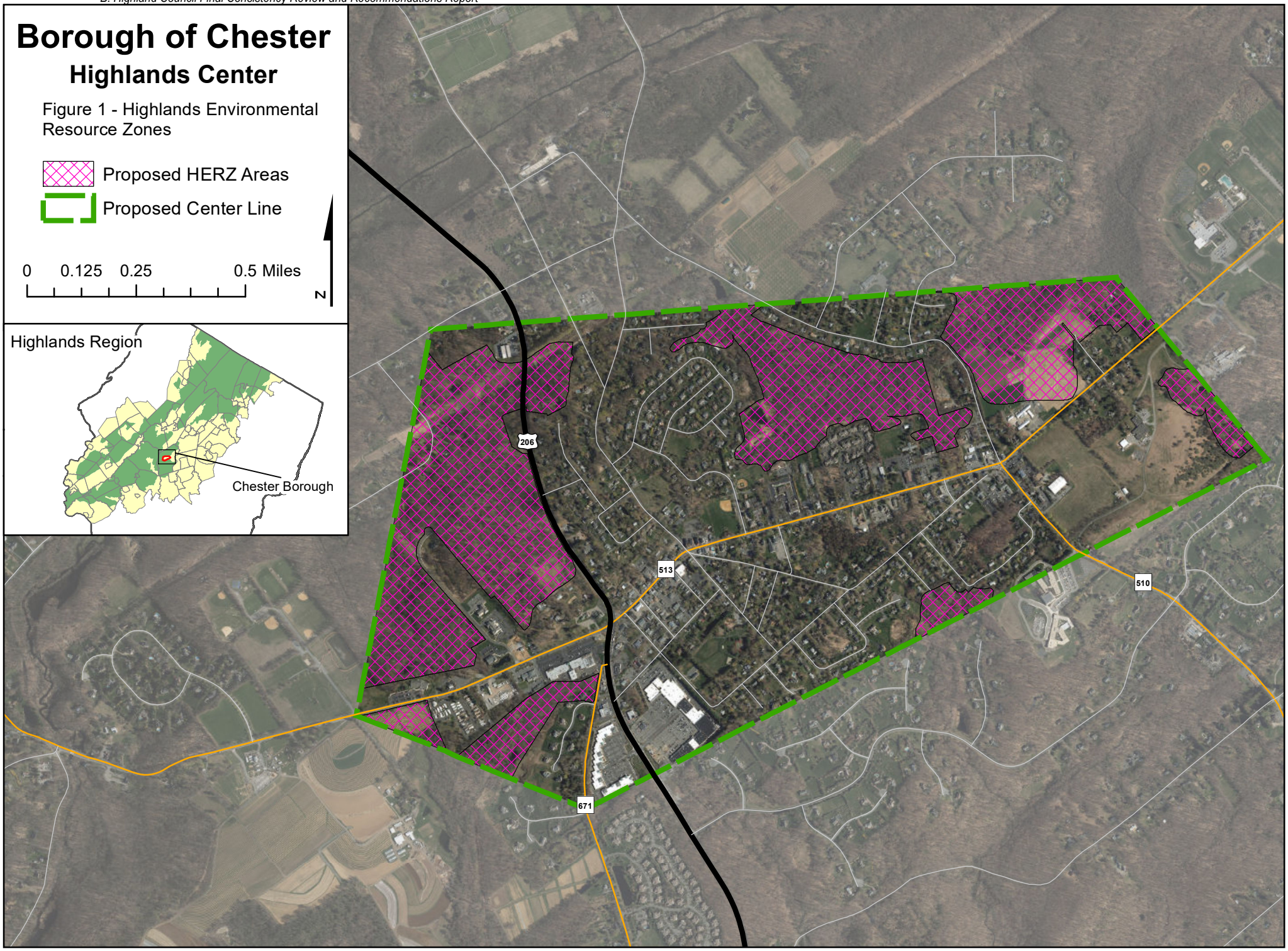
The Highlands Council Staff recommends that the Borough of Chester's Petition for Designation of the Highlands Center, as discussed and illustrated in detail in Appendix A of this Report (Chester Borough "Highlands Center Designation Feasibility Report"), be approved with conditions. These conditions include the continued progress toward completion of all remaining and new Plan Conformance Implementation Tasks as set forth in the Implementation Plan and Schedule (IPS)(Appendix B), and adoption of Amendments to the Highlands Land Use Ordinance to implement Highlands Environmental Resource Zones.

The Council's approval of the Borough's Highlands Center designation will specifically include grant funding for those items listed in Fiscal Year 2020 of the IPS. Funding for items beyond Fiscal Year 2020 are subject future Highlands Council approval. The Borough will not be liable to complete items on the IPS that are not funded by the Highlands Council.

# Borough of Chester

## Highlands Center

Figure 1 - Highlands Environmental Resource Zones




11/1/2019

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**
**Petition for Highlands Center Designation – Consistency Review and Recommendations Report**

# APPENDIX A

## HIGHLANDS CENTER DESIGNATION FEASIBILITY REPORT

**Borough of Chester, Morris County**

# Chester Borough
Morris County

# Highlands Center Designation Feasibility Report

## Request for New Jersey Highlands Council Center Designation

Approved by Chester Borough Land Use Board:
September 26 2019

Implementation Plan / Schedule Revisions
& Submitted to NJ Highlands Council Staff:
October 3, 2019

## Introduction

This is Chester Borough's Phase 1 Highlands Center Designation Investigation Report that identifies Chester Borough's planning considerations in support the Borough's request for Highlands Center designation from the Highlands Council. Chester Borough wishes to designate the municipality a Highlands Center and utilize the designation to support Center-based planning for development, redevelopment and infrastructure development that is appropriately scaled to address existing infrastructure needs and maintain Chester Borough's small-town quality of life and historic character.

The Borough of Chester is located in the southwest portion of Morris County surrounded by the Township of Chester. The Borough is 1.45 square miles and located at the cross-roads of State Route 206 and County Route 513. The Borough is a small residential community that is well-known throughout the region and the State for its picturesque historic character. Chester Borough's Main Street Historic District is well known for its attractive historic buildings, specialty shops and commercial services. In addition, the Borough's regional shopping centers along the US Route 206 state highway corridor serve the regional population and the traveling public that relies on this primary north/south access highway serving west Morris County. As of 2010, the Borough's population was 1,649 people and included approximately 650 (647) housing units in Chester Borough.

Chester Borough conformed the municipal Master Plan and development regulations to the New Jersey Highlands Regional Master Plan (RMP) in accordance with New Jersey Highlands Council RMP "Plan Conformance" procedures for the Highlands Planning Area. Chester Borough was previously recognized as an Identified Center in the NJ State Development and Redevelopment Plan. Under RMP procedures the Borough has the option to seek designation of the Borough as a New Jersey Highlands Center. In accordance with Highlands Center designation procedures, Chester Borough has prepared this Phase 1 investigation report for acceptance by the Highlands Council as a Highlands Center, subject to Highlands Council approval.

The Chester Borough Mayor and Council and the Land Use Board have investigated the Highlands Center designation and determined that designating the Borough a Highlands Center is consistent with and supports Chester Borough's long-term planning objectives to protect the character and scale of existing residential neighborhoods and non-residential areas in the Borough. Through the Highlands Center designation the Borough will seek to expand wastewater treatment capacity and extend wastewater collection lines to eliminate an existing long-standing, undesirable and unsustainable condition of individual on-site septic systems on both residential and nonresidential substandard lots. Addressing this condition in the Borough has been a long-standing planning objective.

In addition to correcting existing deficiencies, Chester Borough plans to utilize the Highlands Center designation planning opportunity to support the goal of providing for modest, incremental new residential and non-residential development planned at a scale appropriate to the Borough's community character protection goals and objectives. At the

same time, Chester Borough seeks to facilitate redevelopment through Center designation to repurpose lands capable of contributing to the general welfare by diversifying housing opportunities and facilitating appropriately-scaled new non-residential development to serve the needs of the community and the region.

**Proposed Highlands Center Boundary**

Chester Borough's Historic District and the majority of non-environmentally constrained land is nearly built-out in traditional patterns of residential neighborhoods, a Main Street commercial center, in highway commercial centers and nodes of office and commercial uses that establish an important regional employment resource. At the same time local planning and capital investments have established a substantial inventory of active and passive open space and protected environmentally-sensitive lands that reinforce the Borough's small-town character. Chester Borough seeks to designate the entire Borough as a Highlands Center (Figure 1) and implement a Center management strategy that appropriately maintains and protects the form, function and character of the Borough's built and natural environment. Chester Borough Mayor and Council adopted Resolution No. R 2019-102 on August 13, 2019 designating the entire Borough a Highlands Center and identifying certain parcels for future Redevelopment Investigation by the Land Use Board.

Land Use

Land use in Chester Borough is compact and efficient and it cannot reasonably be characterized as suburban or urban sprawl. Land use is constrained by the lack of adequate wastewater collection and treatment capacity. Less than one-half of existing residential land use is served by centralized wastewater collection and treatment facilities and a substantial portion of the nonresidential land uses on Main Street and West Main Street likewise rely on individual subsurface sewage disposal systems. Most development in Chester Borough is dependent upon individual subsurface disposal systems and is characterized by undersized lots. Additionally, centralized water serves less than one-half of the existing land use in Chester Borough. The municipality is near build-out with few remaining greenfield and infill development opportunities; however, meaningful redevelopment and incremental growth opportunities remain if infrastructure becomes available to first: remediate existing substandard wastewater treatment conditions; and second to support limited new growth.

Chester Borough's existing land use pattern is the product of more than two centuries of settlement, growth and development. Much of the Chester Borough's early historic settlement grew out of the rural farming economy of the 18th and 19th centuries that prevailed in west Morris County. The remnants of a local iron ore mining economic boom in the latter 19th century are etched in Chester Borough's Main Street Historic District architecture. Early development occurred along Main Street which today is a vital and very active center of community life. Post war era suburban shopping center and highway commercial development extended Chester Borough's commercial core south of

Main Street along Route 206 and to the west across Route 206 on West Main Street. The early 2000's brought a new shopping center on Route 206 and several 16,000 sq. ft. office buildings to the Borough.

The Borough's residential neighborhoods are primarily situated east of Route 206 and extend to the north and south Borough boundaries from the Main Street downtown commercial core. The Borough's housing stock is a diverse mix of higher- and medium-density historic, post war era, and latter 20th century suburban neighborhoods. Lower, rural-density neighborhoods adjoin Chester Township at the periphery of the Borough's boundaries. There were just 180 dwelling units in Chester Borough in 1950 accounting for less than 30% of the housing units in the Borough today. The majority of the housing units in Chester Borough are attributable to housing booms following 1950. The decades of 1960's, 1980's and 2000's each brought well over 50 dwelling units to the Borough; and the 1970's and 1990's each brought nearly 100 dwelling units to Chester Borough. (Figure 2).

As part of this Highlands Center investigation Chester Borough Mayor and Council identified a list of seven Redevelopment Investigation Areas for the Planning Board to investigate under the provisions of the NJ Local Redevelopment and Housing Law (LRHL) in a Phase 2 Highlands Center investigation. These include five (5) existing developed sites and three undeveloped sites. In addition, the Borough previously designated the Larison's Turkey Farm 25-acre site a Redevelopment Area in 2014 under the LRHL – this site is located at the Route 206 / West Main Street corner and was formerly the Larison's Turkey Farm and restaurant site. Chester Borough's plan for this site includes: affordable housing (36 apartments), office development (approx. 25,000 sq. ft.) a new restaurant, organic farm and commercial farm stand. On Mill Ridge Lane adjacent to the Turkey Farm tract, the Borough plans on the development of 20 townhouses on subdivided land and an improved road with existing developed drainage facilities that was previously approved and partially developed for single-family residential development, of which only one of the approved homes was ever developed.

The Phase 2 Redevelopment opportunities identified by Chester Borough for Center planning will investigated and planned under the provisions of the NJ Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.) to determine if the physical conditions of each establish the need for redevelopment. Where determined to be appropriate and necessary, Chester Borough will identify appropriately-scaled land uses that promote the general welfare and reinforce the Borough's existing land use character and the planning goals (see section below on Goals and Objectives below). Among the redevelopment objectives that the Borough would seek to advance under this initiative are modest-scale additions to the Borough's land use inventory, including, but not limited to:

1. Small-lot detached residential development;
2. Mixed-use nonresidential and residential development, appropriately situated within the nonresidential fabric of the community;

3. Additional restaurants or other tourism-based uses capable of serving the needs and demands of residents and visitors to the region;
4. Additional diversification of housing choice, such as multi-family housing including affordable housing; and
5. Additional commercial, office and employment generating uses to serve the needs of residents in the region.

The sites authorized by Mayor and Council for Redevelopment Investigation by the Land Use Board are depicted on Figures 1 – 6.

Zoning

The zoning in the Borough reflects the existing historic land use pattern. The Borough's downtown core includes business and commercial districts that permit an assortment of small-scale commercial, retail, service and office uses consistent with the historic character of the area. General business/commercial, office and professional office zoning is established along the Route 206 corridor south of Main Street and along West Main Street on the west side of Route 206. Nonresidential zoning in the Borough is limited to the major thorofares: Route 206, Main Street and West Main Street. The remaining areas of Chester Borough are designated residential zones, which range from high density (R-HD), low density (R-LD), and Planned Low Density (R-PLD) (Figure 3).

Chester Borough intends to undertake an examination of zoning as part of the long-range Center planning process to identify where inconsistencies between existing land use and zoning regulations may exist. This examination will be directed at identifying whether and to what degree zoning amendments may be necessary to better align permitted uses, densities and intensities of development in the zoning ordinance with existing and desirable future conditions; and where needed to best implement the Borough's goals and objectives for existing and future land use. By way of example, the Borough's two residential zoning designations include minimum lot size requirements that render many existing developed lots nonconforming, which may indicate the need for adjustments to zoning.

Chester Borough will investigate Redevelopment Area designations as part of the Center planning process. Thethe Borough will identify future land uses, development densities and intensities in Redevelopment Plans for sites that may be designated Redevelopment Areas. Redevelopment Plans will be consistent with Chester Borough's historic preservation and community character protection goals and objectives.

Assets

Chester Borough's highly sought-after public-school education, the library, local parks and open space are among the prized assets of the community. The Borough's major assets include its historic character and treasured downtown core. The Chester Borough Historic District is listed on the NJ Register of Historic Places (Chester Historic District (ID#3869), SHPO Opinion 9/25/2001) and is identified on (Figure 4). The Borough's

Historic District retains its pre-World War II architecture and attracts residents and tourists alike to a variety of small scale tourism-oriented shopping, restaurants and businesses. Highway commercial shopping centers provide goods and services for residents and those residing outside the Borough in nearby communities within the west Morris County region. Chester Borough's stable, attractive and well-maintained residential neighborhoods embody quintessential small-town American life.

Water and Wastewater Areas

Portions of Chester Borough are served by a mix of public water and wastewater facilities as well as private on-site facilities (Figures 5 & 6). The downtown core includes sewer and water infrastructure and portions of nearby residential neighborhoods that are also connected to the Borough's centralized public water and wastewater collection and treatment system. However, the majority of existing residential neighborhoods in the Borough, which are currently designated Highlands Existing Community on the RMP Land Use Capability Map, are undersized lots with private wells and individual subsurface sewage disposal systems, which is an undesirable, unsustainable, but correctable condition.

Chester Borough will seek to expand wastewater collection and treatment to serve virtually all land uses in the Borough through the Highlands Center designation process and applicable NJDEP wastewater management planning rules. Chester Borough's preliminary investigations with NJDEP that have been undertaken through Highlands Plan Conformance grant funding which indicate that expanded wastewater treatment capacity with construction of a new centralized sewage treatment facility is achievable under NJDEP rules and consistent with environmental and natural resource protection standards. Chester Borough's regional location along the Route 206 corridor, its compact land use patterns and wealth of regionally-oriented nonresidential land use assets combine to serve the region as a Center. It is appropriate to establish the infrastructure necessary to remediate existing health-safety issues, as well as accommodate land use changes that will further the objective of serving the needs of residents of the Highlands region and for Chester Borough to better function as a Center.

Designation of Chester Borough for a Highlands Center is not expected to cause secondary growth outside of the developed areas of the Borough or nearby in the Township. Rather, Highlands Center designation planning and sewer infrastructure development will respond to the need to serve existing development that is not connected to sewer service and allow for modest change and redevelopment of sites that are constrained from changing or expanding due to wastewater treatment capacity constraints.

Relationship to Highlands Regional Master Plan

The Borough is almost entirely designated Existing Community Zone with pockets of Existing Community Environmentally Constrained found in select areas. The western portion of the Borough, and areas to the northeast, where areas of forests and wetlands

are found, are in the Protection Zone. These areas have not been developed, or are underdeveloped for the area given the environmental constraints. However, as part of the Center plan, the Borough envisions two minor incursions into the area currently designated Protection Zone for (1) residential development on Mill Ridge Lane adjacent to existing office and residential development; and (2) construction of a new wastewater treatment plant on Oakdale Road in the vicinity of the existing sewage treatment plant, which today is designated Protection Zone. It is not envisioned that remaining areas currently designated Protection Zone in Chester Borough will programed for change. Instead, the Borough will maintain these areas as they exist today to protect the integrity and function of the natural systems recognized by the Protection Zone designation.

**Coordination with Chester Borough LUP Highlands RMP Goals and Objections**

Center designation will further the Borough's long-term planning goals and are heavily aligned with the Highlands RMP goals and objectives, in particular for smart growth and economic development.

The goals of the *Chester Borough 2002 Master Plan* are identified below with the corresponding Highlands RMP goals, objectives and policies located underneath.

*1. To promote an attractive quality of life for all residents, visitors, merchants, and others residing, conducting business or involved with leisure time activities in the Borough.*

> Goal 8A: SUSTAINABLE ECONOMIC DEVELOPMENT IN THE HIGHLANDS REGION.
>
> Policy 8A1: To maintain and expand the existing job and economic base by promoting appropriate, sustainable, and environmentally compatible economic development throughout the Highlands Region.
>
> GOAL8D: EXPANSION OF INNOVATIVE TECHNOLOGYAND ENTREPRENEURIAL BUSINESSES INCLUDING HOME OFFICE, ENERGY EFFICIENCY, AND RESOURCE CONSERVATION ENTERPRISES IN THE HIGHLANDS REGION.
>
> Policy 8D1**:** To ensure opportunities for home office, entrepreneurial, and other small business activities in the Highlands Region.

*2. To recognize the special qualities of the Main Street downtown area and preserve its historic character.*

> **GOAL 4A:** PROTECTION AND PRESERVATION OF THE HISTORIC, CULTURAL AND ARCHAEOLOGICAL RESOURCES OF THE HIGHLANDS REGION.

**Policy 4A3:** To ensure through local development review, where a municipality has adopted an historic preservation ordinance under Policy 4C2, that human development does not adversely affect the character or value of resources which are listed on the Highlands Historic and Cultural Resource Inventory to the maximum extent practicable.

**Policy 4A7:** To promote historic and cultural heritage tourism in the Highlands Region.

*3. To maintain a balance between the land use, infrastructure, and circulation elements of the plan thereby protecting existing residential neighborhoods.*

**GOAL 2K**: ALL EXISTING AND FUTURE DEVELOPMENT IN THE HIGHLANDS REGION THAT USE PUBLIC WASTEWATER TREATMENT SYSTEMS ARE SERVED BY ADEQUATE AND APPROPRIATE INFRASTRUCTURE.

**GOAL5C:** TRANSPORTATION IMPROVEMENTS WITHIN THE HIGHLANDS REGION THAT ARE CONSISTENT WITH THE HIGHLANDS REGIONAL MASTER PLAN.

**Policy 5C3:** To limit road improvements through local development review and Highlands Project Review where roads are constrained by topography, forested lands, or the community character of land uses fronting on the road.

**GOAL 6F:** SUPPORT OF COMPACT DEVELOPMENT, MIXED USE DEVELOPMENT AND REDEVELOPMENT AND MAXIMIZATION OF WATER, WASTEWATER AND TRANSIT INFRASTRUCTURE INVESTMENTS FOR FUTURE USE OF LAND AND DEVELOPMENT WITHIN THE EXISTING COMMUNITYZONE.

**Policy 6F5:** To ensure that development and redevelopment in the ECZ are compatible with existing community character.

*4. To permit development in a manner so as to protect environmentally sensitive areas and features.*

**GOAL 6E:** INCORPORATION OF REGIONAL DEVELOPMENT PATTERNS AND RELATED ENVIRONMENTALLYSENSITIVE AREAS WITHIN EXISTING COMMUNITYZONES.

**Policy 6E1:** To promote the location of sustainable and economically viable development activities in the Existing Community Zone where not constrained by existing environmentally sensitive resources.

**GOAL 6H**: GUIDE DEVELOPMENT AWAY FROM ENVIRONMENTALLY SENSITIVE AND AGRICULTURAL LANDS AND PROMOTE

DEVELOPMENT AND REDEVELOPMENT IN OR ADJACENT TO EXISTING DEVELOPED LANDS.

**Policy 6H4**: To promote compatible growth opportunities that include in-fill development, adaptive re-use, redevelopment, and brownfields redevelopment in existing developed areas.

*5. To provide regulations permitting a varied selection of housing types.*

**GOAL 6N:** USE OF SMART GROWTH PRINCIPLES, INCLUDING LOW IMPACT DEVELOPMENT, TO GUIDE DEVELOPMENT AND REDEVELOPMENT IN THE HIGHLANDS REGION.

**Policy 6N5:** To require through Plan Conformance that municipalities and counties incorporate programs for community and neighborhood design that support a variety of housing options, mixed uses, redevelopment, adaptive re-use of historic sites and structures, and infill development in their master plans and development regulations.

**GOAL 6O:** MARKET-RATE AND AFFORDABLE HOUSING SUFFICIENT TO MEET THE NEEDS OF THE HIGHLANDS REGION WITHIN THE CONTEXT OF ECONOMIC, SOCIAL, AND ENVIRONMENTAL CONSIDERATIONS AND CONSTRAINTS.

*6. To provide appropriate types, quantities, and quality of municipal facilities to serve the needs of the community.*

GOAL 6O: MARKET-RATE AND AFFORDABLE HOUSING SUFFICIENT TO MEET THE NEEDS OF THE HIGHLANDS REGION WITHIN THE CONTEXT OF ECONOMIC, SOCIAL, AND ENVIRONMENTAL CONSIDERATIONS AND CONSTRAINTS.

**Policy 6O5:** To locate and maintain community facilities and services that support compact development patterns, shared services, and provide a high level of service.

**Policy 6O6:** To require that conforming municipalities identify existing and planned community facilities and encourage shared service opportunities as part of the local Community Facility Plan element.

*7. To maintain a balance between residential and nonresidential uses to ensure a stable and sound community tax base and local employment opportunities.*

GOAL 8A: SUSTAINABLE ECONOMIC DEVELOPMENT IN THE HIGHLANDS REGION.

**Policy 8A6:** To require that conforming municipalities develop an economic plan element that provides strategies for achieving sustainable and appropriate economic development consistent with local desire and identifies any development, redevelopment, and brownfield opportunities.

***Objective 8A6a:*** Coordinate with municipalities and counties as local and regional strategies are developed to improve the tax base and to create jobs and economic opportunities consistent with the policies and objectives of the RMP.

*8. To promote the conservation and preservation of the Borough's existing and potential historic sites and districts to ensure consistency with the Borough's architectural heritage.*

**GOAL 4A:** PROTECTION AND PRESERVATION OF THE HISTORIC, CULTURAL AND ARCHAEOLOGICAL RESOURCES OF THE HIGHLANDS REGION.

*9. To avoid inappropriate and inconsistent development, while preserving the community's traditional design.*

**GOAL 6F**: SUPPORT OF COMPACT DEVELOPMENT, MIXED USE DEVELOPMENT AND REDEVELOPMENT AND MAXIMIZATION OF WATER, WASTEWATER AND TRANSIT INFRASTRUCTURE INVESTMENTS FOR FUTURE USE OF LAND AND DEVELOPMENT WITHIN THE EXISTING COMMUNITY ZONE.

**Policy 6F1**: To promote compatible development and redevelopment within the ECZ.

**Policy 6F5:** To ensure that development and redevelopment in the ECZ are compatible with existing community character.

*l0. To encourage open communication between the Borough government and all parties with an interest in the private sector for the purpose of exploring common issues.*

**GOAL 10A**: MAXIMIZE MUNICIPAL PARTICIPATION TO ENSURE THE REGIONAL MASTER PLAN ACHIEVES ITS LONG TERM GOALS OF PROTECTING, ENHANCING AND RESTORING HIGHLANDS RESOURCES AND MAINTAINING A SUSTAINABLE ECONOMYIN THE HIGHLANDS REGION.

*11. To encourage recycling, resource recovery, and the use of energy efficient development.*

**GOAL 6N:** USE OF SMART GROWTH PRINCIPLES, INCLUDING LOW IMPACT DEVELOPMENT, TO GUIDE DEVELOPMENT AND REDEVELOPMENT IN THE HIGHLANDS REGION.

**Policy 6N1:** To establish smart growth programs and Low Impact Development principles for use within the Highlands Region to guide and control development and redevelopment throughout the Highlands Region.

*l2. To encourage the stabilization of all neighborhood areas by updating and enforcing codes.*

**GOAL 6F**: SUPPORT OF COMPACT DEVELOPMENT, MIXED USE DEVELOPMENT AND REDEVELOPMENT AND MAXIMIZATION OF WATER, WASTEWATER AND TRANSIT INFRASTRUCTURE INVESTMENTS FOR FUTURE USE OF LAND AND DEVELOPMENT WITHIN THE EXISTING COMMUNITY ZONE.

**Policy 6F3**: To ensure that development activities within the ECZ are subject to standards and criteria which ensure that development and redevelopment incorporate smart growth principles and do not adversely affect natural resources.

**Policy 6F4**: To ensure that development and redevelopment within the ECZ are served by adequate public facilities including water supply, wastewater treatment, transportation, educational and community facilities.

**Policy 6F5**: To ensure that development and redevelopment in the ECZ are compatible with existing community character.

*l3. To ensure the development of adequate infrastructure to support existing and future needs of the Borough.*

**GOAL 2K**: ALL EXISTING AND FUTURE DEVELOPMENT IN THE HIGHLANDS REGION THAT USE PUBLIC WASTEWATER TREATMENT SYSTEMS ARE SERVED BY ADEQUATE AND APPROPRIATE INFRASTRUCTURE.

**GOAL 6F**: SUPPORT OF COMPACT DEVELOPMENT, MIXED USE DEVELOPMENT AND REDEVELOPMENT AND MAXIMIZATION OF WATER, WASTEWATER AND TRANSIT INFRASTRUCTURE INVESTMENTS FOR FUTURE USE OF LAND AND DEVELOPMENT WITHIN THE EXISTING COMMUNITY ZONE.

**Policy 6F3:** To ensure that development activities within the ECZ are subject to standards and criteria which ensure that development and redevelopment incorporate smart growth principles and do not adversely affect natural resources.

**GOAL 6I:** CONFORMING MUNICIPALITIES AND COUNTIES INCORPORATE REGIONAL AND LOCAL LAND AND WATER RESOURCE PLANNING AND MANAGEMENT PROGRAMS IN THEIR MASTER PLANS AND DEVELOPMENT REGULATIONS.

**Policy 6I1:** To require that conforming municipalities and counties include land and water resource planning and management programs in their master plans and development regulations.

*l4. To ensure that the Borough's land use plan is compatible with those of adjacent municipalities, Morris County, and the State.*

**GOAL 10A**: MAXIMIZE MUNICIPAL PARTICIPATION TO ENSURE THE REGIONAL MASTER PLAN ACHIEVES ITS LONG TERM GOALS OF PROTECTING, ENHANCING AND RESTORING HIGHLANDS RESOURCES AND MAINTAINING A SUSTAINABLE ECONOMY IN THE HIGHLANDS REGION.

**Policy 10A1:** To ensure that programs and policies are effectively coordinated to promote the purpose and provisions of the RMP, through efforts with all levels of government, including local, county, regional, State, and federal agencies.

Summary

This Highlands Center Feasibility Report presents a series of Chester Borough's planning goals, objectives and policy statements in consideration of Chester Borough's request for Highlands Council approval of a Highlands Center for the entire municipality. This report establishes a foundation for Chester Borough's request to the Highlands Council to approve the designation of the municipality as a Highlands Center. Chester Borough's goals, objectives and general policy orientation for Highlands Center planning are supported in the Highlands Regional Master Plan (RMP) and presented in this report.

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Attachments:
Map Set
Resolution No. R2019-102 (copy, not certified)

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**Center Implementation Plan**

Chester Borough proposes two subsequent phases of planning the Highlands Center including a public participation phase and a "Center Implementation Plan" including preparation of the following specific planning tasks that will be incorporated into Chester Borough's Highlands Center Master Plan:

1. Investigations into the possible designation of Redevelopment Areas for at least the following sites:

    a. 300 Main Street (Block 119, Lot 8), former Borough Hall
    b. 280 Main Street (Block 119, Lot 6, 2.57-acres), adjacent to former Borough Hall;
    c. 50 North Road (Block 115, Lot 6, 19.99-acres (portion)) open municipal land adjacent to municipal building and across from Stony Hill;
    d. 7 North Road (Block 114, Lot 17, approx. .25-acres), 2 Oakdale Road at corner with North Rd. (Block 114, Lot 18, 1.372-acres) & 28 Oakdale Road (Block 114, Lot 19, .691-acres) and 42 Oakdale Road (Block 114, Lot 20, approx. .750-acres);
    e. 65 Maple Ave, (Block 131, Lot 4, .98-acres) former Meenan Oil site;
    f. 437 Main Street (Block 110, Lot 28, 4.88-acres) former Dangler site, vacant land adjacent to Redwoods;
    g. 235 Route 206 (Block 101, Lot 11, .75-acres) & 263 Route 206 (Block 101, Lot 10, 1.01-acres) and

2. A Reexamination Report will be prepared and adopted that will identify updated goals and objectives derived from the Center Designation process, recommendations for adoption of enabling ordinances, and development and adoption of specific use, density and design ordinances to facilitate development of areas not requiring Redevelopment Area designation in the Center.

3. Redevelopment ordinances for adoption as well as Highlands Resource management ordinances, such as, but not limited to as Water Use and Conservation Management Plans, Habitat Conservation and Management Plans, Stream Corridor Restoration Plans, Stormwater Management, and Sustainable Economic Development Plans.

These will be the fundamental components of Chester Borough's Highlands Center Plan Element that will incorporate the background and policy statements contained in the Highlands Center Feasibility Report (contents of above report). In addition, Chester Borough will address other ordinances that are necessary and as may be required by the RMP for Implementation of the Center Plan, such as ordinances related to the Borough's centralized wastewater system expansion project.

The Highlands Center Master Plan Element will identify:

i. Highlands Center Goals and Objectives.
ii. Capacity Analysis to develop the capital improvement plan for expanded infrastructure to serve the Center.
iii. Environmentally sensitive areas and natural resource areas to be protected and restricted from future development (these will essentially follow the contours of the RMP Land Use Capability Map Protection Zone designations in the Borough, and environmentally sensitive features, such as wetlands, floodplains, steep slopes, etc.).

iv. Future planning initiatives, such as Water Use and Conservation Management Plans, Habitat Conservation and Management Plans, Stream Corridor Restoration Plans, Stormwater Management, and Sustainable Economic Development Planning.

v. Affordable housing sites that are designated for affordable housing development as well as affordable housing opportunities in conjunction with redevelopment.

Implementation Plan & Schedule: Approximately 6 Months

A. Center Boundary. As indicated and explained in the Center Feasibility Report, the entire Borough will be designated a Highlands Center. This designation will be memorialized by ordinance following the NJ Highlands Council's approval of the Borough's petition for Center designation. (i.e. 45 - 90-days following Center approval).

B. Goals and Objectives. As explained in the Center Feasibility Report, the purpose, goals and objectives of the proposed Highlands Center are rooted in the goals and objectives of Borough's Master Plan. These may be refined during the Center Implementation Plan and public outreach process. Consistency between RMP goals and objectives and Chester Borough's Master Plan goals and objectives are detailed in the Center Feasibility Report. A reexamination of goals and objectives will be undertaken in conjunction with a Reexamination Report as explained in #2 above. (estimated 90-180 days in conjunction with Redevelopment Planning)

C. Center Areas. The Center feasibility Report identifies the entirety of the Borough as the Highlands Center. Particular areas within the Borough will be the focus of Center Planning that the Borough has identified as possible Redevelopment Areas (see #1 above). These areas are generally described in the Center Feasibility Report. (Redevelopment Areas investigations and Redevelopment Plans – estimated 120-150 days)

D. Community Participation. All Center planning activities will be undertaken at Municipal government meetings, including Mayor and Council meetings and Land Use Board meetings. The Borough will post Center planning announcements on the Borough website for all Highlands Center planning with invitations for public participation throughout the Center Planning Process. Individual property owners of sites that are the subject of Redevelopment Investigations and possible Redevelopment Area designation will be directly mailed notices of hearings on the Redevelopment Investigation and subsequent Redevelopment Plan, if any is to be adopted. (continual public outreach throughout Center planning process)

E. Center Growth. The Borough's Center Feasibility Report explains the physical locations of sites within the Borough that will be considered for modest growth and redevelopment. With only minor exceptions, all sites for growth and redevelopment are designated Existing Community Zone in the RMP.

In addition to the several sites detailed for Redevelopment Investigations in the Feasibility Report, the most significant site that will benefit from Center designation is the Turkey Farm redevelopment area, which is approximately 25 acres of Existing Community Zone-designated land that is located at the corner of US Route 206 and West Main Street. This is explained in detail in the Highlands Center Feasibility Report (above).

F. Center Infrastructure. The Borough's Feasibility Report explains and graphically depicts the existing limits of centralized wastewater collection and treatment facilities and public potable water service in the Borough and describes plans for future service. Future expansion of these systems is envisioned to serve (1) virtually all existing developed residential neighborhoods, (2) existing developed nonresidential developed sites that are not currently served; and (3) future redevelopment areas that are depicted in Center Feasibility Report mapping.

   a. NJDEP approval of expanded wastewater collection and treatment facilities will require a NJ Highlands Council consistency determination that proposed future service areas are consistent with the RMP. Following that, NJDEP can grant the Borough an approval for an amended water quality management plan. Precedent to that, however, is submission of a revised wastewater management plan (WMP) to the NJDEP, which is currently being prepared. This may exceed the approximate 6-month time frame for the Highlands Center schedule.

**RESOLUTION NO. R2019-102**

**A RESOLUTION OF THE BOROUGH OF CHESTER DESIGNATING THE ENTIRE BOROUGH AS A HIGHLANDS CENTER IN ACCORDANCE WITH THE NEW JERSEY HIGHLANDS REGIONAL MASTER PLAN AND ESTABLISHING THEREIN CERTAIN NON-CONDEMNATION REDEVELOPMENT INVESTIGATION AREAS**

**WHEREAS**, the Borough of Chester has conformed its Master Plan and development regulations to the New Jersey Highlands Regional Master Plan ("Highlands RMP", or "RMP") in accordance with New Jersey Highlands Council RMP "Plan Conformance" procedures; and

**WHEREAS,** the New Jersey Highlands Council provides conforming municipalities with the option of designating a New Jersey Highlands Center (a "Highlands Center" or "Center") in accordance with the provisions of the Highlands RMP; and

**WHEREAS,** a Highlands Center may include certain areas designated "Areas in Need of Redevelopment" as defined in N.J.S.A. 40A:12A-1 et seq., the New Jersey Local Redevelopment and Housing Law (LRHL) as well as areas deemed appropriate for future growth and development by the municipality and the New Jersey Highlands Council that may not exhibit conditions establishing the need for redevelopment; and

**WHEREAS,** on February 19, 2019 the Mayor and Council of the Borough of Chester identified certain areas within the Borough believed to be potentially suitable for designation as a "Non-condemnation Redevelopment Areas" and on that basis authorized the Chester Borough Land Use Board to investigate, consider and make recommendations concerning seven (7) areas for possible designation as Non-condemnation Redevelopment Areas, as follows.

a. 300 Main Street (Block 119, Lot 8), former Borough Hall
b. 280 Main Street (Block 119, Lot 6, 2.57-acres), adjacent to former Borough Hall;
c. 50 North Road (Block 115, Lot 6, 19.99-acres (portion)) open municipal land adjacent to municipal building and across from Stony Hill;
d. 2 Oakdale Road at corner with North Rd. (Block 114, Lot 18, 1.37-acres) & 28 Oakdale Road (Block 114, Lot 19, .69-acres);
e. 65 Maple Ave, (Block 131, Lot 4, .98-acres) Former Meenan Oil site;
f. 437 Main Street (Block 110, Lot 28, 4.88-acres) former Dangler site, vacant land adjacent to Redwoods; and

**WHEREAS**, by Resolution No. 2019-92, adopted on July 16, 2019, the Mayor and Council of the Borough of Chester amended the list of sites authorized on February 19, 2019 for the Chester Borough Land Use Board to conduct investigations and make recommendations for possible designation of "Non-condemnation Redevelopment Area[s]" in accordance with the conditions establishing the need for redevelopment as set forth at N.J.S.A. 40A:12A-5 "Determination of need for redevelopment", to include additional properties for consideration.

**WHEREAS,** on August 8, 2019, the Land Use Board of the Borough of Chester investigated the issue of Highland Center Designation and "Non-condemnation Redevelopment Area[s]" and made

the recommendation that Chester Borough in its entirety should be designed as a Highlands Center and that the following properties should be investigated by the Land Use Board for possible designation as Non-condemnation Redevelopment Areas:

a. 300 Main Street (Block 119, Lot 8), former Borough Hall
b. 280 Main Street (Block 119, Lot 6, 2.57-acres), adjacent to former Borough Hall;
c. 50 North Road (Block 115, Lot 6, 19.99-acres (portion)) open municipal land adjacent to municipal building and across from Stony Hill;
d. 7 North Road (Block 114, Lot 17, approx. .25-acres), 2 Oakdale Road at corner with North Rd. (Block 114, Lot 18, 1.372-acres) & 28 Oakdale Road (Block 114, Lot 19, .691-acres) and 42 Oakdale Road (Block 114, Lot 20, approx. .750-acres);
e. 65 Maple Ave, (Block 131, Lot 4, .98-acres) former Meenan Oil site;
f. 437 Main Street (Block 110, Lot 28, 4.88-acres) former Dangler site, vacant land adjacent to Redwoods;
g. 235 Route 206 (Block 101, Lot 11, .75-acres) & 263 Route 206 (Block 101, Lot 10, 1.01-acres) and

**WHEREAS,** at the regularly scheduled, duly noticed August 8, 2019 meeting of the Chester Borough Land Use Board, the Board reviewed, discussed and received public comment on the Highlands Center boundary and the list of non-condemnation investigation area sites; and

**WHEREAS**, on August 8, 2019 the Land Use Board determined that it agrees with and endorses (1) the designation of the entirety of Chester Borough as a Highlands Center; (2) that Highlands Center planning may be used to support Chester Borough's long-term planning objectives to protect the character and scale of existing developed residential neighborhoods and non-residential areas in the Borough; (3) that Highlands Center Planning provides Chester Borough with the opportunity to expand wastewater treatment capacity and the development of wastewater collection facilities to serve all existing residential development and allow for modest, incremental new non-residential development planned at a scale that is appropriate to the Borough's community character protection goals and objectives; and (4) that the proposed non-condemnation investigation area sites identified by the Borough Council are appropriate non-condemnation investigation areas that may foster modest-scale economically beneficial uses; and

**WHEREAS,** the Mayor and Council of the Borough of Chester deem it necessary and appropriate, and in the best interests of the citizens of Chester Borough to accept the recommendations of the Chester Borough Land Use Board;

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Chester, County of Morris, State of New Jersey, as follows:

1. Chester Borough in its entirety is hereby designed as a Highlands Center in accordance with the provisions of the New Jersey Highlands Regional Master Plan; and
2. The following areas are hereby designed as Non-condemnation Redevelopment Investigation Areas:

    a. 300 Main Street (Block 119, Lot 8), former Borough Hall;

COPY

b. 280 Main Street (Block 119, Lot 6, 2.57-acres), adjacent to former Borough Hall;
c. 50 North Road (Block 115, Lot 6, 19.99-acres (portion)) open municipal land adjacent to municipal building and across from Stony Hill;
d. 7 North Road (Block 114, Lot 17, approx. .25-acres), 2 Oakdale Road at corner with North Rd. (Block 114, Lot 18, 1.372-acres) & 28 Oakdale Road (Block 114, Lot 19, .691-acres) and 42 Oakdale Road (Block 114, Lot 20, approx. .750-acres);
e. 65 Maple Ave, (Block 131, Lot 4, .98-acres) former Meenan Oil site;
f. 437 Main Street (Block 110, Lot 28, 4.88-acres) former Dangler site, vacant land adjacent to Redwoods; and
g. 235 Route 206 (Block 101, Lot 11, .75-acres) & 263 Route 206 (Block 101, Lot 10, 1.01-acres).

3. The Borough's Administrator and professionals are hereby directed to take such actions as are necessary to implement this resolution.

ATTEST:

I herein certify that the foregoing resolution was adopted by the Governing Body of the Borough of Chester at a duly noticed public meeting of the Mayor and Council on August 13, 2019.

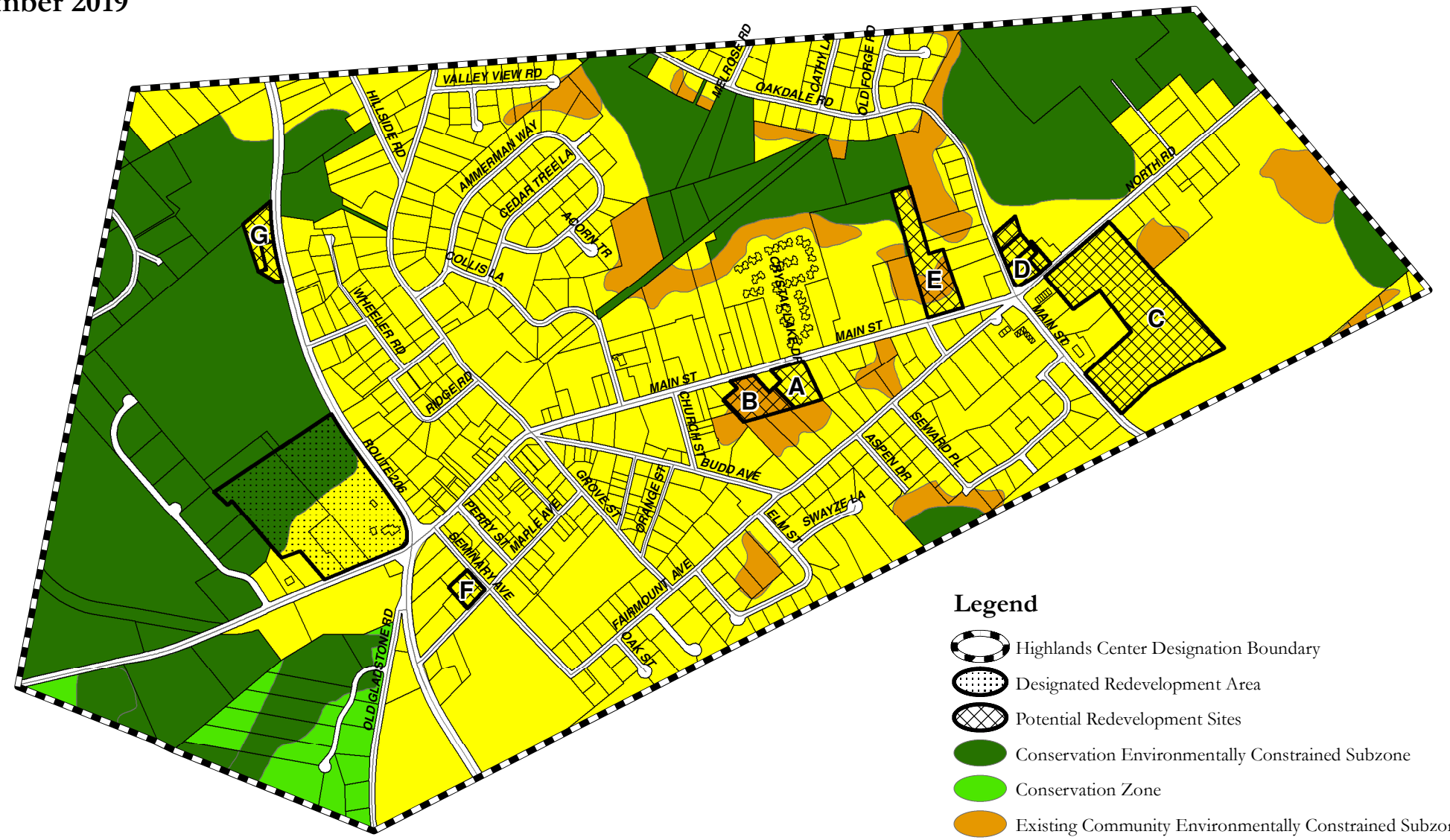
_____

Denean Probasco, CMC, Chester Borough Clerk

COPY

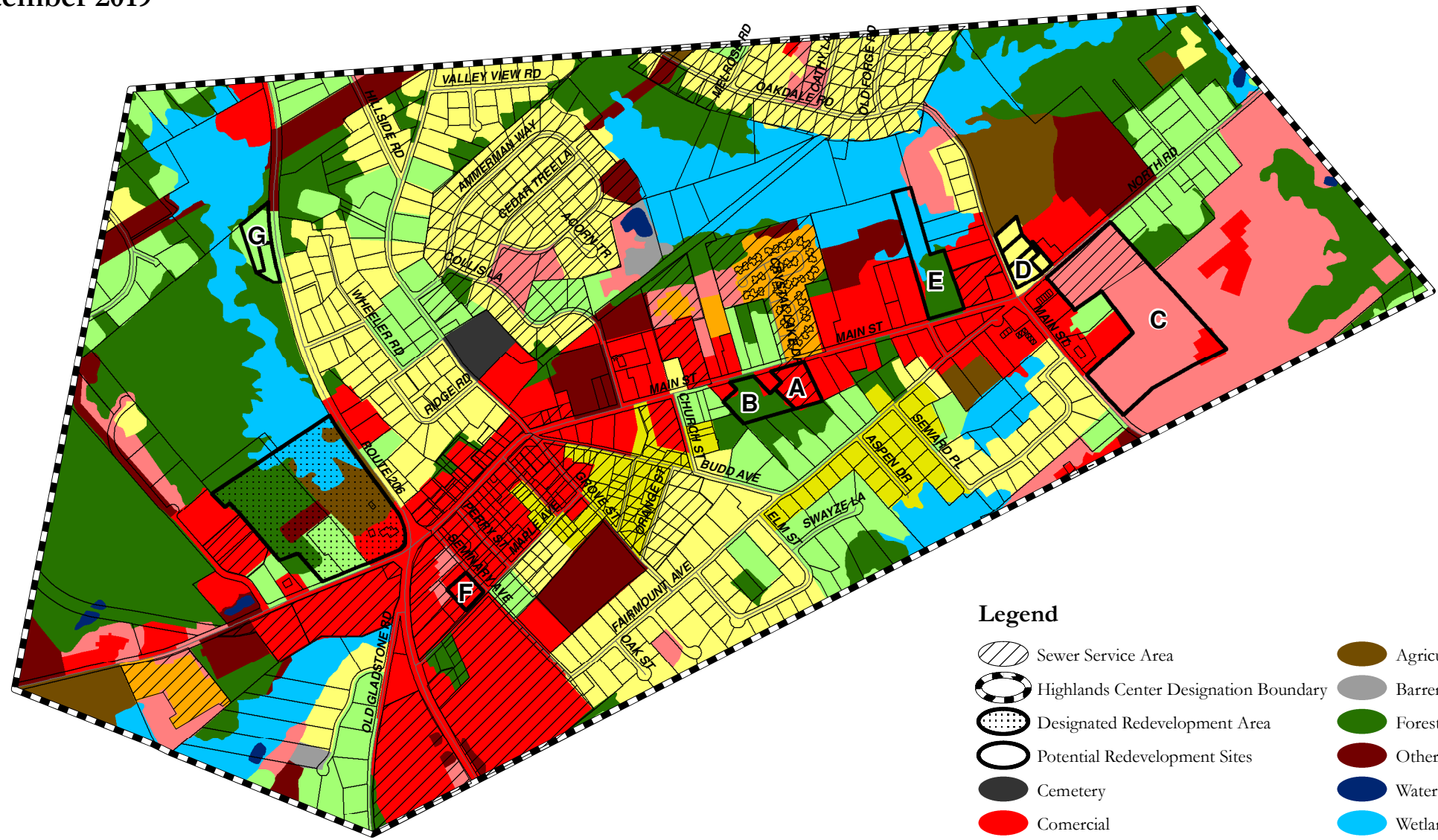
# Figure 1:
# Center Boundary and Highlands Land Use Capability Zones
# Borough of Chester

## September 2019



# Figure 2:
# Land Use/Land Cover
# Borough of Chester

## September 2019




## Legend

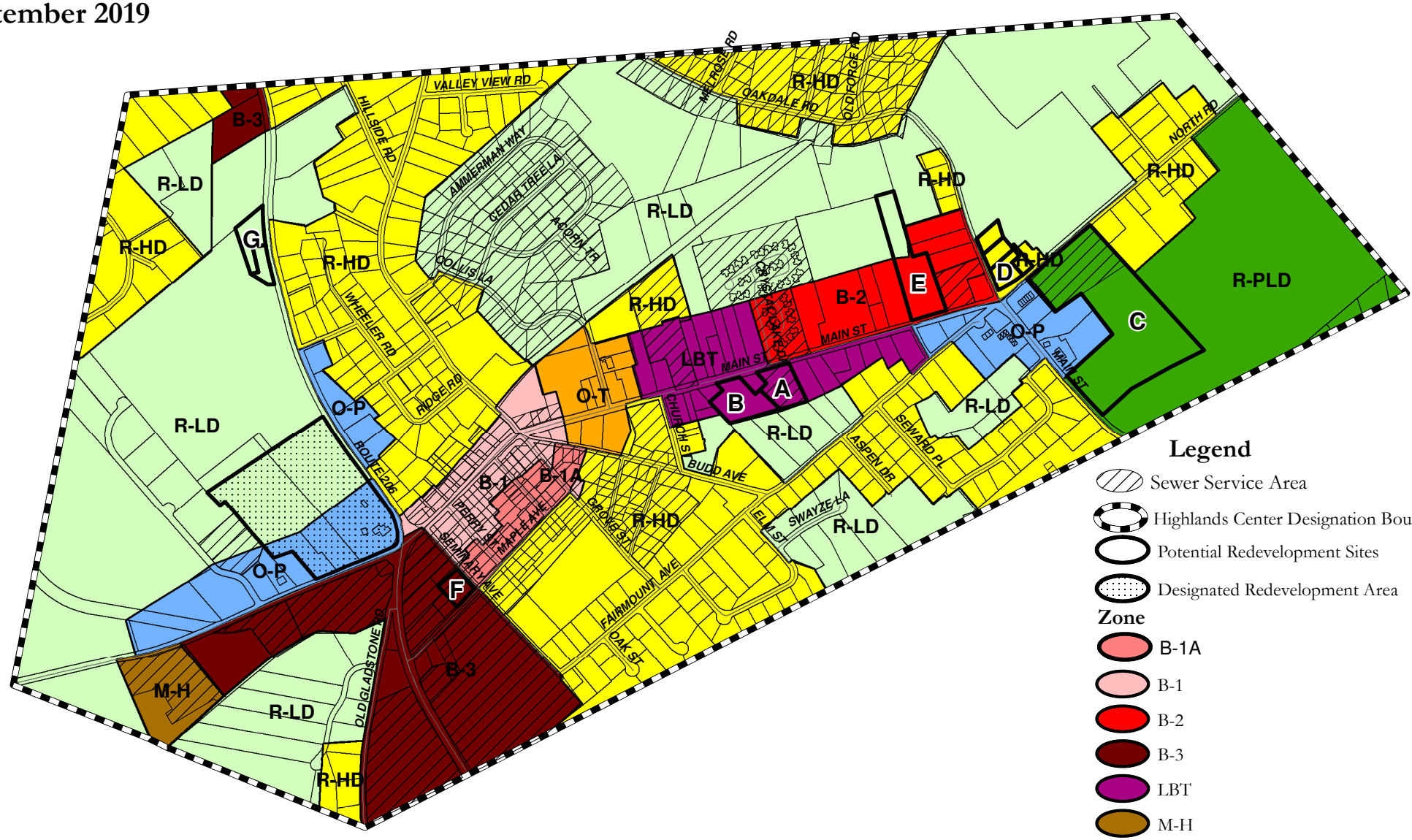
- Sewer Service Area
- Highlands Center Designation Boundary
- Designated Redevelopment Area
- Potential Redevelopment Sites
- Cemetery
- Comercial
- Other Urban/Built-Up Land
- Rural Residential
- Residential, Low Density
- Residential, Medium Density
- Residential, High Density
- Agricultural
- Barren Land
- Forest
- Other Urban
- Water
- Wetlands

Data Sources:
Morris County Planning Department parcels
NJDEP 2012 Land Use/Land Cover

BANISCH ASSOCIATES, INC
Planning and Design

# Figure 3:
# Existing Zoning
# Borough of Chester

## September 2019

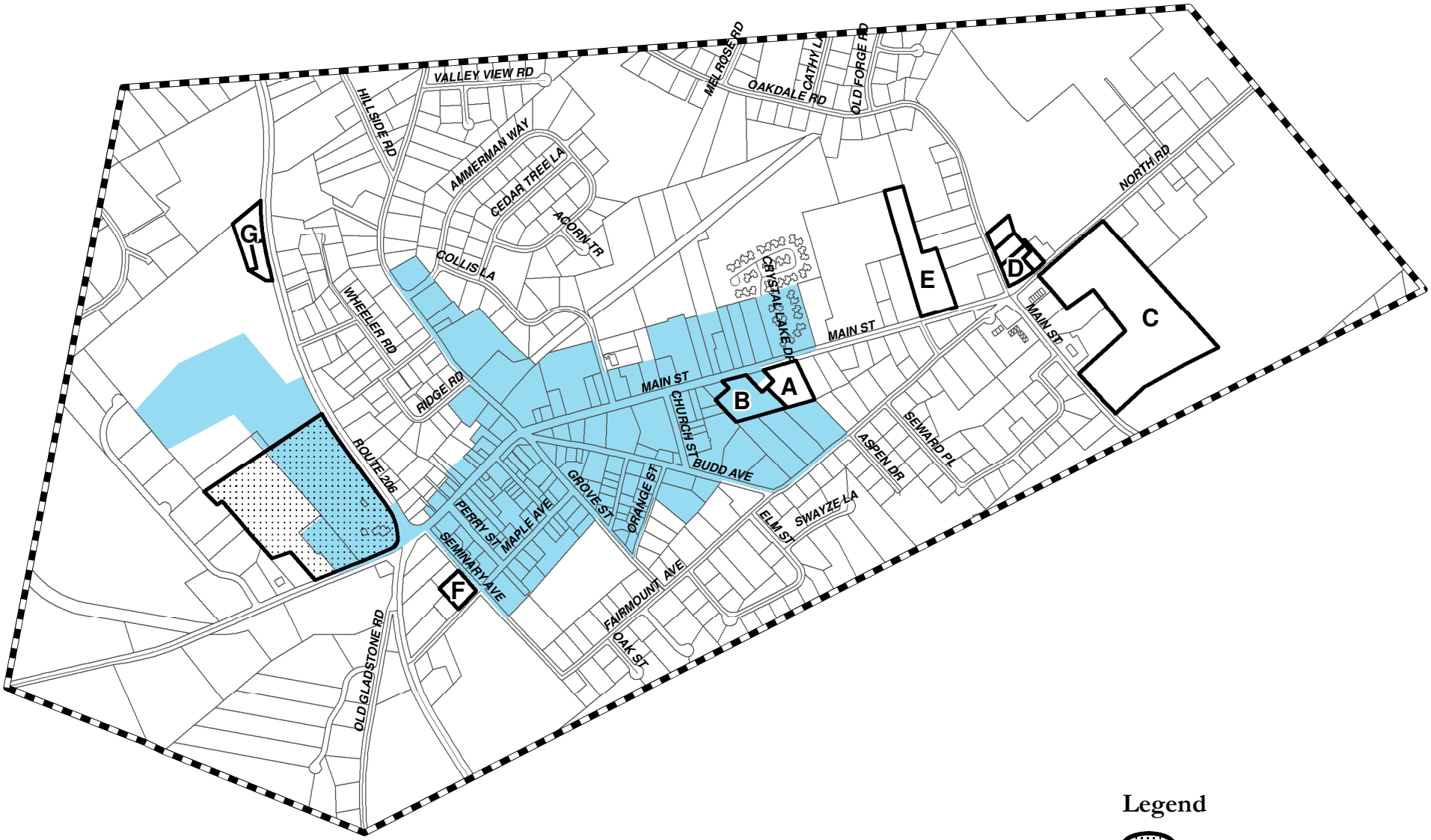



Data Sources:
Morris County Planning Department parcels

BANISCH ASSOCIATES, INC
Planning and Design

# Figure 4:
# Historic District
# Borough of Chester

## September 2019

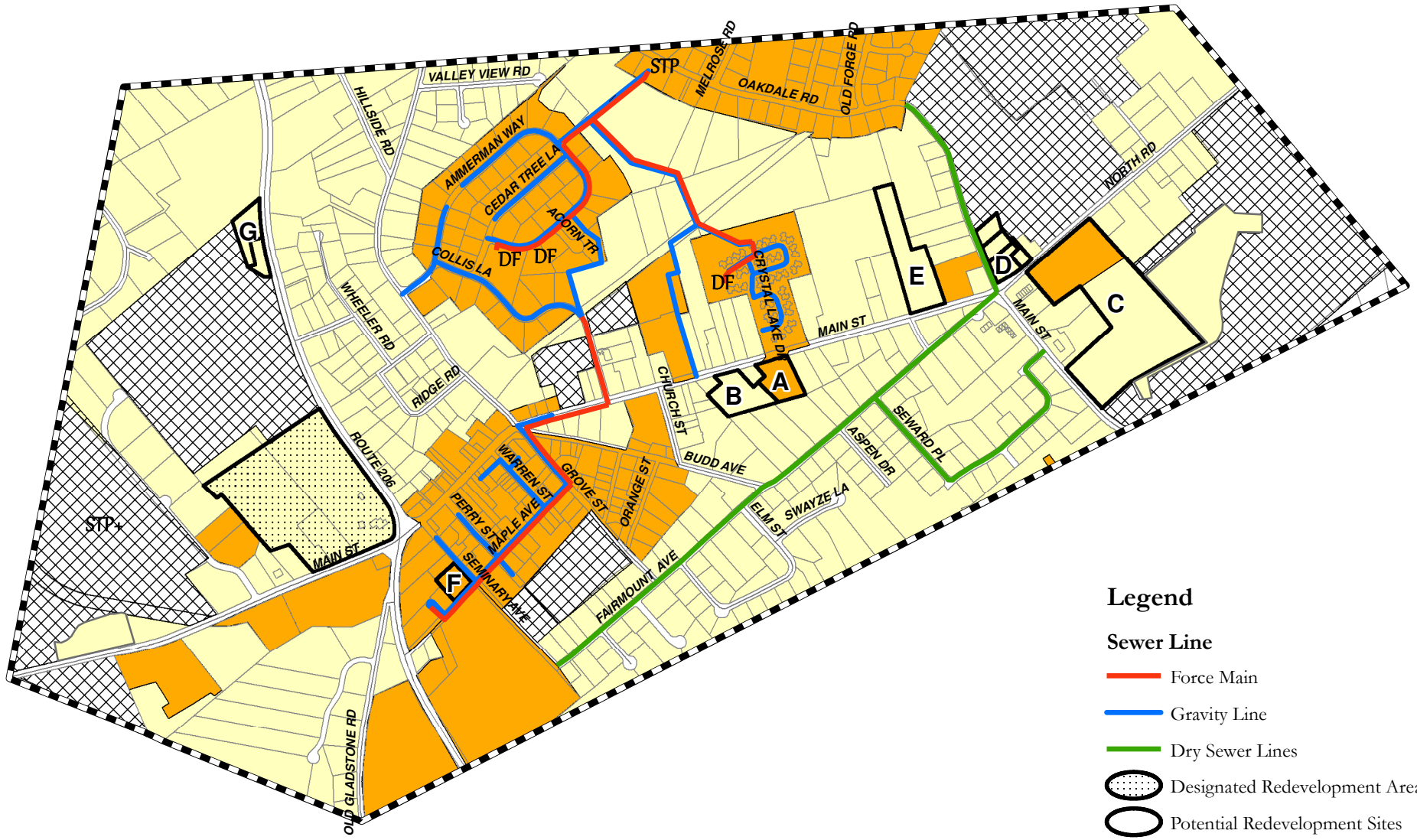



Data Sources:
Morris County Planning Department parcels
NJDEP Historic Districts v2019

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Planning and Design

# Figure 5:
# Existing and Future Sewer Service Area
# Borough of Chester

## September 2019




Data Sources:
Morris County Planning Department parcels
NJDEP SSA 2016
NJDEP Highlands Council Public Water Areas Served 2016

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*Planning and Design*

# Figure 6:
# Existing Public Water with Existing Sewer Service Area
# Borough of Chester

## September 2019




Data Sources:
Morris County Planning Department parcels
NJDEP SSA 2016
NJDEP Highlands Council Public Water Areas Served 2016

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**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**
**Petition for Highlands Center Designation – Consistency Review and Recommendations Report**

# APPENDIX B

## IMPLEMENTATION PLAN AND SCHEDULE

**Borough of Chester, Morris County**

## Highlands Council Implementation Plan- Chester Borough, Morris County

| Amended Grant Agreement Task # | PLAN CONFORMANCE TASK | FY 2020 Funding | Status and Comments |
|---|---|---|---|
| 1 | **Housing Element & Fair Share Plan (Module 3)** | | |
| | a. Update Module 2, 3 & 7 - 3rd Round Fair Share Plan | | |
| | b. Housing Element and Fair Share Plan | | |
| 2 | **Highlands Environmental Resource Inventory (Module 4)** | | |
| 3 | **Highlands Element of Municipal Master Plan (Module 5)** | | |
| | a. Master Plan Reexamination Report - Prepared and Adopted | $7,500.00 | Amend for Center Designation, HERZ |
| | b. Highlands Element of the Municipal Master Plan | $10,000.00 | Amend for Center Designation, HERZ |
| 4 | **Municipal Master Plan Elements** | | |
| | a. Land Use Plan Element | | |
| | b. Conservation Plan Element | | |
| | c. Circulation Plan Element | | |
| | d. Land Preservation and Land Stewardship Plan Element | $35,000.00 | |
| | e. Agricultural Retention/Farmland Preservation Plan | | |
| | f. Sustainable Economic Development Plan Element/ Implementation Actions | | |
| | g. Community Facilities Plan Element | | |
| | h. Historic Preservation Plan Element | | |
| | i. TDR Plan Element | | |
| | j. Septic System Yield Allocation | | |
| 5 | **Highlands Land Use Ordinances (Module 6)** | **$5,000.00** | Amend for Center Designation, HERZ |
| 6 | a. Adopt Planning Area Petition Ordinance | | |
| 7 | b. Adopt Highlands Municipal Referral Ordinance | | |
| | c. Adopt Delegated Exemption Ordinance | | |
| | d. Exemption Determination Ordinance | | |
| 8 | **Zoning Map Update (Update to reflect Highlands Overlay Zones, Districts)** | **$5,000.00** | Amend for Center Designation, HERZ |
| | **Resource Management Plans and Programs** | | |
| | a. Water Use and Conservation Management Plan | | |
| 9 | b. Habitat Conservation and Management Plan | | |
| 10 | c. Stream Corridor Protection/Restoration Plan | | |
| 11 | d. Wastewater Management Plan | $25,000.00 | |
| | e. Septic Management/Maintenance Plan | | |
| | f. Lake Restoration Management Plan | | |
| | g. Scenic Resource Management Plan | | |
| 14 | h. Municipal Stormwater Management Plan | | |
| | i. Land Preservation and Stewardship Program | | |
| | j. Forest Stewardship Plan | | |
| | **Implementing Ordinance for Management Plans** | | |
| | a. Septic System Maintenance | | |
| | b. Potential Contaminant Source Management | | |
| | c. Water Use and Conservation Management Plan Ordinances | | |
| | d. Habitat Conservation and Management Ordinance | | |
| | e. Stream Corridor Ordinance | | |
| | f. Lake Restoration Ordinances | | |
| | g. Tree Clearing Ordinances | | |
| | h. Right to Farm Ordinance | | |
| | i. Scenic Resource Management Ordinance | | |
| | j. Wellhead Protection Ordinance | | |
| | k. Steep slope protection ordinance | | |
| | **Highlands Center and Highlands Redevelopment Areas** | | |
| 12 | a. Highlands Center Planning Petition Study | | |
| | b. Highlands Center Planning | | |
| | c. Highlands Center Implementation | | |
| | d. Highlands Redevelopment Area Planning | $25,000.00 | |
| 13 | **Training** | | |
| Totals | | **$112,500.00** | |

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**
**Petition for Highlands Center Designation – Consistency Review and Recommendations Report**

# APPENDIX C

## PUBLIC COMMENTS/HIGHLANDS COUNCIL RESPONSES

**Amended Petition for Plan Conformance**

**Chester Borough, Morris County**

A Public Comment Period was held from November 15, 2019 to December 16, 2019. Notice of the public comment period was sent to the Highlands Council's e-mail list, newspapers of record, and posted on the Highlands Council's website. No public comments were received.

# APPENDIX C

## Planning Area Petition Ordinance

# BOROUGH OF CHESTER, NEW JERSEY, MORRIS COUNTY ORD # 2016-6 ORDINANCE TO PETITION THE HIGHLANDS COUNCIL FOR PLAN CONFORMANCE FOR THE PLANNING AREA

## Section 1 Purpose

The Borough of Chester is located fully within that portion of the New Jersey Highlands Region defined by the Highlands Act, as the "Planning Area" (see definitions, below). This Ordinance is enacted pursuant to Section 15.a. of the Highlands Water Protection and Planning Act (Highlands Act, N.J.S.A. 13:20-1 et seq.), which provides that a municipality may choose to conform its master plan, development regulations, and other regulations to the provisions of the Highlands Regional Master Plan, with respect to lands located within the Planning Area, and by Ordinance, petition the New Jersey Highlands Water Protection and Planning Council (Highlands Council) for Plan Conformance approval of such planning and regulatory documents.

By adoption of this Ordinance, the Governing Body of the Borough of Chester establishes that the municipality shall conform its master plan, development regulations, and all other regulations applicable to the use and development of land within the Planning Area of the municipality, to achieve consistency with the goals, requirements, and provisions of the Highlands Regional Master Plan. Said conformance shall be in accordance with the provisions of Highlands Council approval of the municipality's Petition for Plan Conformance, which was previously submitted to the Highlands Council by Resolution adopted by the Governing Body in October 2015, and which the Highlands Council approved with certain conditions by Highlands Council Resolution No. 2016-6, adopted on July 21, 2016. Further, this Ordinance specifically reserves the rights of the municipality as specified by the Highlands Act, with respect to the voluntary nature of Plan Conformance for the Planning Area.

## Section 2 Basis and Background

The Highlands Act finds and declares that protection of the Highlands Region is an issue of State level importance because of its vital link to the future of the State's drinking water supplies and other significant natural resources. The Highlands Act creates a coordinated land use planning system requiring the Highlands Council to prepare and adopt a Regional Master Plan that serves to protect, restore and enhance the significant resources the Highlands Region. The Highlands Act sets forth a bifurcated system for municipal conformance with the goals, requirements and provisions of the Regional Master Plan. Pursuant to Section 14.a. of the Highlands Act, a municipality located wholly or partially in the Preservation Area was required to submit by December 8, 2009 a revised municipal master plan, development regulations and other regulations, as applicable to the development and use of land in the Preservation Area, to conform them with the Regional Master Plan.

Pursuant to Section 15.a. of the Highlands Act, for a municipality located wholly in the Planning Area or for any portion of a municipality lying within the Planning Area, the municipality may submit at any time a revised master plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, that conforms with the

Regional Master Plan. Plan Conformance by a municipality is strictly voluntary for lands in the Planning Area.

Consequently, the Borough of Chester, Morris County, NJ, having lands in the Planning Area of the Highlands Region, did submit as part of a Petition for Plan Conformance to the Highlands Council on November 8, 2008, proposed revisions to the master plan, development regulations and other regulations that relate to the development and use of land in the Planning Area. On July 21, 2016 the Highlands Council adopted Resolution No. 2016-6 approving the Borough of Chester's Petition for Plan Conformance. The approval was conditioned upon the Borough of Chester's adoption of an ordinance pursuant to Section 15a of the Highlands Act, formally petitioning the Highlands Council for Plan Conformance for lands within the Planning Area.

**Section 3 Applicability**

This Ordinance applies to the development and use of land located in the Planning Area of Borough of Chester, as defined by Section 7 of the Highlands Act.

**Section 4 Definitions**

For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

**Highlands Council** – means the New Jersey Highlands Water Protection and Planning Council.
**Highlands Act** – means the Highlands Water Protection and Planning Act, P.L. 2004, c.120, as amended, codified in part at N.J.S.A. 13:20-1 *et seq.*
**Highlands Region** means all that area within the boundaries of the municipalities listed in subsection a. of section 7 of the Highlands Act.
**Planning Area** - means lands within the Highlands Region not within the Preservation Area (N.J.S.A. 13:20-7).
**Plan Conformance** – means the process by which a municipality revises the master plan, development regulations and other regulations related to the development and use of land to conform them with the goals, requirements, and provisions of the Regional Master Plan in accordance with the Highlands Plan Conformance Guidelines.
**Preservation Area** – means that portion of the Highlands Region so designated by subsection b. of section 7 of the Highlands Act.
**Regional Master Plan**– means the Highlands regional master plan or any revision thereof adopted by the Highlands Council pursuant to N.J.S.A. 13:20-8.

**Section 5 Petition for Plan Conformance**

**The Borough of Chester** hereby formalizes its Petition for Plan Conformance to the Highlands Council, declaring it fully effective for lands in the Planning Area of the municipality, said Petition having been approved by the Highlands Council subject to the conditions as set forth in Highlands Council Resolution No. 2016-6, adopted on July 21, 2016.

## Section 6 Reserved Right of Withdrawal for Planning Area

At any time, the Borough of Chester may withdraw its Petition for Plan Conformance for the Planning Area, which would include the entire municipality. In such event, any approvals, rejections or conditions of the revised municipal master plan, development regulations or other regulations that pertain to the Planning Area, as set forth by the Highlands Council in approving Resolution No. 2016-6, will not be binding upon the Borough of Chester. Any such withdrawal, should it occur, shall require repeal of this Ordinance, and shall be followed by formal notification to the Highlands Council, sent within ten (10) days of adoption by certified mail and including a certified copy of such repealing ordinance.

## Section 7 Planning Grants and Technical Assistance

Upon application of the Borough of Chester, the Highlands Council has made, or will make, grant funding and other financial and technical assistance available to Chester Borough for the reasonable costs associated with the revision of the master plan, development regulations or other regulations, which revisions are designed to bring those plans and regulations into conformance with the Regional Master Plan. The Highlands Council shall provide grant funds for all mandatory aspects of Plan Conformance in accordance with the Plan Conformance Grant Program, and may also provide grant funds for the discretionary aspects of Plan Conformance as determined by the Highlands Council. As Plan Conformance for lands in the Planning Area is strictly voluntary, Chester Borough retains the right to withdraw [that portion of] the Petition relating to lands lying in the Planning Area from the Plan Conformance process at any time.

## Section 8 Effective Date

This ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

Dated: September 20, 2016

Janet Hoven, Mayor

Attest:

Denean Probasco, Borough Clerk

# APPENDIX D

## Highlands Land Use Ordinance Amendments

**ATTACHMENT 1**

**CHESTER BOROUGH**
MORRIS COUNTY, NJ

# Highlands Land Use Ordinance for Chester Borough

Prepared by the State of New Jersey Highlands Water Protection and Planning Council in Support of the Highlands Regional Master Plan

**March 2017**

**Chester Borough Ordinance No. 2017-02**

**Introduced: April 4, 2017**

**Adopted: June 20, 2017**

# HIGHLANDS LAND USE ORDINANCE

## A Supplement to the Land Development Ordinances and Procedures of

## THE BOROUGH OF CHESTER

## MORRIS COUNTY, NEW JERSEY

This document is based on a revised model Highlands Planning Area Land Use Ordinance prepared and provided to Highlands municipalities by the New Jersey Highlands Water Protection and Planning Council.

**BOROUGH OF CHESTER**
**DRAFT HIGHLANDS LAND USE ORDINANCE**

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**BOROUGH OF CHESTER**
**DRAFT HIGHLANDS LAND USE ORDINANCE**

# ARTICLE 1. TITLE, PURPOSE, SCOPE

## § 1.1 SHORT TITLE

This Ordinance shall be known and cited as the "Borough of Chester_____ Highlands Planning Area Land Use Ordinance."

## § 1.2 PURPOSE

The purpose of this Ordinance is to effectuate the policies, goals and objectives of the Chester Borough Master Plan, in particular the Highlands Element of the Master Plan, while at the same time advancing the purposes of zoning as set forth in the New Jersey Municipal Land Use Law ("MLUL", N.J.S.A. 40:55D-1 et seq.), addressing the substantive goals and intents of the Highlands Water Protection and Planning Act ("Highlands Act," N.J.S.A. 13:20-1 et seq.), and satisfying the goals, requirements and provisions of the Highlands Regional Master Plan (RMP).

## § 1.3 SCOPE

The provisions of this Ordinance pertain to the use and development of all lands located within the Borough of Chester. The municipality lies fully within the Planning Area of the New Jersey Highlands Region. As a conforming municipality, the applicable provisions of the Borough of Chester Master Plan, land use ordinances and other pertinent regulations have been deemed by the New Jersey Highlands Water Protection and Planning Council ("Highlands Council") to be in conformance with the Highlands RMP. This Ordinance governs certain land uses, development and redevelopment activities, and the management and protection of resources, including but not limited to water resources, natural resources, agricultural resources, and historic, cultural and archaeological resources. The provisions of this Ordinance shall apply in conjunction with all other applicable ordinances, rules and regulations of the municipality. In the event of conflicting or less restrictive alternate provisions, the provisions of this Ordinance shall supersede.

## § 1.4 STATUTORY AUTHORITY

This Ordinance is adopted under the authority of the MLUL and the Highlands Act. The Highlands Act provides authorities and responsibilities for municipal planning and development regulation that are complementary to those set forth under the MLUL. The MLUL gives authority to New Jersey municipalities to govern land use and development within their borders. The Highlands Act augments that authority to allow the municipality the power to enforce the goals, policies, objectives and programs of the Highlands RMP. The Highlands Act is designed to protect the natural and agricultural resources of the Highlands through a coordinated system of regional land use controls. The Highlands Act creates a system in which a regional plan is implemented primarily through local government units. The Highlands Act and the RMP together provide the regional perspective from which local decisions and actions will emanate.

## § 1.5 SEVERABILITY

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall in no way affect the validity of the ordinance as a whole, or of any other portion thereof.

## § 1.6 EFFECTIVE DATE

This Ordinance shall take effect after final passage and publication in the manner required by law.

# ARTICLE 2. APPLICABILITY

## § 2.1 APPLICABILITY

The Highlands Land Use Ordinance shall apply to the use and development of all lands located within the Borough of Chester. Specifically, this Ordinance shall apply to any application seeking approval of a site plan, subdivision, or change in use where approval of such application would:

A. For residential development (as defined at § 3.2), create three (3) or more dwelling units;

B. For non-residential development:

1. Result in the ultimate disturbance of one (1) acre or more of land;

2. Produce a cumulative impervious surface area of one-quarter (¼) acre, or more; or

3. Introduce or expand a use not permitted by this Ordinance.

All thresholds in A. and B., above, shall be interpreted to apply cumulatively over time, beginning as of the effective date of this Ordinance. If or when any one of the thresholds is reached, the Ordinance shall apply to any and all development in excess of that threshold. Where an application proposes a mixed use, the thresholds in B., for non-residential development shall apply to the whole of the project, while that in A., shall apply to the residential component. The phrases "residential development," "ultimate disturbance," and "cumulative impervious surface area" as used above and throughout this Ordinance, are defined as provided at § 3.2.

The provisions of this Ordinance shall apply in conjunction with and as a supplement to the existing Zoning Ordinance, development regulations, and all other rules, codes and regulatory provisions governing the use and development of land in the municipality. In the event of conflicting provisions, the provisions of this Ordinance shall supersede. Where provisions differ only by degree, the more restrictive of the applicable requirements shall supersede.

### § 2.1.1 Exclusions

The exclusions listed herein below, consist of specific activities, improvements, and development projects, to which the provisions of this Ordinance shall not apply. These exclusions shall not be construed to apply across-the-board to any lot, tract or other division of land, whether existing or proposed as of the effective date of this Ordinance. Neither shall such exclusions be construed to alter, obviate or waive the requirements of any other applicable state or local law, rule, regulation, development regulation or ordinance. This would include, for example, the bulk requirements of the municipal zoning ordinance (e.g., yard and area requirements), the rules and regulations applicable to issuance of building permits, or the requirements of any municipal ordinance regulating the operation and maintenance of on-site septic systems.

A. This Ordinance shall not apply to reconstruction, within the same footprint, of any building or other structure lawfully existing as of the effective date of this Ordinance, in the event of its destruction or partial destruction by fire, storm, natural disaster, or any other unintended circumstance.

B. This Ordinance shall not apply to any improvement or alteration to a building or other structure lawfully existing as of the effective date of this Ordinance, where such improvement or alteration is necessary for compliance with the provisions of the Americans with Disabilities Act, or to otherwise provide accessibility to the disabled.

C. Unless specifically indicated otherwise, and in that case only to the specific extent indicated, the provisions of this Ordinance shall not apply to Agricultural or Horticultural Use and Development (as defined at § 3.2).

D. This Ordinance shall not apply to any activity, improvement, or development project specifically listed as a Highlands Act Exemption at N.J.S.A. 13:20-28. The applicable Highlands Act Exemptions include those listed below.

1. *Highlands Act Exemption 4*. The reconstruction of any building or structure for any reason within 125% of the footprint of the lawfully existing impervious surfaces on the site, provided that the reconstruction does not increase the lawfully existing impervious surface by one-quarter acre or more. This exemption shall not apply to the reconstruction of any agricultural or horticultural building or structure for a non-agricultural or non-horticultural use.

    a. For purposes of this Ordinance, this exemption shall not be construed to permit multiple 125% footprint expansions, but rather, to permit one or more reconstruction activities cumulatively resulting in a maximum 125% increase in the footprint of the impervious surfaces lawfully existing on the site, provided they do not cumulatively exceed the one-quarter acre limitation.

    b. For purposes of this Ordinance, the applicable date of lawful existence shall coincide with the effective date of this Ordinance or of the Highlands Checklist Ordinance, whichever is the earlier.

2. *Highlands Act Exemption 6*. Any improvement, for non-residential purposes, to a place of worship owned by a nonprofit entity, society or association, or association organized primarily for religious purposes, or a public or private school, or a hospital, in existence on the date of enactment of the Highlands Act (August 10, 2004), including but not limited to new structures, an addition to an existing building or structure, a site improvement, or a sanitary facility.

3. *Highlands Act Exemption 7*. An activity conducted in accordance with an approved woodland management plan pursuant to section 3 of the "Farmland Assessment Act," P.L.1964, c.48 (C.54:4-23.3) or a forest stewardship plan approved pursuant to section 3 of P.L.2009, c.256 (the "State Park and Forestry Resources Act," C.13:1L-31), or the normal harvesting of forest products in accordance with a forest management plan or forest stewardship plan approved by the State Forester.

4. *Highlands Act Exemption 8*. The construction or extension of trails with non-impervious surfaces on publicly owned lands or on privately owned lands where a conservation or recreational use easement has been established.

5. *Highlands Act Exemption 14*. The mining, quarrying, or production of ready mix concrete, bituminous concrete, or Class B recycling materials occurring or which are permitted to occur on any mine, mine site, or construction materials facility existing on June 7, 2004.

6. *Highlands Act Exemption 15*. The remediation of any contaminated site pursuant to P.L.1993, c.139 (C.58:10B-1 et seq.).

## § 2.2 PRIOR DEVELOPMENT APPROVALS

Any developer/owner/applicant (as applicable) associated with a development application that has received lawful approval(s) pursuant to the MLUL prior to the effective date of this Ordinance, shall retain all of the rights and protections accorded and prescribed under the MLUL with regard to such approval(s). These

protections shall apply to the specific land area and scope of the approvals granted, in accordance with any conditions attached thereto, subject to the approvals of any applicable state, county or other outside agency having jurisdiction thereon, and shall expire if (and in such event, when) such approval expires. The provisions of this Ordinance shall not be construed to alter or infringe upon such unexpired approvals, and any nonconforming development ultimately resulting from such approvals shall be permitted to continue in accordance with all applicable MLUL provisions concerning nonconforming uses, buildings and structures (pursuant to § 2.3 below).

## § 2.3 NONCONFORMING USES, BUILDINGS AND STRUCTURES

Any nonconforming use, building or structure lawfully existing at the time of passage of this Ordinance shall be permitted to continue upon the lot or within the structure it so occupies, and any such structure may be restored or repaired in the event of its partial destruction, in accordance with the provisions of the MLUL and the underlying municipal Zoning Ordinance. For purposes of this Ordinance, the words, "restored" and "repaired," shall in no case be construed to mean "expanded."

# ARTICLE 3. DEFINITIONS

## § 3.1 WORD USAGE

Terms used in the body of this Ordinance which are defined by the Highlands Act are intended to have the same definitions as provided in the Highlands Act. Unless expressly stated to the contrary or alternately defined herein, terms which are defined by the MLUL are intended to have the same meaning as set forth in the MLUL. For purposes of this Ordinance, the terms "shall" and "must" are indicative of a mandatory action or requirement while the word "may" is permissive.

## § 3.2 DEFINITIONS

For purposes of this Ordinance the following definitions shall apply:

**Agricultural or Horticultural Development** – Construction for the purposes of supporting common farmsite activities, including but not limited to, the production, harvesting, storage, grading, packaging, processing, and the wholesale and retail marketing of crops, plants, animals, and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease, and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing.

**Agricultural or Horticultural Use** – The use of land for common farmsite activities, including but not limited to, the production, harvesting, storage, grading, packaging, processing, and the wholesale and retail marketing of crops, plants, animals, and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease, and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing.

**Agricultural Impervious Cover** – Agricultural or horticultural buildings, structures or facilities with or without flooring, residential buildings and paved areas, but not meaning temporary coverings.

**Applicant** – Any entity applying to the Board of Health, Planning Board, Zoning Board of Adjustment, Zoning Officer, Construction Official Chester Borough Land Use Board or other applicable authority of the municipality for permission or approval to engage in an activity that is regulated by the provisions of this Ordinance.

**Application for Development** – The application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance, or direction of the issuance of a permit pursuant to section 25 or section 27 of P.L.1975, c.291 (C.40:55D-34 or C.40:55D-36).

**Aquifer** – A geologic formation, group of formations, or partial formation containing saturated permeable rock, sand or gravel sufficient to store and transmit usable quantities of water to wells and springs.

**Archaeological Resources** – Any material remains of past human life or activities which are of archaeological interest, such as tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any portion or piece of any of the foregoing items.

**Best Management Practices (BMP)** – Structural or nonstructural methods used to prevent or reduce the movement of sediment, nutrients, pesticides and other pollutants from the land to surface or ground water.

**Building Permit –** Used interchangeably with the term "Construction Permit;" see definition below.

**CADB** – County Agriculture Development Board

**Clear-Cutting** – A forestry or logging practice in which most or all of the trees in a harvest area are cut down.

**Cluster/Conservation Design Development** – A development design technique where principal buildings and structures are grouped together on a portion of the Cluster Project Area, while the remaining land area is permanently deed-restricted in agricultural use, for conservation of environmental resources, or as open space for environmental protection including public recreational use.

**Cluster/Conservation Design Development Guidelines** – Guidelines for cluster/conservation design development provided by the Highlands Council to guide municipalities in implementing cluster development projects and in assisting in local development review and Highlands Project Review.

**Cluster Project Area** – All of the individual parcels from which development is clustered including the area set aside for preservation and the area set aside for development.

**Community Based On-Site Wastewater Facilities** – Sanitary sewerage treatment facilities (i.e., domestic treatment works) that discharge treated wastewater to ground waters as regulated by a NJPDES permit under N.J.A.C. 7:14, which provide service to one or more parcels that are approved and constructed as a single development or planned development.

**Conditional Water Availability** – The amount of water availability allowed in a deficit HUC14 subwatershed, subject to certain mitigation requirements, as determined by the Highlands Council.

**Construction Permit –** A permit issued pursuant to the New Jersey Uniform Construction Code, Chapter 23 of Title 5 of the New Jersey Administrative Code (N.J.A.C. 5:23-1 et seq.), providing authorization to begin work subject to the conditions and requirements established under the provisions therein.

**Consumptive Water Use** – Any use of water that results in its evaporation, transpiration, incorporation into products or crops, consumption by humans or animals, or removal by any other means from a watershed or subwatershed, other than by conveyances as untreated water supply, potable water, or wastewater.

**Contaminant** – A substance capable of causing contamination of a water supply.

**Contamination** – The presence of any harmful or deleterious substances in the water supply, including but not limited to hazardous substances, hazardous wastes, and substances listed in the New Jersey Administrative Code at N.J.A.C. 7:9C (Ground Water Quality Standards), N.J.A.C. 7:9B (Surface Water Quality Standards) and N.J.A.C. 7:10 (NJ Safe Drinking Water Act Regulations), and as these regulations may be amended from time to time.

**Cultural Resources** – Sites, artifacts, or materials that relate to the way people live or lived, for example, archaeological sites, rock carvings, ruins, and the like. These resources are generally defined based on existing documentation or artifacts discovered relating to activities of people who lived, worked, or recreated in an area during a period in history.

**Current Deficit Area** – A HUC14 subwatershed characterized by negative Net Water Availability, meaning that existing consumptive and depletive water uses exceed the capacity of the ground water supply to sustain them.

**Deforestation** – The conversion of forested areas to non-forested areas, whether for use as urban land, or any other non-forest land use; disturbance of an area characterized as "forest" pursuant to the procedures

provided in APPENDIX A, herein, the extent or effect of which is to disqualify the area from such designation.

**Depletive Water Use** – Use of water whereby it is withdrawn from a HUC14 subwatershed and transported outside of the subwatershed (through utility conveyances as untreated water supply, potable water, or wastewater), resulting in a net loss of water to the subwatershed from which it originated.

**Density** – The permitted number of dwelling units per gross acre of land to be developed; or if defined by the underlying municipal Zoning Ordinance, as provided therein.

**Density, Septic System** – The gross acreage of land area required per individual septic system to physically contain and support its functions in keeping with the specified wastewater design flow.

**Development** – The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to the MLUL.

**Development Set Aside of Cluster Project Area** – All of the individual parcels within the area set aside for residential development including the infrastructure, open space, and utilities necessary to support the development pursuant to the requirements of § 8.1.5.

**Discharge** – Any intentional or unintentional action or omission, unless pursuant to and in compliance with the conditions of a valid and effective federal or state permit, resulting in the releasing, spilling, pumping, pouring, emitting, emptying or dumping of a hazardous substance into the waters or lands of the state or into waters outside the jurisdiction of the state when damage may result to the lands, waters or natural resources within the jurisdiction of the state.

**Dissolution** – A space or cavity in or between rocks, formed by the solution of part of the rock material.

**Disturbance** – The placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation. (Pursuant to § 6.2.5.B of this Ordinance, when considering land for conversion to non-agricultural land uses in a Highlands Open Water buffer, historic or current agricultural land uses shall not be considered "land improvements," "development," "land disturbances," or "land uses" for purposes of calculating the previously disturbed area.)

**Disturbance, Ultimate** – The total existing or proposed area of disturbance of a lot, parcel, or other legally designated (or otherwise legally recognized) tract or subdivision of land, for the purpose of, and in connection with, any human activity, property improvement, or development, including the surface area of all buildings and structures, all impervious surfaces, and all associated land disturbances such as excavated, filled, and graded areas, and all lawn and landscape areas. Ultimate disturbance shall not include areas of prior land disturbance which at the time of evaluation: a) contain no known man-made structures (whether above or below the surface of the ground) other than such features as old stone rows or farm field fencing; and b) consist of exposed rock outcroppings, or areas which, through exposure to natural processes (such as weathering, erosion, siltation, deposition, fire, flood, growth of trees or other vegetation) are no longer impervious or visually obvious, or ecologically restored areas which will henceforth be preserved as natural areas under conservation restrictions.

**Endangered Species** – Species included on the list of endangered species that the NJDEP promulgates pursuant to the Endangered and Nongame Species Conservation Act, N.J.S.A. 23:2A-13 et seq., and the Endangered Plant Species List Act, N.J.S.A. 13:1B-15.151 et seq., and any species or subspecies of wildlife appearing on any federal endangered species list or any species or subspecies of plant designated as listed,

proposed, or under review by the federal government pursuant to the Endangered Species Act of 1973, 16 U.S.C. §§ 1531 et seq.

**Environmental Land Use or Water Permit –** A permit, approval, or other authorization issued by the Department of Environmental Protection pursuant to the "Freshwater Wetlands Protection Act," P.L.1987, c.156 (C.13:9B-1 et seq.), the "Water Supply Management Act," P.L.1981, c.262 (C.58:1A-1 et seq.), the "Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.), "The Realty Improvement Sewerage and Facilities Act (1954)," P.L.1954, c.199 (C.58:11-23 et seq.), the "Water Quality Planning Act," P.L.1977, c.75 (C.58:11A-1 et seq.), the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.), or the "Flood Hazard Area Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.). (N.J.S.A. 13:20-3.)

**Existing Constrained Areas** – Stream flows within any HUC14 subwatershed(s) upstream of a Current Deficit Area.

**Farm Conservation Plan** – A site-specific plan that prescribes needed land treatment and related conservation and natural resource management measures, including forest management practices, that are determined to be practical and reasonable for the conservation, protection, and development of natural resources, the maintenance and enhancement of agricultural or horticultural productivity, and the control and prevention of non-point source pollution.

**Farm Management Unit** – A parcel or parcels of land, whether contiguous or noncontiguous, together with agricultural or horticultural buildings, structures and facilities, producing agricultural or horticultural products, and operated as a single enterprise.

**Farmland Soils, Important** – Soils based on soil data prepared by the USDA NRCS including the following four classifications: Prime Farmland Soils, Farmland Soils of Statewide Importance, Unique Farmland Soils, and Farmland Soils of Local Importance.

**Farmland Soils of Local Importance** – Farmland of local importance includes those soils that are not prime or of statewide importance and are used for the production of high value food, fiber or horticultural crops.

**Farmland Soils, Prime** – Prime Farmlands include all those soils in NRCS Land Capability Class I and selected soils from Land Capability Class II. Prime Farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oilseed crops and is also available for these uses. It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed according to acceptable farming methods, Prime Farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding.

**Farmland Soils of Statewide Importance** – Farmlands of statewide importance include those soils in NRCS Land Capability Class II and III that do not meet the criteria as Prime Farmland. These soils are nearly Prime Farmland and economically produce high yields of crops when treated and managed according to acceptable farming methods. Some may produce yields as high as Prime Farmland if conditions are favorable.

**Farmland Soils, Unique** – **S**oils used for special crops (such as cranberries in the New Jersey Pinelands). Unique soils are determined on a statewide basis by the State Soil Conservation Committee.

**Farmsite** – A Farm Management Unit as defined above.

**Floor Area** – The area of each floor of a building lying within the inside perimeter of its exterior walls excluding vent shafts, courts, and unfinished areas such as basements or attics having ceiling heights less than that required for habitable space under the building code.

**Floor Area Ratio** – The sum of the area of all floors of buildings or structures compared to the total area of the site; or if defined by the underlying Zoning Ordinance, as provided therein.

**Forest** – A biological community as determined by the method set forth under APPENDIX A, as adapted from NJDEP Preservation Area Rules, at N.J.A.C. 7:38-3.9.

**Forest Area, Upland** – A biological community that is a "forest," as defined above, and that is not located in an area designated as Highlands Open Waters (i.e., not a forested wetland or other Highlands Open Waters).

**Forest Area, Total** – The percentage of total area that is covered in forest.

**Forest, Core** – The area and percent of a forest patch that is greater than 300 feet from a forest edge.

**Forest Integrity** – An expression of the application of landscape metrics to evaluate the effects of forest fragmentation across the landscape, thereby recognizing the ability of forests to provide essential ecosystem functions.

**Forest Patch** – A contiguous tract of forest bordered by either altered land or a road.

**Forest Patch, Mean Distance to Closest (MDCP)** – The average edge-to-edge distance between distinct forest patches located within a 1,000-foot search radius of one another. The MDCP provides a measure of forest patch isolation within the landscape area of interest.

**Forest Management Plan** – A written guidance document describing the forest resources present on a property, the landowner's management goals and objectives, and the recommended practices or activities to be carried out over time on the land. This tool is used to evaluate a forest land's current state and provide a management process which, over time, meets the landowner's objectives, while maintaining health and vigor of the resource. Forest Management Plans are typically written for a ten year period.

**Ground Water** – Water contained in the interconnected voids of a saturated zone in the ground. A saturated zone is a volume of ground in which the voids in the rock or soil are filled with water greater than or equal to atmospheric pressure.

**Ground Water Availability** – The total amount of water assigned by the Highlands Council to a HUC14 subwatershed that can be used for consumptive and depletive water uses by water uses that do not draw from water supplies with a NJDEP-approved safe yield.

**Habitat Value** – The value of an ecosystem area for maintenance of a healthy population of a species as determined by quantity, quality, type, and function.

**Hazardous Substance** – Any substance designated under 40 CFR 116 pursuant to Section 311 of the Federal Water Pollution Control Act Amendments of 1972 [Clean Water Act] (Public Law 92-500; 33 U.S.C. 1251 et seq.), the Spill Compensation and Control Act, N.J.S.A. 58:10-23.ll et seq., or Section 4 of the New Jersey Water Pollution Control Act (N.J.S.A. 58:10A-1 et seq.) and as these regulations may, from time to time, be amended. Substances listed include petroleum, petroleum products, pesticides, solvents and other substances.

**Hazardous Waste** – Any solid waste that is defined or identified as a hazardous waste pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E et seq., N.J.A.C. 7:26-8, or 40 CFR Part 261.

**Highlands Historic and Cultural Resource Inventory** – The listing of historic, cultural and archaeological resources within the Highlands Region, including but not limited to: all properties listed on the New Jersey or National Register of Historic Places; all properties which have been deemed eligible for listing on the New Jersey or National Register of Historic Places; and all properties for which a formal opinion of the State Historic Preservation Office (SHPO) has been issued.

**Highlands Open Waters** – All springs, streams including intermittent streams, wetlands, and bodies of surface water, whether natural or artificial, located wholly or partially within the boundaries of the Highlands Region, but not including swimming pools. Highlands Open Waters include seeps, lakes, ponds, and vernal pools; all categories (including springs, streams, and wetlands) as described and defined in the Borough of Chester Environmental Resource Inventory.

**Highlands Open Waters Buffer** – A 300-foot buffer around all Highlands Open Waters from the edge of the discernible bank of the Highlands Open Waters feature, or from the centerline of that feature where no discernible bank exists. With respect to wetlands and other Highlands Open Waters features, the feature shall include a protection buffer of 300 feet, measured from the mapped wetlands (not from the wetlands buffer) delineated in a Letter of Interpretation, as provided by NJDEP.

**Highlands Public Community Water Supply System** – Public water supply systems in the Highlands Region that pipe water for human consumption to at least 15 service connections or that regularly serve at least 25 year-round residents.

**Highlands Redevelopment Area** – A property, portion of a property, or group of properties designated as such by the Highlands Council and which includes one or more of the following: a) a brownfield site; b) a grayfield site; and c) any previously developed site in the Highlands Region. A Highlands Redevelopment Area may include the intervening or surrounding lands which are significantly affected by or necessary to support such sites, and is subject to a Highlands Council-approved redevelopment plan setting forth the scope and details of any redevelopment project(s) and/or activities permitted to occur.

**Highlands Scenic Resource Inventory** – The inventory of regionally significant lands within the Highlands Region that encompasses elements of high scenic quality worthy of protection, as approved by the Highlands Council.

**Historic District** – One or more historic sites and intervening or surrounding property significantly affecting or affected by the quality and character of the historic site or sites.

**Historic Resources** – Buildings, structures, objects, districts, sites, or areas that are significant in the history, architecture, archaeology, engineering or culture of a place or time.

**Historic Site** – Any real property, man-made structure, natural object or configuration of any portion or group of the foregoing of historical, archaeological, cultural, scenic, or architectural significance.

**HUC** – Hydrologic Unit Code; identification number developed by the USGS to designate drainage basins including watersheds and subwatersheds.

**HUC14 Subwatershed** – A delineated subwatershed area identified by a 14-digit HUC, within which water drains to a particular receiving surface water body.

**Immediate Family Member –** A spouse, child, parent, sibling, aunt, uncle, niece, nephew, first cousin, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother, or half-sister, whether the individual is related by blood, marriage, or adoption.

**Impervious Surface** – Any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, including, but not limited to, porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements.

**Impervious Surfaces, Cumulative** – The total area of all existing or proposed impervious surfaces situated or proposed to be situated within the boundary lines of a lot, parcel, or other legally recognized subdivision of land, expressed either as a measure of land area such as acreage, or square feet, or as a percentage of the total lot or parcel area.

**Individual Subsurface Sewage Disposal System** – A system regulated under N.J.A.C. 7:9A for disposal of sanitary sewage into the ground which is designed and constructed to treat sanitary sewage in a manner that will retain most of the settleable solids in a septic tank and to discharge the liquid effluent to a disposal field, disposal bed, or disposal trench or trenches. The term "septic system" is equivalent in meaning.

**Light Detection and Ranging** (LiDAR) – Technology that uses an active sensor, similar to radar that transmits laser pulses to a target and records the time it takes for the pulse to return to the sensor receiver. This technology is used for high-resolution topographic mapping.

**Linear Development –** Infrastructure, utilities and the associated right-of-ways therefor, including but not limited to such installations as railroads, roads, sewerage and water supply pipelines, stormwater management pipes and channels, natural gas and liquid fuel pipelines, electric, telephone and other transmission lines, and in all cases, the associated right-of-ways therefor.

**Low Impact Development** – An environmentally sensitive approach to land use planning that uses a variety of landscape and design techniques to manage development activities to mitigate potential adverse impacts on the natural environment.

**Major Potential Contaminant Sources (PCS)** – Land uses and activities determined by the Highlands Council to pose a major risk of ground water contamination (see APPENDIX B).

**Master Plan** – For purposes of this Ordinance, all references to the "Borough of Chester Master Plan," "master plan," or "Master Plan," refer to the municipal master plan, as adopted by the Borough of Chester Planning Board and its successor, the Chester Borough Land Use Board.

**Master Plan, Highlands Regional (RMP)** – For purposes of this Ordinance, all references to the Highlands Regional Master Plan (RMP), shall be by use of the words "Highlands Regional Master Plan," "Highlands RMP," "Regional Master Plan," or "RMP."

**Minor Potential Contaminant Sources (PCS)** – Land uses and activities determined by the Highlands Council to pose a minor risk of ground water contamination (see APPENDIX C).

**Municipal Land Use Law (MLUL)** – The New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

**NJDA** – New Jersey Department of Agriculture

**NJDA Agricultural Development in the Highlands Rules** – The regulations established by the NJDA to implement requirements of the Highlands Act, titled and codified at N.J.A.C. 2:92.

**NJDEP** – New Jersey Department of Environmental Protection

**NJDOT** – New Jersey Department of Transportation

**NJPDES** – New Jersey Pollutant Discharge Elimination System

**NJPDES Permit** – A permit issued by the NJDEP authorizing certain discharges to ground or surface waters of the State of New Jersey pursuant to the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., as amended, and its implementing rules at N.J.A.C. 7:14A.

**NJ Soil Erosion and Sediment Control Act Rules** – Regulations adopted by the State Soil Conservation Committee at N.J.A.C. 2:90-1, incorporating requirements for Best Management Practices regarding temporary and permanent soil erosion control.

**Nonconforming Lot** – Any lot having an area, dimension or location which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

**Nonconforming Structure** – Any structure having a size, dimension or location which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

**Nonconforming Use** – A use or activity which was lawful prior to the adoption, revision or amendment of a municipal zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

**Non-Public Well** – Any water supply well used for potable purposes other than a public community or non-community water supply well.

**Non-Structural Stormwater Management** – Techniques and practices devised to manage stormwater runoff and reduce pollution levels, without extensive construction efforts. Non-structural management strategies often mimic the natural hydrology of a site and utilize site planning and design to accomplish stormwater control.

**NRCS** – Natural Resources Conservation Service of the United States Department of Agriculture

**Operations and Contingency Plan** – A management plan prepared in support of an existing or proposed Major or Minor Potential Contaminant Source (PCS), that: a) documents the specific PCS(s) existing or proposed for a particular site; b) describes the types and quantities of substances and/or wastes expected to be used, discharged or stored on the site; c) indicates the means by which spillage, leakage or discharge of such materials will be prevented; d) provides the means or methods to be used to contain or remedy any accidental spill, leak, discharge or migration of such materials from the site directly or indirectly into ground water, surface water bodies, or the land surfaces that provide recharge to the underlying aquifer; e) indicates the procedures to be undertaken to notify the appropriate administrative authorities, including but not limited to the NJDEP and the Board of Health, regarding any accidental spillage or discharge of such materials; and f) demonstrates that best management practices have been incorporated into the design and management of both the site and the particular PCS(s) it contains to ensure against such discharges.

**Person** – Any individual, public or private corporation, company, partnership, firm, association, owner or operator, political subdivision of this State, and any state, federal or interstate agency or an agent or employee thereof.

**Planning Area** – Lands within the Highlands Region that are not located in that portion designated by the Highlands Act as the "Preservation Area" (see metes and bounds description at N.J.S.A. 13:20-7b). For purposes of this Ordinance, this terminology shall also be used to refer to Planning Area lands located solely within the Borough of Chester.

**Potential Contaminant Source (PCS)** – Activity or land use that may be a source of a contaminant that has the potential to move into ground water withdrawn from a well.

**Preservation Area** – Lands within the Highlands Region that are located in that portion designated by the Highlands Act as the "Preservation Area" (see metes and bounds description at N.J.S.A. 13:20-7b).

**Preservation Set Aside of Cluster Project Area** – All of the individual parcels within the area set aside for preservation that must be deed-restricted against further subdivision pursuant to the requirements of § 8.1.4.

**Public Community Water System** – A public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year round residents.

**Public Community Well** – A well that provides water to a public water system serving at least 15 service connections used by year-round residents or regularly serving at least 25 year-round residents.

**Public Non-Community Water System** – A public water system that is not a public community water system and is either a "public non-transient non-community water system" or a "public transient non-community water system" as defined herein.

**Public Non-Community Well** – A well that is not a public community well and that provides water to a public water system regularly serving at least 25 individuals for at least 60 days in any given calendar year.

**Public Non-Transient Non-Community Water System** – A public water system that is not a public community water system and that regularly serves at least 25 of the same persons for more than six months in any given calendar year.

**Public Transient Non-Community Water System** – A public water system that is not a public community or a public non-transient non-community water system and that serves at least 25 transient individuals for at least 60 days in any given calendar year.

**Public Water System** – A system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least 15 service connections or regularly serves at least 25 individuals daily for at least 60 days out of the year. Such term includes any collection, treatment, storage and distribution facilities under control of the operator of such system and used primarily in connection with such system, and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. A public water system is either a "public community water system" or a "public non-community water system" as defined herein.

**Rare Species** – Wildlife species that are not endangered or threatened wildlife species but are considered by the NJDEP to be species of special concern as determined by a panel of experts, or that are ranked S1 (critically imperiled in New Jersey because of extreme rarity), S2 (imperiled in New Jersey because of rarity), S3 (rare in New Jersey), G1(critically imperiled globally), G2 (imperiled globally because of rarity) or G3 (globally very rare and local throughout its range or found locally in a restricted range) in the Natural Heritage Database, and Plant Species of Concern listed pursuant to N.J.A.C. 7:5C-3.1.

**Reforestation** – The restoration (replanting) of a forest that has been reduced by fire, cutting, or any other cause.

**Residential Development –** Development dedicated to the creation of new dwelling units or the improvement or expansion of existing dwelling units, whether by new construction or conversion of existing building areas or portions thereof, to dwelling use, including any type of residential structure whether a single-family home (including group home), duplex, townhouse, apartment or any other form of multi-family housing construction. For purposes of this ordinance, residential development shall include property improvements associated with and either, required in support of or customarily accessory to, the residential use, including but not limited to porches, patios, decks, driveways, garages, storage sheds, swimming pools, tennis courts, drywells, utility facilities, septic systems, yard grading and retaining walls.

**Resource Management System Plan** – A site-specific conservation system plan that: (1) prescribes needed land treatment and related conservation and natural resource management measures, including forest management practices, for the conservation, protection, and development of natural resources, the maintenance and enhancement of agricultural and horticultural productivity, and the control and prevention of non-point source pollution; and (2) establishes criteria for resources sustainability of soil, water, air, plants, and animals.

**Reviewing Board** – The municipal Planning Board or Zoning Board of Adjustment, as applicable, established pursuant to N.J.S.A. 40:55D-23 or N.J.S.A. 40:55D-69 respectively, or any committee formally designated and authorized to act on behalf of such Board pursuant to other provisions of the MLUL (e.g., Minor Subdivision Committee of a Planning Board). Ordinance references to Reviewing Board shall mean the Chester Borough Land Use Board constituted pursuant to N.J.S.A. 40:55D-25.c.(1).

**Riparian Area** – Areas adjacent to and hydrologically interconnected with Highlands Open Waters rivers and streams consisting of flood prone areas, wetlands, soils that are hydric, alluvial, or have a shallow depth to ground water, and including wildlife passage corridors within 300 feet of surface Highlands Open Waters features.

**Riparian Area, Flood Prone Portion** – Areas delineated by the Highlands Council based on NJDEP flood prone and FEMA Q3 flood area mapping (NJDEP 1996, FEMA 1996) including USGS documented (by prior flood events) and undocumented flood prone areas and Federal Emergency Management Agency (FEMA) 100-year floodplain.

**Riparian Soils** – Soils associated with Highlands Open Waters that are hydric, alluvial, or exhibit a shallow depth to seasonal high water table.

**Riparian Area Wildlife Corridor** – A 300-foot corridor on each mapped stream bank or from the stream centerline if no stream bank is mapped.

**RMP Update –** A factual update to the Highlands Regional Master Plan based upon receipt of new, corrected or updated factual information and verification by the Highlands Council.

**SADC** – State Agriculture Development Committee

**SCD** – Soil Conservation District, as established in accordance with the Soil Conservation Act, N.J.S.A. 4:24-1 et seq.

**Scenic Resources** – Sites and landscapes that are distinctive and remarkable for their geology, topography, history, culture, and aesthetics or can be representative of the defining character of a community. They

may include prominent ridgelines, mountainsides or hillsides, panoramic vistas, community gateways and landmarks, river valleys, and agricultural landscapes.

**Sedimentation** – The process of deposition of a solid material from a state of suspension or solution in a fluid (usually air or water).

**Septic System** – A system regulated by N.J.A.C. 7:9A for disposal of sanitary sewage into the ground which is designed and constructed to treat sanitary sewage in a manner that will retain most of the settleable solids in a septic tank and to discharge the liquid effluent to a disposal field, disposal bed, or disposal trench or trenches. The term "Individual Subsurface Sewage Disposal System" is equivalent in meaning.

**Sewer Service Area (SSA)** – The land area identified in an Areawide Water Quality Management Plan from which generated wastewater is designated to flow to a domestic treatment works or industrial treatment works. A distinct sewer service area is established for each domestic treatment works and industrial treatment works.

**Shoreline** – The Ordinary High Water Mark, or point on the bank or shore up to which the presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation, or other easily recognized characteristic.

**Site Disturbance** – The placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation.

**Slope (or "Grade")** – An area of land forming an incline; a measure used to describe the degree of inclination of an area of land; the difference in vertical elevation ("rise") of a land area occurring over a specified horizontal distance ("run"). For example, a land area having a one (1)-foot vertical rise over a 10-foot horizontal run, has a slope of 10%. A 10-foot vertical rise over a 25-foot horizontal run indicates a slope of 40%.

**Slope, Steep** – Any slope having a grade of 15% or more, or if situated in a Riparian Area, of 10% or more.

**Slopes, Constrained** – All non-Riparian Area lands having a slope of 15% to less than 20% which are non-forested and exhibit one or more of the following characteristics: a) highly susceptible to erosion; b) shallow depth to bedrock; or c) a Soil Capability Class indicative of wet or stony soils.

**Slopes, Limited Constrained** – All non-Riparian Area lands having a slope of 15% to less than 20%, which are non-forested, are not highly susceptible to erosion, and do not have a shallow depth to bedrock or a Soil Capability Class indicative of wet or stony soils.

**Slopes, Moderately Constrained** – All forested non-Riparian Area lands having a slope of 15% to less than 20%.

**Slopes, Severely Constrained** – All lands having slopes of 20% or greater and all lands within Riparian Areas having slopes of 10% and greater.

**Soil Capability Class** – Soil class designated by the United States Department of Agriculture (USDA) "Soil Survey," available from the Natural Resource Conservation Service and containing descriptions of soil series on a county-by-county basis (available online at www.soildatamart.nrcs.usda.gov).

**Solar Panel** – An elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes flat plate, focusing solar collectors, or photovoltaic solar cells and excludes

the base or foundation of the panel, plate, canopy, or array. (As defined by the Highlands Act, N.J.S.A. 13:20-1 et seq, as amended.)

**Species of Special Concern** – Wildlife species identified by the NJDEP that warrant special attention because of evidence of population decline or inherent vulnerability to environmental deterioration or habitat modification that would result in the species becoming threatened if conditions surrounding the species begin or continue to deteriorate. The term includes species for which there is little knowledge of current population status in the state.

**Stormwater Management Rules** – NJDEP rules at N.J.A.C. 7:8 that set forth the required components of regional and municipal stormwater management plans, and establish the stormwater management design and performance standards for new (proposed) development.

**Structure** – A combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land.

**Subsidence Sinkholes** – Sinkholes formed by the downward settlement of unconsolidated overburden into openings in underlying, soluble bedrock.

**Surface Water** – Any waters of the State of New Jersey which are not ground water.

**Sustainable Agriculture** – An integrated system of plant and animal production practices having a site-specific application that will over the long-term: (a) satisfy human food and fiber needs; (b) enhance environmental quality and the natural resource base upon which the agricultural economy depends; (c) make the most efficient use of nonrenewable resources and on-farm resources and integrate, where appropriate, natural biological cycles, and controls; (d) sustain the economic viability of farm operations; and (e) enhance the quality of life for farmers and society as a whole (1990 Farm Bill).

**Technical Service Provider (TSP)** – Professionals from outside of the United States Department of Agriculture that are certified by the NRCS to assist agricultural producers in applying conservation measures.

**Threatened Species** – An indigenous nongame wildlife species of New Jersey designated pursuant to the Endangered and Nongame Species Conservation Act, N.J.S.A. 23:2A-13 et. seq., and its implementing rules, N.J.A.C. 7:25-4.17, as most recently amended.

**Time of Travel** – The average time that a volume of water will take to travel through the zone of saturation from a given point to a pumping well.

**Total Maximum Daily Load (TMDL)** – The pollutant loading that a surface water body may assimilate without violating NJDEP Surface Water Quality Standards (N.J.A.C. 7:9B) and a determination of the extent to which pollutant loadings to a water body must be reduced to restore that water body to a water quality that complies with the Surface Water Quality Standards. A TMDL includes an allocation of allowable pollutant loads to specific point sources (Wasteload Allocations) and categories of non-point sources (Load Allocations), after subtraction of a Margin of Safety and, where appropriate, a Reserve Capacity (for future pollutant loads).

**Viewshed** – An area of land, water or other physical features visible from a fixed vantage point.

**Wastewater Utility** – A publicly, privately, or investor-owned utility that collects and may treat sanitary wastewater, as regulated by the NJDEP.

**Water Availability, Conditional** – The amount of water availability allowed in a deficit HUC14 subwatershed, subject to certain mitigation requirements, as determined by the Highlands Council.

**Water Availability, Net** – The value assigned by the Highlands Council to a HUC14 subwatershed resulting from subtracting consumptive and depletive surface and ground water uses from ground water availability.

**Water Conservation** – Implementation of BMPs to ensure maximum water use efficiency and reduction in water use and losses; measures may include low impact development techniques, water conserving fixtures, water valves, beneficial re-use systems and capture of stormwater.

**Water Dependent Uses** – Any use or activity that cannot physically function without direct access to the body of water along which it is proposed. An activity that can function on a site not adjacent to the water is not considered water dependent regardless of the economic advantages that may be gained from a waterfront location.

**Water Quality Management Plan (WQMP)** – A plan prepared pursuant to sections 208 and 303 of the Federal Clean Water Act, 33 U.S.C. § 1251 et seq., (33 U.S.C. § 1288 et seq. and 1313 respectively) and the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., including the Statewide WQMP, or Areawide or County WQMP as defined under N.J.A.C. 7:15.

**Water Use and Conservation Management Plan** – A planning document approved by the Highlands Council to ensure the sound use and management of water resources. Water Use and Conservation Management Plans document the current state of water availability and use in the subwatersheds of interest, set priorities for the use and protection of available water, and establish methods to reduce and, where feasible, eliminate net water availability deficits where they exist.

**Wellhead** – The well, borehole, and appurtenant equipment for a public community well, public non-community well, or non-public well within a cluster of non-public wells.

**WHPA** – Wellhead Protection Area

**Zone of Saturation** – A layer within or below the soil profile which is saturated with ground water either seasonally or throughout the year.

# ARTICLE 4. ESTABLISHMENT OF HIGHLANDS DISTRICTS

## § 4.1 HIGHLANDS PRESERVATION AREA AND PLANNING AREA

The Highlands Act establishes the Preservation Area and Planning Area of the Highlands Region. It describes the varied attributes of each and sets forth the major land use planning goals that pertain to the lands located within each. The Act defines the geographic extent of the Highlands Region to include the aggregated land area making up its constituent municipalities (N.J.S.A. 13:20-7a). It provides a physical delineation of the Preservation Area by use of a specific metes and bounds description (N.J.S.A. 13:20-7b), designating all remaining lands within the Highlands Region as the Planning Area. Chester Borough lies fully within the Highlands Planning Area.

### § 4.1.1 Highlands Planning Area

The Chester Borough Master Plan incorporates the Highlands Planning Area, inclusive of the goals applicable to it, as an integral component of the planning and land use policies of the municipality.

### § 4.1.2 Planning Area Adopted

The Planning Area, to the full extent of its limits within the Borough of Chester (being the entirety of the municipality) is herewith adopted and established as an overlay to municipal zoning.

## § 4.2 HIGHLANDS ZONES AND SUB-ZONES

The Highlands RMP establishes three primary zones (the Protection Zone, Conservation Zone and Existing Community Zone) and four sub-zones (Wildlife Management Sub-Zone, Conservation Zone–Environmentally Constrained Sub-Zone, Existing Community Zone–Environmentally Constrained Sub-Zone and Lake Community Sub-Zone) each with its own purpose, application and development criteria. Delineation of Highlands Zones finds basis in the underlying natural resources, the extent of existing development and supporting infrastructure, and the potential to support new development and redevelopment. Highlands Zones are intended to ensure that the density and intensity of future development and redevelopment do not exceed the capacity of the land, natural resources and existing infrastructure to support them. The Borough of Chester Master Plan incorporates the Highlands zones and sub-zones as an integral component of the planning and land use policies of the municipality.

In keeping with the Land Use Plan of the Chester Borough Master Plan, the following Highlands Zones and Sub-Zones are herewith established as overlays to existing municipal zoning:

### § 4.2.1 Protection Zone

The Protection Zone contains the highest quality natural resource value lands of the Highlands Region. Lands in the Protection Zone are essential to maintaining water quality, water quantity and sensitive ecological resources and processes and have limited or no capacity to support human development without adversely affecting overall ecological function. Land acquisition is a high priority for lands in the Protection Zone and development activities will be extremely limited. Any development will be subject to stringent limitations on consumptive and depletive water use, degradation of water quality, and impacts to environmentally sensitive lands and natural resources.

### § 4.2.2 Conservation Zone

The Conservation Zone consists of areas with significant agricultural lands interspersed with associated woodlands and environmental features that should be preserved when possible. The Conservation Zone is intended primarily for agricultural use and development, including ancillary and supporting uses and activities. Non-agricultural development activities will be limited in area and intensity due to infrastructure constraints

and resource protection goals. Where non-agricultural development does occur it must be compatible with agricultural uses.

### § 4.2.3 Conservation Zone – Environmentally Constrained Sub-Zone

The Conservation Zone–Environmentally Constrained Sub-Zone consists of lands containing significant environmental features within the Conservation Zone that should be preserved and protected from non-agricultural development. Development activities will be limited and subject to stringent limitations on consumptive and depletive water use, degradation of water quality, and impacts to environmentally sensitive lands.

### § 4.2.4 Existing Community Zone

The Existing Community Zone consists of areas of concentrated development representing existing communities. These areas tend to have limited environmental constraints due to previous development patterns, and may have existing infrastructure that can support additional development or redevelopment. Where served by adequate supporting infrastructure, lands within the Existing Community Zone are suited to higher densities and intensities of development than other Zones.

### § 4.2.5 Existing Community Zone – Environmentally Constrained Sub-Zone

The Existing Community Zone–Environmentally Constrained Sub-Zone consists of significant contiguous Critical Habitat, steep slopes and forested lands within the Existing Community Zone that should be protected from further fragmentation. They serve as regional habitat "stepping stones" to larger contiguous Critical Habitat and forested areas. As such, they are not appropriate for significant development, and are best served by land preservation and protection. Development is subject to stringent limitations on consumptive and depletive water use, degradation of water quality, and impacts to environmentally sensitive lands.

## § 4.3 HIGHLANDS RESOURCE AND SPECIAL PROTECTION AREAS

The Highlands RMP establishes Highlands Resource Areas and Special Protection Areas, each delineated based on the existence of one or more significant Highlands resources or critical or sensitive environmental characteristics or features. The Borough of Chester Master Plan incorporates each of these areas to the extent of their physical limits within the municipality, and the specific policies, goals and objectives relating to their protection as an integral component of the planning and land use policies of the municipality. In keeping with the Borough of Chester Master Plan, the following Highlands Resource Areas and Special Protection Areas are herewith established as overlays to municipal zoning:

### § 4.3.1 Forest Resource Area

The Forest Resource Area contains high ecological value forest areas including forested areas having the least fragmentation which are vital to the maintenance of ecological processes. The Forest Resource Area includes forested areas characterized by one or more of the following forest integrity indicators: a contiguous forest patch of 500 acres or more; an area consisting of 250 contiguous acres or more of Core Forest; or areas accounting for 45% or more of mean total forest cover.

### § 4.3.2 Highlands Open Waters

Highlands Open Waters consist of all springs, streams including intermittent streams, wetlands, and bodies of surface water, whether natural or artificial, located wholly or partially within the boundaries of the Highlands Region, but not including swimming pools. Highlands Open Waters include seeps, lakes, ponds, and vernal pools, all categories (including springs, streams, and wetlands) as described and defined in the Borough of Chester Environmental Resource Inventory.

### § 4.3.3 Riparian Areas

Riparian Areas are areas adjacent to and hydrologically interconnected with Highlands Open Waters rivers and streams. They consist of flood prone areas, wetlands, soils that are hydric, alluvial, or have a shallow depth to

ground water. Riparian Areas also include wildlife passage corridors within 300 feet of surface Highlands Open Waters features.

### § 4.3.4 Steep Slope Protection Area

The Steep Slope Protection Area is comprised of those portions of the municipality encompassing a minimum of 5,000 square feet of contiguous area, which are characterized either by grades of 15% or greater, or, if in a Riparian Area, 10% or greater. The Steep Slope Protection Area includes the following sub-classifications:

A. *Severely Constrained Slopes.* All lands having slopes of 20% or greater and lands within Riparian Areas having slopes of 10% and greater.

B. *Moderately Constrained Slopes.* All forested non-Riparian Area lands having a slope of 15% to less than 20%.

C. *Constrained Slopes.* All non-forested, non-Riparian Area lands having a slope of 15% to less than 20% and exhibiting one or more of the following characteristics: a) highly susceptible to erosion; b) shallow depth to bedrock; or c) a Soil Capability Class indicative of wet or stony soils.

D. *Limited Constrained Slopes.* All non-forested, non-Riparian Area lands having a slope of 15% to less than 20%, which are not highly susceptible to erosion, and do not have a shallow depth to bedrock or a Soil Capability Class indicative of wet or stony soils.

### § 4.3.5 Critical Habitat

Critical Habitat is comprised of all land areas designated as Critical Wildlife Habitat, Significant Natural Areas, and Vernal Pools, including Vernal Pool Buffers. Chester Borough contains only the first of these, Critical Wildlife Habitat, which is established as an overlay to municipal zoning. Critical Wildlife Habitat consists of those areas within NJDEP's Landscape Project Version 3 (or more recent version as amended) that are Landscape Rank 3 through 5. In addition, it includes areas that are designated Landscape Rank 2 and have a Highlands Conservation Rank of Critically Significant or Significant.

### § 4.3.6 Prime Ground Water Recharge Areas

Prime Ground Water Recharge Areas consist of those lands having the highest ground water recharge rates within each HUC14 subwatershed (as indicated by analysis using the GSR-32 methodology of the New Jersey Geological Survey), and that cumulatively provide forty percent (40%) of the total recharge volume for the subwatershed.

### § 4.3.7 Wellhead Protection Areas

Wellhead Protection Areas consist of those areas surrounding a public water system well, from which ground water flows to the well and ground water contamination, if it occurs, may pose a significant threat to the quality of water withdrawn from the well. Wellhead Protection Areas are composed of three tiers reflecting the time required for ground water to flow into the well, as follows:

A. *Wellhead Protection Area Tier 1.* That area of land within a Wellhead Protection Area (WHPA) from which the flow of ground water to the well has a Time of Travel of 2 years.

B. *Wellhead Protection Area Tier 2.* That area of land within a WHPA from which the flow of ground water to the well has a Time of Travel of 5 years.

C. *Wellhead Protection Area Tier 3.* That area of land within a WHPA from the flow of ground water to the well has a Time of Travel of 12 years.

### § 4.3.8 Agricultural Resource Area

The Agricultural Resource Area consists of those areas of the most concentrated and contiguous agricultural uses as determined based on the prevalence of active farms, contiguous farming units of 250 acres or more, and the presence of Important Farmland Soils.

### § 4.3.9 Highlands Historic, Cultural and Archaeological Resources

Highlands Historic, Cultural and Archaeological Resources consist of those properties, sites and districts listed in the Highlands Historic, Cultural and Archaeological Resources Inventory. These include but are not limited to: all properties listed on the New Jersey or National Register of Historic Places; all properties which have been deemed eligible for listing on the New Jersey or National Register of Historic Places; and all properties for which a formal opinion of the State Historic Preservation Office (SHPO) has been issued.

## § 4.4 ADOPTION OF HIGHLANDS DISTRICT MAPS

All Highlands Districts as set forth under § 4.1 through § 4.3, above, including the Planning Area (encompassing the whole of the municipality), all Zones and Sub-Zones, Resource Areas and Special Protection Areas, are hereby established by the designation, location and boundaries as set forth for each respectively, in the following maps, each of which is hereby declared to be a part of this Highlands Land Use Ordinance:

### § 4.4.1 Borough of Chester Highlands Planning Area, Zones, and Sub-Zones

Map entitled "Chester Borough Highlands Planning Area, Highlands Zones and Sub-Zones," dated May 25, 2016, depicting the Borough's Highlands Planning Area (whole of municipality) with delineation of Highlands Zones and Sub-Zones, as provided by the Highlands Council (Exhibit 1).

### § 4.4.2 Highlands Resource and Special Protection Areas

Series of Maps depicting the Resource and Special Protection Areas listed at § 4.3.1 through § 4.3.9 above, and also including related features and areas as discussed and defined in Article 6 of this Ordinance; dated May 25, 2016 (unless otherwise specifically noted), as provided by the Highlands Council.

A. ***"Forest Resource Area, Total Forest Area."*** Map depicting that portion of the Borough's Highlands Area designated as Forest Resource Area (pursuant to § 4.3.1 above) and identifying Total Forest Area (as defined at § 6.1); map denoted Exhibit 2.

B. ***"Highlands Open Waters."*** Map depicting Highlands Open Waters located wholly or partially within the Borough Highlands Area (pursuant to § 4.3.2 above); map denoted Exhibit 3.

C. ***"Riparian Area."*** Map depicting Riparian Areas (pursuant to § 4.3.3 above) located within the Borough map denoted Exhibit 4.

D. ***"Steep Slope Protection Area."*** Map depicting those portions of the Borough having 5,000 square feet or more of contiguous surface area in steep slopes (pursuant to § 4.3.4 above); map denoted Exhibit 5.

E. ***"Critical Wildlife Habitat."*** Map depicting those portions of the Borough/Township/Town designated as Critical Wildlife Habitat (pursuant to § 4.3.5 A above); map denoted Exhibit 6.

F. ***"Prime Ground Water Recharge Area, Wellhead Protection Areas."*** Map depicting those portions of the Borough designated as Prime Ground Water Recharge Areas (pursuant to § 4.3.6 above); and the location of public water system wells within the Borough and the associated wellhead protection tiers surrounding them (pursuant to § 4.3.7 above); map denoted Exhibit 7.

G. *"Agricultural Resource Area."* Map depicting those lands of the Borough designated as Agricultural Resource Area (pursuant to § 4.3.8 above); map denoted Exhibit 8.

H. *"Highlands Historic, Cultural and Archaeological Resources."* Map depicting properties located within the Borough that are listed in the Highlands Historic, Cultural, and Archaeological Resources Inventory (pursuant to § 4.3.11 above); map denoted Exhibit 9.

## § 4.5 INTERPRETATION OF DISTRICT MAPS BOUNDARY LINES

All Highlands District maps, as set forth at § 4.4 above, have been developed by the Highlands Council using Geographic Information System (GIS) digital data. The provisions herein shall apply to the interpretation and use of all Highlands District maps and the boundary lines they specify.

### § 4.5.1 Municipal Boundary Lines

The Highlands Act relies upon municipal boundary lines to designate the limits of the Highlands Region. The Highlands Council dataset establishing municipal boundary lines was created by dissolving parcel level polygons (GIS) for each of the 88 municipalities within New Jersey Highlands. Parcels from the following counties have a general accuracy of plus or minus five (5) feet: Bergen, Passaic, Somerset, Sussex, and Warren. Data from Hunterdon and Morris were provided by the counties and may have a different accuracy level. This dataset is for representative purposes only. Where the specific delineation of any municipal boundary line comes into question, municipal information such as metes and bounds surveys shall be relied upon for any final determination.

### § 4.5.2 Highlands Zones, Sub-Zones, Resource Areas, Special Protection Areas

The boundaries delineated for all Highlands Zones, Sub-Zones, Resource Areas, and Special Protection Areas were developed by the Highlands Council based on the factors noted in the description of each, above. Further discussion is provided in the Chester Borough Environmental Resource Inventory and in the Highlands Element of the Chester Borough Master Plan.

### § 4.5.3 Mapping Conflicts

In the event of a conflict concerning the location of any Highlands District boundary line, the delineations provided by the Highlands Council as adopted herein, shall be determinative. Modifications may be requested of the Highlands Council through submittal of an RMP Update, Map Adjustment, or Highlands Center Designation in such manner as required by the Highlands Council, or as specifically provided otherwise in this Ordinance. In the event of a conflict concerning the delineation of any parcel plotted by the Highlands Council using GIS software, a current property survey shall be determinative.

# ARTICLE 5. HIGHLANDS ZONE DISTRICT REGULATIONS

## § 5.1 APPLICABILITY

The provisions of this Article modify the regulations applicable to the underlying municipal Zoning Districts, with specific regard to permitted uses, conditionally permitted uses, prohibited uses, and densities and intensities of development.

## § 5.2 USE REGULATIONS

All principal and accessory uses permitted or conditionally permitted by the underlying municipal Zoning Ordinance shall remain in effect as provided therein, except to the extent that such uses may be modified or eliminated by the provisions of this section. Any and all principal and accessory uses prohibited by the underlying Zoning Ordinance shall remain prohibited as provided therein, unless specifically designated as a permitted use by the provisions of this section. The lists of permitted, conditionally permitted and prohibited uses of the underlying Zoning Ordinance are herewith amended as necessary to provide for the use allowances and use restrictions that follow.

### § 5.2.1 Permitted Uses

The permitted uses applicable to that portion of any municipal Zoning District overlain by the Highlands District classifications listed below shall be modified in accordance with the provisions that follow. In addition, any use permitted by the underlying zoning that is cited at § 5.2.2 or § 5.2.3 below, shall be amended in accordance with the provisions set forth therein.

A. *Agricultural Resource Area.*

1. With the exception of any forested portion of the Agricultural Resource Area that is also designated as a Forest Resource Area, permitted principal uses shall be supplemented to include the agricultural and horticultural uses (defined at § 3.2) specified at § 6.10.3, below. Accessory uses permitted in conjunction with these uses shall include ancillary, incidental or otherwise related supporting uses and the accessory structures devoted to such uses.

2. The permitted principal residential use for any underlying municipal Zoning District which permits single-family residential development as a principal use, shall be restricted solely to residential cluster development in accordance with the Residential Cluster Development standards as set forth at § 8.1, below. This provision shall apply only if the minimum threshold requirements for residential cluster development pursuant to § 8.1.6 can be satisfied. Where the minimum threshold requirements of § 8.1.6 cannot be satisfied, permitted principal residential uses shall remain as permitted by the underlying municipal zoning ordinance.

3. Permitted principal uses shall include the continuance of any lawfully existing residential use permitted by the underlying municipal Zoning Ordinance as of the effective date of this Ordinance.

### § 5.2.2 Conditional Uses

Any use conditionally permitted by the underlying zoning that is cited at § 5.2.1 above or § 5.2.3 below, shall be amended in accordance with the provisions set forth therein.

### § 5.2.3 Prohibited Uses

A. *Prime Ground Water Recharge Area, Wellhead Protection Area.* The following principal or accessory uses and structures related or devoted to such uses, where otherwise permitted by the underlying municipal Zoning Ordinance, are expressly prohibited from the Prime Ground Water Recharge Area and from Wellhead Protection Area Tiers 1 and 2:

1. Landfills;

2. Facilities for the permanent storage or disposal of hazardous wastes, industrial or municipal sludge or radioactive materials, including solid waste landfills;

3. Collection and transfer facilities for hazardous wastes, solid wastes that contain hazardous materials, and radioactive materials; and

4. Industrial treatment facility lagoons.

B. *Wellhead Protection Area, Tier 1.* Any principal or accessory use, or structure related or devoted to such use, which is designated by the Highlands Council as a Major or Minor Potential Contaminant Source (PCS) (see APPENDIX B and APPENDIX C), where otherwise permitted by the municipal ordinance, is expressly prohibited from that portion of any Tier 1 Wellhead Protection Area lying within 200 feet of the wellhead.

## § 5.3 DENSITY AND INTENSITY OF DEVELOPMENT

The provisions of this section are intended to ensure that development occurs at densities and intensities that are appropriate to the water supply and wastewater treatment options available to support it. These provisions shall serve as a check on the various density/intensity provisions of the underlying Zoning Ordinance, which shall remain in effect to the extent not specifically in conflict with these provisions. The density/intensity allowances of the underlying Zoning Ordinance provisions reflect the intents and purposes set forth for the municipal zoning districts as established by the Borough of Chester Master Plan and the effectuating Zoning Ordinances. They define and support the intended character and patterns of development for each district, setting forth the relationship between built form in a district and the lot or lots on which it is situated. The provisions of this section relate solely to ensuring that such development: a) does not exceed the capacity of the land, resources and infrastructure available to support it; and b) is designed to minimize land disturbance and protect natural resources.

### § 5.3.1 Use of Terms

For purposes of these provisions, density of development standards refer to requirements of the underlying Zoning Ordinance that regulate the permitted number of dwelling units per acre of land, whether specifically defined as density standards or set forth as minimum lot size requirements for application to specific zoning districts. Intensity of development standards refer to those requirements used to define the relationship between the permitted extent, form and location of development of a lot, to the size, shape and configuration of the lot on which it is situated (e.g., floor area ratio, building coverage, building height, yard setbacks, number of stories).

### § 5.3.2 Base Mapping

Base maps regarding water availability and wastewater treatment capacity appear in the technical information provided in the Conservation and Utility Services Plans of the Borough of Chester Master Plan Highlands Element. These maps are combined into one for purposes of this Ordinance, denoted as Exhibit 10 and herewith adopted and incorporated, as titled: "Net Water Availability by HUC14 Subwatershed, Highlands Domestic Sewerage Facilities, Public Community Water Systems."

### § 5.3.3 Development Subject to Water Availability

Any proposed increase in the demand for water supply averaging 6,000 gallons per day or more, deriving from ground water sources or from surface water sources that are not associated with a NJDEP-approved safe yield,

shall be accompanied by a finding of sufficient water capacity, which finding shall be issued by the Highlands Council. This provision shall apply to all development as defined at § 3.2, expressly including changes in use and modifications to existing uses. Specific requirements pertinent to new development reliant upon ground water supplies may be found at § 6.7. For purposes of determining net increases in water demand associated with modifications to existing uses pursuant to these requirements, the following unit/square footage figures shall apply as 400-gallon-per-day equivalents:

A. Residential Uses (All Types) – 1 dwelling unit

B. Office and Commercial Uses – 2,400 square feet of floor area

C. Industrial (Including Warehousing/Distribution) Uses – 18,182 square feet of floor area (Excluding Process Wastewater Flow)

### § 5.3.4 Development Served by Septic Systems

Development proposals involving new or increased demand for septic system capacity shall be regulated in accordance with this subsection. These provisions shall override any density, intensity, bulk, or other standard of the underlying Zoning Ordinance that would otherwise permit a septic system density or use of septic system yield in excess of that as provided herein. These provisions shall apply equally in the case of any agricultural or horticultural development application proposing three (3) or more residential dwelling units (including accessory dwelling units) served by individual on-site septic system(s). Nothing herein shall be deemed to apply to the replacement or repair of an existing septic system, however.

A. *Septic System Density Allowances.* Septic system density (gross acres per septic system) shall not exceed the following Highlands Council allowances, for each Highlands Zone and Sub-Zone:

1. Existing Community Zone (and Sub-Zones) – 8 acres/septic system

2. Conservation Zone (and Sub-Zones) – 9 acres/septic system

3. Protection Zone (and Sub-Zones) – 23 acres/septic system

B. These allowances indicate the minimum acreage required per septic system, where that system is designed for a one-family household generating a maximum flow of 300 gallons of wastewater per day. The resulting acreage shall be applied as the minimum average acreage necessary to support every 300 gallons of daily wastewater flow generated by any proposed use where the unit/square footage figures below shall be applied as 300 gallon-per-day equivalents.

C. *Equivalent Yields.* The following unit/square footage figures shall be applied as 300 gallon-per-day equivalents:

1. Residential Uses (All Types, except as provided below) – 1 dwelling unit

2. Deed-Restricted Senior Citizen Residential Units, or Mobile Home Parks with dwelling units less than 500 square feet in size – 1.5 dwelling units

3. Office and Commercial Uses – 2,400 square feet of floor area

4. Industrial (Including Warehousing/Distribution) Uses – 18,182 square feet of floor area (Excluding Process Wastewater Flow)

5. Specific Non-Residential Uses by Facility Type – In lieu of c., or d., above, 300 gallon-per-day equivalents may be computed based on the average sewage volumes provided in APPENDIX E, from N.J.A.C. 7:9A-7.4.

D. *Floor Area.* For the purposes of this subsection, floor area shall comprise the area of each floor of a building lying within the inside perimeter of its exterior walls excluding vent shafts, courts, and unfinished areas such as basements or attics having ceiling heights less than that required for habitable space under the building code.

E. *Additional Septic System Requirements*. In addition to the requirements above, individual subsurface sewage disposal systems or equivalent disposal units shall satisfy all standards for design, installation, and maintenance as set forth in any applicable Borough of Chester Health Ordinance and any related and applicable regulatory requirements of other agencies having jurisdiction.

### § 5.3.5 Development Served by Existing or Extended Utility Infrastructure

Where lots proposed for development are served by existing public water and wastewater utility infrastructure having sufficient available capacity, the density and intensity of new development shall be consistent with all requirements of the underlying municipal Zoning Ordinance. For purposes of this provision, "existing" water and wastewater utility infrastructure refers to that, either: a) lawfully constructed and operational, or b) approved for construction in an Existing Community Zone (excluding the Constrained Sub-Zone) under an Areawide Water Quality Management Plan.

### § 5.3.6 New or Extended Utility Infrastructure

A. ***Protection Zone, Conservation Zone, and Environmentally-Constrained Sub-Zones.*** New, expanded or extended public water systems, wastewater collection and treatment systems, and community on-site treatment facilities are permitted only where approved by the Highlands Council.

B. ***Existing Community Zone*** *(excluding Environmentally-Constrained Sub-Zone).* Expansion or creation of public water systems, wastewater collection and treatment systems, and community on-site treatment facilities are permitted: to serve lands which are appropriate for designated TDR Receiving Zones, infill development, or redevelopment; to address public health and safety; or to serve new areas for development; all of which address all other requirements of this Ordinance. (See applicable provisions at § 7.7 - § 7.8, below.)

### § 5.3.7 Development Served by New or Extended Utilities

Where new development proposed in the Highlands Area will not rely upon installation of septic systems, but will be served by new or extended public water systems, wastewater collection and treatment systems, or community on-site treatment facilities, such development shall be in compliance with any conditions of approval required by the Highlands Council or the NJDEP, as applicable, in connection with amendment of the Areawide Water Quality Management Plan.

# ARTICLE 6. HIGHLANDS RESOURCE REGULATIONS

## § 6.1 FOREST RESOURCES

### § 6.1.1 Findings

Forests are a defining visual and functional feature of the Highlands Region. Forests provide habitat and sustenance for a diverse array of plants and animals and are essential to maintaining biodiversity. Forests protect against soil erosion, provide filtration for ground water recharge, and assist in protecting stream water quality. Forests retain moisture and sequester atmospheric carbon, thus helping to stabilize weather patterns and mitigate global warming. Forested areas of the municipality offer important recreational resources, contribute to its unique scenic quality, and when managed sustainably, can provide a long-term source of wood and wood products.

### § 6.1.2 Total Forest Area

All portions of the municipality identified by the Highlands Council as containing forest (as defined at § 3.2) appear as Total Forest Area in the map titled "Forest Resource Area, Total Forest Area," (Exhibits 2), adopted and incorporated as a component of this Ordinance pursuant to § 4.4, above. The Total Forest Area includes forested portions of lands designated as Forest Resource Area, as provided at § 4.3.1, above.

### § 6.1.3 Clear-Cutting Prohibited

Clear-cutting is prohibited in any forested portion of the municipality, whether the affected lands are delineated as Total Forest Area or Forest Resource Area, or consist of lands containing upland forest, as determined under the procedures provided at APPENDIX A.

### § 6.1.4 Standards

Disturbance (as defined at § 3.2) of any forested portion of the municipality shall be permitted only upon a finding by the reviewing board or other applicable municipal authority that the following requirements have been satisfactorily addressed:

A. Demonstration that the proposed disturbance can neither be avoided nor reduced in extent, while adequately providing for a proposed use that otherwise addresses the requirements of this Ordinance;

B. Incorporation of Low Impact Development techniques (see § 7.2) appropriate to the activity or development project proposed;

C. For any proposed disturbance of one half (½) acre or more, other than that associated with the maintenance of a legally pre-existing use or structure (expressly excluding the expansion of any such use or structure), submission, approval and implementation of a Forest Mitigation Plan designed to minimize the extent of such disturbance, protect forest areas adjacent or proximate to the disturbance area, and mitigate for loss of trees or other forest vegetation removed during the course of such disturbance; and

D. Notwithstanding the preceding provisions, in the case of any proposed disturbance that by definition constitutes deforestation, submission, approval and implementation of a Forest Mitigation Plan designed to minimize the extent of deforestation, protect forest areas to remain, and restore or mitigate for forest area loss.

### § 6.1.5 Forest Impact Reports Required

Any application proposing a disturbance requiring a Forest Mitigation Plan pursuant to § 6.1.4 above, shall be accompanied by a Forest Impact Report containing at minimum, the items listed in this subsection.

A. *All Forest Impact Reports*

1. A map of upland forest area located on or within 500 feet of the subject property, as determined in accordance with APPENDIX A. A map indicating any on-site areas designated as Forest Resource Area or Total Forest (Exhibit 2). Where access is not available to adjacent properties, the municipal Environmental Resource Inventory and any updated Highlands Council GIS data delineating the Forest Resource Area and Total Forest may be relied upon for off-site forest identification.

2. A description of the nature, density and intensity of the proposed use or activity.

3. A plan indicating the extent of the forest disturbance area, identifying the number, location, species and, for trees of greater than six (6) inches in caliper (measured at 4.5 feet above grade level), the caliper of any trees proposed for removal.

4. A description of the site alternatives analysis undertaken to, in this order: a) avoid forest disturbance; b) minimize forest disturbance; and c) ensure that any forest disturbance that cannot be avoided results in the least impact.

5. A description of the low impact development practices to be used to minimize the disturbance area and its impact; design details to be indicated in development plans, if applicable.

6. If the applicant proposes site-specific forest information that differs from mapped forest resources in Exhibit 2, including information based on the method in APPENDIX A, it must be provided in a format and with sufficient information that the findings may be submitted for verification by the Highlands Council as an RMP Update.

7. An analysis of the effects (direct and indirect) of the proposed use or activity upon forests, including forest areas adjacent and proximate to the disturbance area.

B. *Deforestation Impact Reports.* In addition to the items required above for all Forest Impact Reports, any application proposing disturbance that by definition (see § 3.2), constitutes deforestation, shall include:

1. A description of the area surrounding the subject property within a 0.5-mile radius.

2. A map of all forest resources, as described in the Environmental Resources Inventory, within a 0.5-mile radius of the property, including any areas designated as Forest Resource Area or Total Forest (Exhibit 2). Highlands Council Interactive Website mappings may be utilized to address this requirement in the event the affected land area extends into adjoining municipalities.

3. A field survey and description of the local ecological community type(s) on the site and a description of the surrounding, macro-scale ecological community type(s) of which the property is part.

4. An inventory of forest community composition and stand structure. The inventory shall include a description of vegetation species richness, vegetation species composition, stand density and basal area, connectivity with surround forested lands, and the survey method.

5. An impact analysis documenting and describing any increase in forest fragmentation, creation of forest edge, disruption of forest area on steep slopes or riparian areas, or disruption of core forest areas that will occur as a result of the proposed use or activity.

### § 6.1.6 Forest Mitigation Plans

All Forest Mitigation Plans must be prepared by a State of New Jersey Approved Forester or other qualified professional. A Forest Mitigation Plan must include each of the components listed herein.

A. *Mitigation Priority Area Map.* Priority Areas are forested locations within the site having the highest ecological value to be targeted for conservation, restoration, or mitigation, including such areas as:

1. Highlands Open Waters and Buffers
2. Riparian Areas, including Floodplains and Floodprone Areas
3. Critical Habitat
4. Steep Slopes and Ridgelines
5. Core Forests and Contiguous Forest Patches

B. *Protection Plan.* A plan providing the proposed methodology appropriate to, and by which the applicable mitigation priority areas will be protected throughout the period of forest disturbance and thereafter.

C. *Forest Protection Plan.* A plan incorporating pre-construction and construction best management practices to ensure the well-being of forest areas adjacent or proximate to the disturbance area. Such plans shall include prescribed limits of disturbance to be mapped, field marked, and provided with protective fencing prior to the start of any construction activity. Plans shall indicate installation of tree protection fencing along the drip line of trees to be protected, with instructions barring encroachment by machinery or heavy equipment of any kind, and requiring regular inspection and maintenance of fencing throughout the construction period.

D. *Mitigation Description.* A description of the proposed forest restoration, tree planting plan or other mitigation initiative proposed to provide equivalent or enhanced forest ecosystem benefit in consideration of the extent and type of disturbance or deforestation that would result if the use or activity is approved.

E. *Planting Plan.* A detailed plan indicating the specific plantings proposed for restoration, reforestation or mitigation, including size, species, quantity, location, separation distances, planting details, deer and pest management protections, and maintenance plans.

F. *Maintenance Agreement.* A minimum 3-year maintenance agreement that outlines care-taking responsibilities of the applicant once the proposed planting has been completed. The maintenance agreement must include monitoring of newly planted stands, provide for protection devices in working order for 3 years, and ensure at least a 75% survival rate after 3 years.

## § 6.2 HIGHLANDS OPEN WATERS & RIPARIAN RESOURCES

### § 6.2.1 Findings

Highlands Open Waters (Exhibit 3) include all springs, streams (including intermittent streams), wetlands and bodies of surface water, whether natural or artificial (excluding swimming pools), located wholly or partially within the municipality. Highlands Open Waters contribute to the water resources of the Highlands Region, and ultimately to the water supply of millions of New Jersey citizens. They are essential to the ecologic function of the plant and animal communities that depend upon them for survival. Highlands Open Waters are also an

important physical feature of the Borough of Chester, contributing to its character, aesthetics, history and development, and to its recreational opportunities.

Protection of Highlands Open Waters is vital not only to the municipality, but to the Highlands Region and the state of New Jersey. The provision or preservation/enhancement of buffer areas adjacent to Highlands Open Waters is an integral component to ensuring such protection. Key functional values that buffers provide or contribute to, include but are not limited to: habitat for flora and fauna, stormwater and flood water retention and filtration, water quality protection, temperature moderation, aquatic ecosystem integrity and channel integrity. Highlands Riparian Areas (Exhibit 4) are lands associated with and bordering on Highlands Open Waters, often extending beyond Highlands Open Water buffers. These lands are likewise essential to providing critical hydrologic, ecologic and pollutant attenuation functions for Highlands Open Waters. Riparian areas moderate fluctuations in water temperature, help maintain ground water recharge and stream base flow, stabilize stream banks, and provide flood storage areas. During high flow or overland runoff events, riparian areas reduce erosion and sediment loads to surface water and remove excess nutrients and contaminants from flood water. Riparian areas also provide habitat for a variety of animal species and support terrestrial and aquatic food webs through deposition of woody debris.

It is in the interest of the local community, the Highlands Region, and the state of New Jersey that the Highlands Open Waters of the Borough of Chester, including associated buffers and Riparian Areas, receive the highest level of protection possible. The map of Highlands Riparian Areas (Exhibit 4) includes all Highlands Open Waters and associated flood prone areas, riparian soils and wildlife corridors.

### § 6.2.2 Highlands Open Waters Protection Buffer

All Highlands Open Waters shall include a minimum 300-foot wide protection buffer, as measured from the edge of the discernible bank of the Highlands Open Waters feature, or from the centerline where no discernible bank exists. These buffers are included in the map of Highlands Open Waters at with respect to streams, rivers, ponds, lakes and reservoirs. With respect to wetlands and other Highlands Open Waters features not mapped in Exhibit 3 (e.g., seeps, springs), each shall include a 300-foot wide protection buffer measured from a delineated wetlands line described in a Letter of Interpretation (LOI), or from a field-delineated boundary line for other features.

### § 6.2.3 Highlands Open Waters Buffer Standards

Highlands Open Waters buffers shall be maintained in their undisturbed or pre-existing condition, unless a disturbance is approved in accordance with the provisions of this section.

A. ***Pre-existing Structures or Improvements.*** Any lawfully pre-existing structure or improvement located within a Highlands Open Waters protection buffer area as of the effective date of this Ordinance may remain and be maintained or rehabilitated, provided that the existing area of disturbance attributed to or associated with such structure or improvement shall not be increased.

B. ***Agricultural & Horticultural Land Uses.*** For purposes of this section, existing agricultural and horticultural uses, whether or not under active management or operation, shall not be included in any assessment of "previously disturbed" buffer areas with regard to proposals for non-agricultural development.

C. ***Approvals Subject to Outside Agency Approvals.*** Approval of any application involving the disturbance of a Highlands Open Waters buffer pursuant to this section shall not be construed to relieve the applicant from the applicable rules, regulations or legal requirements of any other agency having jurisdiction over such buffers, including but not limited to: the NJDEP (e.g., Freshwater Wetland Rules, N.J.A.C. 7:7, Stormwater Management Rules, N.J.A.C. 7:8, Flood Hazard Area Rules, N.J.A.C. 7:13, NJPDES Rules, N.J.A.C. 7:14A); a Soil Conservation District pursuant to its authority under New Jersey Soil Erosion and Sediment Control Act Rules, N.J.A.C. 2:90; or any county or other regional entity having

authority pursuant to a Regional Stormwater Plan adopted by NJDEP under N.J.A.C. 7:8 and N.J.A.C. 7:15.

D. *Municipal Stormwater Management Requirements.* Where the provisions of this section are in conflict with the provisions of an adopted municipal stormwater management ordinance, the more restrictive of the two shall apply.

E. *Stream Corridor Protection/Restoration Plan.* Where the provisions of this section are in conflict with the provisions of an adopted Stream Corridor Protection/Restoration Plan, the provisions of the adopted Plan shall override.

F. *Protection Buffer Expansion.* The provisions of this section shall not be construed to preclude the imposition of a wider protection buffer requirement where site-specific analysis and evaluation by a qualified professional indicates that such expansion is essential to the protection of Highlands Open Waters, associated Riparian Areas, or the habitat of water or wetlands-dependent species (particularly in the case of rare, threatened or endangered species) located therein.

G. *Disturbance Limitations.* Disturbance is prohibited within all Highlands Open Waters and adjacent 300-foot buffers except for linear development, which shall be permitted only provided that there is no feasible alternative for the linear development outside the Highlands Open Waters or Highlands Open Water buffer. The provisions of this subsection shall apply until and unless overridden by ordinance provisions adopted pursuant to a Highlands Council-approved Stream Corridor Protection and Mitigation Plan.

1. To address the "no feasible alternative for linear development" standard, the applicant shall demonstrate that there is no other location, design or configuration for the proposed linear development that would reduce or eliminate the disturbance. For proposed linear development that would provide access to an otherwise developable lot, the applicant shall, in addition, show that:

   a) The proposed linear development is the only point of access for roadways or utilities to an otherwise developable lot; and

   b) Shared driveways are used to the maximum extent possible to access multiple lots.

2. An alternative shall not be excluded from consideration under this subsection merely because it includes or requires an area not owned by the applicant that could reasonably be obtained, utilized, expanded or managed in order to fulfill the basic purpose of the proposed linear development.

3. The reviewing municipal authority shall not approve any application pursuant to this subsection if, after review of the information provided to support an approval, it finds that there is a reasonable alternative to the proposed linear development.

### § 6.2.4 Riparian Area Standards

Disturbance of any portion of a Highlands Riparian Area is prohibited except for linear development, which shall be permitted only provided that there is no feasible alternative for the linear development outside of the Riparian Area. All provisions of § 6.2.3 G above shall apply with regard to the "no feasible alternative" standard. These provisions shall apply until and unless Riparian Area disturbances are otherwise authorized under implementing ordinance provisions adopted pursuant to a Highlands Council-approved Stream Corridor Protection and Mitigation Plan.

## § 6.3 STEEP SLOPES

### § 6.3.1 Findings

Disturbance of steep slopes can trigger soil erosion and sedimentation, resulting in the loss of topsoil. Steep slope disturbance can contribute to siltation of wetlands, lakes, ponds and streams, which damages and degrades wetland and aquatic habitats. Steep slope disturbance can also result in alteration of drainage patterns, which when severe, can result in land slumping and landslides. Protection of steep slope areas is essential to the safety and stability of the human and non-human environment. Avoiding disturbance of steep slopes protects surface water quality, plant and wildlife habitat, and habitat quality. It also protects ridgelines, hillsides, and mountainous features that provide variation in the landscape, contribute to scenic viewsheds, offer unique recreational opportunities, and in many instances, define the character of an area or region.

The severity and extent of steep slopes, in conjunction with applicable soil characteristics and type and extent of land cover, all affect the potential for damages from the disturbance of steep slopes. The provisions of this section are intended to protect the citizens, buildings and structures, and the natural environment and living ecosystems of the community from harm due to disturbance of steep slopes.

### § 6.3.2 Applicability

The provisions of this section shall apply to the Steep Slope Protection Area (Exhibit 5) and to any other portion of the municipality determined to consist of 5,000 square feet or more of contiguous steep slope(s) (as defined at § 3.2). For purposes of making such determinations, slopes shall be calculated for every two-foot contour interval over the full extent of the existing slope features, regardless of the location of property or other jurisdictional boundary lines.

### § 6.3.3 Steep Slope Standards

A. ***Severely and Moderately Constrained Slopes.*** Disturbance of Severely Constrained and Moderately Constrained Slopes is prohibited, with the exception of that required in connection with a linear development. Such linear development, however, shall be permitted only in the event that there is no feasible alternative for such development outside of the Severely Constrained or Moderately Constrained Slopes.

1. To address the "no feasible alternative for linear development" standard, the applicant shall demonstrate that there is no other location, design or configuration for the proposed linear development that would reduce or eliminate the disturbance of Severely Constrained or Moderately Constrained Slopes. For proposed linear development that would provide access to an otherwise developable lot, the applicant shall in addition, show that:

   a) The proposed linear development is the only point of access for roadways or utilities to an otherwise developable lot; and

   b) Shared driveways are used to the maximum extent possible to access multiple lots.

2. An alternative shall not be excluded from consideration under this subsection merely because it includes or requires an area not owned by the applicant that could reasonably be obtained, utilized, expanded, or managed in order to fulfill the basic purpose of the proposed linear development.

3. The reviewing municipal authority shall not approve any application pursuant to this subsection if, after review of the information submitted to support an approval, it finds that there is a reasonable alternative to the proposed linear development.

B. *Constrained or Limited Constrained Slopes.* Disturbance shall be permitted only upon a finding by the reviewing board or other applicable municipal authority that the application includes or satisfactorily addresses each of the requirements following:

1. Demonstration that the proposed steep slope disturbance can neither be avoided nor reduced in extent, while adequately providing for the proposed use.

2. Incorporation of Low Impact Development techniques (pursuant to § 7.2) appropriate to both the proposed activity and the steep slope environment, designed to reduce the extent of disturbance areas, stabilize areas that are disturbed, provide for stormwater management, and protect adjacent areas during site construction.

3. Development layout shall be designed to:

   a) Minimize the need for landform grading and retaining structures;

   b) Incorporate a cluster development format, where feasible, to minimize the extent of development on steep slopes; and

   c) Disturb steep slopes (where such disturbance cannot be avoided) having the minimum potential for slope instability.

4. Site design shall:

   a) Incorporate stabilization techniques that emphasize bioengineering;

   b) Ensure minimized soil loss during and after construction through steep slope-appropriate soil erosion and sediment control techniques;

   c) Prevent direct discharge of stormwater into Highlands Open Waters features;

   d) Provide for control of stormwater velocity and volume such that no net increase in runoff rates occurs between pre- and post-conditions; and

   e) Provide for maximum protection of existing trees, woodlands and surrounding natural vegetated areas.

## § 6.4 CRITICAL HABITAT

### § 6.4.1 Findings

Habitat protection is critical to maintaining biodiversity and providing for the needs of rare, threatened and endangered plant and animal species. Biodiversity is the variety of plant species, animal species and all other organisms found in a particular environment, and is a critical indicator of ecological integrity. This Ordinance establishes one category of Critical Habitat, as set forth at § 4.3.5, above. Critical Wildlife Habitat includes lands containing habitat for rare, threatened and endangered wildlife species.

Protection of Critical Habitat is essential to the well-being of a wide variety of plants and animals making up the unique ecosystems of the Highlands Region. Such protection is vital to the survival of numerous rare, threatened and endangered species. Protection of Critical Habitat is in the interest of the Borough of Chester and the Highlands Region, as a whole, not only for its contributions to ecosystem stability and biodiversity, but for its role in the health and stability of the human environment, and its contributions to aesthetic values.

### § 6.4.2 Habitat Conservation and Management Plan

Upon Borough of Chester adoption of a Habitat Conservation and Management Plan, which, inclusive of any accompanying ordinances, rules or regulations, shall be approved by the Highlands Council, all applications proposing disturbance of a Critical Habitat area shall be filed, reviewed and considered in accordance with the provisions and criteria provided therein.

## § 6.5 WATER CONSERVATION & DEFICIT MITIGATION

### § 6.5.1 Findings

The water resources of the municipality are critical to supporting the life of the community. Ground water supplies represent the primary source of potable water in the Highlands Region and provide base flow to the Region's streams. The importance of ensuring the high quality and sustainable use of Highlands ground water supplies cannot be overstated. The availability of clean water for human use is critical to the life and economic vitality of the municipality and the Highlands Region as a whole. The availability of water for ecological purposes is critical to sustaining the aquatic ecosystems of streams, ponds and lakes as well as the riparian flora and fauna that depend upon them. When water withdrawals exceed the rate of recharge, ground water supplies diminish, making access more difficult, reducing reliability, and ultimately leading to loss of the potable water source. Overuse of ground water reduces stream base flows, impairs ecological function and integrity, and threatens the long-term reliability of potable water supplies that the community depends upon. The provisions of this section are intended to protect ground water supplies from depletion resulting from unsustainable use. Where ground water supplies are already depleted, these provisions require measures to enhance and restore this vital resource.

### § 6.5.2 Applicability

The provisions of subsection § 6.7.3 below, shall apply to all development within the municipality. The remaining provisions of this section shall apply to any development application proposing a new or increased use of potable or nonpotable water averaging 6,000 gallons per day or more, derived from: a) any ground water source in a Highlands HUC14 subwatershed, whether through a public community or non-community water supply system well, a non-public well, or an individual private well; or b) any surface water source in a Highlands HUC14 subwatershed that is not associated with a safe yield determined by the NJDEP through a water allocation permit. Specifically excluded from these provisions (§ 6.7.4 through § 6.7.7), are modifications or improvements to existing uses and structures that do not result in an increase in water demand by an average of 6,000 gallons per day or more.

### § 6.5.3 Water Conservation Requirements

All development proposals shall incorporate, as applicable, the following water conservation measures to promote sound resource use, reduce supply deficits, and reduce the need for additional utility infrastructure:

A. Meet all applicable building code requirements for the use of water conservation fixtures and appliances in new or rehabilitated structures;

B. Provide automatic controls based on rain sensors (or soil moisture) for all new and replacement lawn irrigation systems, as required by the electrical subcode at N.J.A.C. 5:23-3.16;

C. Design all non-potable irrigation water uses to ensure that only the necessary amounts of water are used to achieve optimum plant growth, to the maximum extent practicable;

D. Provide for internal recycling or beneficial reuse of reclaimed water in new commercial development projects, to the maximum extent practicable;

E. Rely on stormwater for irrigation purposes to the maximum extent practicable, including but not limited to methods recommended by the U.S. Green Building Council through its Leadership in Energy and Environmental Design (LEED) program;

F. Reduce water losses to the maximum extent practicable, in the rehabilitation of on-site water supply utility infrastructure, through such means as application of American Water Works Association/International Water Association water loss analysis methods (AWWA Manual M-36 or most recent version).

### § 6.5.4 Net Water Availability

Net Water Availability has been calculated by the Highlands Council for each HUC14 subwatershed located within or partially within the municipality (Exhibit 10). Expressed in million gallons per day (MGD), the values assigned to each HUC14 subwatershed derive from subtracting consumptive and depletive surface and ground water uses for a baseline year, from total ground water availability. Where Net Water Availability figures are negative numbers, the subwatershed is identified as a Current Deficit Area, meaning existing uses exceed sustainable supplies. The map of Net Water Availability by HUC14 Subwatershed provided at Exhibit 10 is herewith adopted and incorporated as a component of this Ordinance.

### § 6.5.5 Conditional Water Availability

For subwatersheds designated as Current Deficit Areas, the Highlands Council has assigned a limited amount of Conditional Water Availability, the use of which is conditioned upon satisfying certain mitigation requirements. Jurisdiction over the use of Conditional Water Availability lies solely with the Highlands Council and shall apply in the case of Current Deficit Areas until such time as a Water Use and Conservation Management Plan for such subwatersheds has been adopted and put into effect.

### § 6.5.6 Water Use and Conservation Management Plan

Where a Highlands Council-approved Water Use and Conservation Management Plan has been established for a municipality, HUC14 subwatershed, or group of HUC14 subwatersheds, any development application involving the use of water derived from such subwatershed(s) shall be regulated fully in accordance with the requirements of such Plan. Adherence to the provisions of an adopted Water Use and Conservation Management Plan shall constitute satisfactory compliance with all of the provisions of this section, including those pertaining to Net Water Availability and Conditional Water Availability.

### § 6.5.7 Absence of Water Use and Conservation Management Plan

In the absence of a Highlands Council-approved Water Use and Conservation Management Plan for a municipality, HUC14 subwatershed, or group of HUC14 subwatersheds, any development application involving the use of water derived from such subwatershed(s) shall be subject to requirements of this subsection.

A. ***Net Water Availability.*** The provisions of this subsection shall apply to any development application proposing the use of Net Water Availability. These requirements shall apply regardless of whether such water is supplied from an on-site well or through a water supply utility.

1. *Highlands Council Findings Required.* No application shall be deemed complete or considered for review by the applicable Board until or unless the Highlands Council has determined that the proposed consumptive or depletive water use will not exceed the remaining Net Water Availability for the source HUC14 subwatershed(s). Such finding shall be provided by formal notification from the Executive Director of the Highlands Council, indicating by reference to specified application submittals (as required by the Highlands Council) that the Highlands Council has reviewed the specific development proposal at issue, and authorizes the increased use of potable or non-potable water therein specified.

2. *Findings Determinative.* Any application revised from that reviewed by the Highlands Council pursuant to A.1, above, shall in no case be approved by the reviewing Board unless the proposed use of Net Water Availability remains equal to or less than that authorized by the Highlands Council through its formal findings. Nothing herein shall be construed to preclude the applicant from seeking a revised Highlands Council determination as to Net Water Availability, however.

B. *Conditional Water Availability.* The provisions of this subsection shall apply to any development application proposing the use of Conditional Water Availability. These requirements shall apply regardless of whether such water is supplied from an on-site well or through a water supply utility.

1. *Highlands Council Findings Required.* No application shall be deemed complete or considered for review by the applicable Board until or unless a finding has been issued by the Highlands Council indicating that: a) the proposed consumptive or depletive water use will not exceed the remaining Conditional Water Availability for the source HUC14 subwatershed(s); b) that the applicant has correctly determined the associated mitigation requirement; c) that the proposed development plan will incorporate or otherwise provide for acceptable methods of deficit mitigation; and d) that the mitigation measures proposed by the applicant can be reasonably anticipated to meet the required level of mitigation. Such findings shall be provided by formal notification from the Executive Director of the Highlands Council, indicating by reference to specified application submittals (as required by the Highlands Council) that the Highlands Council has reviewed the relevant components of the development proposal and authorizes it to proceed to the municipal review authority.

2. *Findings Determinative.* Any application revised from that reviewed by the Highlands Council pursuant to B.1, above, shall in no case be approved by the reviewing Board unless: a) the proposed use of Conditional Water Availability remains equal to or less than that authorized by the Highlands Council through its formal findings; b) the proposed methods of deficit mitigation are consistent with those so approved; and c) the anticipated levels of mitigation are sufficient to meet the associated mitigation requirements. Nothing herein shall be construed to preclude the applicant from seeking a revised Highlands Council determination as to Conditional Water Availability, however.

3. *Deficit Mitigation Requirements.* Applicants proposing the use of Conditional Water Availability shall comply with the deficit mitigation requirements herein.

   a) The mitigation requirement applicable to any development project derives from the Highlands Council *Scaled Mitigation Requirements* table, provided below (Table 1). The figures represent the applicable recharge requirement as a percentage of consumptive/depletive water use.

**Table 1. Scaled Mitigation Requirements**

| | Proposed Consumptive or Depletive Water Use (gpd) | | | | |
|---|---|---|---|---|---|
| **Deficit (MGD)** | <= 1,000 | 1,001 – 5,000 | 5,001 – 10,000 | 10,001 – 25,000 | >25,000 |
| 0.0001 – 0.050 | 125% | 125% | 125% | 150% | 150% |
| 0.051 – 0.100 | 125% | 125% | 125% | 150% | 150% |
| 0.101 – 0.250 | 125% | 125% | 150% | 150% | 175% |
| 0.251 – 0.500 | 125% | 150% | 150% | 175% | 200% |
| 0.501 – 1.000 | 125% | 150% | 175% | 175% | 200% |
| 1.000 – 7.100 | 150% | 175% | 175% | 200% | 200% |

b) Deficit mitigation must be provided within the same HUC14 subwatershed as from which the source Conditional Water Availability derives. If the project and water source are not located in the same subwatershed, however, only mitigation measures that benefit the source HUC14 subwatershed may be utilized to mitigate the deficit.

c) The approval of any application proposing off-site deficit mitigation measures, whether through enhanced recharge or offsets from water conservation, shall be subject to the receipt of approvals from the Highlands Council and any other entities having jurisdiction over the activities proposed at the off-site location (whether located within or outside of the municipality).

d) On-site deficit mitigation measures, whether from enhanced recharge or offsets from water conservation shall be subject to the following criteria:

(i) Water Conservation Measures. Water Conservation Measures may be credited toward mitigation requirements only with respect to existing land uses with consumptive or depletive water uses. (Such measures must be incorporated into the design of any new improvements, in accordance with § 6.7.3, above.) Approval of any application proposing such measures shall be conditioned upon implementation of the measures prior to receipt of any Certificate of Occupancy or Approval for the project improvements. If conservation measures include such methods as reduced irrigation of landscaping, protective covenants (e.g., homeowner's association by-laws) or other such legal mechanisms must be established to ensure their enforceability.

(ii) Recharge Measures. The applicant shall include the proposed mitigation measures in the project stormwater management plan, stormwater operation and maintenance manual, and applicable components of site design. The stormwater management plan and O&M manual shall achieve permanent maintenance and routine monitoring of the mitigation measure(s) so that the required rate of recharge is continuously achieved.

e) Any application for which deficit mitigation requirements cannot be achieved, shall not be approved by the reviewing authority. The applicant may modify any such proposal, however, to reduce the consumptive or depletive water uses to a level at which achieving deficit mitigation requirements is feasible. All applicants shall demonstrate compliance with these standards through submission of a Deficit Mitigation Plan, as provided below.

4. *Deficit Mitigation Plans.* All applicants proposing deficit mitigation shall prepare and submit Deficit Mitigation Plans for approval which shall include the following elements:

a) Detailed justification for the proposed Conditional Water Availability use and documentation that the amount of consumptive or depletive use is minimized (including the conservation measures outlined in subsection § 6.7.3, above).

b) Engineering plans and drawings of mitigation facilities proposed to provide the necessary mitigation in the source HUC14 subwatershed.

c) Sufficient information to demonstrate that the mitigation measures are individually feasible and in the aggregate will meet or exceed the mitigation requirement.

d) Sufficient information to substantiate that the facility will recharge the ground water table such that it reasonably can be expected (e.g., using general ground water flow models) to support aquifer recharge, or to support stream flow with a travel time in excess of one month.

e) Proposed implementation schedule demonstrating compliance with the following timeframe targets:

(i) Satisfaction of mitigation requirements within one (1) year of issuance of building permit(s) if the consumptive or depletive water use is less than 20,000 gpd, on average.

(ii) Satisfaction of mitigation requirements within a longer time period for larger amounts, up to five (5) years from issuance of building permit(s), but no later than upon initiation of the consumptive or depletive water use, except for projects that involve a combination of high current water deficits and large proposed consumptive and depletive water uses as shown in the shaded areas of the table *Scaled Mitigation Requirements* (Table 1., above), in which case, on-site mitigation shall be successfully completed prior to initiation of the water use but may be implemented concurrent with on-site construction. Off-site mitigation shall be successfully completed prior to any on-site construction.

(iii) Mitigation requirements may be phased in keeping with the level of consumptive and depletive water use that actually occurs based on phased construction of a project.

f) Proposed operation, maintenance and monitoring requirements to ensure that sufficient recharge is maintained over time. These requirements shall at a minimum be sufficient to comply with N.J.A.C. 7:8 stormwater maintenance requirements.

5. *Conditions of Approval.* As a condition of any approval of a development application, inclusive of the proposed Deficit Mitigation Plan, pursuant to this subsection, the applicant shall:

a) Demonstrate that the entity designated to implement the Deficit Mitigation Plan is qualified and capable of carrying out the plan, regardless of the timeframe involved.

b) Provide proof of acceptance of all responsibilities for implementation of the Deficit Mitigation Plan by the responsible entity.

c) Provide a cost estimate for implementation of the Deficit Mitigation Plan, inclusive of a 10% contingency.

d) Provide performance and maintenance guarantees in accordance with all municipal and MLUL requirements in amounts as approved by the municipal engineer, sufficient to ensure the installation and implementation of all required Deficit Mitigation Plan measures. Such guarantees shall be available to the municipality and secondarily, to the Highlands Council for implementation of the necessary deficit mitigation measures should the applicant fail to properly implement the measures according to the Deficit Mitigation Plan schedule. If the implementing entity is a public agency, the commitment must be in the form of a binding resolution or

ordinance of the governing body, and the cost of implementation must be bonded to ensure sufficient resources.

e) Ensure that the responsible entity shall report annually to the Highlands Council and the municipality regarding implementation of the Deficit Mitigation Plan until fully implemented, unless reporting is achieved through effectuation of a Water Use and Conservation Management Plan.

f) Establish an ongoing system of such reporting which must operate until the relevant subwatershed is no longer in deficit, or until the reporting responsibility is absorbed into implementation of an approved Water Use and Conservation Management Plan.

## § 6.6 PRIME GROUND WATER RECHARGE AREAS

### § 6.6.1 Findings

Prime Ground Water Recharge Areas are those lands within a HUC14 subwatershed that most efficiently provide, in the aggregate, 40 percent of total drought recharge volume for the HUC14 subwatershed. Protection of such areas is vital to maintaining the quality and quantity of the ground water resources upon which both human and non-human communities in the Highlands Region heavily rely. It is the intent of the provisions herein to ensure that Prime Ground Water Recharge Areas receive the highest possible protection from intrusion to protect both the recharge capacity that they provide and the quality of the ground water supplies that they replenish.

### § 6.6.2 Applicability

The provisions of this section shall apply to any development application involving the Prime Ground Water Recharge Area (Exhibit 7).

### § 6.6.3 Standards

Disturbance of Prime Ground Water Recharge Area (PGWRA) by any regulated development shall be permitted only upon a finding by the reviewing board or other applicable municipal authority that the proposal complies with the provisions of this subsection.

A. *Avoidance.* The proposed disturbance cannot be avoided. Development shall not occur in Prime Ground Water Recharge Areas unless either, the entirety of the subject property is located within a Prime Ground Water Recharge Area and thus cannot be avoided, or the disturbance represents the only viable alternate means to avoid Critical Habitat, Highlands Open Waters buffers, Moderately Constrained Steep Slopes, or Severely Constrained Steep Slopes, to the extent that these resources are also present upon the subject property.

B. *Minimization.* The proposed disturbance cannot be minimized. Where total avoidance is not feasible, total recharge area disruption (i.e., alteration of natural recharge patterns or volumes) shall not exceed 15% of the Prime Ground Water Recharge Area located within the affected parcels, placed where feasible on those parts of the PGWRA having the lowest relative recharge rates and the least potential for aquifer recharge based upon site analysis.

C. *Low Impact Development.* The proposal incorporates Low Impact Development practices. Low Impact Development practices (see § 7.2) shall be used in the design of the development proposal to reduce total recharge disruption to the minimum feasible, within the 15% cap.

D. *Mitigation.* The proposal includes a PGWRA Mitigation Plan. Any development application involving disturbance of a Prime Ground Water Recharge Area shall be accompanied by a mitigation plan,

providing for an equivalent of 125% of pre-construction recharge volumes for that portion of the Prime Ground Water Recharge Area that will be disturbed. The recharge mitigation shall occur within the following areas, in order of priority: (1) the same development site to the maximum extent feasible; (2) the same HUC14 subwatershed; or (3) where no feasible option exists in the same HUC14 subwatershed, an interrelated HUC14 subwatershed approved by the Highlands Council.

### § 6.6.4 Potential Contaminant Sources

Where any use or structure classified as a Major Potential Contaminant Source (PCS) (as listed at APPENDIX B) is proposed to be located or expanded within a Prime Ground Water Recharge Area, the standards of approval provided at subsection § 6.9.3 below, shall apply in addition to the preceding requirements.

## § 6.7 WELLHEAD PROTECTION

### § 6.7.1 Findings

Protection of ground water resources that directly provide water to potable water supply wells is vital to the public health, safety and welfare of the community. It is also of primary importance to ensure continued availability of clean drinking water to all that rely upon it. Through regulation of land use, physical facilities and other activities within Wellhead Protection Areas (WHPAs), the potential for ground water contamination can be reduced by preventing the introduction and migration of pollutants into ground water sources that supply water supply wells.

### § 6.7.2 Applicability

The provisions of this section shall apply to all proposed development activities in designated Wellhead Protection Areas (Exhibit 7).

### § 6.7.3 Potential Contaminant Sources

Where any permitted use or structure classified as a Major Potential Contaminant Source (PCS) (as listed at APPENDIX B) is proposed to be located or expanded within a Tier 1 Wellhead Protection Area, the standards of this subsection shall apply. As noted previously, these standards shall also apply to any Major PCS proposed to be located or expanded in any portion of a Prime Ground Water Recharge Area. These conditions shall not be construed to waive or obviate any rules, regulations, or other requirements pertinent to such uses that may derive from outside agencies having jurisdiction, such as the NJDEP.

A. ***Best Management Practices.*** All Major PCS facilities shall be designed in a manner that prevents the unintentional discharge of toxic or hazardous pollutants to ground water, surface water bodies, or the land surface, from all internal and external areas, including loading, storage, and transfer areas, in accordance with the provisions of this section.

   1. All portions or areas of a facility in which hazardous substances or hazardous wastes are stored, processed, manufactured or transferred outdoors, shall be designed so that the discharges of hazardous substances will be prevented from overflowing, draining, or leaching into the ground water or surface waters.

   2. Containers in which regulated substances are stored must be clearly and visibly labeled and must be kept closed and sealed when material is not being transferred from one container to another.

   3. Wherever hazardous substances are stored, processed, manufactured or transferred outdoors, the design features shall include secondary containment and/or diversionary structures which may include but are not limited to any one or a combination of the following:

a) Containers, dikes, berms or retaining walls sufficiently impermeable to contain spilled hazardous substances, for the duration of a spill event.

b) Curbing.

c) Gutter, culverts and other drainage systems.

d) Weirs, booms and other barriers.

e) Lined diversion ponds, lined lagoons and lined retention basins, holding tanks, sumps, slop tanks and other collecting systems.

f) Drip pans.

4. Secondary containment and/or diversionary systems, structure or equipment must meet the following standards:

a) The system must block all routes by which spilled hazardous substances could be expected to flow, migrate, or escape into the ground water or surface waters.

b) The system must have sufficient capacity to contain or divert the largest probable single discharge that could occur within the containment area, plus an additional capacity to compensate for any anticipated normal accumulation of rainwater.

c) In order to prevent the discharge of hazardous substances into ground water, all components of the system shall be made of or lined with impermeable materials sufficient to contain the substance for the duration of a spill event. Such material or liner must be maintained in an impermeable condition.

d) No manufacturing area, processing area, transfer area, dike storage area, or other storage area, or secondary containment/diversion system appurtenant thereto shall drain into a watercourse, or into a ditch, sewer, pipe or storm drain that leads directly or indirectly into a surface or subsurface disposal area, unless provision has been made to intercept and treat any spilled hazardous substances in an NJDEP approved industrial wastewater treatment or pre-treatment facility, or other NJDEP approved facility.

e) Outdoor storage of regulated substances in regulated containers and the containment structure must include a cover to minimize accumulation of water in the containment area and contact between precipitation and storage container(s).

5. Catchment basins, lagoons and other containment areas that may contain hazardous substances shall not be located in a manner that would subject them to flooding by natural waterways.

6. Stormwater shall be managed so as to prevent contamination of ground water, and so as to be in accordance with applicable laws and regulations of the state of New Jersey, and of the municipality.

7. All transfers of petroleum from delivery trucks and storage containers over five gallons in capacity shall be conducted over an impervious surface having a positive limiting barrier (e.g. berm, lip) at its perimeter

B. ***Compliance Mechanisms.*** Any of the following permits and authorizations shall be considered equivalent to the best management practices of this Ordinance. As applicable to the PCS involved, these

may also be submitted in lieu of an Operations and Contingency Plan, as otherwise required under subsection § 6.9.3.C, following.

1. A NJPDES permit approved by NJDEP pursuant to N.J.A.C. 7:14A;

2. An underground storage tank approved by NJDEP under N.J.A.C. 7:14B;

3. A Discharge Prevention, Containment and Countermeasure Plan (DPCC) approved by NJDEP pursuant to N.J.A.C. 7:1E;

4. A hazardous waste remedial action approved by NJDEP pursuant to N.J.A.C. 7:26B, 26C, 26D or 26E, or by the United State Environmental Protection Agency pursuant to the Resource Conservation Recovery Act (RCRA) or the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA);

5. A hazardous waste facility approved by NJDEP pursuant to N.J.A.C. 26G;

6. Approval by the SCD of a Farm Conservation Plan or Resource System Management Plan pursuant to N.J.A.C. 2:92, (see § 6.10.4 below and APPENDIX D);

7. A solid waste facility approved by NJDEP pursuant to N.J.A.C. 26H; and

8. A high-density Animal Waste Management Plan, an Animal Waste Management Plan, or a Comprehensive Nutrient Management Plan, as appropriate, developed pursuant to N.J.A.C. 2:91.

C. *Operations and Contingency Plans.* Unless one of the permits or approvals listed at § 6.9.3 B.1-8 above is provided, or the applicant certifies that no potential contaminants will be stored, discharged, manufactured or used on-site, as a condition of approval of any application involving a Major PCS, the applicant shall prepare and obtain approval of an Operations and Contingency Plan in accordance with the requirements herein. No Certificate of Occupancy or Approval (as appropriate) for the development shall be issued until or unless the qualified professional authorized to administer these provisions verifies that the Operations and Contingency Plan has been approved and is on file with the appropriate entities.

D. *Approval of Operations & Contingency Plans.* The proposed Operations and Contingency Plan shall be submitted to the Board of Health (or equivalent acting authority), Fire Department, Police Departments and Office of Emergency Management, as applicable. These agencies shall review and make any appropriate recommendations for approval or modifications of the Operations and Contingency Plan. The applicant shall incorporate the recommendations to produce a final document, for review by the designated municipal professional and each of the participating agencies. The designated municipal professional shall coordinate the agencies' responses to ensure that the final Plan addresses all concerns of substance. Upon approval by the designated municipal professional, the Plan shall be filed with all applicable entities and put into effect as indicated therein. In the event of any irreconcilable issue in developing or finalizing the Plan, it shall be provided as proposed, to the reviewing Board, along with the recommendations of the designated professional, the participating agencies, and the applicant and applicant's agents and professionals. A decision by the reviewing Board shall be final.

E. *Required Content of Operations & Contingency Plans.* An Operations and Contingency Plan shall be developed, where required under this Ordinance, for each Major PCS or group thereof (where multiple sources exist within a single facility owned and operated by a single entity) and shall address the following elements. The Operations and Contingency Plan must demonstrate that the potential for a significant discharge is the lowest technologically feasible:

1. Documentation of the applicable Major Potential Contaminant Sources existing and proposed for the site;

2. Types and quantities of hazardous substances or wastes that may be used, discharged or stored on site;

3. Means used to prevent the spillage, leakage or discharge of such materials;

4. Means to be used to contain or remedy accidental spillage, leakage, discharge or migration of such materials from the site directly or indirectly into ground water;

5. At a minimum, utilize best management practices as defined by § 6.9.3 and as specified by NJDEP and the United States Environmental Protection Agency, including but not limited to the regulations and guidance in the following areas: Discharge Prevention Containment and Countermeasures [N.J.A.C. 7:1E-4.2 (or most current)], Spill Prevention Control and Countermeasures [40 CFR 112.3 et seq.(or most current)], Stormwater and Non-point Source Pollution Control Best Management Practices Manual [NJDEP, April 2004 (or most current)].

6. Specific training of facility personnel to contain or remedy accidental spillage, leakage, discharge or migration of such materials from the site directly or indirectly into ground water, or surface water bodies or the land surface that provide recharge to the underlying aquifer.

7. Procedures including a contact list and phone numbers for notifying the appropriate administrative authorities, including but not limited to NJDEP, the local fire and police, local office of emergency management and the Board of Health, regarding any spillage or discharge of such materials; and

8. Demonstration that the proposed facility is designed to employ best management practices to the maximum extent feasible.

F. *Confidentiality Protections.* Any information included in an Operations and Contingency Plan which constitutes proprietary commercial or financial information, or is otherwise protected from disclosure under 7 CFR Part 205.501 and 205.504 or the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., shall be held confidential by all local entities participating in its review or implementation, subject to the limitations set forth therein.

## § 6.8 AGRICULTURAL RESOURCES

### § 6.8.1 Findings

The Highlands Planning Area contains fertile soils, receives plentiful rainfall, and is characterized by a moderate climate favorable to agricultural and horticultural production. The agricultural industry is vital to the State, the region and the community not only for local provision of agricultural products, but for the economic benefits associated with agricultural production and for maintenance of the rural character associated with agricultural lands. It is the intent of this section to promote Sustainable Agriculture (as defined at § 3.2) in the municipality by ensuring the long-term sustainability of agricultural resources and the viability of the agricultural industry. These provisions are intended to ensure a healthy agricultural environment and a sufficient agricultural land base, by protecting farmland and farm soils, promoting farmland preservation, and providing the allowances necessary to permit and support farming and farm operations.

### § 6.8.2 Applicability

The provisions of this section apply to agricultural and horticultural uses in the municipality and to the lands of the Agricultural Resource Area (Exhibit 8), specifically. The Agricultural Resource Area (ARA) consists of

the areas of most concentrated and contiguous agricultural uses and contains major areas of Important Farmland Soils.

### § 6.8.3 Agricultural Resource Area

A. ***Agricultural and Horticultural Development.*** In accordance with the provisions of § 5.2.1 above, permitted uses in the ARA (with the exception of any forested portions also designated as Forest Resource Areas) include agricultural and horticultural uses (as defined at § 3.2). Accessory uses permitted in conjunction with such uses include ancillary, incidental or otherwise related supporting uses and the accessory structures devoted to such uses. The specific permitted uses and other applicable requirements pertaining to agricultural and horticultural development in the ARA include the following:

1. *Permitted Uses & Accessory Uses.*

   a) Any form of agriculture or horticulture as defined in § 3.2 above.

   b) Commercial agricultural pursuant to §163-70 M of the Borough Code.

2. *Bulk & Other Requirements.*

   a) Horticultural Uses: Minimum lot size: 1 acre.

   b) Agricultural Uses:
   Minimum lot size:
   3 acres. (see §163-70 M. – agricultural uses that include maintaining or grazing of not more than one animal)
   5 acres (§163-70 M – agricultural uses that include maintaining or grazing of two animals. One additional animal shall be permitted to be kept for each acre exceeding five acres.

   Bulk requirements: In accordance with Schedule 1, Part 1, Schedule of Lot Area, Yard and Building Requirements (see § 163-69) for the underlying zone in which the agricultural or horticultural use is located.

   Agricultural and horticultural uses shall be consistent with the density standards of § 5.3 above.

   Permitted accessory structures. All those uses identified in § 163-70. M. (1) – (12), subject to the Yard Requirements found in Schedule 1, Part 1, Schedule of Lot Area, Yard and Building Requirements (see § 163-69).

3. *Other Regulations.* Approval of any application proposing agricultural or horticultural development pursuant to this subsection shall in addition, be subject to the provisions of § 6.10.4 through § 6.10.6, below.

B. ***Residential Development.*** Pursuant to § 5.2.1 above, where the underlying zoning permits residential development within any portion of the ARA, the only form of such development permitted is residential cluster development in accordance with the provisions of § 8.1, below, provided the minimum thresholds (see § 8.1.6) can be satisfied. Where such thresholds cannot be met, the allowances for residential development provided in the underlying Zoning Ordinance apply to applications for such development, subject to all density and resource protection requirements of this Ordinance. Lawfully existing residential development in the ARA that does not meet the cluster development requirements of § 8.1, is permitted

to continue; it remains under the regulations of the underlying Zoning Ordinance, and is not made nonconforming by the provisions of § 5.2.1.

C. *Other Development.* Where the underlying Zoning Ordinance provides for other permitted uses within the ARA, such uses shall remain as permitted uses, unless eliminated or reverted to a conditional or prohibited use by the other provisions of § 5.2.

### § 6.8.4 Conditions of Approval

The approval of any proposal for agricultural or horticultural development in the municipality is subject to the specific requirements listed at A through C, below, which are enforceable by the Highlands Council. As a condition of any local approval, the owner or operator of the Farm Management Unit or his/her agent shall be required to obtain a release from the Highlands Council indicating that these requirements have been or will, by formal agreement or other appropriate means, be satisfactorily addressed. This condition shall be satisfied only by submission of a copy of formal notice of such release issued by the Executive Director of the Highlands Council. No permit(s) shall be issued and no land disturbance in connection with the approval shall be permitted until or unless this condition has been satisfied.

A. *Farm Conservation Plan.* The development and implementation of a Farm Conservation Plan (prepared by the USDA NRCS, TSP, appropriate agent, or NJDA staff, and approved by the local SCD) is required as a condition of approval for any agricultural or horticultural development that would result in the increase, since the date of enactment of the Highlands Act (August 10, 2004), either individually or cumulatively, of new agricultural impervious cover of greater than three percent (3%) but less than nine percent (9%) to the total land area of a Farm Management Unit (as defined at § 3.2 above). Solar panels (as defined at Article 3) shall not be included in any calculation of agricultural impervious cover pursuant to this subsection.

B. *Resource Management System Plan.* The development and implementation of a Resource Management System Plan (prepared by the USDA NRCS, TSP, appropriate agent, or NJDA staff, and approved by the local SCD) is required as a condition of approval for any agricultural or horticultural development that would result in the increase, since the date of enactment of the Highlands Act (August 10, 2004), either individually or cumulatively, of new agricultural impervious cover by nine percent (9%) or greater to the total land area of a Farm Management Unit (as defined at § 3.2 above). Solar panels (as defined at Article 3) shall not be included in any calculation of agricultural impervious cover pursuant to this subsection.

C. *Plan Requirements.* Any Farm Conservation Plan required pursuant to this section shall be prepared in conformance with Sections III and IV of the June 1, 2005 NRCS New Jersey Field Office Technical Guide (available electronically at http://www.nrcs.usda.gov/technical/efotg/), as may be amended and supplemented by the NRCS, and shall include all items required under N.J.A.C. 2:92-3.1, for same (see applicable provisions at APPENDIX D). Any Resource Management Systems Plan required pursuant to this section shall be prepared in conformance with all Sections of the same Guide, inclusive of all items required under N.J.A.C. 2:92-4.1, as also provided in APPENDIX D.

### § 6.8.5 Right to Farm

Nothing in these provisions or in the whole of this Ordinance shall be construed to alter or compromise the goals, purposes, policies and provisions of, or lessen the protections afforded to farmers by, the Right to Farm Act, P.L.1983, c.31 (C.4:1C-1 et seq.), and any rules or regulations adopted pursuant thereto.

### § 6.8.6 Approvals Subject to Outside Jurisdiction

The provisions of this section shall not be construed to alter or obviate the requirements of any other applicable state or county laws, rules, or regulations, including specifically N.J.A.C. 2:92, Agricultural Development in the

Highlands, as promulgated by the New Jersey Department of Agriculture, or those of the SADC, the CADB, the Soil Conservation Districts, or the NJDEP.

## § 6.9 HISTORIC, CULTURAL & ARCHAEOLOGICAL RESOURCES

### § 6.9.1 Findings

The historic, cultural and archaeological resources of the municipality form an essential component of its character and aesthetic quality. They preserve a part of the history of the Borough of Chester and provide a link to its past. They are representative of significant people, places and events in history and provide vital information about what life was like in the community in earlier times. Preservation of these resources is in the interest of the citizens of the Borough of Chester, the surrounding region, the State of New Jersey, and in many instances, the nation as a whole. These resources provide a rich source of information from which to learn about the growth and development of our communities, our culture, our science and technology, and our way of life. They provide an educational opportunity, contribute to the community's sense of place, and add context to our everyday lives. It is the intent of this section to provide for the protection and preservation of the historic, cultural and archaeological resources of the municipality.

### § 6.9.2 Applicability

The provisions of this section shall apply to any development application involving property which is located either, among those identified as containing Highlands Historic, Cultural and Archaeological Resources at Exhibit 9 (and listed as such in the Highlands Element of the Master Plan), or which lies adjacent to any property containing or partially containing such Resources. Nothing in this ordinance shall relieve a property owner or applicant from development or demolition review procedures for historic properties.

### § 6.9.3 Standards and Criteria

The standards and criteria for Highlands Historic, Cultural and Archaeological Resources shall apply to (1) the Borough's mapped Historic Districts and Sites (2) those sites listed and detailed in the document entitled "New Jersey Historic Sites Inventory, Morris County Cultural Resources Survey," prepared by ACROTERION Historic Preservation Consultants for the Morris County Heritage Commission, funded through the Office of New Jersey Heritage, the County Freeholders and the F.M. Kirby Foundation, Inc., 1986/1987, all of which are proposed for listing in the Highlands Historic and Cultural Resources Inventory, (3) all properties listed on the State or National Register of Historic Places; (4) all properties which have been deemed eligible for listing on the State or National Register; and (5) all properties for which a formal State Historic Preservation Office (SHPO) opinion has been issued through 1986. (.

See Article XI, Historic Preservation and Architectural Review, § 163-84 through § 163-87.1 of the Code of the Borough of Chester for review procedures.

The first sentence of § 163-84 B.(1) is hereby supplemented and amended to read as follows (supplemental new language included in italics, *thus*):

"(1) Before any new construction or major alterations are made on any property or building within (a) the Borough's historic districts, sites and zones, (b) *any building or property listed in the Borough's Historic Sites Survey entitled "New Jersey Historic Sites Inventory, Morris County Cultural Resources Survey," prepared by ACROTERION Historic Preservation Consultants and dated 1986/1987,* ) (c) all properties listed on the State or National Register of Historic Places; (d) all properties which have been deemed eligible for listing on the State or National Register; and (e) all properties for which a formal State Historic Preservation Office (SHPO) opinion has been issued through 1986. the project must be approved by the Planning Board or Board of Adjustment.

# ARTICLE 7. GENERAL REGULATIONS

## § 7.1 AFFORDABLE HOUSING

Nothing in this Ordinance shall be construed to waive, obviate, modify or otherwise exempt any covered development project, or any person proposing or involved in such project, from the applicable provisions of the municipal ordinances and any other regulations adopted consistent with the Fair Housing Act to ensure opportunity for low- and moderate-income housing. Neither shall the provisions of this Ordinance be construed to waive or exempt projects that include such housing, from adherence to the requirements of this Ordinance.

## § 7.2 LOW IMPACT DEVELOPMENT

### § 7.2.1 Applicability

The following provisions shall apply to all development applications.

### § 7.2.2 Standards

A. Applicants shall demonstrate that the project design process incorporates conservation design planning, including the following steps:

1. Preparation of an existing features and site analysis plan, including identification of Highlands resources and Resource Areas;

2. Evaluation of site context through identification of the physical and community character of the surrounding area;

3. Selection of open space conservation areas, where applicable, that maximize the retention of resource values, provide connections to existing trails, open spaces or greenways, and incorporate natural features and characteristics as site amenities;

4. Establishment of development yield (e.g., residential, retail, office) and apportionment of septic system yield, net water availability, and water supply and sewer utility availability, as applicable, and in keeping with all density and intensity requirements of § 5.3, above;

5. Lay out of building lots, if applicable, and incorporation of low impact development design techniques for site design, stormwater management and resource protection; and

6. Incorporation of resource standards and smart growth guidelines.

B. Development applications must achieve stormwater management in compliance with § 7.4, below, including the municipal stormwater management ordinance established in compliance with the municipal stormwater NJPDES permit under N.J.A.C. 7:14A and 7:8, and all applicable NJDEP standards and requirements.

C. Relief from the strict application of the provisions of the underlying municipal Zoning Ordinance applicable to site design shall be considered where necessary to provide for incorporation of smart growth principles and low impact development techniques such as use of shared parking and driveway areas, biofiltration swales, rainwater capture and reuse, and reduced road or driveway widths. Where such deviations will minimize or eliminate adverse impacts to Highlands natural resources, these benefits shall be given significant weight in the analysis of approval criteria.

D. The site preparation plan shall limit clearing, grading and soil compaction to the minimum required to construct the project in accordance with the approved plans, inclusive of area for construction equipment maneuvering, while ensuring protection of mature trees and habitat outside of the site development area.

E. Landscaping shall use native, drought-tolerant (other than where used in rain gardens, biofiltration swales and other stormwater management facilities), disease-resistant plants, allowing for natural landscaping wherever feasible, and shall under no circumstances include invasive species.

F. Building orientation and design shall be designed to take advantage of micro-climate conditions, to the maximum extent feasible, to maximize solar gain for winter heating, and to minimize solar gain during high temperature summer conditions except where desirable for the construction of solar energy systems. Other energy-efficient features shall be considered and incorporated into site layouts and buildings, as appropriate.

G. The applicant shall ensure reuse and recycling of building materials, to the extent possible, when development involves demolition.

H. All low impact development features shall be maintained through a monitoring and maintenance plan, with procedures for replacing such features as necessary.

## § 7.3 CONSERVATION RESTRICTIONS

### § 7.3.1 Applicability

In the event that a Conservation Restriction is required to effectuate the purposes of this Ordinance, the provisions of this section shall apply. Nothing herein shall be construed to preclude the imposition of Conservation Restrictions in the case of Highlands Resources, Resource Areas, or Special Protection Areas, where the reviewing Board or other applicable authority finds that such restrictions are necessary to protect the particular resource(s) at issue, or to ensure the public health, safety, or general welfare of the community.

### § 7.3.2 Standards

Conservation Restrictions shall be designed to protect the Highlands Resources, Highlands Resource Areas, or Special Protection Areas existing (or as remaining after an authorized disturbance) on the subject property in accordance with the requirements that follow. Any such restrictions shall be so drawn and described as to permit the future use of any underutilized portion of either, the disturbed area coverage allowance or the impervious surface area allowance, as provided for exclusions pursuant to § 2.1.1, above.

A. The Conservation Restriction shall run with the land on which the approved project is located, shall apply to all lots subdivided from that land and sold or transferred to other persons, and shall be binding upon the landowner and his or her successors in interest. To ensure that notice of the conservation restriction is provided to all present and future interested parties, the landowner or contract purchaser receiving the approval shall:

   1. Record the Conservation Restriction(s) in the office of the County Clerk or Register, as applicable prior to commencement of any work authorized under the approval; and

   2. Ensure that a copy of the Conservation Restriction is provided to the Highlands Council and to the Municipal Clerk with a request that it be placed in the file for the lot containing the approved project.

B. The Conservation Restriction(s) shall describe and include all regulated features on the property, including any required mitigation. The proposed easement(s) shall be depicted in the proposed plans, inclusive in the case of major site plans and major subdivisions, of plan notes specifying the location and

construction of clear and permanent on-site monuments, such as concrete posts, designed to minimize the need for land clearing and avoid obstruction of wildlife movement.

C. The Conservation Restriction shall include either:

1. A survey and a metes and bounds description of the entire restricted area; or

2. A parcel plan showing the survey boundary lines to the full extent of the subject property, and indicating the limits of the existing disturbance area, any additionally-approved disturbance area, and of any area excluded pursuant to § 2.1.1, with the indication that no further development or disturbance shall be permitted; or

3. In the case of no proposed encroachment upon Highlands Resources or Areas, and availability of Highlands Council GIS mappings for all such Resources and Areas present upon the property, copies of all such mappings applicable to the parcel.

D. In the case of preserved farmland or dedicated open space, the Conservation Restriction shall be enforceable by the Highlands Council and the municipality, and at least one of the following, as appropriate: the SADC or CADB, the NJDEP Green Acres Program, or a qualified non-profit land trust organization. All such easements shall require periodic monitoring to ensure that on-going land use and management practices remain protective of the subject resources.

E. All other Conservation Restrictions shall be enforceable by the municipality and the Highlands Council.

F. The language to be included in the Conservation Restriction shall be reviewed and approved by the Municipal or Board Attorney, as applicable.

## § 7.4 STORMWATER MANAGEMENT

### § 7.4.1 Applicability

The provisions of this section shall apply to any development application.

### § 7.4.2 Standards

A. ***Beneficial Stormwater Reuse.*** Development applications involving water demands for recreational uses, non-agricultural irrigation, and other non-potable uses shall demonstrate maximum practical stormwater reuse to minimize both the volume of stormwater discharges and the water demand sought for such purposes.

B. ***Regional Stormwater Plans.*** The stormwater management aspects of any development plan shall comply with all applicable components of any regional stormwater management plans adopted by NJDEP pursuant to N.J.A.C. 7:8 and N.J.A.C. 7:15.

C. ***Total Maximum Daily Loads (TMDLs).*** Applications shall be designed in compliance with any TMDL adopted by NJDEP (pursuant to N.J.A.C. 7:15) that has also been adopted by the municipality in compliance with the municipal stormwater management ordinance as established pursuant to the municipal stormwater NJPDES permit under N.J.A.C. 7:14A and 7:8.

D. ***Prime Ground Water Recharge Areas.*** Where disturbance of Prime Ground Water Recharge Area (PGWRA) is permitted under § 6.8, above, the applicant shall demonstrate compliance with all provisions of § 5.2 and § 6.9, above.

E. *Water Quality.* To the maximum extent feasible, the plan shall ensure recharge of clean stormwater rather than contaminated stormwater. Where runoff from contaminated areas is unavoidable, the applicant shall incorporate Low Impact Development (see H., below) and other Best Management Practices standards to minimize the discharge of stormwater-entrained pollutants to ground and surface waters.

F. *Wellhead Protection Areas (WHPA).* Any stormwater management structure located within a WHPA shall be permitted only in compliance with the provisions of § 5.2 and § 6.9, above.

G. *Low Impact Development (LID).* To the maximum extent feasible, LID techniques shall be incorporated into the design of all development proposals, to preserve, mimic and enhance the natural hydrologic cycle, drainage patterns and natural land cover existing on the site, including but not limited to:

1. Implementation of on-site stormwater management features that maintain, restore and enhance the pre-existing natural drainage patterns of the site;

2. Achievement of an on-site stormwater capture performance standard of 80% for average annual precipitation, using low impact development design techniques preferentially, and structural stormwater measures only to the extent necessary;

3. Limitations on the amount of impervious cover on a site as a means to protect and increase stormwater infiltration and reduce stormwater runoff;

4. Use of a "design with nature" approach where natural features are used or enhanced to achieve management of runoff volume, rate and quality of stormwater;

5. Use of grass channels, dry swales, wet swales, infiltration basins, bio-swales and water gardens, green roofs, and other low impact approaches to attenuate and control stormwater and provide multiple environmental benefits; and

6. Minimization of: a) disturbances to natural vegetation and topography; b) exposure of stormwater runoff to pollutant-generating land uses; and c) alterations in the hydrologic response to precipitation through natural patterns.

7. Integration of stormwater management design features with public spaces, existing and proposed landscape features, and buffers, to the extent applicable.

## § 7.5 SEPTIC SYSTEM DESIGN AND MAINTENANCE

The requirements herein apply to proposed development activities reliant upon installation of individual subsurface septic disposal systems, regarding the proper operation, design, development, monitoring, placement and maintenance of septic systems.

A. The design of septic systems shall be in compliance with the Standards for Individual Subsurface Sewage Disposal Systems at N.J.A.C. 7:9A and any applicable Board of Health Ordinance and shall be subject to approval of the Board of Health.

B. All applications shall demonstrate that the proposed plan incorporates the applicable requirements of N.J.A.C. 7:9A with respect to soils suitability, location, size, and separation distances.

C. All applications proposing new septic systems shall incorporate reserve septic system disposal areas for each septic system, which are sufficient with respect to soils suitability, location and size to meet the requirements of N.J.A.C. 7:9A, to ensure the long-term viability of septic systems in new development.

D. Any application proposing a new septic system (or systems) shall be conditioned upon filing of a deed restriction(s) or deed notice(s) protecting the delineated location(s) of the reserve septic system disposal field(s), prohibiting the placement thereon of any permanent structure(s), preserving the area (and its soils) for future installation of a replacement disposal field, and requiring that it be shown on all plans and referenced within any future applications for permits or improvements to the property.

E. All new individual septic disposal systems shall be subject to any applicable septic system management and maintenance requirements of the Board of Health, including those established in the Board of Health Ordinance and in compliance with the standards for septic system maintenance in the Water Quality Management Planning Rules, N.J.A.C. 7:15.

F. The application shall demonstrate compliance with any other Board of Health ordinances to achieve the maintenance of existing and new septic systems.

G. New development proposing to use septic systems shall be designed in a manner that ensures that untreated well water meets state drinking water quality standards for non-natural contaminants and minimizes the risk of well contamination due to the flow of septic systems plumes within or between developed lots, addressing general background water quality and flow patterns, major fracture systems and other appropriate geological, geophysical and hydrogeological issues.

## § 7.6 PUBLIC WATER SYSTEMS

The creation or expansion of any public water system, as permitted in the Existing Community Zone (pursuant to § 5.3.7, above) shall comply with the following requirements:

A. ***Estimation of Need.*** Development water supply demands shall be calculated based on maximum summer month demand and on annual average demand using demand factors in N.J.A.C. 7:10 "Safe Drinking Water Regulations."

B. ***Water Resource Transfers.*** Applicants shall demonstrate that under the proposed action either:

1. No new or increased water transfer between subwatersheds will occur; or

2. No other option exists to meet public health, safety and welfare objectives, and where such transfers do occur, they are in full compliance with the requirements of § 6.7 above (Water Conservation and Deficit Mitigation), including limitations on demands on the source subwatershed.

## § 7.7 WASTEWATER COLLECTION AND TREATMENT SYSTEMS

The creation or expansion of any wastewater collection and treatment system, as permitted in the Existing Community Zone (including the Lake Community Sub-Zone) (pursuant to § 5.3.7, above), shall comply with the following requirements:

A. ***WQMP Consistency.*** The proposed system shall be consistent with the relevant Areawide Water Quality Management Plan adopted by NJDEP pursuant to N.J.A.C. 7:15.

B. ***Prohibitions.*** Expansion of sewer service areas shall not be permitted for existing wastewater collection and treatment systems that are non-compliant with NJPDES permit requirements for effluent quality.

C. *Estimation of Need*. Development wastewater demands shall be calculated based on maximum three month demand and on annual average demand using demand factors in N.J.A.C. 7:14A or N.J.A.C. 7:9A as appropriate.

D. *Water Resource Transfers.* Applicants shall demonstrate that under the proposed action either:

1. No new or increased water transfer between subwatersheds will occur; or

2. No other option exists to meet public health, safety and welfare objectives, and where such transfers do occur, they are in full compliance with the requirements of § 6.7 above (Water Conservation and Deficit Mitigation), including limitations on demands on the source subwatershed.

# ARTICLE 8. PLANNED DEVELOPMENT REGULATIONS

## § 8.1 RESIDENTIAL CLUSTER DEVELOPMENT

### § 8.1.1 Findings

The intent of this Article is to provide for cluster and conservation design development (hereinafter referred to as cluster development) consistent with the Land Use Plan Element of the Master Plan and as defined at § 3.2. Cluster development is a development design technique under which principal buildings and structures are grouped together on a portion of the Cluster Project Area, while the remaining land area is permanently deed-restricted in agricultural use, for conservation of natural resources, or as open space for environmental protection including public recreational use. Cluster development allows flexibility in the design and lay-out of development projects, providing opportunity for new construction while addressing other priorities, such as: protecting environmentally sensitive areas, preserving large contiguous areas of open space and agricultural land, supporting the continuation of existing agricultural and/or horticultural land uses, and developing attractive residential development consistent with community character.

### § 8.1.2 Applicability

The provisions of this section shall apply to all lands in the ARA, as provided at § 4.3.8 and as designated in the map entitled "Agricultural Resource Area" (Exhibit 8). The permitted principal residential use for any underlying municipal Zoning District in the ARA which permits single-family residential development as a principal use, is restricted solely to cluster development in accordance with all provisions of this section. Cluster development within the ARA shall be consistent with the Agriculture Retention/Farmland Preservation Plan Element of the Master Plan and the provisions of this ordinance by supporting the preservation of farmland, avoiding conflicts with agriculture, maintaining and enhancing the sustainability and continued viability of the agricultural industry, protecting Important Farmland Soils, and meeting the management and protection provisions of this ordinance for Highlands Resources.

### § 8.1.3 Cluster Project Area Standards

The Cluster Project Area (as defined at § 3.2) includes all of the individual parcels from which development is clustered, including the area set aside for preservation and the area set aside for development. Residential cluster development shall be implemented in accordance with the Highlands Council Cluster/Conservation Design Development Guidelines, incorporated by reference herein, and shall incorporate the provisions below for the Cluster Project Area. The use of clustering in Highlands Zones or Sub-Zones having a high concentration of environmentally sensitive resources will be limited. The use of non-contiguous clustering, wherein the development rights of non-contiguous parcels are aggregated for use upon a single parcel (or group of adjacent parcels) suited to cluster development, shall be permitted and is encouraged where it affords a higher level of protection to Highlands Resources and Resource Areas than would otherwise be the case. Land management and stewardship, including best management practices and conservation and/or management plans, for the Cluster Project Area shall be subject to the provisions of Article 6 for all Highlands Resources including, but not limited to protection, restoration, maintenance and mitigation, as applicable.

### § 8.1.4 Preservation Set Aside of Cluster Project Area Standards

A. The area set aside for preservation in a Cluster Project Area shall comprise at least 80% of the total Cluster Project Area, and shall be preserved in perpetuity for agricultural use or for environmental protection. If the Cluster Project Area is served by a public or community on-site wastewater system, the area set aside for preservation shall comprise at least 90% of the Cluster Project Area to the maximum extent this is feasible. All land preserved in perpetuity shall require a conservation restriction that complies with § 7.2 and is enforceable and monitored by the Highlands Council, the Borough of Chester,

and, where requested by the Highlands Council: for environmental protection, the NJDEP Green Acres or a qualified land trust non-profit organization, or for agricultural use, the CADB or the SADC. All Preservation Set Asides shall be deed-restricted against further subdivision and shall consist of one contiguous parcel, to the maximum extent feasible, unless non-contiguous clustering is utilized.

B. When agricultural resources are preserved the following provisions shall apply:

1. The most productive Important Farmland Soils, determined in accordance with NRCS USDA soil survey data, NJDA and the local SCD shall be given priority in determining the area set aside for agricultural preservation within the Cluster Project Area.

2. The conservation easement or deed restriction and a legally enforceable Homeowner's Agreement, where applicable, shall include Right to Farm Act provisions.

3. Retention of the original farmstead or construction of new farmsteads associated with preserved agricultural lands in cluster developments shall be permitted.

4. The preserved portion of the Cluster Project Area shall be buffered appropriately to avoid conflicts between agricultural operations and adjacent development, including the developed portion of the Cluster Project Area, and to facilitate compliance with Borough of Chester Right to Farm regulations.

5. This ordinance supports Sustainable Agriculture (as defined at § 3.2 and consistent with the Agriculture Retention/Farmland Preservation Plan Element of the Master Plan) and requires the implementation of best management practices on the agricultural land, including as a condition of any approval, development and implementation of a Farm Conservation Plan (as defined at § 3.2 and described at § 6.10.4) that addresses the protection of water and soil resources, prepared by the USDA NRCS, TSP, appropriate agent or NJDA staff, and approved by the local SCD.

6. Community supported agriculture businesses shall be permitted within the preserved portion of the Cluster Project Area to allow homeowners to take advantage of local agricultural goods and services and to enhance the viability of the agricultural industry.

7. Requirements (e.g., bulk standards) applicable to agricultural development shall be as provided for other agricultural uses at § 6.10.3.

C. When natural resources are protected the following provisions shall apply:

1. Cluster development shall meet the resource management and protection requirements of Article 6 and shall be consistent with the policies of the Conservation Plan Element of the Master Plan.

2. Where high value natural resources are preserved, the conservation easement or deed restriction shall prohibit active recreational uses and facilities, and only allow minimal passive recreational uses dependent upon the nature of the resources.

3. Passive recreational trails shall be allowed provided they do not disturb habitat and shall be natural landscape trails constructed using native pervious materials. Where feasible, such passive recreational trails shall link to existing federal, state and local trail systems, greenways and parks.

4. Buffering techniques, management and stewardship of natural resources, and site design for the Cluster Project Area shall be used, where feasible, to enhance the existing natural resources protected within the Cluster Project Area.

## § 8.1.5 Development Set Aside of Cluster Project Area Standards

A. Cluster development shall be designed to avoid or minimize disturbance of natural resources and agricultural resources (including ARAs) of the Highlands Region in compliance with the provisions of this Ordinance.

B. The total area set aside for development in the Cluster Project Area shall not exceed 20%. To the maximum extent feasible, the developed area of the Cluster Project Area shall occupy no more than 10%, if the project area is served by a public or community on-site wastewater system.

C. For cluster development dependent upon septic systems, the unit yield for the whole of the Cluster Project Area shall be based on the septic system density allowances as established at § 5.3.4, or at the development density allowed under Borough of Chester zoning, whichever is more restrictive.

1. Septic System density allowances within the Development Set Aside portion of the Cluster Project Area shall not exceed that necessary to ensure that nitrate dilution for the developed portion of the site is maintained at 10 mg/L, or less. These allowances shall be calculated in accordance with the Highlands Council Nitrate Dilution Model, information about which may be found at the following website: . This model derives from two independent methods: a mass-dilution (modified Trela-Douglas) model and the New Jersey Geological Survey's (NJGS) ground-water-recharge method. It provides the minimum number of acres required per septic system (applied as an average density) to ensure that recharge is sufficient to achieve nitrate dilution targets.

2. For purposes of this calculation, the following factors, representative of a one-family household, or average wastewater generation of 300 gallons per day, shall be used as inputs to the nitrate dilution model:

   a) Household size of four (4) persons;

   b) Average nitrate loading of ten (10) pounds per person per year; and

   c) Drought ground water recharge for the HUC14 subwatershed as dilution.

3. For purposes of this calculation, septic system yield shall be calculated on the basis of the developed portion of the site only, which shall consist of a contiguous land area including the following:

   a) All land area proposed to be occupied by buildings, structures and associated improvements, all land area to be disturbed in connection with the construction or installation of such buildings, structures and improvements, and all of the land area intervening; and

   b) All land area dedicated to any street or roadway providing public (or common) access to the development, to the limits of the right-of-way, easement, or other area(s) designated to contain such common access; and

   c) All land dedicated to a community on-site stormwater detention facility, or other like facility providing public (or common) services to the development, each to the limits of the easement, lot line(s), or other area(s) designated to contain such common facility.

D. Water and wastewater availability, expansion, or creation for cluster development shall be in compliance with § 5.3.6 through § 5.3.8 and shall meet the resource management and protection provisions of this Ordinance.

E. Cluster residential development proposing to use septic systems shall meet the resource management and protection provisions of this Ordinance.

F. All infrastructure, open space and utilities necessary to support the residential cluster development shall be located within the Development Set Aside of the Cluster Project Area (i.e. streets, common open space areas, wastewater facilities and stormwater management).

G. Where a municipality has developed and the Highlands Council has approved a plan for the aggregation of cluster developments to minimize the potential for dispersed clusters, the cluster development shall be consistent with such plan.

H. Cluster development shall incorporate smart growth principles where feasible, including but not limited to: a mix of land uses; compact building design; walkable neighborhoods; a range of housing opportunities and choices; foster distinctive communities with a strong sense of place using design techniques illustrated in the Highlands Cluster/Conservation Design Development Guidelines; preserve critical natural and agricultural resources; direct development towards existing infrastructure (i.e. water, wastewater, transportation, and community facilities); provide a variety of transportation choices (i.e. pedestrian, bicycle automobile, bus, rail); and encourage community and stakeholder collaboration in development decisions. [*Note: The Highlands Council will release the Cluster/Conservation Design Development Guidelines during the Plan Conformance process to facilitate the design of cluster development.*]

I. Cluster development shall incorporate LID techniques, as set forth at § 7.2.

J. Cluster development shall be designed to maintain the Highlands rural, scenic and historic character and shall consider and harmonize with existing community character with respect to architectural style, scale, massing and arrangement of buildings. Protection of Highlands Historic, Cultural and Archaeological Resources shall be considered and incorporated consistent with the provisions at § 6.11 . Primary criteria for site design decision-making shall include protection of existing resources and minimization of negative impacts.

K. All buffers and setbacks shall consider and incorporate or harmonize with existing natural, agricultural, historic and scenic resources and with community character. Buffers and setbacks shall be designed to consider and harmonize with the Cluster Project Area and adjacent existing development. Existing natural resources and vegetation (e.g., hedgerows/trees, woodlands or forest, wetlands, streams) shall be retained and may be enhanced as buffer features whenever feasible. Where the cluster development is integrated into an existing neighborhood or center-type development, the developed area of the cluster shall be located behind an existing hedgerow (mature trees) or screened with a new buffer as appropriate, such as a thickly planted berm of native trees or shrubs that is landscaped in such a manner as to resemble existing woodlands.

L. Site disturbance shall be restricted to clearing and grading to the minimum extent necessary to make reasonable use of the designated building envelopes, including but not limited to compliance with LID requirements at § 7.2 and retention of existing mature trees.

M. Cluster development shall be configured to minimize impervious coverage.

### § 8.1.6 Single-Family Dwelling Area, Yard and Bulk Standards

Residential cluster development shall be tailored to the characteristics of the site and its environs, and shall be designed to avoid or minimize disturbance of existing Highlands Resources. The following standards shall apply to residential cluster development projects. [*Note: These requirements serve in the interim during the Basic Plan Conformance process until the municipality develops a cluster development ordinance approved by the Highlands Council or updates*

*an existing cluster development ordinance that will include site design standards consistent with the municipal vision and approved by the Highlands Council.*]

A. ***Minimum Acreage Threshold Requirements.***

1. Cluster Development reliant upon on septic systems:

   a) Protection Zone – 120 acres

   b) Conservation Zone – 40 acres

   c) Existing Community Zone – 35 acres

2. Cluster Development served by wastewater utilities:

   a) All Zones – 30 acres

B. ***Net Density/Intensity Threshold Requirements.***

1. New single-family residential cluster development shall be subject to a net septic system density limitation, calculated on the basis of the developed portion of the Cluster Project Area (as provided at § 5.3.4). Such density (acres per septic system) shall comply with a nitrate dilution target for the developed portion of the Cluster Project of 10 mg/L or less.

2. Where new single-family residential development is proposed to rely on existing wastewater utilities the density and intensity standards shall be in compliance with the underlying municipal zoning ordinance.

C. ***Minimum Unit Number Threshold Requirement.*** Application of the acreage and density/intensity requirements of A. and B., above, shall yield a minimum of four (4) dwelling units.

D. ***Bulk Requirements.*** Where the applicant demonstrates and the reviewing Board finds, based upon submission of an analysis of natural and agricultural resources within the Cluster Project Area, that the site design shall be enhanced by reducing the bulk requirements of this subsection (e.g., where existing topography or vegetation provides an effective visual screen), these requirements may be reduced by up to 50%. Such reductions shall similarly apply to the extent they may be necessary to ensure compliance with the density or intensity requirements of B.1 and B.2 above. [*NOTE: These requirements may be modified and supplemented by the municipality to ensure consistency with the definitions used in its existing zoning/land use ordinance and in consideration of community character, community vision, and the need to ensure that cluster development is achievable.*]

1. Cluster Development reliant upon septic systems:

   a) Minimum lot frontage shall be 150 feet.

   b) Minimum lot width shall be 150 feet.

   c) Principal Building Setbacks

      (i) Minimum front yard setback shall be 50 feet.

      (ii) Minimum side yard setback shall be 30 feet.

(iii) Minimum rear yard setback shall be 50 feet.

d) Accessory Building Setbacks

(i) Minimum setback from side or rear line shall be 15 feet; if a reduction is allowed, it shall be no less than 10 feet.

(ii) Minimum setback from other buildings shall be 15 feet; if a reduction is allowed, it shall be no less than 10 feet.

2. Cluster Development served by wastewater utilities:

a) Minimum lot frontage shall be 100 feet.

b) Minimum lot width shall be 100 feet.

c) Principal Building Setbacks

(i) Minimum front yard setback shall be 35 feet.

(ii) Minimum side yard setback shall be 20 feet.

(iii) Minimum rear yard setback shall be 35 feet.

d) Accessory Building Setbacks

(i) Minimum setback from side or rear line shall be 10 feet; if a reduction is allowed, it shall be no less than 5 feet.

(ii) Minimum setback from other buildings shall be 15 feet; if a reduction is allowed it shall be no less than 10 feet.

E. *Other Requirements.* All other development requirements for single-family dwellings, including any bulk standards not listed above (e.g., lot coverage, building coverage, building height) shall be as required pursuant to the underlying municipal zoning/land use ordinances.

# ARTICLE 9. APPLICATION REVIEW PROCEDURES & REQUIREMENTS

## § 9.1 APPLICATION PROCEDURES

All procedural requirements regarding applications for zoning permits, construction permits, certificates of occupancy or approval, variance relief, site plan approval, subdivision approval, interpretations, appeals, and any other such application shall remain in effect as provided pursuant to the underlying municipal land use ordinances and other applicable codes and regulations in effect at the time of the application, except to the extent these may be modified by the provisions set forth herein.

### § 9.1.1 When Required

All requirements stipulating the circumstances under which such permits or approvals are required, as set forth by the underlying municipal zoning and land use ordinances, and any other applicable codes and regulatory requirements shall remain in full force and effect as provided pursuant to such regulations, inclusive of the specific definitions used therein to classify applications for review and consideration by the appropriate municipal authority, including but not limited to such terms as: "major site plan," "minor site plan," "major subdivision," "minor subdivision," "use variance," "conditional use variance," "change in use," "bulk variance," "zoning permit," and "building permit." In the event that the underlying municipal land use ordinances do not require issuance of a permit or other approval for any activity, improvement, or development project covered under the provisions of this Ordinance, a Highlands Resource Permit shall be required in accordance with the provisions of § 9.1.6, below.

### § 9.1.2 Highlands Act Exemptions

Pursuant to § 2.1.1 D above, any application proposing an activity, improvement or development project that qualifies as a Highlands Act Exemption is exempt from the requirements of this Ordinance. Any applicant asserting same, shall, as a condition of application completeness, and in any case prior to municipal review or approval of the application, provide evidence that the proposal qualifies as a Highlands Act Exemption as provided under either, A or B, below.

A. ***State Agency Determination.*** State Agency Determinations shall consist of a Highlands Exemption Determination issued by the Highlands Council indicating that the proposal qualifies as a Highlands Act Exemption. State Agency Determinations are required for any application under this Ordinance involving Highlands Act Exemption #14 or #15. State Agency Determinations are also required for any capital or other project of any State entity or local government unit, or for any other publicly-owned or controlled land or facility; these categories including any project or improvement pertaining to the lands or facilities of the Borough of Chester.

B. ***Municipal Determination.*** Pursuant to Borough of Chester Ordinance #_____, entitled "Borough of Chester_____ **Highlands Area Exemption Ordinance," effective as of [*insert date*]_____,** for any application under this Ordinance involving Highlands Act Exemptions #4, #6, #7, or #8, the applicant may request and shall be deemed to have satisfied the evidentiary requirement by obtaining a Municipal Exemption Determination issued by the Municipal Exemption Designee, provided such Determination indicates that the proposal qualifies as a Highlands Act Exemption. The applicant may rely upon the findings of a Municipal Exemption Determination to the same extent and with the same protections as would apply in the case of a Highlands Exemption Determination issued by the Highlands Council.

### § 9.1.3 Approvals Subject to Compliance

Approval of any land use-related application, whether a zoning permit application, building permit application, Application for Development (as defined at § 3.2), or any other such application, unless deemed a Highlands Act Exemption pursuant to § 9.1.2 above, is subject to compliance with the provisions of this Ordinance. Prior

to any such approval, the reviewing entity shall ensure that the proposed activity, improvement or development project that is the subject of the application under its jurisdiction, is either in full compliance with all applicable provisions of this Ordinance; has received approval(s) from the entity or entities authorized to grant relief from such provision(s); or by its conditioned approval, where permitted herein, will remain subject to the issuance of such approval(s) from the entity or entities authorized to consider and issue such relief, with such approval(s) to issue prior to any land disturbance related to the proposed activity, improvement or development project.

A. ***Building/Construction Permit Applications.*** Demonstration of compliance with all applicable provisions of this Ordinance shall be required as a Prior Approval to the issuance of any building permit. Proof of such compliance shall be provided in writing, as issued by the applicable reviewing authority or authorities, including but not limited to the Borough of Chester Zoning Officer, Planner, Engineer, Planning Board, Zoning Board of Adjustment, Board of Health, Health Department. No building permit shall issue, unless and until a zoning permit has been issued by the Borough of Chester Zoning Officer.

B. ***Zoning Permit Applications.*** Demonstration of compliance with all applicable provisions of this Ordinance shall be required prior to the issuance of any zoning permit or zoning approval. Where a finding of compliance requires authority or professional expertise outside the purview of the Zoning Official, such proof shall be provided in writing by the applicable reviewing authority or authorities, including but not limited to the Borough of Chester Planner, Engineer, Planning Board, Zoning Board of Adjustment, Board of Health, Health Department. In such instances, receipt of such findings of compliance shall constitute mandatory Prior Approvals to the issuance of any zoning permit or approval.

C. ***Applications for Development.*** Prior to granting any approval of an Application for Development, the Planning Board or Zoning Board of Adjustment, as applicable, shall make specific findings of compliance with regard to the applicable provisions of this Ordinance, such findings assisted by the advice and recommendations of the reviewing Board's professionals, including but not limited to the Board Planner, the Board Engineer, and any specialist, expert or other consultant engaged by the Board to assist in any field of specialization. The reviewing Board shall attach certain conditions to any such approval as provided at § 9.2.3 below, but is by no means limited solely to these in making its determination on an application.

### § 9.1.4 Applications Requiring Prior Highlands Council Approval

For any application listed in this subsection, authorization by the Highlands Council shall be obtained prior to a finding of application completeness, and prior to any review or approval of the application by the applicable municipal authority. In all such cases, applications shall be filed with the Highlands Council in accordance with its established submission and procedural guidelines.

A. ***New/Extended Utility Infrastructure.*** Any application proposing installation of new or extended water supply or wastewater collection/treatment utility infrastructure in any Zone or Sub-Zone other than the Existing Community Zone (including the Lake Community Sub-Zone but excluding the Existing Community Environmentally Constrained Sub-Zone), pursuant to § 5.3.7.

B. ***Water Availability.*** Any application proposing new or increased use of potable or nonpotable water averaging 6,000 gallons per day or more, pursuant to § 6.7.2, unless regulated under a Highlands Council-approved Water Use and Conservation Management Plan.

### § 9.1.5 Findings of Compliance

With regard to any application, or any specific aspect of an application for which the Highlands Council has explicitly issued an approval, the applicable reviewing authority shall find that, to the extent the approval specifically addresses the provisions of this Ordinance, the applicant has demonstrated compliance. Such approvals shall not be construed to waive or obviate other applicable provisions of this Ordinance or of any

other applicable municipal or non-municipal ordinances, regulations or requirements. With respect to all other findings of compliance, the provisions of this subsection shall apply.

A. ***Professionals Required.*** Findings of compliance with the provisions of this Ordinance shall be provided only by individuals qualified to review and make such determinations. In many but not all instances these shall require licensed, certified or otherwise qualified professionals such as scientists, engineers, planners or geologists. Fee and escrow requirements associated with applications requiring approval under this Ordinance, shall reflect the reasonable anticipated expenses associated with processing and reviewing such applications, as provided at § 9.3 below. The following professionals (where the term "professionals" is construed to include any and all qualified individuals licensed, certified, or otherwise eligible and authorized to complete such work, in accordance with the applicable laws and legal requirements of the State of New Jersey) shall, to the extent of their applicable licensure, certification, or other appropriate qualifications, be authorized to review and provide findings pursuant to this Ordinance, and shall be designated as required, by the municipal Governing Body or reviewing Planning Board or Zoning Board of Adjustment, as applicable:

1. *Use, Density, Intensity & Other Bulk Requirements:* Professional Planner; Professional Engineer; Zoning Officer

2. *Forest Resources:* Certified Tree Expert; Forester; Forest Scientist/Ecologist

3. *Highlands Open Waters, Riparian Areas:* Wetlands or Riparian Scientist/Ecologist; Environmental Engineer (as required for Water Quality Management issues)

4. *Steep Slopes:* Professional Engineer; Geologist; Topographic Surveys: Licensed Land Surveyor

5. *Water Conservation and Deficit Mitigation, Prime Ground Water Recharge Areas, Wellhead Protection Areas, Stormwater Management:* Hydrogeologist; Professional Engineer; Water Resources Engineer; Environmental Engineer

6. *Low Impact Development:* Landscape Architect, Professional Engineer; Environmental Engineer; Professional Planner qualified and experienced in applicable areas

7. *Conservation/Deed Restrictions:* Attorney

B. ***Zoning and Building/Construction Permit Applications.*** Where a zoning or building/construction permit application (or request for approval) is not preceded by an Application for Development under the purview of the Planning Board or Zoning Board of Adjustment, the reviewing official shall rely upon the determination(s) of the individual designated in A., above for findings of compliance with respect to the applicable provisions of this Ordinance.

1. All determinations by the qualified professional shall be determinative in the disposition of any zoning or building/construction permit application with respect to required Prior Approvals.

2. Where the professional determines that an approval may be granted subject to certain conditions, such conditions shall be addressed prior to the issuance of any permit or approval by the building or zoning official, unless in the estimation of the professional, satisfaction of the required conditions of approval will not be compromised by issuance of the zoning or building/construction permit and are ensured by other means, such as withholding of any final certificates of occupancy or approval.

3. The findings of the review professional shall be provided in writing to both the municipal official(s) responsible for the review and disposition of the zoning or building/construction permit, and to the

applicant. Where such findings indicate that the application is not compliant with the applicable provisions of this Ordinance, the review professional shall provide a statement identifying the reasons therefor. Where the review professional indicates that an approval may be granted pending satisfaction of certain conditions, a statement and explanation of the conditions to be attached shall be set forth as well as the reasons therefor.

4. The findings of the review professional may be appealed by any affected party in accordance with the provisions of the underlying land use ordinance, pursuant to N.J.S.A. 40:55D-70(a).

5. The professional review process shall occur as follows:

   a) Upon notice from the municipal official(s) responsible for the review and disposition of the zoning or building/construction permit that a Prior Approval is required, it shall be the applicant's responsibility to prepare a request for review and issuance of such approvals by the designated municipal professional(s).

   b) The applicant shall provide all of the documents and materials required for submission under an Application for Development pursuant to § 9.4, below, to the extent they apply with respect to the particular resources and Ordinance provisions at issue, for review by the professional.

   c) The professional shall provide a completeness determination in writing, within thirty (30) days of receipt of the application materials, which in the event of an incomplete application, shall indicate the reasons therefor. The professional shall have the authority to waive submission of items he or she finds unnecessary or irrelevant to the evaluation and the required report of findings.

   d) The professional shall review and provide a report of findings to both the municipal official(s) and the applicant within forty-five (45) days of the date on which the application is deemed complete.

   e) The review professional shall have authority to issue such waivers and exceptions as provided only in accordance with Article 10, below.

C. ***Highlands Resource Permit Applications.*** In the event that the underlying municipal land use ordinances do not require issuance of a zoning or building permit, or approval of an Application for Development through which compliance with the provisions of this Ordinance may be demonstrated, the provisions herein shall apply.

1. Any person proposing an activity, improvement or development project that will affect a Highlands resource, Resource Area, or Protection Area, shall obtain a Highlands Resource Permit in accordance with this section.

2. Applications shall be made on forms provided by the municipality requiring identification of the owner of the property or properties at issue, the tax block and lot, street address, the extent, location and type of activity proposed, and by submission of a Consistency Determination Report from the Highlands Council website, an indication of the resources potentially affected by the proposed activity.

3. The designated review authority for such applications shall be the Borough of Chester Zoning Officer or Engineer.

4. The review and disposition of such applications shall occur as provided for zoning and building/construction permits, in the preceding sections, with approvals being issued only upon a finding of compliance.

D. *Applications for Development.* With respect to Applications for Development, findings of compliance shall be provided by the applicable professional(s) through the process of review and consideration undertaken by the Planning Board or Zoning Board of Adjustment. The reviewing Board (or its committee(s), if applicable) shall consider all such findings during the course of the Application for Development, in conjunction with all other relevant information and requirements in rendering a final decision in any matter.

## § 9.2 APPLICATIONS FOR DEVELOPMENT

The provisions of this section shall apply to any Application for Development (see § 3.2, above) under the jurisdiction of the Planning Board or Zoning Board of Adjustment.

### § 9.2.1 Notice & Reporting Requirements

The provisions of this section shall apply in addition to all requirements concerning public notice for Applications for Development as provided under the MLUL and required pursuant to the underlying municipal land use ordinances.

A. *Notice of Application to Highlands Council.* The applicant for any Application for Development shall provide notice to the Highlands Council at least ten (10) days prior to the date on which the application is scheduled for consideration by the local Board. A copy of the complete application shall accompany such notice regarding any Application for Development involving the potential disturbance of two (2) acres, or more, or a cumulative increase in impervious coverage of one (1) acre, or more. The applicant shall provide copies of any subsequent revisions to such applications to the Highlands Council at the same time these are provided to the reviewing Board. If such plans or plats have been prepared in digital form, they shall be provided to the Highlands Council in a digital format that meets Highlands Council standards for such submissions.

B. *Notice of Decision Required.* The reviewing Board shall provide a certified copy of the fully-executed resolution memorializing its final decision regarding any Application for Development to the Highlands Council within ten (10) days of its adoption. This provision shall apply in all cases, whether the Board approves the Application for Development, denies it, or approves it with conditions.

### § 9.2.2 Board Decisions Subject to Highlands Council Call-Up

All Board decisions pertaining to Applications for Development involving the ultimate disturbance of two (2) acres or more of land or a cumulative increase in impervious surface by one (1) acre or more, are subject to call-up and subsequent review by the Highlands Council in accordance with procedural requirements and timeframes established pursuant to the Highlands Act. The Highlands Council may, on notice to the applicant within 15 days of receipt of the memorializing resolution of the reviewing Board, review and require a public hearing on the application. In that case, subsequent to the hearing the Highlands Council may approve the Application for Development, deny it, or issue an approval with conditions.

### § 9.2.3 Conditions of Approval

The following conditions of approval shall, in addition to any applicable conditions previously set forth under this Ordinance, be attached to any Application for Development approved pursuant to the MLUL, and the provisions of § 9.1, above.

A. ***No Land Disturbance.*** No land disturbance approved in connection with an Application for Development involving the ultimate disturbance of two (2) acres or more of land or a cumulative increase in impervious surface by one (1) acre or more, shall occur until and unless, either:

1. The Highlands Council call-up period has expired without issuance of a notice seeking review of the application by the Highlands Council; or

2. The Highlands Council has issued notice and has reviewed the approval pursuant to N.J.S.A. 13:20-17(a)1 and has determined not to deny or modify the approval.

B. ***Amendments.*** In the event that Highlands Council review of an approved Application for Development pursuant to § 9.2.2 above results in a finding that the plans must be modified, the applicant shall amend the application accordingly and submit the amended application to the reviewing Board for approval. Such submissions shall include the written findings and notice of decision of the Highlands Council.

C. ***Conservation Restrictions.*** The applicant shall commit to and, as a condition of approval, perfect a conservation restriction on the undisturbed portions of Highlands Resources, Highlands Resource Areas, and Special Protection Areas located on the subject property, if and as required pursuant to the provisions of § 7.3.

D. ***Approvals Conditioned on State Approvals.*** All approvals shall be subject to the approval of any and all State agencies or other authorities having jurisdiction over any aspect or aspects of the approved Application for Development.

E. ***As-Built Surveys Required.*** Prior to issuance of any final Certificate of Occupancy or Approval, or to the release of any performance bonding held in relation to the approved Application for Development, the applicant shall provide an "as-built" survey depicting the final site conditions.

F. ***Submission of Final Plans/Plats to Highlands Council.*** The applicant shall provide a copy of any final site plan or subdivision plat to the Highlands Council. If such plans or plats have been prepared in digital form, they shall be provided to the Highlands Council in a digital format that meets Highlands Council standards for such submissions.

## § 9.3 APPLICATION FEE & ESCROW REQUIREMENTS (*OPTIONAL*)

The application fee and escrow requirements of this subsection shall apply in addition to all existing fee and escrow requirements, including procedural and legal requirements, as set forth in the underlying municipal land use ordinances. All application fees and escrows shall be managed and dispensed as prescribed under all applicable state and local requirements, including but not limited to those of the MLUL and the Uniform Construction Code.

A. ***Highlands Resource Review.*** The fee and escrow requirements herein shall apply to applications for Highlands Resource Permits, and to Zoning Permit and Building/Construction Permit applications for which Highlands Resource review is required as a prior approval pursuant to § 9.1.3.

1. Highlands Resource Review Fees

a) Applications involving determinations regarding: permitted/prohibited uses, water use and conservation, wellhead protection, prime ground water recharge, low impact development, or any combination of these: Application Fee: $ 50.00_____

b) Applications involving determinations regarding any one or combination of the following: density or intensity of development standards, forest resources, steep slopes, water deficit mitigation, or stormwater management (including stormwater low impact development): Application Fee: $_100.00_____

c) Applications involving determinations regarding any combination of items listed in both 1.a and 1.b, above, shall be subject to the application fee listed at 1.b.

2. Escrow Deposit Requirements

a) Applications requiring compliance determinations pursuant to any Highlands resource component listed in the following table shall be accompanied by the escrow deposits therein indicated. Where an application involves more than one of the listed application compliance components, escrow deposits shall be cumulative.

| Application Compliance Component | Escrow Deposit |
|---|---|
| a) Density or Intensity Standards | $150.00 |
| b) Forest Resources | $200.00 |
| c) Steep Slopes | $150.00 |
| d) Water Deficit Mitigation | $250.00 |
| e) Stormwater Management and Stormwater LID | $250.00 |
| f) Conservation/Deed Restrictions | $250.00 |
| g) Operations and Contingency Plans | $200.00 |

b) Escrow deposits shall be used by the municipality to cover the costs of professional reviews associated with the respective Highlands resource components. Where any escrow account is depleted to an amount equaling 25% or less of the original deposit amount, the status and progress of the application shall be reviewed by the applicable municipal official(s), and the professional responsible for Highlands resource review shall determine whether account replenishment is necessary, and if so, by what amount. On notice from the municipality of any such replenishment requirement, the applicant shall provide the additional escrow accordingly and within such timeframes as therein stated.

B. ***Applications for Development.*** All fee and escrow requirements pertaining to Applications for Development shall remain as set forth in the underlying municipal land use ordinances, with the adjustments provided herein as a supplemental requirement, applicable in the case of any application for which the reviewing Board requires professional assistance in making findings of compliance pursuant to § 9.1.6.

1. The required escrow deposit for applications involving determinations regarding any one or more of the following resource components shall be calculated by multiplying the existing escrow deposit requirement by 1.25: water use and conservation, wellhead protection, prime ground water recharge, low impact development.

2. The required escrow deposit for applications involving determinations as to any of the following resource components shall be calculated by multiplying the existing escrow deposit requirement by 0.25 for each applicable item, and adding each to the existing escrow deposit amount: density or intensity of development standards, forest resources, steep slopes, water deficit mitigation, or stormwater management (including stormwater low impact development).

3. The required escrow deposit for any application involving determinations listed at both B.1 and B.2, above, shall be calculated by multiplying the existing escrow deposit requirement by 0.25 and adding the result to the amount determined under B.2.

## § 9.4 SUBMISSION CHECKLIST REQUIREMENTS

All applicants seeking approval for any activity, improvement or development project covered under the provisions of this Ordinance shall submit the materials required in this section for review by the applicable municipal authority. In no case shall an Application for Development (as defined in Article 3) be deemed complete or scheduled for Board review until such time as the Board has received all required items in accordance with the provisions herein. Applications for Highlands Resource Permits and for Zoning Permits and Building/Construction Permits requiring Highlands Resource review shall not be considered for such review until such time as the reviewing authority has received all required items in accordance with the provisions herein. In all cases, the submission requirements of this section shall be considered supplemental to the checklist requirements of the underlying municipal land use ordinances.

### § 9.4.1 General Submission Requirements

All applications shall be accompanied by the following:

A. *Application Fees and Escrow Deposits*

B. *Completed Application Forms* (____14 (fourteen) Copies, plus one (1) copy submitted in electronic format)

C. *Highlands Act Exemptions.* Any applicant claiming eligibility for an exemption under the Highlands Act shall provide one of the following:

1. Municipal Exemption Determination as provided under (pursuant to Highlands Area Exemption Ordinance); or

2. Highlands Exemption Determination from the Highlands Council.

D. *Prior Approvals.* All applications requiring prior approvals pursuant to the provisions of this Ordinance shall provide evidence of receipt of same, as listed below. All such applications shall be accompanied by copies of the specific plans, reports and other materials to which such approval applies.

1. For any application proposing an increase in the use of Net Water Availability or Conditional Water Availability pursuant to § 6.7, Notice of Findings issued by the Highlands Council pursuant to § 6.7.7.

2. For any application proposing installation of new or extended water supply or wastewater collection/treatment utility infrastructure in any Zone or Sub-Zone other than the Existing Community Zone (including the Lake Community Sub-Zone but excluding the Existing Community Environmentally Constrained Sub-Zone), pursuant to § 5.3.7, Notice of Authorization issued by the Highlands Council.

E. *Mapping Instructions.* All mapped information shall be provided for the full parcels affected by the proposed project and a distance of 200 feet from the outer boundaries of all affected parcels. Where this Ordinance requires field surveys of resources, the field survey requirement shall apply only to the affected parcels and shall be conducted by qualified professionals. These include specifically: contiguous steep slope areas of 5,000 square feet or more which are not within the Steep Slope Protection Area; areas defined as Forest via the methodology provided at APPENDIX A which are not identified within the

Total Forest Area, or which revise the Total Forest Area. The area within 200 feet of the affected parcels may be mapped using existing data and is not subject to field surveys. Where field surveys are not required for mapping of Highlands resources, the application shall include Highlands Council GIS data. In addition to paper plans, initial plan sets shall be submitted on CD (or other acceptable archival electronic format) in the most recent version of ESRI Shape files (.shp) and in the most recent version of Adobe Acrobat® (.pdf) format. The plans must be geo-referenced using New Jersey State Plane Coordinates NAD83 (or the most current New Jersey State Plane coordinate system). The final approved version shall be submitted in the same manner. Plan revisions (subsequent to the initial plan sets but prior to final approved version) shall be submitted in .shp and .pdf either in archival electronic format or via e-mail. Projects that will disturb less than two (2) acres and will create less than one (1) acre of net impervious surface may be submitted as geo-referenced CAD files in lieu of the ESRI Shape files.

### § 9.4.2 Permit Applications

The submission requirements of this subsection shall apply in addition to those of § 9.4.1 above, in the case of all applications for Highlands Resource Permits and for Zoning or Building/Construction Permits requiring Highlands Resource Review. Where the reviewing authority or designated review professional determines that a submission item listed in this subsection is not applicable to the proposed development project or is unnecessary to the conduct of such review, the authority or designated professional may waive the requirement for its submission. A waiver of submission of any checklist item shall not be construed to preclude the reviewing entity from ultimately requiring the submission of such item, however, if during the course of application review, it is found necessary and relevant in making a determination.

A. ***Base Submission Requirements.***

1. Identification of Highlands Zone or Sub-Zone in which the property is located (available through Highlands Council website).

2. Identification of Highlands Resource and Protection Areas in which the property is located, inclusive of Highlands Council maps indicating the boundary lines of same unless fully encompassing the property (Highlands Council website).

3. Existing and proposed use(s) and accessory use(s), including any proposed Major or Minor PCS (listed at APPENDIX B and APPENDIX C).

4. Copy of property survey indicating metes and bounds, existing buildings, structures, impervious surfaces, significant site features (e.g. water bodies), easements or other such encumbrances.

5. Plans showing the proposed area of disturbance for all aspects of the development, including but not limited to buildings, driveways, utilities, landscaped areas and all appurtenant structures.

6. Plans showing the proposed grading, soil conservation plan, and sediment and soil erosion control plan.

7. Plans showing proposed conservation restrictions or easement(s) to be provided (if applicable) pursuant to § 7.3.

8. Plans documenting baseline conditions in all areas designated for public (or non-profit land trust) open space preservation.

9. **Water Use**

a) Existing and proposed water demand inclusive of calculations based on use and unit/square footage equivalents listed at § 5.3.3.

b) For any application proposing an average of 6,000 or more gallons per day of new or increased water use pursuant to § 6.7.2:

(i) All submission items required pursuant to any adopted municipal or subwatershed-based Water Use and Conservation Management Plan (WUCMP).

(ii) The following, where a WUCMP has not been adopted and the application proposes use of Conditional Water Availability pursuant to § 6.7.7B:

(a) Information identifying project water demand data, water supply source and water utility provider.

(b) Identification of the water supply source HUC14(s) for the project, deficit status, and conditional availability as provided by the Highlands Council.

(c) Deficit Mitigation Plan pursuant to § 6.7.7 B.4.

10. **Septic Systems**

a) For all applications proposing new septic systems, plans showing the proposed location and configuration of such system(s), including designated area(s) for reserve septic disposal field(s) pursuant to § 7.6. Plan notes indicating that the septic system(s) shall be designed in accordance with N.J.A.C. 7:9A, and that design plans and details are subject to the approval of the [*insert applicable Administrative Authority of the municipality*].

b) Proposed deed restrictions to be imposed to prohibit the installation or construction of any permanent improvements within the reserve disposal area(s) pursuant to § 7.6.

11. **Stormwater Management**

a) For applications regulated under municipal or regional stormwater management plans (or both), all applicable submission requirements pertinent thereto.

b) Proposed Low Impact Development management practices to minimize the creation or increase of stormwater runoff due to development or disturbance of the site.

12. **Low Impact Development**

a) Description of Conservation Design Planning process, pursuant to § 7.2.2.

b) Landscape plan (if applicable) indicating proposed type, species, quantity and location of plantings; planting details.

c) Description of energy efficiencies incorporated into building(s), building orientation and site design.

d) Description of proposed reuse or recycling of building materials.

13. Any such additional information as the reviewing authority may find necessary to determine compliance with the provisions of this Ordinance.

B. ***Highlands Resource Submission Requirements.*** For applications involving properties containing any Highlands Resource, Highlands Resource Area or Special Protection Area, all submission checklist items required pursuant to each, as provided at § 9.4.4 through § 9.4.13, below.

### § 9.4.3 Applications for Development

The submission requirements of this subsection shall apply in addition to those of § 9.4.1 and § 9.4.2 above, to all Applications for Development involving properties containing Highlands Resources or located within a Highlands Resource Area or Special Protection Area. Where the reviewing Board determines that a submission item listed in this subsection is not applicable to the proposed development project or is unnecessary in the conduct of its review, the Board may waive the requirement for its submission. A waiver of submission of any checklist item shall not be construed to preclude the reviewing Board from ultimately requiring the submission of such item, however, if during the course of application review, it is found necessary and relevant in making a determination.

A. ***Base Submission Requirements.*** In addition to the Base Submission Requirements of § 9.4.2 above, the following shall apply:

1. Existing features and site analysis plan, identifying and mapping:

   a) All Highlands Open Waters and water bodies (including but not limited to rivers, lakes, ponds, reservoirs, wetlands, seeps, springs);

   b) All existing structures (including archaeological features, ruins and stone walls);

   c) All significant physical features; and

   d) Existing trails and greenways, and preserved lands and farmland.

2. Architectural elevation renderings, if structures are proposed (preliminary for subdivision applications).

3. A list of any pre-existing encumbrances affecting the property (e.g., easements, deed restrictions, covenants).

4. Copies of any related surveys, site plans, professional reports and environmental site assessments.

B. ***Highlands Resource Submission Requirements.*** For applications involving properties containing any Highlands Resource, Highlands Resource Area or Special Protection Area, all submission checklist items required pursuant to each, as provided at § 9.4.4 through § 9.4.13, below.

C. ***Cluster Development Requirements.*** For applications proposing Cluster Development pursuant to Article 8, all submission checklist items required pursuant to § 9.4.13, below.

### § 9.4.4 Forest Resources

A. Plans identifying forests using the Highlands Council Forest Resource Area, and Total Forest GIS layers for forest resources.

B. Information identifying upland forests existing outside of the limits of the Total Forest Area by use of the Forest Determination methodology of APPENDIX A (N.J.A.C. 7:38-3.9).

C. Where required in connection with disturbances pursuant to § 6.1.4, Forest Impact Report (§ 6.1.5) and Forest Mitigation Plan (§ 6.1.6).

### § 9.4.5 Highlands Open Waters and Riparian Areas

A. Maps showing the location of all Highlands Open Waters, Highlands Open Waters buffers, and Riparian Areas, as provided in this Ordinance.

B. For linear development pursuant to § 6.2.3 H, all items required as listed therein.

### § 9.4.6 Steep Slopes

A. Map showing limits of Steep Slope Protection Area as provided in this Ordinance.

B. Map showing any additional areas of contiguous steep slopes that, separately or in combination with the Steep Slope Protection Area, constitute an area of 5,000 square feet or more, including, for any proposed disturbance therein, clear delineation of slope classes as defined at § 3.2.

C. For any application proposing linear development of a Moderately or Severely Constrained slope area pursuant to § 6.3.3A, all items as listed and required therein.

D. For any application proposing disturbance of a Constrained or Limited Constrained slope pursuant to § 6.3.3B, a steep slope development plan indicating proposed Low Impact Development techniques, slope stabilization techniques, soil erosion and sediment control measures, stormwater controls, and methods of protection proposed for existing slope vegetation and trees.

E. For any application proposing to disturb 5,000 square feet or more of Constrained or Limited Constrained Steep Slopes:

1. Environmental Impact Statement or Report including specifically: the impact of the proposed development on Highlands Regional Scenic Resources (if applicable, in adjacent municipalities); aesthetic impacts related to visibility and aesthetic quality of the proposed development; the extent of proposed landform grading, stabilization and retaining structures; and impacts on other environmental features addressed by the Steep Slopes provisions of this Ordinance.

2. Hydrology, drainage and flooding analysis report or reports prepared in support of conformance with the municipal stormwater management plan and regulations adopted pursuant to N.J.A.C. 7:8, or a Flood Hazard Area Control Act application pursuant to N.J.A.C. 7:13.

### § 9.4.7 Critical Habitat

A. Maps identifying Critical Habitat using the Critical Habitat GIS layers for Critical Wildlife Habitat, as provided in this Ordinance.

### § 9.4.8 Prime Ground Water Recharge Areas

A. Map identifying Prime Ground Water Recharge Areas as provided in this Ordinance.

B. For any application proposing to disturb a Prime Ground Water Recharge Area:

1. Site analysis and proposed Low Impact Development techniques pursuant to § 6.8.3.

2. PGWRA Mitigation Plan pursuant to § 6.8.3 D.

3. Hydrology, drainage and flooding analysis report or reports prepared in support of conformance with municipal stormwater management plan and regulations pursuant to N.J.A.C. 7:8 or a Flood Hazard Area Control Act application pursuant to N.J.A.C. 7:13.

4. Site specific Geologic, Hydrogeologic and Pedologic analysis to determine the overall recharge rate and volume and to determine the location with the lowest recharge potential within the PGWRA. The submitted analysis report shall include appropriately scaled geologic, hydrogeologic and pedologic maps and cross sections showing all pertinent geologic, hydrogeologic and pedologic features. The report shall also present all relevant analytical results, calculations and graphical data.

C. Identification and description of any existing or proposed Major Potential Contaminant Source (APPENDIX B), proposed Best Management Practices pursuant to § 6.9.3 A.

### § 9.4.9 Wellhead Protection

A. Map identifying Wellhead Protection Areas (WHPAs) and time of travel Tiers as provided in this Ordinance. Where more than one WHPA Tier intersects an existing or proposed Potential Contaminant Source (APPENDIX B and APPENDIX C) within a project site, identify the more protective Tier as the applicable Tier for that Potential Contaminant Source.

B. Identification and description of any existing or proposed Major or Minor Potential Contaminant Source (APPENDIX B and APPENDIX C).

C. For parcels within a Tier 1 WHPA for which a new or expanded Major PCS is proposed, the proposed Best Management Practices pursuant to §§ 69.3 A.

D. Copies of any related hydrogeologic/geologic reports, remediation reports, results of soil or ground water analyses or other environmental assessment reports (i.e., Phase I or Phase II reports).

### § 9.4.10 Agricultural Resource Areas (ARA)

A. Map identifying the limits of the ARA as provided in this Ordinance.

B. [*For municipal completion*:] Such additional plans and information as may be required in the review of any agricultural or horticultural development proposal pursuant to municipal provisions set forth at § 6.10.3.

C. For Cluster/Conservation Design Development, all submission checklist items as provided at § 9.4.13, below.

### § 9.4.11 Cluster/Conservation Design Development

A. Property survey(s) identifying the limits and configuration of the proposed Cluster Project Area, inclusive of all contributing parcels in the case of noncontiguous clustering, and indicating all tract or parcel areas to the nearest one hundredth acre.

B. Development plans applicable to the Development Set Aside of the Cluster Project Area, including all details as required pursuant to the municipal subdivision ordinance, to define and describe all proposed supporting infrastructure, including but not limited to: roadways, curbing, sight lines, street right-of-ways,

utilities (e.g., water, sewer, gas, electric, telecommunications), stormwater management, lighting, street tree plantings, common areas, signage and landscaping.

C. Development plans applicable to the Development Set Aside indicating proposed buffering, lot lay-out, lot sizes, configurations, and dimensions, building envelopes, building setbacks and yard areas.

D. Proposed plans applicable to the Preservation Set Aside of the Cluster Project Area, including:

1. For ARA applications proposing preserved farmland, information identifying farmland soil quality on the project site, including Prime, Statewide, Unique, and Locally Important farmland soils,

2. Plans for Agricultural or Horticultural development, including all information required under § 9.4.12 B, above.

3. Plans for open space preservation, if applicable, including active or passive recreation amenities.

4. Proposed Conservation Restrictions pursuant to § 8.1.4, identifying intended dedications regarding all preserved portions, including those applicable to any noncontiguous parcels.

E. Identification of any preserved land or land known to be targeted for preservation (agriculture and open space) located within 200 feet of the subject property.

# ARTICLE 10. APPEALS, WAIVERS, EXCEPTIONS

## § 10.1 APPLICABILITY

Except to the extent modified by the provisions of this Article, the existing provisions of the underlying municipal land use ordinance with respect to appeals, waivers and exceptions shall remain in full force and effect. This Article shall not be construed to alter the applicable timeframes, procedural requirements or criteria for decision-making as set forth under the MLUL, and as provided consistent therewith in the underlying municipal land use ordinance.

## § 10.2 APPEALS

A. ***Administrative Officer Decision.*** Any order, requirement or decision of any municipal official made or issued in the course of the enforcement of the provisions of this Ordinance may be appealed to the Zoning Board of Adjustment in accordance with all applicable provisions of the MLUL (including but not limited to N.J.S.A. 40:55D-70(a), -70.2, and -72 through -75).

B. ***Interpretations.*** Requests for interpretation of the maps and various provisions of this Ordinance may be made by application to the Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-70(b). The Board, in rendering any such decisions shall be guided by the map protocols listed at § 4.5 and the specific language of the Ordinance provisions in question. The Board may seek the advice and counsel of the Highlands Council in resolving any matter of interpretation and all final Board decisions shall remain subject to Highlands Council call-up and review provisions as set forth at § 9.2.2.

C. ***"C" Variances.*** All MLUL criteria applicable to variance relief under N.J.S.A. 40:55D-70(c) shall apply in the consideration of applications seeking such relief from the provisions of this Ordinance. Such relief shall apply with respect to the requirements of Article 5, Zone District Regulations, § 6.10.3A, Agricultural and Horticultural Development, and § 8.1, Residential Cluster Development, with the exception that for the items listed at E, below, relief shall in addition require prior authorization of the Highlands Council. Where certain deviations from the strict application of the provisions of this Ordinance or the underlying municipal Zoning Ordinance will minimize or eliminate adverse impacts to Highlands Resources, Resource Areas, or Special Protection Areas, these benefits shall be given significant weight in the analysis of approval criteria.

D. ***"D" Variances.*** All MLUL criteria applicable to variance relief under N.J.S.A. 40:55D-70(d) shall apply in the consideration of applications seeking such relief from the relevant provisions of this Ordinance. Such relief shall apply with respect to the requirements of Article 5, Zone District Regulations, § 6.10.3A, Agricultural and Horticultural Development, and § 8.1, Residential Cluster Development, with the exception that for the items listed at E, below, relief shall in addition, require prior authorization of the Highlands Council. Where certain deviations from the strict application of the provisions of this Ordinance or the underlying municipal Zoning Ordinance will minimize or eliminate adverse impacts to Highlands Resources, Resource Areas, or Special Protection Areas, these benefits shall be given significant weight in the analysis of approval criteria. For purposes of clarification, requests for relief that pertain to specific provisions of this Ordinance regarding permitted uses shall be cognizable as requests for "d" variance relief pursuant to N.J.S.A. 40:55D-70(d).

E. ***Highlands Council Jurisdiction.*** Relief from any of the following specific provisions of Article 5 of this Ordinance may be granted by the reviewing Board or other municipal authority only where a waiver has been issued by the Highlands Council. No such application shall be deemed complete or considered

for review by the Board or other municipal authority absent such authorization. Applicants seeking any such relief shall make application directly to the Highlands Council.

1. *Prohibited Uses.* All provisions of § 5.2.3.

2. *Mandatory Residential Cluster Development.* All provisions of § 5.2.1.

3. *Water Availability Requirements.* All provisions of § 5.3.3.

4. *Density.* Any Planning Area application proposing a new or expanded septic system pursuant to § 5.3 or § 8.1, in excess of the permitted septic system density allowance.

## § 10.3 WAIVERS AND EXCEPTIONS

Relief from any provision of Article 6 (with the exception of § 6.10.3 A) or Article 7 of this Ordinance shall require issuance of either a Highlands Act waiver or an exception, as provided in this subsection. Highlands Act waivers may be issued only by the Highlands Council. Exceptions may be granted by the reviewing municipal Board or authority only where the review standards of this subsection have been satisfied.

### § 10.3.1 Highlands Act Waiver Provisions

Highlands Act waivers may be issued only by the Highlands Council in accordance with the respective rules and criteria established by each agency in accordance with the provisions of the Highlands Act and the Highlands Regional Master Plan. A Highlands Act waiver shall be required in the event of any application proposing the disturbance of a Highlands Resource, Resource Area or Special Protection Area in excess of, or not in compliance with, that authorized under the applicable provisions of Article 6 and Article 7 of this Ordinance. Highlands Act waivers shall also be required for any application proposing: a) use of net or conditional water availability in excess of that authorized by the Highlands Council; b) water deficit mitigation insufficient to comply with mitigation requirements of the Highlands Council pursuant to § 6.7.7 B.; or c) installation or expansion of a use or structure listed as a PCS at APPENDIX B or APPENDIX C (where not otherwise prohibited by use restrictions of § 5.2.3) in a manner inconsistent with all provisions and conditions of approval of § 6.9.3. The issuance of a Highlands Act Waiver shall in no case be construed to alter or obviate the requirements of any other applicable State or local laws, rules, regulations, development regulations, or ordinances.

### § 10.3.2 Municipal Exception Provisions

A. For applications other than those cited at § 10.3.1, above, the reviewing Board or other authority may grant exceptions from the strict application of the provisions of Article 6 and Article 7 of this Ordinance only where the applicant demonstrates and the reviewing entity finds that:

   1. The deviation is unavoidable and represents the minimum feasible under the particular circumstances surrounding the project proposal, and the grant of relief is reasonable, necessary and supports the general purpose and intent of the applicable provisions; or

   2. The literal enforcement of the provision(s) of the ordinance at issue is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

B. The approval of an exception must be accompanied by a detailed justification provided in writing, including at a minimum an explanation of how and to what extent the following conditions are addressed:

   1. The exception addresses A.1 or A.2 above;

2. The exception provides relief only to the minimum extent necessary;

3. Other environmental features are not damaged in the process of protecting the regulated resources; and

4. No alternative exists that will allow for at least a minimum practical use of the property (if applicable).

# ARTICLE 11. ENFORCEMENT, VIOLATIONS, PENALTIES

## § 11.1 ENFORCEMENT

Enforcement of the provisions of this Ordinance shall be the responsibility of the Borough of Chester Zoning Officer, Engineer, Health Department, Construction Code Official and any other officer or entity designated by the Borough Administrator or Governing Body, as applicable. Enforcement shall occur in the case of any activity, improvement, or development project that violates any provision of this Ordinance, whether or not subject to a permitting or approval process pursuant to this Ordinance, or the underlying municipal land use ordinances.

## § 11.2 INSPECTIONS

A. *Site Inspections.* The Borough Engineer is authorized to and shall periodically inspect all project sites for compliance with development approvals pursuant to this Ordinance. The Inspector shall in addition:

1. Verify of baseline conditions in all areas designated for conservation easements, deed restrictions or other means of resource preservation.

2. Sequence compliance inspections to ensure the protection of on-site and off-site resources, achievement of site construction and environmental impact requirements, placement of conservation easement monuments, etc.

3. Verify "as built" conditions to ensure compliance with all approvals, conservation easements, deed restrictions or other required means of resource preservation.

## § 11.3 ADMINISTRATIVE COMPLIANCE

The Chester Borough Zoning Officer, Construction Code Official or Borough Engineer, as the case may be, shall be authorized to issue a stop-work order, revoke building permits, refuse to approve further work, or deny certificates of occupancy or approval, and to impose mandatory remedial and corrective measures including full restoration of any resources that are improperly disturbed.

## § 11.4 PENALTIES

Civil and criminal penalties for violations of this Ordinance shall be as established in accordance with the Code of the Borough of Chester.

## APPENDIX A. FOREST DETERMINATION

For purposes of this Ordinance, the determination of whether a wooded area constitutes a forest, shall rely upon the Highlands Council procedures set forth herein, as adapted from NJDEP Preservation Area Rules (at N.J.A.C. 7:38-3.9).

A. The applicant shall identify on a site plan all forest in existence on the lot as of August 10, 2004 as well as those forest areas that have subsequently developed. An upland forest area shall be determined in accordance with the following method:

1. The limit of the forest shall be identified using aerial photographs obtained from the NJDEP, free of charge, at www.state.nj.us/dep/gis/; and

2. If the aerial photograph contains areas of sporadic coverage that have not been identified as forest by the applicant, the applicant shall lay a one-half acre grid system over the photograph. A standard 142 square foot grid block shall be used, as provided by the NJDEP at its website. Any grid block containing 33 percent or greater forest cover shall be considered as forest, unless the applicant demonstrates otherwise using the procedure established in B., below.

3. If the applicant has an approved forest management plan identifying forest on a site, the limits of the forest indicated in the plan may be submitted as an additional resource, but shall not be used in lieu of aerial photographs.

B. Alternatively, a forest determination may be made based upon the size and density of trees on the subject property, in accordance with the following method:

1. Select two 25-foot by 25-foot plots in every acre of the site potentially containing a forest.

   a) The plots shall be located in the portion of each acre having the highest density of trees as determined by a visual inspection.

   b) If the tree size and density are very uniform over some or the entirety of the site, one plot may be selected in the area of uniformity. However, the point total from the one plot shall be doubled to determine the total point value for the sampled acre pursuant to B.5., below.

2. In each plot, measure the diameter of each tree at four and one-half feet above ground (diameter at breast height, dbh).

3. Score each tree as follows:

| *Diameter of Tree (dbh)* | *Points* |
|---|---|
| 1 inch to 3 inches | 2 |
| Between 3 and 7 inches | 4 |
| 7 inches to 12 inches | 6 |
| Greater than 12 inches | 8 |

4. Add together the scores for all of the trees in each plot.

5. If the total score for both plots is equal to or greater than 16, the sampled acre is regulated as a forest. For example, if the two 25-foot by 25-foot plots contain a total of three trees which are two inches in diameter, two trees which are six inches in diameter, and one tree which is 15 inches in diameter,

the score for the sampled area would be: (3x2)+(2x4)+(1x8) = 22, and the sampled acre is considered a forest.

6. If a sampled acre is a forest, the applicant shall assume that a half-acre of ground surrounding all sides of the sampled acre is also forest except for the surrounding areas that are sampled by the applicant and score under 16. In that case, a sufficient number of plots in the surrounding area shall be sampled by the applicant to delineate the forest portion of the surrounding area.

7. The applicant shall submit the results of field sampling data provided in B.1 through B.6 above. The outer perimeter of all sample plots shall be flagged in the field and their locations shown on a plan.

8. For a newly planted or regenerating forest, an area shall be considered forest if there are 408 seedlings or saplings per sampled acre, that is, the total number of seedlings or saplings in the two sample plots is 12 or more. For the purposes of this section, a tree will be considered a seedling or sapling if it is has a caliper (diameter) of less than one (1) inch.

9. Agricultural and/or horticultural uses such as orchards, tree farms and nurseries are not considered forest under this section.

C. The limit of the forest shall be the outermost edge of the canopy of the forest area identified in A. through B., above.

## APPENDIX B. MAJOR POTENTIAL CONTAMINANT SOURCES

Land uses and activities determined by the Highlands Council (based on New Jersey Safe Drinking Water Act regulations at N.J.A.C. 7:10 and NJDEP regulations) to be Major Potential Contaminant Sources include those listed below.

1. Underground fuel and chemical storage and oil tanks regulated by NJDEP under provisions of the Underground Storage of Hazardous Substances Act (N.J.S.A. 58:10A-21 et seq.).
2. Above-ground storage facility for a hazardous substance or waste with a cumulative capacity greater than 2,000 gallons.
3. Automotive service center (repair & maintenance).
4. Dry cleaning processing facility.
5. Road salt storage facility.
6. Cemetery.
7. Highway maintenance yard.
8. Truck, bus, locomotive maintenance yard.
9. Site for storage and maintenance of heavy construction equipment and materials.
10. Site for storage and maintenance of equipment and materials for landscaping, excluding household storage and maintenance of such equipment.
11. Livestock operation containing 300 or more Animal Units (AU) [1 AU= 1000 pounds of live animal weight] as defined by the NJ Department of Agriculture in its Criteria and Standards for Animal Waste Management, at NJAC 2:91.
12. Quarrying and/or mining facility.
13. Asphalt and/or concrete manufacturing facility.
14. Junkyard/auto recycling and scrap metal facility.
15. Residential or agricultural motor fuel in NJDEP exempted underground storage tanks (i.e., under 1,000 gallons).

## APPENDIX C. MINOR POTENTIAL CONTAMINANT SOURCES

Land uses and activities determined by the Highlands Council (based on New Jersey Safe Drinking Water Act regulations at N.J.A.C. 7:10 and NJDEP regulations) to be Minor Potential Contaminant Sources include those listed below.

1. Underground storage of hazardous substance or waste of less than 50 gallons.
2. Underground heating oil storage tank with a capacity of less than 2,000 gallons.
3. Sewage treatment facility regulated by a NJPDES permit granted under NJAC 7:14A.
4. Industrial waste line.
5. Septic system disposal field.
6. Facility requiring a ground water discharge permit issued by the NJDEP pursuant to N.J.A.C 7:14A et seq.
7. Stormwater retention-recharge basin on an industrial property receiving runoff from surfaces other than roof areas.
8. Dry well on an industrial property receiving runoff from surfaces other than roof areas.
9. Waste oil collection, storage and recycling facility.
10. Agricultural chemical bulk storage and mixing or loading facility including crop dusting facilities.
11. Above-ground storage of hazardous substance or waste in quantities of less than 2,000 gallons.
12. Livestock operation containing 8 or more Animal Units (AU) [1 AU= 1000 pounds of live animal weight] or those receiving 142 or more tons of animal waste per year as defined by the NJ Department of Agriculture pursuant to its Criteria and Standards for Animal Waste Management, at NJAC 2:91.

## APPENDIX D. NJDA HIGHLANDS AGRICULTURAL REGULATIONS

Provided herein for reference, pertinent provisions of N.J.A.C. 2:92, "Agricultural Development in the Highlands," regarding the development and implementation of Farm Conservation Plans and Resource Management System Plans.

### § 2:92-3.1 Farm Conservation Plan requirements

(a) Agricultural or horticultural development that results, individually or cumulatively, in at least three percent but less than nine percent increase in new agricultural impervious cover to the total land area of the Farm Management Unit since enactment of the Highlands Act (August 10, 2004) requires the development and implementation of a Farm Conservation Plan approved in accordance with this section.

1. Prior to any development activity, the owner or operator of a farm management unit or his agent shall develop a farm conservation plan with the assistance of the NRCS, TSP or an appropriate agent in conformance with Sections III and IV of the June 1, 2005 NRCS NJ-FOTG, as amended and supplemented, which is hereby adopted and incorporated by reference.

i. Copies of the NJ-FOTG are available from the NRCS Field Offices and the State Office at 220 Davidson Ave, 4th Floor, Somerset, NJ 08873.

ii. An electronic copy of the NJ-FOTG is available at http://www.nrcs.usda.gov/technical/efotg/.

iii. A copy of this document is on file in the NJDA office of the Director, Division of Agricultural and Natural Resources, P.O. Box 330, Trenton, NJ 08625.

2. The following shall be contained in the Farm Conservation Plan submitted for approval:

i. The name, address, block(s) and lot(s) of the operation and the name and telephone number of the emergency contact;

ii. The owner or operator's name, signature and date;

iii. A soil map;

iv. An aerial photograph or diagram of the field;

v. Identification of soil, water and animal resources, specifically, threatened and endangered species;

vi. A list of conservation practices to be implemented;

vii. The location and schedule for applying new practices;

viii. Records of plan implementation activities;

ix. A plan for operation and maintenance; and

x. Any other site-specific information necessary for plan certification.

3. The Farm Conservation Plan shall be reviewed, and if appropriate, approved by the local Soil Conservation District. Plans developed in consultation with entities other than the NRCS or TSP must be reviewed by NRCS for approval prior to submission to the local Soil Conservation District for review.

4. The local Soil Conservation District shall transmit a copy of the approved plan to the State Soil Conservation Committee. If any part of the Farm Management Unit is preserved under any farmland preservation program, the local Soil Conservation District shall also transmit a copy of the plan to the State Agriculture Development Committee.

5. The local Soil Conservation District shall approve the Farm Conservation Plan if it finds that the plan meets the NJ-FOTG Quality Criteria (Section III) and Practice Standards (Section IV) for soil, water and animal resource concerns, specifically threatened and endangered species.

6. The Farm Conservation Plan shall be executed in accordance with the implementation schedule contained in the approved plan.

7. Anyone aggrieved by a decision of the Soil Conservation District shall have an opportunity to appeal in accordance with 2:90-1.6.

8. Anyone who is aggrieved by the determination made in accordance with (a)7 above shall, upon written request transmitted to the Department within 20 days of that determination, be afforded the opportunity for a hearing thereon in the manner provided for contested cases pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the Uniform Administrative Procedure Rules, 1:1.

i. Requests for hearings shall be sent to the Director, Division of Agriculture and Natural Resources, N.J. Department of Agriculture, PO Box 330, Trenton, New Jersey 08625-0330.

**§ 2:92-4.1 Resource Management System Plan requirements**

(a) Agricultural or horticultural development that results, individually or cumulatively, in at least nine percent or more of new agricultural impervious cover to the total land area of the Farm Management Unit since enactment of the Highlands Act (August 10, 2004) requires the development and implementation of a Resource Management System Plan in accordance with this section.

1. Prior to any development activity, the owner or operator of a farm management unit or his agent shall develop a Resource Management System Plan with the assistance of the NRCS, TSP or appropriate agent in conformance with the June 1, 2005 NRCS NJ-FOTG, as amended and supplemented, which is hereby adopted and incorporated by reference.

i. Copies of the NJ-FOTG are available from the NRCS Field Offices and the State Office at 220 Davidson Ave, 4th Floor, Somerset, NJ 08873.

ii. An electronic copy of the NJ-FOTG is available at http://www.nrcs.usda.gov/technical/efotg/.

iii. A copy of this document is on file in the NJDA office of the Director, Division of Agricultural and Natural Resources, P.O. Box 330, Trenton, NJ 08625.

2. The following shall be contained in the RMS plan submitted for approval:

i. The name, address, block(s) and lot(s) of the operation and the name and telephone number of the emergency contact;

ii. The owner or operator's name, signature and date;

iii. A soil map;

iv. An aerial photograph or diagram of the field;

v. Identification of soil, water, air, plant and animal resources including endangered and threatened species;

vi. A list of conservation practices to be implemented;

vii. The location and schedule for applying new practices;

viii. Records of plan implementation activities;

ix. A plan for operation and maintenance; and

x. Any other site-specific information necessary for plan certification.

3. Upon receipt and prior to approval, the local Soil Conservation District will transmit a copy of the Resource Management System Plan to the DEP, who must review and approve it with or without conditions or deny it within 60 days of receipt.

4. The Resource Management System Plan shall be reviewed, and if appropriate, approved by the local Soil Conservation District. Plans developed by entities other than the NRCS or TSP must be reviewed by NRCS for approval prior to submission to the local Soil Conservation District for review.

5. The local Soil Conservation District shall transmit a copy of the approved plan to the State Soil Conservation Committee. If any part of the Farm Management Unit is preserved under any farmland preservation program, the local Soil Conservation District shall also transmit a copy of the plan to the State Agriculture Development Committee.

6. The local Soil Conservation District shall approve the RMS plan if it finds that it meets the NJFOTG Quality Criteria and Standards for soil, water, air, plants and animal resources.

7. The Resource Management System Plan shall be executed in accordance with the implementation schedule contained in the approved plan.

8. Anyone aggrieved by a decision of the local Soil Conservation District shall have an opportunity to appeal in accordance with 2:90-1.6.

9. Anyone who is aggrieved by the determination made in accordance with (a)8 above shall, upon written request transmitted to the Department within 20 days of the determination, be afforded the opportunity for a hearing thereon in the manner provided for contested cases pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the Uniform Administrative Procedure Rules, 1:1.

i. Requests for hearings shall be sent to Director, Division of Agriculture and Natural Resources, N.J. Department of Agriculture, PO Box 330, Trenton, New Jersey 08362-0330.

## APPENDIX E. SANITARY SEWAGE VOLUMES BY FACILITY

The following table from N.J.A.C. 7:9A-7.4 is for use in calculating 300 gallon-per-day septic system equivalents by facility type, pursuant to § 5.3.4 B of this Ordinance.

The criteria listed herein are minimum standards for average facilities of the categories listed. In cases where a facility does not fall within any of the categories, the administrative authority may approve the use of other documented criteria, such as actual water data for the facility or other similar facilities, provided that the value used for design is at least 50 percent greater than the average daily volume of sewage.

| Type of Establishment | Method of Estimation (gallon per user or gallon per unit per day) |
|---|---|
| 1. Airport | 5 gal/passenger |
| 2. Assembly Hall | 3 gal/seat/day |
| 3. Auto Service Station | 10 gal/car served |
| 4. Bar | 5 gal/patron |
| 5. Bathhouse with shower | 25 gal/person |
| without shower | 10 gal/person |
| 6. Beach Club | 25 gal/person |
| 7. Beauty parlors and salons | 120 gal/day/sink |
| 8. Boarding House, Meals | 75 gal/guest (2) |
| | 15 gal/non-resident boarder |
| 9. Bowling Alley, no food | 125 gal/lane/day |
| with food, add | 5 gal/patron |
| 10. Bus Stop Rest Area | 5 gal/passenger |
| 11. Cafeteria | 5 gal/customer |
| 12. Camp, Cottage (barracks type) | 65 gal/person |
| 13. Camp, Day, no meals | 20 gal/person |
| 14. Camp, Resort | 100 gal/site/day (2) |
| 15. Camp, Trailer | 100 gal/site/day (2) |
| with toilets, add | 10 gal/person/day |
| 16. Church, with or without kitchen | 3 gal/seat/day |
| 17. Cocktail Lounge | 5 gal/customer |
| 18. Coffee Shop | 5 gal/customer |
| 19. Comfort Station/Picnic Grounds | |
| with toilets | 10 gal/person |
| with toilets and showers | 15 gal/person |
| 20. Cottages | 100 gal/person (2)<br>(minimum 350 gal/dwelling unit/day) |
| 21. Country Club | 60 gal/member/day<br>25 gal/non-member |
| 22. Dining Hall | 5 gal/customer |
| 23. Dormitory, Bunkhouse | 40 gal/bed/day |
| 24. Factory/Industrial Building | 15 gal/employee per eight hour shift |
| with showers, add | 15 gal/employee per eight hour shift |
| 25. Hospital, Medical | 250 gal/bed/day |
| 26. Hospital, Mental | 150 gal/bed/day |
| 27. Hotels | 130 gal/room/day |
| 28. Institution, Other than hospital | 150 gal/bed/day |
| 29. Laundry, Self-service | 50 gal/wash |

| Type of Establishment | Method of Estimation (gallon per user or gallon per unit per day) |
|---|---|
| 30. Motel | 130 gal/room/day |
| 31. Nursing/Rest Home | 150 gal/bed/day |
| 32. Office Buildings | 15 gal/employee per eight hour shift or 0.125 gal/square ft., whichever is greatest |
| 33. Prison | 150 gal/inmate/day |
| 34. Restaurant | |
| sanitary wastes only | 5 gal/patron only |
| kitchen waste, add | 5 gal/patron |
| 35. Rooming House, no meals | 65 gal/bed/day |
| 36. School, Boarding | 100 gal/student/day |
| 37. School, Day | |
| No cafeteria or showers | 10 gal/student/day |
| Cafeteria only | 15 gal/student/day |
| Cafeteria and showers | 20 gal/student/day |
| Cafeteria, showers and laboratories | 25 gal/student/day |
| 38. Shopping Center | 0.125 gal/square ft./day(1) |
| 39. Stadium | 3 gal/seat/day |
| 40. Store | 0.125 gal/square ft./day(1) |
| 41. Swimming Pool | 10 gal/person |
| 42. Theater, Indoor | 3 gal/seat/day |
| 43. Theater, Outdoor | 10 gal/parking space |
| 44. Visitor Center | 5 gal/visitor |

(1) Volume of sanitary sewage for employees included within method of estimation indicated.
(2) If laundry wastes are anticipated, increase the estimated flow by 50 percent.

## APPENDIX F. EXHIBITS

Exhibit 1. Highlands Planning Area, Highlands Zones and Sub-Zones

Exhibit 2. Forest Resource Area

Exhibit 3. Highlands Open Waters

Exhibit 4. Riparian Area

Exhibit 5. Steep Slope Protection Area

Exhibit 6. Critical Wildlife Habitat

Exhibit 7. Prime Ground Water Recharge Area Wellhead Protection Areas

Exhibit 8. Agricultural Resource Area

Exhibit 9. Highlands Historic, Cultural and Archaeological Resources

Exhibit 10. Net Water Availability by HUC14 Subwatershed, Highlands Domestic Sewerage Facilities, Public Community Water Systems

# Exhibit 1:

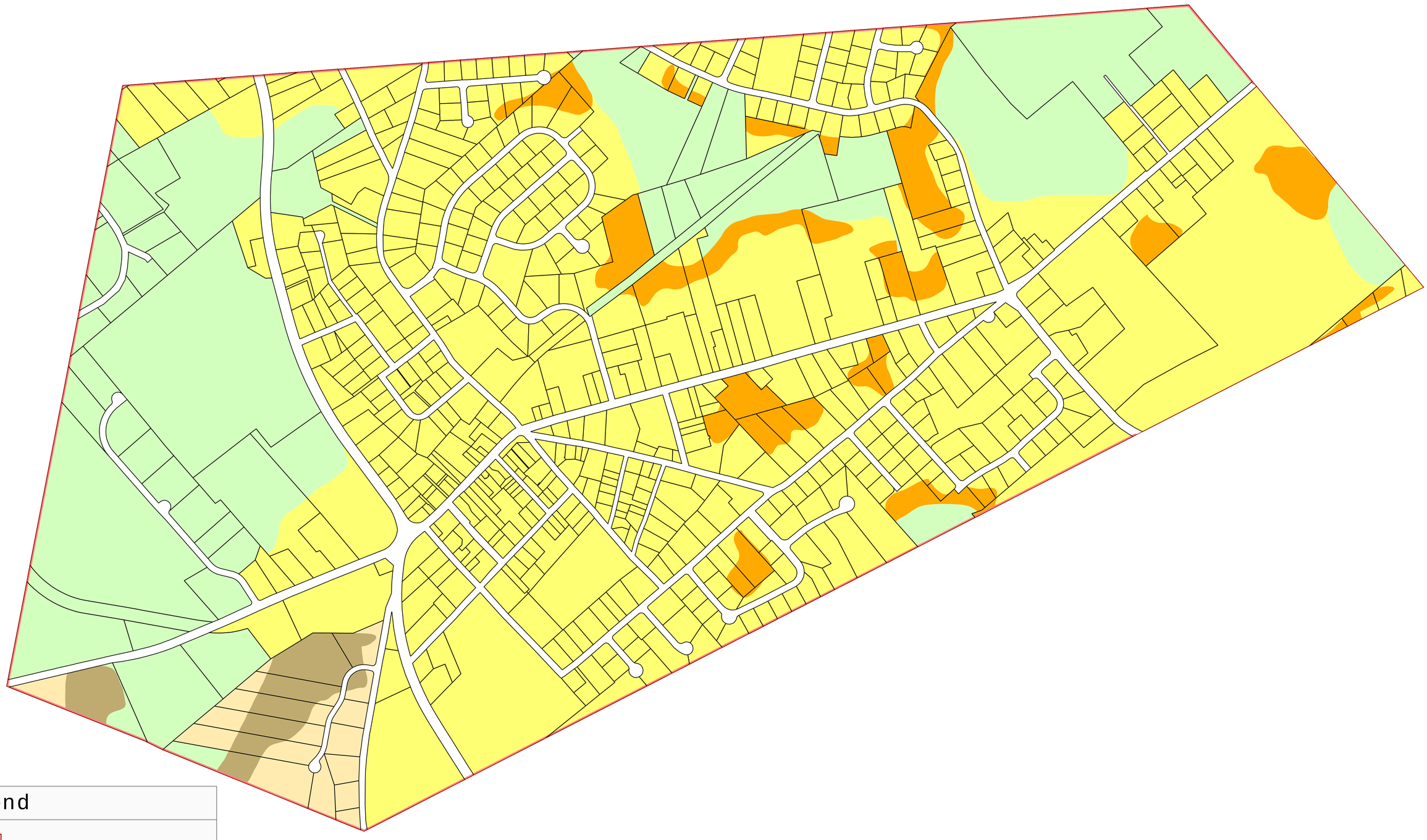
Borough of Chester Highlands Area

Highlands Zones and Sub-Zones

# BOROUGH OF CHESTER, MORRIS COUNTY, NJ

Highlands Council
New Jersey

***ATTACHMENT 2 --- ORD. #2017-***



## Legend

- Municipal Boundary
- Parcel Boundaries
- Highlands Planning Area
- Highlands Preservation Area

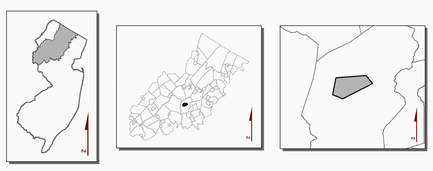
Land Use Capability Zone

- *Protection*
- *Conservation*
- *Existing Community*

Land Use Capability Sub-Zone

- *Existing Community Environmentally Constrained*
- *Conservation Environmentally Constrained*
- *Wildlife Management*

## Locator Maps



**BOROUGH OF**
**CHESTER**
**MORRIS COUNTY, N.J.**

MAP PREPARED BY THE NEW JERSEY HIGHLANDS COUNCIL, MAY 25, 2016

0 760 1,520 2,280 3,040 3,800 Feet

0 0.15 0.3 0.45 0.6 Miles

# Exhibit 2:

## Borough of Chester Highlands Area

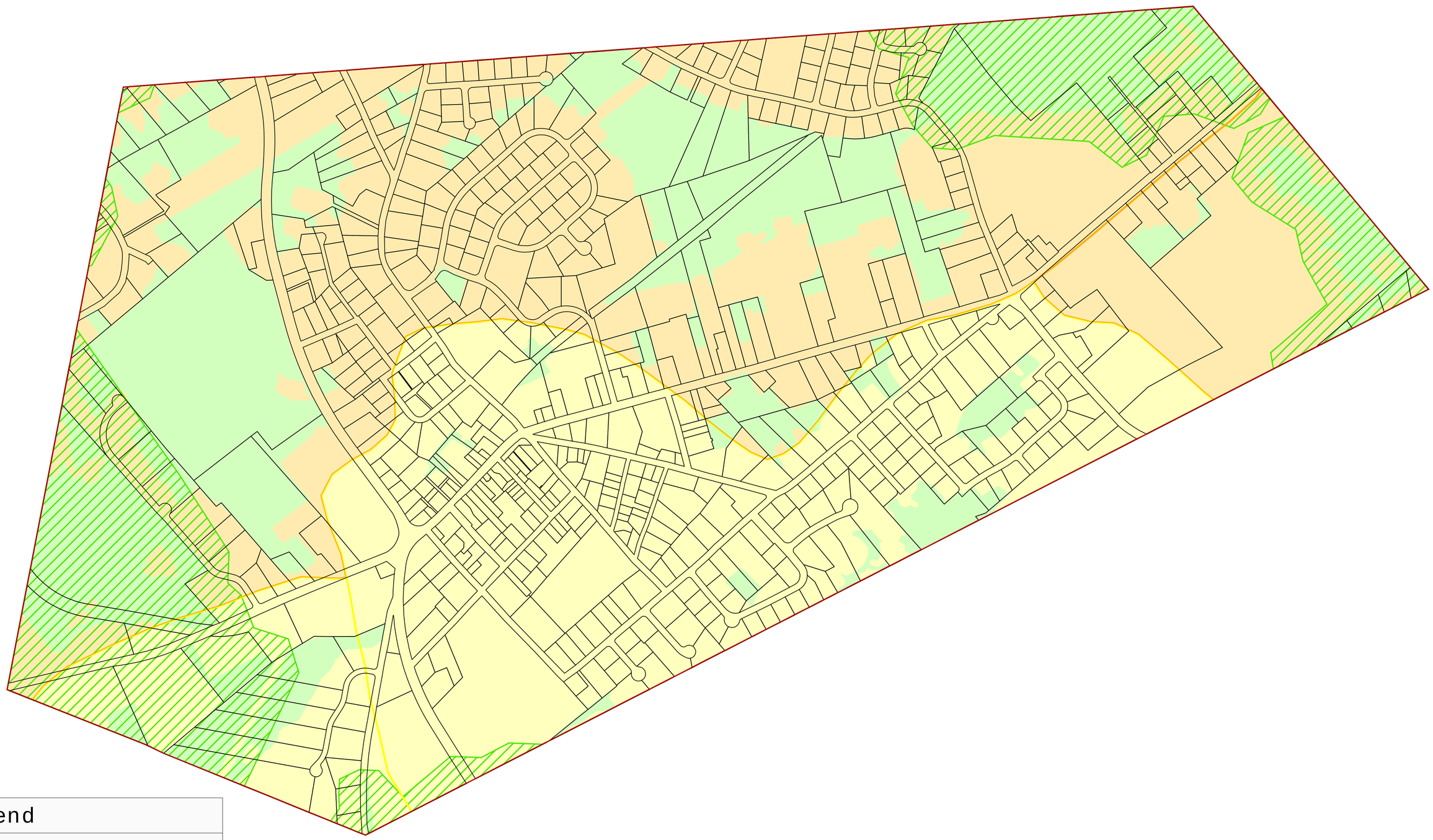
Forest Resource Area

Total Forest Area

Forest Subwatershed Integrity Areas

# BOROUGH OF CHESTER, MORRIS COUNTY, NJ

Highlands Council
New Jersey



## Legend

- Municipal Boundary
- Parcel Boundaries
- Forest Resource Area
- Total Forest Area

Forest Integrity
By HUC14 Subwatershed

- *Low*
- *Moderate*
- *High*

## Locator Maps



**BOROUGH OF**
**CHESTER**
**MORRIS COUNTY, N.J.**

MAP PREPARED BY THE NEW JERSEY
HIGHLANDS COUNCIL, MAY 25, 2016

0 2,000 4,000 6,000 8,000 10,000 Feet
0 0.5 1 1.5 2 Miles

N

# Exhibit 3:

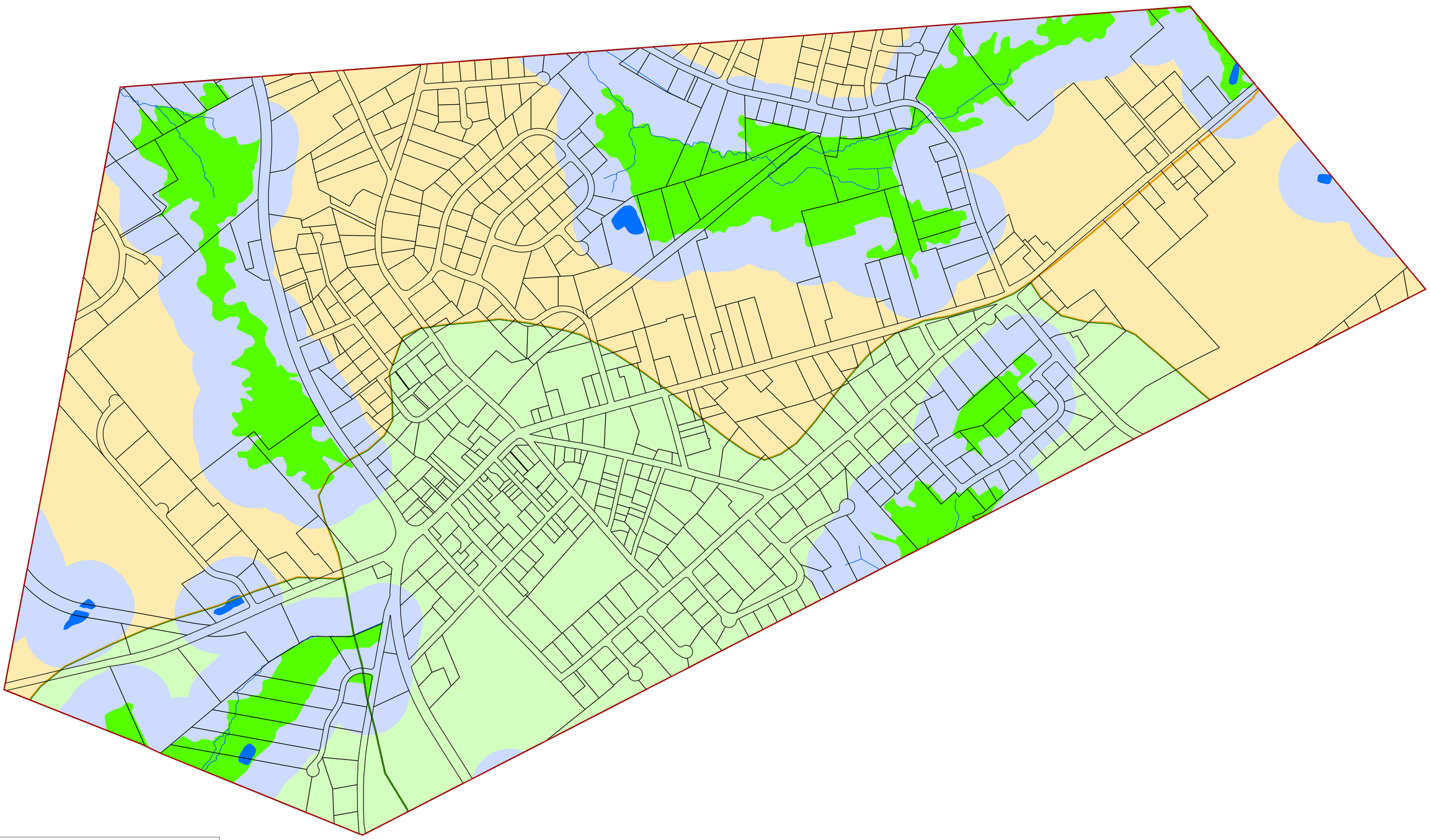
## Borough of Chester Highlands Area

Highlands Open Waters

Watershed Resource Value Areas

# BOROUGH OF CHESTER, MORRIS COUNTY, NJ

Highlands Council
New Jersey



## Legend

- Municipal Boundary
- Parcel Boundaries
- Lakes & Ponds
- Streams
- Wetlands
- Highlands Open Water Buffers (300ft)

Watershed Values by HUC14 Subwatershed

- *Moderate*
- *High*

## Locator Maps



**BOROUGH OF**
**CHESTER**
**MORRIS COUNTY, N.J.**

MAP PREPARED BY THE NEW JERSEY
HIGHLANDS COUNCIL, MAY 25, 2016

0 2,000 4,000 6,000 8,000 10,000 Feet

0 0.5 1 1.5 2 Miles

N

# Exhibit 4:

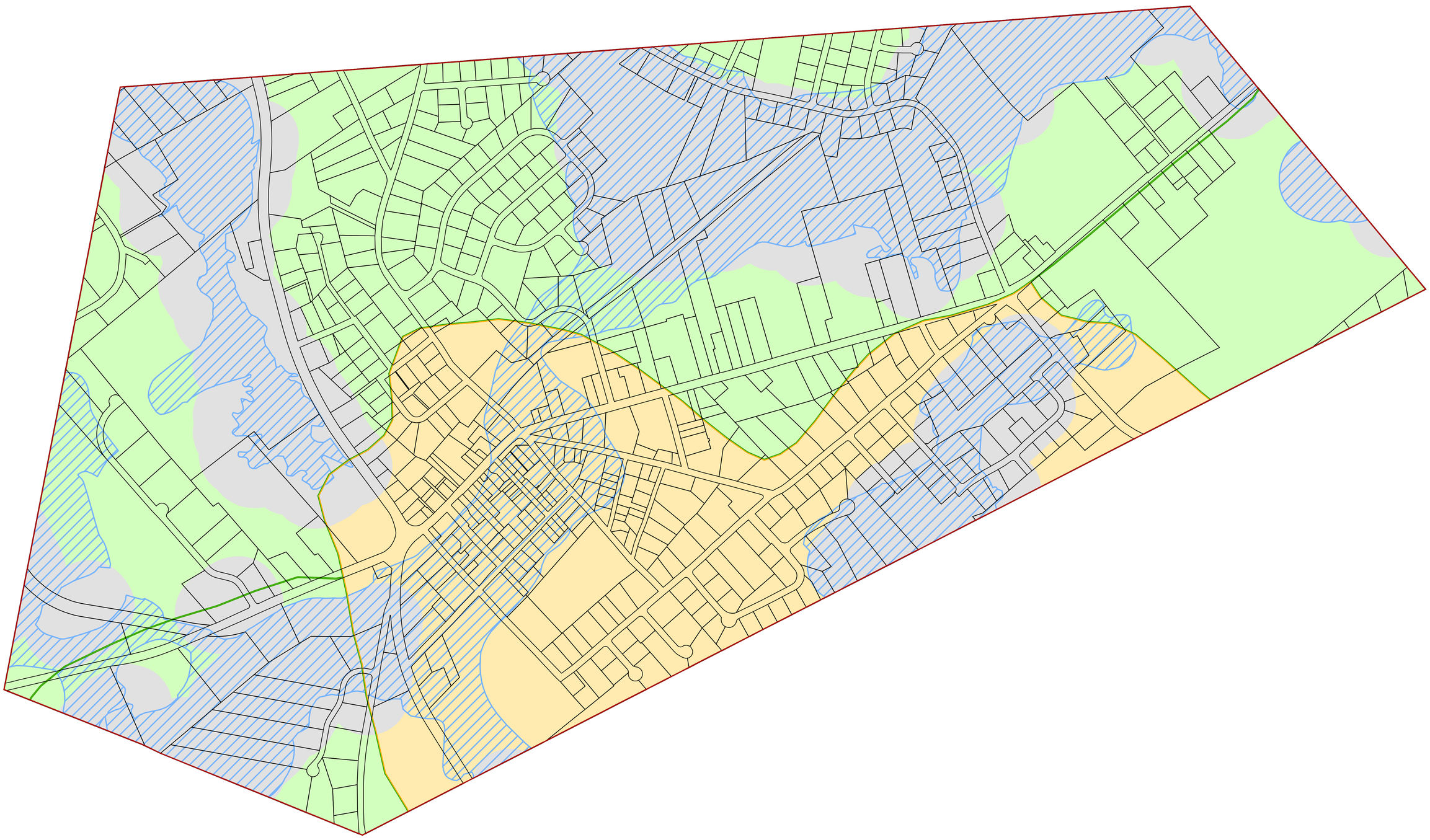
## Borough of Chester Highlands Area

Riparian Area

Riparian Subwatershed Integrity Areas

# BOROUGH OF CHESTER, MORRIS COUNTY, NJ

Highlands Council
New Jersey



## Legend

- Municipal Boundary
- Parcel Boundaries
- Riparian Area
- Highlands Open Water Buffers (300ft)

Riparian Integrity

By HUC-14 Subwatershed

- *Moderate*
- *High*

## Locator Maps



**BOROUGH OF**
**CHESTER**
**MORRIS COUNTY, N.J.**

MAP PREPARED BY THE NEW JERSEY
HIGHLANDS COUNCIL, MAY 25, 2016

0 2,000 4,000 6,000 8,000 10,000 Feet

0 0.5 1 1.5 2 Miles

N

# Exhibit 5:

**Borough of Chester Highlands Area**

**Steep Slope Protection Area**

# BOROUGH OF CHESTER, MORRIS COUNTY, NJ

Highlands Council
New Jersey



## Legend

- Municipal Boundary
- Parcel Boundaries

Steep Slope Protection Area

- *Severely Constrained*
- *Moderately Constrained*
- *Constrained/Limited Constrained*

## Locator Maps



BOROUGH OF
**CHESTER**
MORRIS COUNTY, N.J.

MAP PREPARED BY THE NEW JERSEY
HIGHLANDS COUNCIL, MAY 25, 2016

0 2,000 4,000 6,000 8,000 10,000 Feet

0 0.5 1 1.5 2 Miles

N

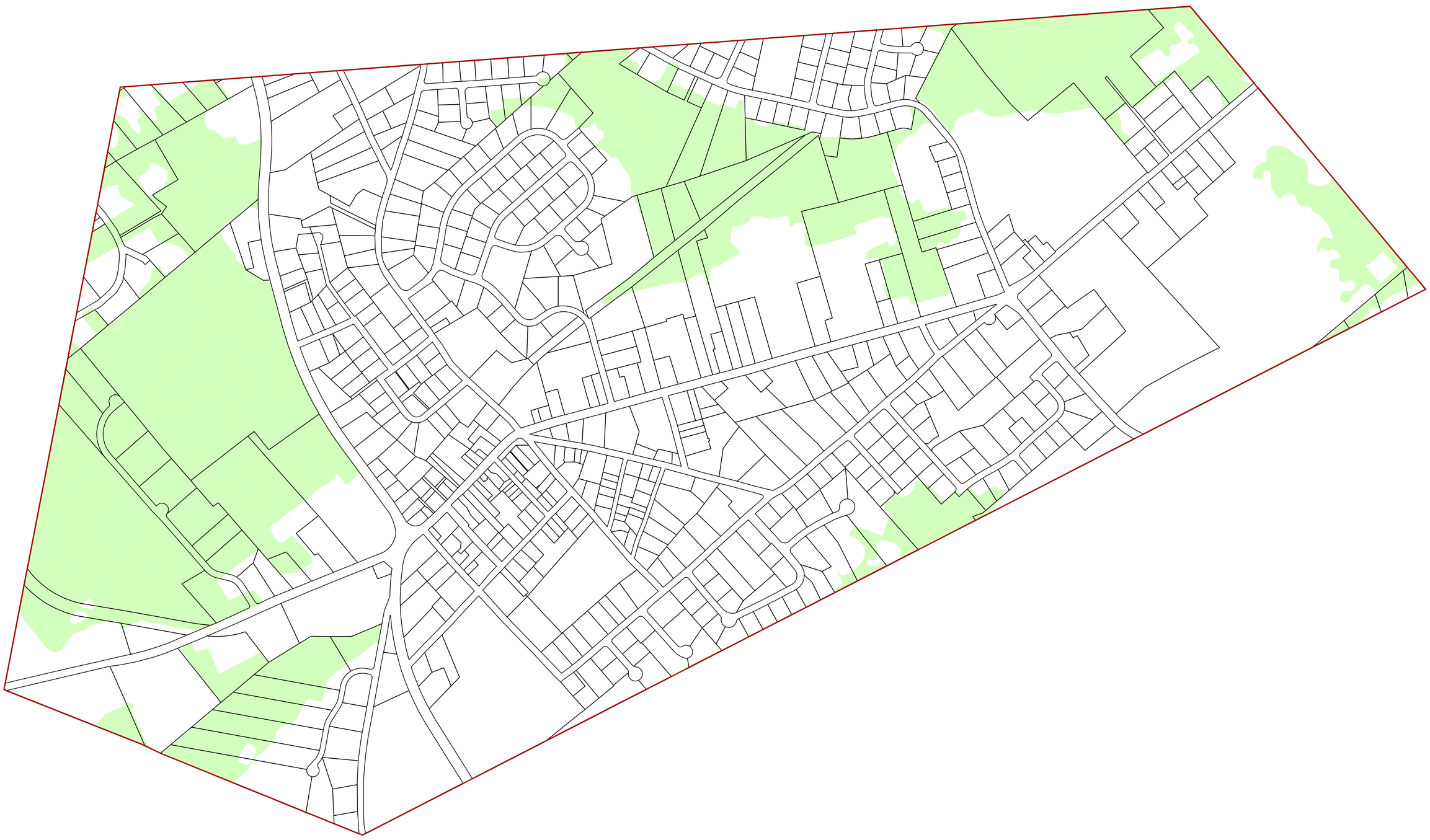
# Exhibit 6:

Borough of Chester Highlands Area

Critical Wildlife Habitat

# BOROUGH OF CHESTER, MORRIS COUNTY, NJ

Highlands Council
New Jersey



## Legend

- Municipal Boundary
- Parcel Boundaries
- Critical Wildlife Habitat

## Locator Maps



**BOROUGH OF**
**CHESTER**
**MORRIS COUNTY, N.J.**

MAP PREPARED BY THE NEW JERSEY
HIGHLANDS COUNCIL, MAY 25, 2016

0 2,000 4,000 6,000 8,000 10,000 Feet

0 0.5 1 1.5 2 Miles

# Exhibit 7:

## Borough of Chester Highlands Area

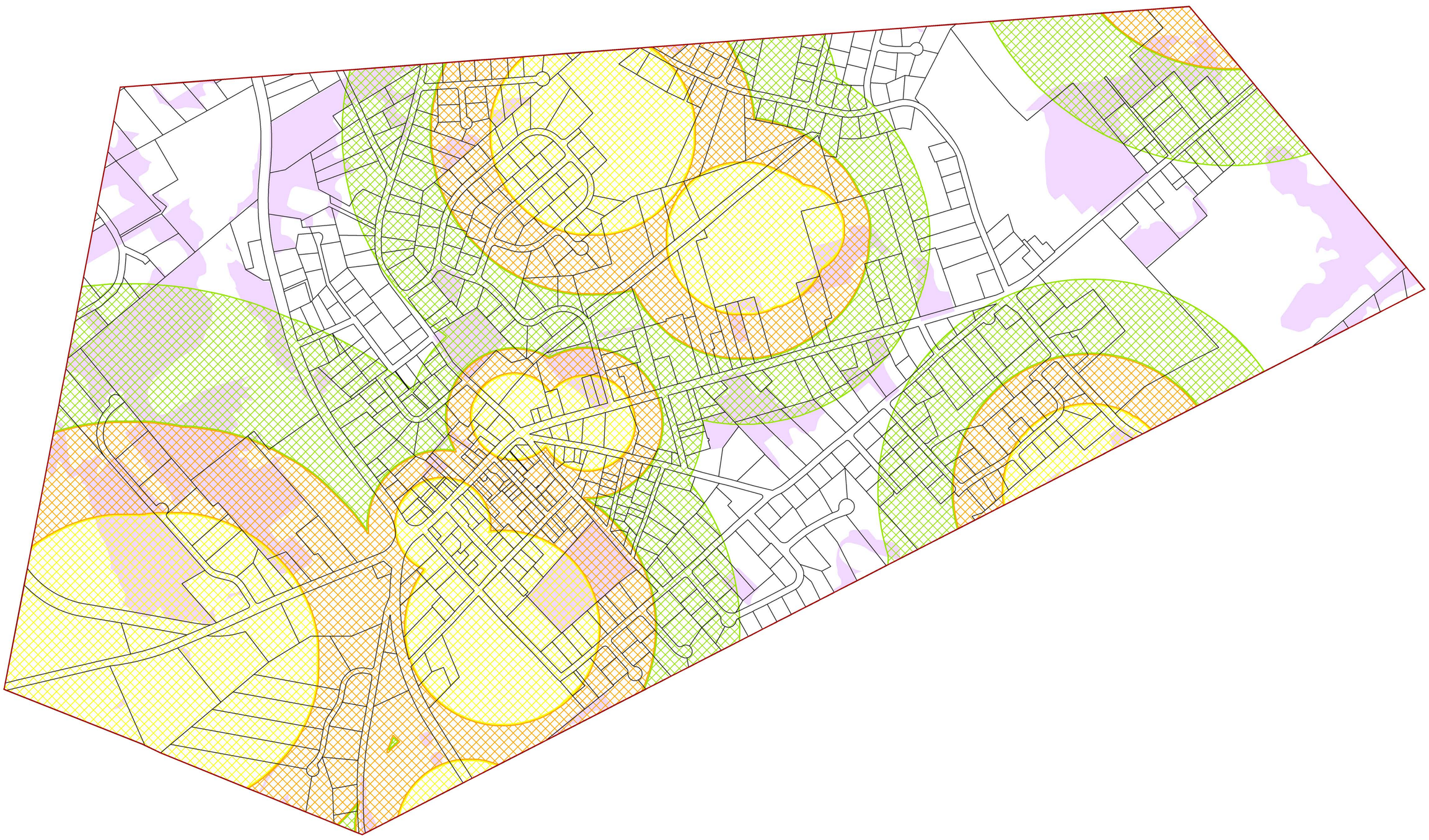
**Carbonate Rock Area**

**Prime Ground Water Recharge Area**

**Wellhead Protection Areas**

# BOROUGH OF CHESTER, HUNTERDON COUNTY, NJ

Highlands Council
New Jersey



## Legend

- Municipal Boundary
- Parcel Boundaries
- Carbonate Rock Areas
- Prime Ground Water Recharge Areas

Wellhead Protection Areas

- *(Tier 1) 2-Year*
- *(Tier 2) 5-Year*
- *(Tier 3) 12-Year*

## Locator Maps



BOROUGH OF
**CHESTER**
MORRIS COUNTY, N.J.

MAP PREPARED BY THE NEW JERSEY
HIGHLANDS COUNCIL, MAY 25, 2016

0 2,000 4,000 6,000 8,000 10,000 Feet

0 0.5 1 1.5 2 Miles

N

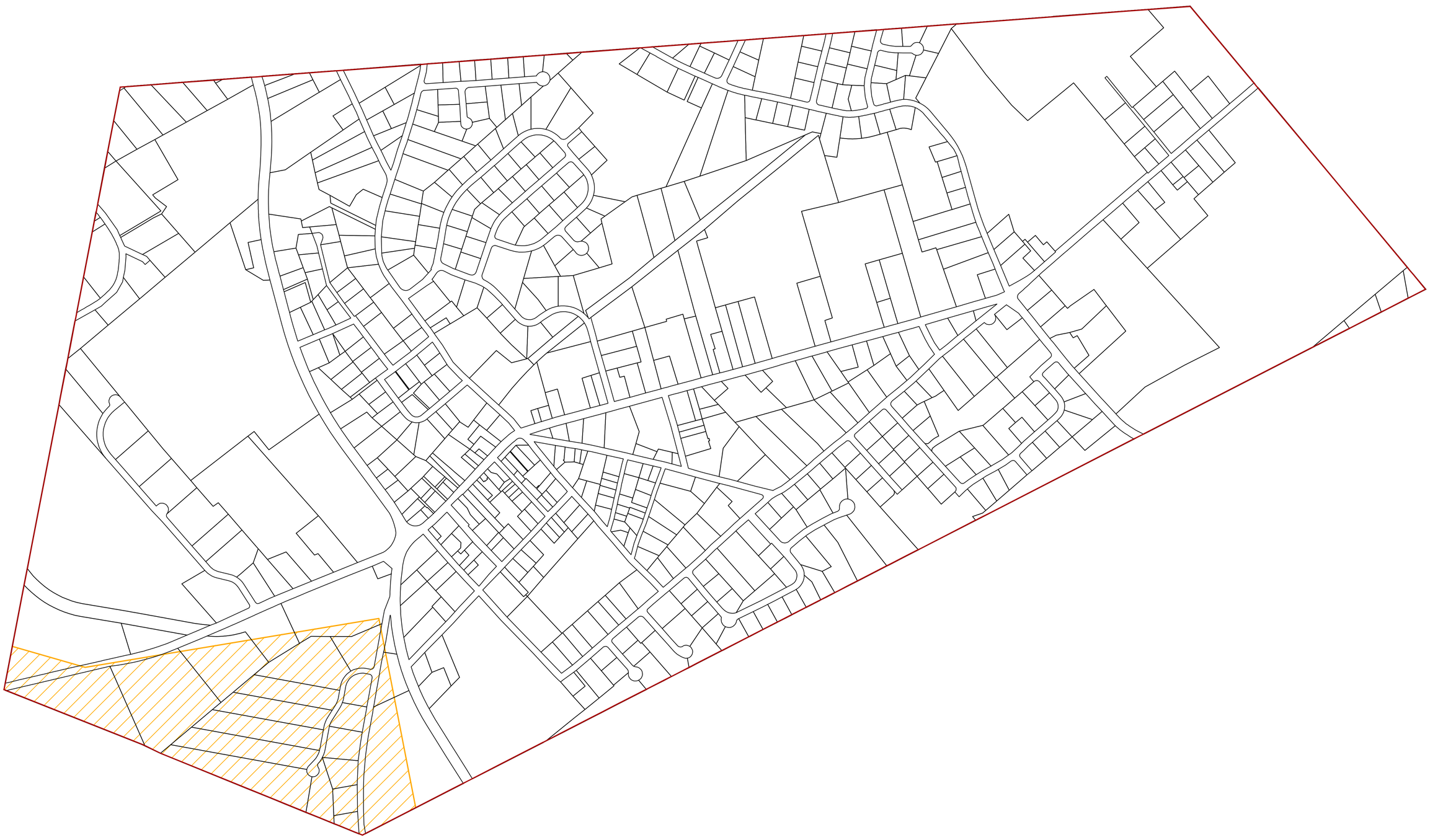
# Exhibit 8:

Borough of Chester Highlands Area

Agricultural Resource Area

# BOROUGH OF CHESTER, MORRIS COUNTY, NJ

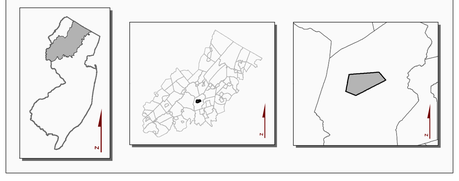
Highlands Council
New Jersey



## Legend

- Municipal Boundary
- Parcel Boundaries
- Agricultural Resource Area

## Locator Maps



**BOROUGH OF**
**CHESTER**
**MORRIS COUNTY, N.J.**

MAP PREPARED BY THE NEW JERSEY
HIGHLANDS COUNCIL, MAY 25, 2016

0 2,000 4,000 6,000 8,000 10,000 Feet

0 0.5 1 1.5 2 Miles

N

# Exhibit 9:

## Borough of Chester Highlands Area

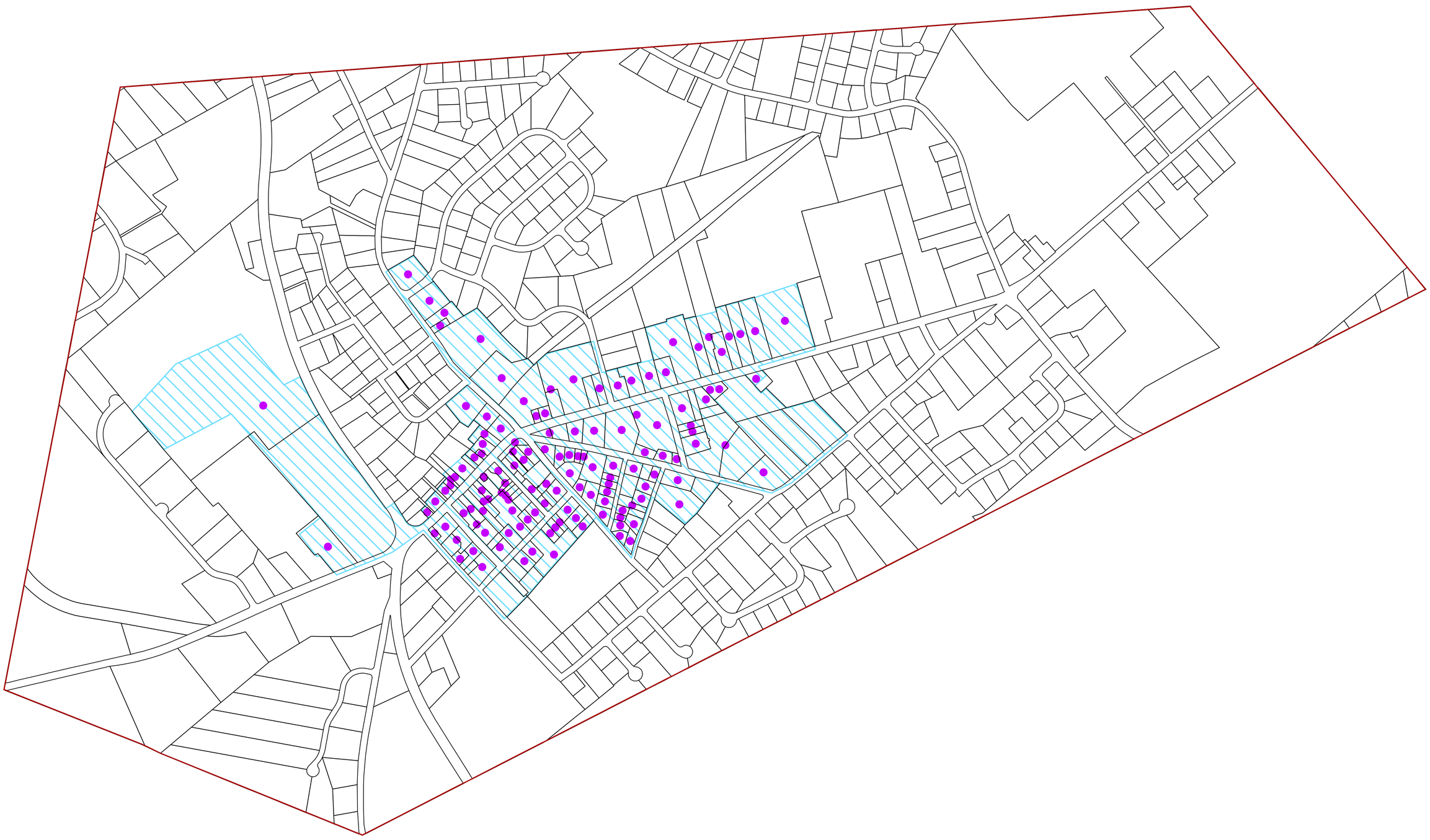
Highlands Historic, Cultural

and Archaeological Resources

Highlands Scenic Resources

# BOROUGH OF CHESTER, MORRIS COUNTY, NJ

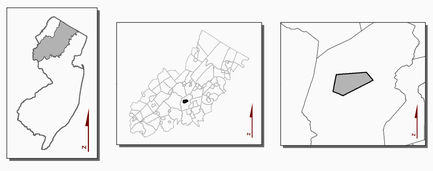
Highlands Council
New Jersey



## Legend

- Municipal Boundary
- Parcel Boundaries
- Scenic Resources
- Historic Properties
- NJ Historic Districts

## Locator Maps



**BOROUGH OF**
**CHESTER**
**MORRIS COUNTY, N.J.**

MAP PREPARED BY THE NEW JERSEY
HIGHLANDS COUNCIL, MAY 25, 2016

0 2,000 4,000 6,000 8,000 10,000 Feet

0 0.5 1 1.5 2 Miles

N

# Exhibit 10:

## Borough of Chester Highlands Area

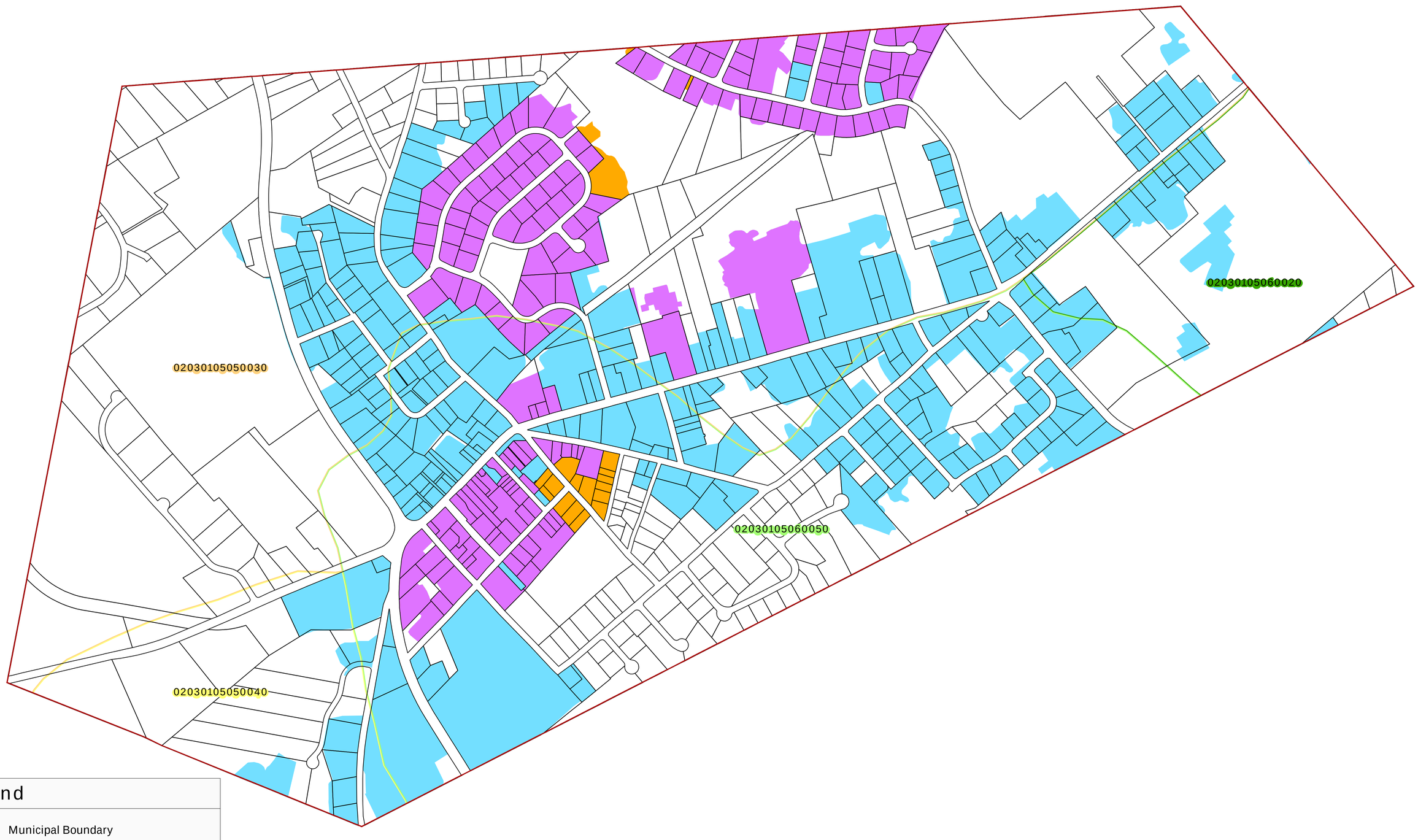
Net Water Availability by HUC-14 Subwatershed

Highlands Domestic Sewerage Facilities

Public Community Water Systems

# BOROUGH OF CHESTER, MORRIS COUNTY, NJ

Highlands Council
New Jersey




## Legend

- Municipal Boundary
- Parcel Boundaries

Existing Area Served for:

- Public Community Water Systems
- Highlands Domestic Sewerage Facilities
- Highlands Domestic Sewerage Facilities and Public Community Water Systems

Net Water Availability By HUC14 Subwatershed
Million Gallons Per Day (MGD)

- *0.05 - 0.09*
- *0.00 - 0.04*
- *-0.09 - -0.01*
- *-0.99 - -0.10*

## Locator Maps



**BOROUGH OF**
**CHESTER**
**MORRIS COUNTY, N.J.**

**MAP PREPARED BY THE NEW JERSEY HIGHLANDS COUNCIL, MAY 25, 2016**

0 2,000 4,000 6,000 8,000 10,000 Feet

0 0.5 1 1.5 2 Miles

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# APPENDIX E

## Select List of Highlands Goals, Policies, and Objectives

# Appendix E. Select List of Highlands Goals, Policies, and Objectives:

*Objective 1A2d:* To prohibit through Plan Conformance, local development review and Highlands Project Review the expansion or creation of public water supply systems or public wastewater collection and treatment systems or community-based on-site wastewater facilities into forested areas of the Forest Resource Area within the Planning Area except as provided for in Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and within the Preservation Area except as provided for in Policy 2I1 and Objectives 2I1a and 2I1b.

*Objective 1L6b:* Septic systems and cesspools on small lots in close proximity to lakes shall be replaced with upgraded individual treatment systems, communal septic systems or community-based wastewater systems wherever feasible and cost-effective, with the selection of replacement technology to ensure minimal secondary impacts, including potential reductions in net water availability, maximum environmental benefit, and financial viability. Community-based systems should not provide for additional land development capacity except for exempt lots within that existing lake community that are not environmentally constrained, or for areas that are otherwise permitted to have wastewater service under the Goals, Policies, and Objectives in Part 2, Subpart D, Sustainable Development, and Water Resources.

**Policy 2B6**: To require through Plan Conformance (including through a Water Use and Conservation Plan developed under Objective 2B8c), local development review, Highlands Project Review, and interagency coordination that proposed public water supply and wastewater service areas, new or increased water allocations and bulk water purchases will not directly or indirectly cause or contribute to a Net Water Availability deficit, and where feasible will help mitigate any existing deficit.

**Objective 2B6a**: Areawide Water Quality Management Plans (WQMPs), Wastewater Management Plans (WMPs) or their amendments shall ensure that the proposed service area will not directly or indirectly cause or contribute to a Net Water Availability deficit, and shall be in conformance with any Water Use and Conservation Plan developed under Objective 2B8c.

*Objective 2B8e:* Allow water resource transfers between or from Highlands subwatersheds only when there is no other viable alternative and where such transfers would demonstrably not result in impairment of resources in any subwatershed. Potential effects on upstream and downstream subwatersheds should be included in any such evaluation.

*Objective 2D4e:* Prohibit through Plan Conformance, local development review and Highlands Project Review the expansion or creation of public water supply systems or public wastewater collection and treatment systems or community-based on-site wastewater facilities into a Prime Ground Water Recharge Area within the Protection or Conservation Zone within the Planning Area except as provided for in Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and within the Preservation Area except as provided for in Policy 2I1 and Objectives 2I1a and 2I1b.

*Objective 2G3c:* WQMPs, WMPs or amendments shall demonstrate that the proposed service area will not directly or indirectly support development that would be in violation of an adopted TMDL.

*Objective 2H5d:* Amend Areawide WQMPs or WMPs for conforming municipalities and counties to ensure that any activity associated with the proposed service area will not adversely affect a Wellhead Protection Area.

**GOAL2I**: Limitation of the expansion of water and wastewater infrastructure in the preservation area.

**Policy 2I1**: To prohibit the expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area unless approved through a Highlands Applicability Determination (HAD) or a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1.

**Objective 2I1a**: Designated sewer service areas in the Preservation Area shall be restricted to the Existing Area Served as of August 10, 2004, except to serve development that is approved through a HAD or a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1.

**Objective 2I1b**: The expansion or creation of public water supply systems, public waste-water collection and treatment systems and community on-site treatment facilities in the Preservation Area as approved through a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1 shall maximize the protection of sensitive environmental resources including avoidance of Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas (ARAs), Steep Slopes, Prime Ground Water Recharge Areas, and Critical Habitat.

**Policy 2I2**: To identify through Plan Conformance and Highlands Redevelopment Area designation procedures those lands of the Preservation Area that may be appropriate for the extension or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities for redevelopment that would meet the waiver requirements of N.J.A.C. 7:38 and Policy 7G1.

**Policy 2J5**: To prohibit, through local development review and Highlands Project Review, new or increased water resource transfers between subwatersheds unless it is demonstrated that no other option exists to meet public health, safety and welfare objectives and where such transfers do not result in impairment of resources in the subwatershed from which water is proposed to be transferred.

**Policy 2K1**: To establish and maintain an inventory of Highlands public wastewater management infrastructure, including developed parcels with current connections to existing utility service areas.

**Objective 2K1a**: The development and maintenance of an inventory of Existing Areas Served.

**Objective 2K1b**: The development and maintenance of an inventory of the service areas and capacity of Highlands Domestic Sewerage Facilities.

**Objective 2K1c**: The development of an estimated Available Wastewater Treatment Capacity for each Highlands Domestic Sewer Facility.

**Objective 2K1d**: The identification of remaining available wastewater treatment capacity to support regional growth opportunities within the Highlands Region.

**Policy 2K3:** To provide adequate, appropriate, efficient and cost-effective wastewater management to all development in the Highlands Region, through Plan Conformance, local development review, and Highlands Project Review.

*Objective 2K3a:* Areawide WQMPs, including WMPs and project-specific amendments, shall be examined for consistency with requirements of this Plan. The Highlands Council shall prepare and transmit to NJDEP consistency determinations for these amendments prior to the NJDEP decision in accordance with N.J.A.C. 7:38-1.1 and N.J.A.C. 7:15.

*Objective 2K3b:* Existing wastewater collection and treatments systems which are non-compliant with state water quality standards for wastewater treatment and effluent discharge shall be prohibited from collecting and treating additional wastewater until the treatment systems are fully compliant with State permit requirements.

*Objective 2K3c:* Prohibit new, expanded, or extended public wastewater collection and treatment systems and community on-site treatment facilities within the Protection Zone, the Conservation Zone, and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of ARAs, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of ARAs, and Prime Ground Water Recharge Areas. The choice of extension or creation of systems shall follow the requirements in Objective 2K3d (2 and 3). The applicable purposes are:

1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from a pattern of failing septic systems (where the failing systems cannot reasonably be addressed through rehabilitation or replacement) or highly concentrated septic systems, where the threat is of sufficient scale to justify a public wastewater collection and treatment system or community on-site treatment facility and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. To address other issues of public health and safety, such needs shall have highest priority for allocation of existing system capacity;

2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or

3. To serve a cluster development that meets all requirements of Objective 2K3d.

*Objective 2K3d:* Clustered development served by a public wastewater collection and treatment system or community on-site treatment facility within the Protection Zone, the Conservation Zone, and the Environmentally-Constrained Sub-zones of the Planning Area shall be approved only if the following conditions are met:

1. The development impacts are otherwise consistent with the requirements of the RMP, including provisions for mandatory clustering in ARAs pursuant to Policy 3A5;

*2*. Extension of an existing public wastewater collection and treatment system will occur only where the cluster development is within or immediately adjacent to an Existing Area Served with available capacity;

*3*. Creation of a community on-site treatment facility will occur only where such development is not within or immediately adjacent to an Existing Area Served with available capacity, where the proposed system is designed, permitted, and constructed at a capacity limited to the needs of the clustered development, and where the system does not create the potential for future expansion into areas that are not the subject of cluster developments immediately adjacent to the initial cluster served;

*Objective 2K3e:* Allow the expansion or creation of wastewater collection systems within the ECZ of the Planning Area, other than the Environmentally-Constrained Sub-zone, to serve lands which are appropriate for designated TDR Receiving Zones, infill or redevelopment, to meet needs and protection requirements equivalent to those provided at Objective 2K3c within the ECZ, or to serve new areas for development that meet all other requirements of the RMP. The highest priority for allocation of excess or additional wastewater treatment capacity is to areas where there are clusters of failed septic systems that are located within or adjacent to Existing Areas Served. TDR Receiving Areas, where designated, affordable housing projects (where the affordable units exceed 10% of the total units), infill and redevelopment shall have higher priority for capacity than other developments requiring expansion of sewer service areas.

*Objective 2K3f:* All development within the Highlands Region, in areas which are not served by public wastewater collection and treatment system or community on-site treatment facility, shall be at a density that can be supported by septic systems under Goal 2L. Where cluster development in the Protection Zone, the Conservation Zone, and the Environmentally-Constrained Sub-Zones of the Planning Area shall be served by on-site wells, and the undeveloped land is preserved for agricultural purposes in perpetuity, the cluster development and the Agriculture Retention/Farmland Preservation Plan required by Objective 2K3d in combination shall include provisions for best management practices that protect the on-site wells from contamination resulting from agricultural practices and shall include provisions to minimize or reduce net pollutant loadings from the total cluster project area including the preserved agricultural lands.

**GOAL 2L**: Ensure that on-site wastewater system discharges do not exceed the natural capacityof ground water to attenuate loadings, exacerbate existing nitrate impairment, or contribute to potential nitrate impairment for subwatersheds of the highlands region.

**Policy 2L1**: To use nitrate concentrations in ground water as an indicator of water quality, and to use nitrate dilution modeling as the primary method for assessing the carrying capacity of lands for development that relies on septic systems for wastewater treatment.

**Objective 2L1a**: Determine background median concentrations of nitrate in ground water by HUC14 subwatershed.

**Objective 2L1b**: Identify the factors affecting the suitability of densities for development that relies on septic systems for wastewater treatment.

**Objective 2L1c**: Develop appropriate protection measures to minimize contamination of ground water from septic systems.

**Objective 2L1d**: Develop drought ground water recharge estimates by HUC14 subwatershed for use in the NJDEP nitrate dilution model.

**Policy 2L2:** To use the median background nitrate concentrations in ground water in the Highlands Region as a basis for establishing on-site wastewater treatment densities through Plan Conformance, local development review, and Highlands Project Review.

***Objective 2L2a:*** Use the median concentrations of nitrate in ground water for Planning Area HUC14 subwatersheds where the Protection Zone is predominant as the nitrate target for new development reliant on septic systems within the Protection Zone. The median is 0.72 mg/L.

***Objective 2L2b:*** Use the median concentrations of nitrate in ground water for Planning Area HUC14 subwatersheds where the Conservation Zone is predominant as the nitrate target for new development reliant on septic systems within the Conservation Zone. The median is 1.87 mg/L.

***Objective 2L2c:*** Use the NJDEP Highlands Preservation Area rules and nitrate thresholds for the Preservation Area.

***Objective 2L2d:*** Use a nitrate target of 2 mg/L for the Existing Community Zone within Planning Area, on a project-by-project basis, where new development will rely on septic systems.

***Objective 2L2e:*** New residential development using septic systems where clustering or conservation design techniques are employed shall have a gross density (for all parcels involved in the development proposal) based on the nitrate dilution target appropriate for the Land Use Capability Zone, but with the density for the developed portion of the site based on a nitrate dilution target not to exceed 10 mg/L or any more stringent requirement as required by N.J.A.C. 7:15.

***Objective 2L2f:*** Carrying capacity shall be documented through the Land Use Capability Septic System Yield Map as the number of allowable septic systems per Conservation and Protection Zone for each HUC14 subwatershed, taking into account the nitrate target, the HUC14 subwatershed drought ground water recharge, and the acreage that is privately owned, undeveloped or underdeveloped, and not preserved.

***Objective 2L2g:*** New residential development utilizing septic systems shall be designed in a manner that ensures that the untreated well water meets the State drinking water quality standards and that minimizes the risk of well contamination due to the flow of septic system plumes within or between developed lots, addressing general ground water flow patterns,

major fracture systems and other appropriate geological, geophysical, and hydrogeological issues.

**Policy 2M2**: To develop appropriate and innovative resource management programs to protect, restore, and enhance subwatersheds where existing ground water quality is impaired.

**Objective 2M2a**: Identify innovative technologies that may be appropriate for the design, installation, and maintenance of on-site wastewater treatment systems to minimize impairment to ground water or surface water quality due to elevated nitrate concentrations and other pollutant loads from septic systems provided the systems meet the minimum standards of N.J.A.C 7:9A.

**Policy 3C1:** To prohibit through Plan Conformance, local development review and Highlands Project Review the development of additional water and wastewater infrastructure in a ARA within the Conservation and Protection Zones of the Planning Area, unless they meet the requirements of Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and will maximize the preservation of agricultural lands within the ARA.

**Policy 6B2:** To limit use and development of land in Protection Zone through appropriate policies regarding resource protection, septic system densities, water supply and wastewater utilities and water availability.

*Objective 6H1b:* Prevent the extension or creation of water and wastewater utility services in the Protection Zone, Conservation Zone, and Environmentally Constrained Sub-Zones of the Planning Area, unless they meet the requirements of Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and will maximize the protection of agricultural and environmentally sensitive resources.

**Policy 7G1:** For the Preservation Area, coordinate with NJDEP during Highlands permit review for any major Highlands development including the review of waivers on a case-by-case basis: 1) if determined to be necessary in order to protect public health and safety; 2) for redevelopment in certain previously developed areas as identified by the Highlands Council, or 3) in order to avoid the taking of property without just compensation.

**Policy 7G2:** For both the Preservation Area and the Planning Area, a waiver may be issued by the Highlands Council on a case-by-case basis from the requirements of the RMP or any amendments to a master plan, development regulations, or other regulations adopted by a local government unit specifically to conform them with the RMP: 1) if determined to be necessary in order to protect public health and safety; 2) for redevelopment in certain previously developed areas as identified by the Highlands Council, or 3) in order to avoid the taking of property without just compensation. Any waiver issued shall be conditioned upon a determination that the proposed development meets the requirements prescribed for a finding as listed in Section 36.a of the Highlands Act to the maximum extent possible.

# APPENDIX F

## Highlands Technical Method for WMP Build-Out Analysis

# Highlands Technical Method for WMP Build-Out Analysis

The Wastewater Management Plan (WMP) build-out analysis is based on available information from the Highlands Region composite zone data, property class information, the Highlands Regional Build-Out Technical Report, and municipally available data. Residential building units and commercial building square footage are calculated by adding the following composite zone information to the available 2015 parcel information: the designated zone, BODUACRE[1], BOFAR[2], efficiency factor, and average household size (see attached table). The Highlands Council did not take into consideration the possibility of a use variance for parcels that were determined to be undevelopable (a calculated building unit of less than one because of its size and zoning designation).

Below is the list of Highlands Region composite zones that are used during the Highlands WMP build-out process. As a way to separate the residential and non-residential build-out processes, each zone is given a residential designation (res) or a non-residential designation (non-res):

- Estate Residential (Res)
- Rural Residential (Res)
- Resource Residential (Res)
- Low Density Residential (Res)
- Medium Density Residential (Res)
- Suburban Residential (Res)
- High Density Residential (Res)
- Townhouse Attached Residential (Res)
- Garden Apartments (Res)
- Mixed Use/Age Restricted Housing* (Res\Non-Res)
- Mixed Use* (Res\Non-Res)
- Senior or Age Restricted Housing (Res)
- Office/Commercial (Non-Res)
- Retail (Non-Res)
- Industrial (Non-Res)

*These zones go through both the residential and non-residential build-out process; however, they are otherwise considered only non-residential. The resulting gallons per day (GPD) per parcel calculated from the residential and non-residential processes is then added together to get a final GPD.

## Assigned Sewer Service Area

To create the Assigned Sewer Service Area the Highlands Council utilized existing areas served sewer service area (EAS-SSA) shapefiles and future sewer service area sewer service area (FSSA-SSA) shapefiles from previous iterations of municipal WMPs or from available sewer shapefiles sent from the municipality. In addition, the Highlands Council reviewed New Jersey Pollutant Discharge Elimination System (NJPDES) active permits on the New Jersey Department of Environmental Protection (DEP) Data Miner website to add into the Assigned Sewer Service Area if they were not already accounted for from the provided shapefiles. This area was broken down into two zones: existing areas served or future sewer service area. For a parcel that is labeled as the future sewer service area, only the portion of the parcel that is designated as Existing Community Zone (ECZ) or Lake Community Zone (LCZ)

[1] BODUACRE – Build-Out Dwelling Unit per Acre.
[2] BOFAR – Build-Out Floor Area Ratio

of the Highlands Council Land Use Capability Zones (LUCZ) is designated as an Assigned Sewer Service Area. If a parcel is located within the boundaries of a Highlands Designated Center or a Highlands Designated Redevelopment Area, the entire parcel is designated as an Assigned Sewer Service Area, either labeled as future sewer service area or existing area served of the Assigned Sewer Service Area. Parcels that are labeled as existing area served of the Assigned Sewer Service Area do not go through the build-out process as the existing GPD flows are provided by the applicable wastewater treatment facility or through Digital Monitoring Report (DMR) data from the DEP Data Miner website. The GPD of the proposed future flow is estimated using build-out conditions; parcels labeled as future sewer service area of the Assigned Sewer Service Area are run through the build-out process explained below.

## Build-Out Process

The build-out process starts with the remaining acreage of the parcels that are within the ECZ or LCZ, have a designated property class of 1 or 3B, and are not zoned as Mixed Use. The acreage of the DEP constraints are subtracted from the remaining acreage of the parcel. The DEP Environmental Constraints layer originates from DEP and is comprised of the following environmentally sensitive areas: wetlands, natural heritage priority sites, C1 streams and their associated 300-foot buffer, and DEP Landscape program rank 3, 4, and 5 critical habitat.

**Flow Formula for residential parcels**

1. (Parcel ECZ/LCZ Acres - DEP Environmental Constraints) * Efficiency Factor = Developable Acres
2. Developable Acres * BODUACRE = Building Units
3. Building Units * Average Household Size = People
4. People * 75 GPD = GPD per parcel

**Flow Formula for Office/Commercial/Retail parcels**

1. (Parcel ECZ/LCZ Sq Ft - DEP Environmental Constraints Sq Ft) * Efficiency Factor * BOFAR = Developable Sq Ft
2. Developable Sq Ft * Public Wastewater System Generation (.10) = GPD per parcel

**Flow Formula for Industrial parcels**

1. (Parcel ECZ/LCZ Sq Ft - DEP Environmental Constraints Sq Ft) * Efficiency Factor * BOFAR = Developable Sq Ft
2. (Developable Sq Ft / 1,000) *1.11 = Jobs per 1,000 sq ft
3. Jobs * 25 GPD = GPD per parcel

For Mixed Use and Mixed Use/Age Restricted Housing parcels, the residential and commercial build-out derived GPD per parcel are added together to get the final GPD per parcel. Additionally, flows for vacant lands that are calculated below 110 GPD are removed from the Assigned Sewer Service Area, as the environmental constraints on the property reduced its development potential.

For the remaining property classes indicating previous development, the original acreage of the parcel is used to calculate the build-out. For property classes 4A and 4C the commercial build-out from the Highlands Build-Out Technical Report is used and for property class 4B the industrial build-out from the same technical report is used. For property class 2 an assumed 300 GPD is used and the average household size is based on the composite zoning.

## Assigned Sewer Service Area - Exemptions

As a way to identify all potential future flows, the Highlands Council attempted to identify parcels that may be entitled to connect to sewer due to eligibility for Exemptions 1, 2, or 4 specified under the Highlands Act and N.J.A.C. 7:38 Highlands Water Protection and Planning Act Rules (Highlands Rules). In order for these identified parcels to be part of the sewer service area they must not only be eligible for an exemption, but also within the pre-Act sewer service area that was designated before August 10, 2004. Parcels that are eligible for an exemption in the Preservation Area, located in the DEP pre-Act Sewer Service Area, and are adjacent to existing sewer service areas are run through the build-out process described above. Parcels identified as property class 4A, 4B, 4C, 15A, 15D or 15F and eligible for Exemption 4 were only run through the build-out process after consulting with the municipality regarding known plans for redevelopment of the identified parcel(s). If no redevelopment plans are known, the parcel is no longer designated as an Exempt Assigned Sewer Service Area.

## Unassigned Sewer Service Area

Based on the definition of Unassigned Sewer Service Area, provided by the N.J.A.C. 7:15 Water Quality Management Planning rules, the unassigned sewer service area is any Planning Area parcel that is not designated as an Assigned Sewer Service Area and is located within the ECZ or LCZ and is **not** in the Existing Community Zone – Environmentally Constrained Subzone (ECZ-ECSZ), in accordance with the Highlands Regional Master Plan (RMP). These identified parcels are then run through the build-out process described above. The Highlands Council gave the municipalities the choice to retain identified Unassigned Sewer Service Areas, or delete all or portions of the identified areas.

## Septic Build-Out Analysis - Preservation Area

In order to estimate the number of septic systems that may be added in a municipality, build-out conditions were analyzed in the Highlands Region. For the Preservation Area, the build-out analysis started with estimating build-out utilizing the N.J.A.C. 7:38 DEP Highlands Rules. First, parcels that are at least 25 acres or more were identified. This threshold was chosen since a vacant or underdeveloped parcel in the Preservation Area cannot install a new septic on the property that will maintain water quality nitrate standards in accordance with the Highlands Rules under estimated build-out conditions if it is under 25 acres. As per the Highlands Rules, a parcel that contains forest cannot have more than one septic system for every 88 acres and a parcel that does not contain forest cannot have more than one septic system for every 25 acres (25/88 rule). The number of septic systems on a parcel that contains a combination of forest and non-forest is calculated by finding the number of septic systems allowed on the forest and non-forest acres of the parcel and then subsequently adding those septic system numbers together. Land use land cover (LULC) codes are used to determine which portions of the parcels are forest or non-forest. Parcels with septic unit totals greater than or equal to two are kept under the Preservation Area Underdeveloped Septic wastewater designation. Any parcel with less than two calculated septic systems was deleted because it is assumed that a land owner who could get only one septic system on his/her property using the 25/88 rule would prefer to build the septic system under an exemption, if eligible. These septic system numbers are taken into account in the septic exemption build-out.

### Septic Exemptions

In an attempt to understand the number of additional septic systems that may be installed in a municipality under complete build-out conditions, the Highlands Council created a build-out analysis to determine how many parcels could fall under exemption eligibility. Like the exemption analysis for the Assigned Sewer Service Area, this process is developed using generalized assumptions that does not take into account environmental constrains that may affect the buildability of a parcel. Septic exemptions are any parcel in the Preservation Area not identified as an Assigned Sewer Service Area, not identified as a Preservation Area Underdeveloped Septic parcel, not identified as preserved land, has a designated property class of 1 or 3B, and was identified as one of the following composite zones:

| | |
|---|---|
| Estate Residential | Medium Density Residential |
| Rural Residential | Suburban Residential |
| Resource Residential | High Density Residential |
| Low Density Residential | Townhouse Attached Residential |

Building unit calculations were based on the BODUACRE from one of the zones above and the acreage of the parcel. Parcels that had a total building unit less than one were removed from the septic exemption designation.

## Septic Build-Out Analysis - Planning Area

### Residential Zones

Residentially zoned parcels that are in the Planning Area and not designated as existing area served in the Assigned Sewer Service Area are analyzed as part of the septic build-out analysis. The septic build-out was determined using property classes 1, 2, and 3B and parcels with condominium qualifier codes were removed. Condominiums are removed because the wastewater generated by them is too large for a septic system and it is assumed that a developed condominium complex would either be connected to a sewer service area or connected to a discharge to groundwater facility with a designated (NJPDES) permit. Using the BODUACRE from the composite zoning, building units were calculated for these parcels. For parcels with a property class of 1 or 3B a building unit of at least one had to be calculated in order to proceed with the septic build-out process. For parcels with a property class of 2 at least two building units have to be calculated to proceed with the septic build-out process. Since property class 2 implies at least one single family residential dwelling is built on the property, the parcel has to be zoned for more than one dwelling as it is assumed more single family dwellings can be constructed on the parcel under full build-out conditions. The number of acres of the Protection Zone (PZ), Conservation Zone (CZ), and ECZ are determined on each parcel. Utilizing the Highlands Council LUCZ Septic Table the number of septic systems is determined for each parcel. The number of septic systems cannot exceed the number of calculated building units, therefore if the number of calculated septic systems for a parcel is higher than the number of building units calculated for the parcel based on zoning, then the number of septic systems is decreased to match the number of building units. Using this process the number of septic units calculated is called the LUCZ yield. These are the number of septic units that can be built in the Planning Area of a municipality that will maintain water quality nitrate standards in accordance with the RMP under full build-out conditions. The Highlands Council also takes into account parcels that may have calculated building units of 2, but are only allowed one septic system on the parcel due to the LUCZ

septic constraints. Since the Highlands land use ordinance amendments only require evaluation against the RMP for the construction of three or more new residential houses, a landowner can choose to build up to two building units and an associated septic system for each unit regardless of the RMP septic yield. Under this scenario, it is assumed under build-out conditions that two septic systems would be installed as opposed to just the one septic system allotted by the LUCZ septic yield.

## Non-Residential Zones

Non-residential zoned parcels that are in the Planning Area and not designated as existing area served in the Assigned Sewer Service Area are analyzed as part of the septic build-out analysis. These parcels are identified if they are property classes 1 or 3B, are not preserved lands, and zoned as non-residential. The number of acres of the PZ, CZ, and ECZ and their associated subzones, were determined for each identified parcel. The Highlands Council LUCZ Septic Table was used to determine the number of septic systems that could be installed on the parcel under RMP septic build-out conditions. Any parcel that received a septic yield of zero was removed.

## Highlands Module 2 Build-Out Model Impact Factors

| Highlands Zone Type | Comparison Zone/Unit Type | Source | Region | Density Dwelling unit (du)/acre * | Efficiency Factor % (1) | Average Household Size (2) | Average School Children in Household (2) | Percent Impervious (3) | Consumptive/Depletive Water Use includes Indoor demand (gpd per person) plus outdoor demand as (gpd per unit) multiplied by Consumptive/Depletive Use Coefficient (4) | Public Water System Demand (5) | Public Wastewater System Generation (6) |
|---|---|---|---|---|---|---|---|---|---|---|---|
| **SF Estate Residential or ( PA-5)** | | | | 0.05 to 0.20 (0.17 maximum) | 95 | | | 0.075* acres | (75 gpd/person + 50 gpd/unit) * Consumptive/Depletive Coefficient | 100 gallons per person per day | 75 gallons per person per day |
| | Single-family Detached 4-5 BR | Statewide NJ Demographic Multipliers (2) | Northern[1] | | | 3.809 | 1.072 | | | | |
| | Single-family Detached 4-5 BR | | Central[2] | | | 3.780 | 1.094 | | | | |
| **SF Rural Residential, Resource Residential, or (PA-4B)** | | | | 0.21 to 0.5 du/acre (0.17 maximum) | 95 | | | 0.075* acres | (75 gpd/person + 50 gpd/unit) * Consumptive/Depletive Coefficient | 100 gallons per person per day | 75 gallons per person per day |
| | Single-family Detached 4-5 BR | Statewide NJ Demographic Multipliers (2) | Northern[1] | | | 3.809 | 1.072 | | | | |
| | Single-family Detached 4-5 BR | | Central[2] | | | 3.780 | 1.094 | | | | |
| **SF Low Density or (PA-4)** | | | | 0.51 to 1.0 du/acre (1.16 maximum) | 80 | | | 0.075* acres | (75 gpd/person + 50 gpd/unit) * Consumptive/Depletive Coefficient | 100 gallons per person per day | 75 gallons per person per day |
| | Single-family Detached 4-5 BR | Statewide NJ Demographic Multipliers (2) | Northern[1] | | | 3.809 | 1.072 | | | | |
| | Single-family Detached 4-5 BR | | Central[2] | | | 3.780 | 1.094 | | | | |
| **SF Medium Density, Suburban Residential, or (PA-3)** | | | | 1.01 to 3.0 du/acre (3.81 minimum) | 75 | | | 26.7 | (75 gpd/person + 30 gpd/unit) * Consumptive/Depletive Coefficient | 100 gallons per person per day | 75 gallons per person per day |
| | Single-Family Detached, 2-3 BR | Statewide NJ Demographic Multipliers (2) | Northern[1] | | | 3.137 | 0.607 | | | | |
| | Single-Family Detached, 2-3 BR | | Central[2] | | | 2.578 | 0.367 | | | | |
| **SF High Density or (PA-2)** | | | | 3.01 to 8.0 du/acre (7.04 minimum) | 75 | | | 33.7 | (75 gpd/person + 5 gpd/unit) * Consumptive/Depletive Coefficient | 75 gallons per person per day | 75 gallons per person per day |
| | Single-Family Attached, 2-3 BR | Statewide NJ Demographic Multipliers (2) | Northern[1] | | | 2.477 | 0.296 | | | | |
| | Single-Family Attached, 2-3 BR | | Central[2] | | | 2.296 | 0.292 | | | | |
| **Attached/Townhouse or (PA-1)** | | | | 8.01 to 16.0 du/acre (9.78 minimum) | 75 | | | 45.7 | (75 gpd/person + 5 gpd/unit) * Consumptive/Depletive Coefficient | 75 gallons per person per day | 75 gallons per person per day |

## Highlands Module 2 Build-Out Model Impact Factors

| Highlands Zone Type | Comparison Zone/Unit Type | Source | Region | Density Dwelling unit (du)/acre * | Efficiency Factor % (1) | Average Household Size (2) | Average School Children in Household (2) | Percent Impervious (3) | Consumptive/Depletive Water Use includes Indoor demand (gpd per person) plus outdoor demand as (gpd per unit) multiplied by Consumptive/Depletive Use Coefficient (4) | Public Water System Demand (5) | Public Wastewater System Generation (6) |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Single-Family Attached, 2-3 BR | Statewide NJ Demographic Multipliers (2) | Northern[1] | | | 2.477 | 0.296 | | | | |
| | Single-Family Attached, 2-3 BR | | Central[2] | | | 2.296 | 0.292 | | | | |
| **Garden Apartment or (PA-1)** | | | | 16.01+ du/acre (9.78 minimum) | 70 | | | 57.1 | (75 gpd/person + 5 gpd/unit) * Consumptive/Depletive Coefficient | 75 gallons per person per day | 75 gallons per person per day |
| | 5+ Units (Own/Rent), 2-3 BR | Statewide NJ Demographic Multipliers (2) | Northern[1] | | | 2.262 | 0.308 | | | | |
| | 5+ Units (Own/Rent), 2-3 BR | | Central[2] | | | 2.342 | 0.373 | | | | |
| **Mixed use/Age Restricted Housing (percent mix based on 40% residential and 60% non-residential as Office/Commercial)** | | Municipal Zoning | | Apply zone density and FAR value Note: Use Retail/Commercial Impact factors for non-res % | 70 | Varies Based on zoning Du/Acre description | 0.00 | 68.8 | (75 gpd/person + 5 gpd/unit) * Consumptive/Depletive Coefficient | 75 gallons per person per day | 75 gallons per person per day |
| **Mixed use (percent mix based on 40% residential and 60% non-residential as Office/Commercial)** | | Municipal Zoning | | Apply zone density and FAR value Note: Use Retail/Commercial Impact factors for non-res % | 70 | Varies Based on zoning Du/Acre description | Varies Based on zoning Du/Acre description | 42.0 | (75 gpd/person + 5 gpd/unit) * Consumptive/Depletive Coefficient | 75 gallons per person per day | 75 gallons per person per day |
| **Senior or Age restricted Housing** | | Municipal Zoning | | Varies Based on zoning Du/Acre description | 70 | Varies Based on zoning Du/Acre description | 0.00 | 60.3 | (75 gpd/person + 5 gpd/unit) * Consumptive/Depletive Coefficient | 75 gallons per person per day | 75 gallons per person per day |

**Highlands Build-Out Residential Impact Factors – Sources**

* Residential dwelling units generated by the build-out model include both market rate and affordable units.

(1) Source: Efficiencies are given as a percentage, between 0 and 100, where a 100 value means complete efficiency (no land lost to development), and a 0 value means no buildings will be estimated for that land use. For example an efficiency of 70% may be representative of developable land that has a 10% set aside for parks and 20% for roads (100% - 10% - 20% = 70%). Project determined values.

(2) Source: Who Lives in New Jersey Housing? New Jersey Demographic Multipliers, The Profile of Occupants of Residential and nonresidential Development. Listokin, D., Voicu, I., Dolphin, W., Camp, M. Center for Urban Policy Research. Rutgers University. November 2006. Northern NJ values were applied to Bergen, Morris, Passaic, Sussex and Warren County municipalities. Central NJ values were applied to Hunterdon and Somerset County municipalities.

1 Table II-C-1 North Region of New Jersey Total Persons and Persons by Age (2000) (p. 85) 2 Table II-D-1 Central Region of New Jersey Total Persons and Persons by Age (2000) (p. 99)

(3) Source: NCNBR, Rutgers University, April 27, 2006. The impervious surface area for new dwelling units large lot zoned areas (*) is based on an average 15% impervious surface value (per NJDEP LU/LC) and a project determined average homestead area of 0.50 acres. No impact value is attached to the remaining undeveloped area. The impact percentage factors for the other residential composite zones represent weighted averages of NJ Highlands Percent Impervious Surface for all residentially developed lands in that composite zone. The raw data was obtained by overlaying NJ Highlands Zoning and DEP 2002 LU/LC spatial data files, and extracting the calculated percent impervious surface area attached to each LU/LC residential developed land polygon and the acres of associated developed land in each intersecting municipal zone polygon. The impervious surface areas in each municipal zone within the composite zone were aggregated and then divided by the total developed residential land area, to produce a weighted IS average for each composite zone.

(4) Source: Center for Urban Policy Research (CUPR), September 2000. NJGS Consumptive Use Coefficients. For consumptive uses, a factor of 29% is utilized. For depletive uses, a factor of 100% is used

(5) Source: NJDEP N.J.A.C. 7:10 Safe Drinking Water Act Regulations Adopted November 4, 2004, 7:10-12.6 Water Volume Requirements and State Plan Impact Assessment

(6) Source: NJDEP N.J.A.C. 7:14A-23.3 Pollutant Discharge Elimination System: Technical Requirements For TWA Applications; Projected flow criteria

## Highlands Module 2 Build-Out Model Impact Factors

| Highlands Composite Zone Type | Floor Area Ratio | Efficiency Factor % (1) | Region | Jobs per 1,000 sf (2) | Percent Impervious (3) | Consumptive / Depletive Water Use multiplied by Consumptive / Depletive Use Coefficient (4) | Public Water System Demand (5) | Public Wastewater System Generation (6) |
|---|---|---|---|---|---|---|---|---|
| Office/Commercial | Based on zoning | 80 | Northeast US | 2.99 | 78.3 | 0.125 gpd/sf * Consumptive/Depletive Coefficient | 0.125 gallons/day/sf | 0.10 gallons/day/sf |
| Retail | Based on zoning | 80 | Northeast US | 1.63 | 72.5 | 0.125 gpd/sf * Consumptive/Depletive Coefficient | 0.125 gallons/day/sf | 0.10 gallons/day/sf |
| Industrial | Based on zoning | 80 | Northeast US | 1.11 | 53.4 | 25 gpd/person * Consumptive/Depletive Coefficient | 25 gallons per person per day | 25 gallons per person per day |

**Highlands Build-Out Non-Residential Impact Factors – Sources**

(1) Source: Efficiencies are given as a percentage, between 0 and 100, where a 100 value means complete efficiency (no land lost to development), and a 0 value means no buildings will be estimated for that land use. For example an efficiency of 70% may be representative of developable land that has a 10% set aside for parks and 20% for roads (100% - 10% - 20% = 70%). Project determined values.

(2) Source: Who Lives in New Jersey Housing? New Jersey Demographic Multipliers, The Profile of Occupants of Residential and nonresidential Development. Listokin, D., Voicu, I., Dolphin, W., Camp, M. Center for Urban Policy Research. Rutgers University. November 2006.

a Table II-I-3 Commercial - Office Employees per 1,000 Square Feet of Gross Floor Area (GFA) (p. 136)
(Reported Northeast mean value).

b Table II-I-4 Commercial – Retail Employees per 1,000 Square Feet of Gross Floor Area (GFA) (p. 139)
(Value derived by averaging the mean number of employees per 1,000 sq. ft. of GFA for retail (excluding mall), retail (enclosed mall), and retail (strip shopping mall) space in the Northeast).

c Table II-I-6 Industrial – Warehouses Employees per 1,000 Square Feet of Gross Floor Area (GFA) (p. 143)
(Value derived by averaging the mean number of employees per 1,000 sq. ft. of GFA for Non-Refrigerated and Refrigerated space in the Northeast).

(3) Source: NCNBR, Rutgers University, April 27, 2006. The impervious surface area for new dwelling units large lot zoned areas (*) is based on an average 15% impervious surface value (per NJDEP LU/LC) and a project determined average homestead area of 0.50 acres. No impact value is attached to the remaining undeveloped area. The impact percentage factors for the other residential composite zones represent weighted averages of NJ Highlands Percent Impervious Surface for all residentially developed lands in that composite zone. The raw data was obtained by overlaying NJ Highlands Zoning and DEP 2002 LU/LC spatial data files, and extracting the calculated percent impervious surface area attached to each LU/LC residential developed land polygon and the acres of associated developed land in each intersecting municipal zone polygon. The impervious surface areas in each municipal zone within the composite zone were aggregated and then divided by the total developed residential land area, to produce a weighted IS average for each composite zone.

(4) Source: Center for Urban Policy Research (CUPR), September 2000. NJGS Consumptive Use Coefficients. For consumptive uses, a factor of 29% is utilized. For depletive uses, a factor of 100% is used

(5) Source: NJDEP N.J.A.C. 7:10 Safe Drinking Water Act Regulations Adopted November 4, 2004, 7:10-12.6 Water Volume Requirements and State Plan Impact Assessment

(6) Source: NJDEP N.J.A.C. 7:14A-23.3 Pollutant Discharge Elimination System: Technical Requirements For TWA Applications; Projected flow criteria

# APPENDIX G

## Septic Inventory

| PAMS_PIN | SSN | Owner | Address | Block | Lot | SQ_FT | Acres | Municipality | County | Residential/ Non Residential | Planning Area/Preservation Area | Year Designed/ Installed/ Approx Age of System | Type of ISSDS | Year Insalled/Repaired/ Alterations | System Rapair/ Alteration | APPLICANT/CONTACTOR/DESIGN ENGINEER |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1406_103_15 | 1406 | DREW, SEAN C/NICOLE D | 9 HEDGES RD,CHESTER BORO | 103 | 15 | 17675.44 | 0.405772 | CHESTER BORO | MORRIS | Residential | Planning | | | 1/30/2009 | septic repair | Mr.&Mrs. Drew |
| 1406_106_36 | 1406 | SPEICHER, KENNETH M | 3 ORCHARD LN,CHESTER BORO | 106 | 36 | 31619.52 | 0.725884 | CHESTER BORO | MORRIS | Residential | Planning | 2010 | new | 6/15/2010 | new res. Septic | Speicher |
| 1406_102_15 | 1406 | CARDULLO, FRANK W & JILL | 59 HILLSIDE RD,CHESTER BORO | 102 | 15 | 44839.07 | 1.029363 | CHESTER BORO | MORRIS | Residential | Planning | | repair | 7/15/2010 | septic repair permit | Tom Lanzara |
| 1406_120_22 | 1406 | MARINARO, ROBIN C | 2 SEWARD PL,CHESTER BORO | 120 | 22 | 24498.04 | 0.562398 | CHESTER BORO | MORRIS | Residential | Planning | 2010 | new | 8/17/2010 | new septic system | Marinaro |
| 1406_106_39 | 1406 | PIEDRAS, ANTONIO JOSE & XIMENA | 6 VALLEY VIEW RD,CHESTER BORO | 106 | 39 | 35665.43 | 0.818766 | CHESTER BORO | MORRIS | Residential | Planning | | repair | 4/18/2011 | repair septic | Harrington Const |
| 1406_127_5 | 1406 | HAGAR, JAMES W/SHARON C COHEN- | 106 FAIRMOUNT AVE,CHESTER BORO | 127 | 5 | 45309.97 | 1.040174 | CHESTER BORO | MORRIS | Residential | Planning | 2011 | new | 7/11/2011 | new septic system | Hagar |
| 1406_101_13 | 1406 | TURKEY FARM ACQUISITION, LLC | 2 ROUTE 24,CHESTER BORO | 101 | 13 | 1998.234 | 0.045873 | CHESTER BORO | MORRIS | Non_Residential | Planning | | repair | 11/15/2011 | repair septic system | Turk.Farm |
| 1406_110_34 | 1406 | BARRY, JOANNE | 305 MAIN ST,CHESTER BORO | 110 | 34 | 67087.35 | 1.540114 | CHESTER BORO | MORRIS | Residential | Planning | 2011 | new | 11/15/2011 | new septic system | Peach Bros. |
| 1406_117_19 | 1406 | PRINCE, ERIK/SHARON | 47 FAIRMOUNT AVE,CHESTER BORO | 117 | 19 | 61187.14 | 1.404664 | CHESTER BORO | MORRIS | Residential | Planning | 2011 | new | 12/1/2011 | new septic system | Link Brown II |
| 1406_121_4 | 1406 | HOLMAN, KYLE J & BLACKOWSKI, SHARON | 87 FAIRMOUNT AVE,CHESTER BORO | 121 | 4 | 33631.18 | 0.772066 | CHESTER BORO | MORRIS | Residential | Planning | 2011 | new | 12/5/2011 | new septic system | Far Hills Excavating |
| 1406_110_42 | 1406 | RELLI, PROPERTIES LLC | 221 MAIN ST,CHESTER BORO | 110 | 42 | 55064.04 | 1.264096 | CHESTER BORO | MORRIS | Non_Residential | Planning | | septic | 1/10/2012 | new septic | BDB Assoc |
| 1406_120_20 | 1406 | REARS, DENNIS G & XIOFENG W | 6 SEWARD PL,CHESTER BORO | 120 | 20 | 20432.95 | 0.469076 | CHESTER BORO | MORRIS | Residential | Planning | | ? | 1/20/2012 | A&A Sewer&Septic | |
| 1406_128_5 | 1406 | ZHANG/LEE, YUN LING/CHOI WAH | 125 FAIRMOUNT AVE,CHESTER BORO | 128 | 5 | 17808.74 | 0.408832 | CHESTER BORO | MORRIS | Residential | Planning | 2012 | new | 5/3/2012 | new septic | ChoiWahLee |
| 1406_120_11 | 1406 | IMPELLIZERI, BRIAN & DEBORAH | 22 ELM ST,CHESTER BORO | 120 | 11 | 30725.6 | 0.705363 | CHESTER BORO | MORRIS | Residential | Planning | | repair | 6/28/2012 | septic repair | Impellizeri |
| 1406_103_51 | 1406 | TACK VETERINARY HOLDINGS LLC | 114 ROUTE 206,CHESTER BORO | 103 | 51 | 48627.01 | 1.116323 | CHESTER BORO | MORRIS | Non_Residential | Planning | 2012 | new | 7/19/2012 | new septic | Black River Vet |
| 1406_106_25 | 1406 | BANN, STEVEN | 68 HILLSIDE RD,CHESTER BORO | 106 | 25 | 54781.46 | 1.257609 | CHESTER BORO | MORRIS | Residential | Planning | | repair | 8/27/2012 | septic repair | Bann |
| 1406_103_43 | 1406 | SENECA HILLS CORP | 19 MAIN ST,CHESTER BORO | 103 | 43 | 38274.66 | 0.878665 | CHESTER BORO | MORRIS | Residential | Planning | 2012 | new | 12/28/2012 | new septic | Samay |
| 1406_119_1 | 1406 | SOLDOVIERI, LAWRENCE & GISELA | 236 MAIN ST,CHESTER BORO | 119 | 1 | 35675.81 | 0.819004 | CHESTER BORO | MORRIS | Residential | Planning | | replaceme | 1/24/2013 | replacement tank | Soldovieri |
| 1406_128_11 | 1406 | JOHNSON, ROBERT J & NADEZDA | 5 OAK ST,CHESTER BORO | 128 | 11 | 42329.19 | 0.971744 | CHESTER BORO | MORRIS | Residential | Planning | | repair | 4/4/2013 | septic repair | Sal Lagreca |
| 1406_119_21 | 1406 | SUMPTER, GARETH/CLAIRE | 68 FAIRMOUNT AVE,CHESTER BORO | 119 | 21 | 90683.56 | 2.081808 | CHESTER BORO | MORRIS | Residential | Planning | | repair | 7/30/2013 | septic repair | Peach Bros |
| 1406_117_11 | 1406 | TARRAN, MICHAEL J/LESLEY | 20 LARCH DR,CHESTER BORO | 117 | 11 | 24845.22 | 0.570368 | CHESTER BORO | MORRIS | Residential | Planning | | alteration | 1/23/2014 | septic alteration | Careaga Engineering |
| 1406_114_14 | 1406 | FINLEY, REED | 7 WILLIAMSON LN,CHESTER BORO | 114 | 14 | 49787.32 | 1.142959 | CHESTER BORO | MORRIS | Residential | Planning | 2014 | new | 3/11/2014 | new septic | Dave Seneca |
| 1406_103_52 | 1406 | KALASHIAN, KRAIG J | 29 HEDGES RD,CHESTER BORO | 103 | 52 | 25471.72 | 0.58475 | CHESTER BORO | MORRIS | Residential | Planning | | alteration | 4/30/2014 | septic alteration | First Equity Assets |
| 1406_103_20 | 1406 | TREY MAINSTREET ASSOCIATES LLC | 87 MAIN ST,CHESTER BORO | 103 | 20 | 17733.74 | 0.407111 | CHESTER BORO | MORRIS | Non_Residential | Planning | | repair | 5/29/2014 | septic repair | Dwilliams Excavation |
| 1406_106_30 | 1406 | BILOTTA, JOSEPH F & JO ANN | 6 PLEASANT HILL RD,CHESTER BORO | 106 | 30 | 61574.62 | 1.413559 | CHESTER BORO | MORRIS | Residential | Planning | | alteration | 6/10/2014 | septic alteration | Anstett |
| 1406_119_26 | 1406 | CANTWELL, JAMES/MARY | 67 BUDD AVE,CHESTER BORO | 119 | 26 | 95514.68 | 2.192715 | CHESTER BORO | MORRIS | Residential | Planning | | repair | 1/20/2015 | septic repair | Simpson |
| 1406_105_5 | 1406 | REALTY INSIDE, LLC | 84 HILLSIDE RD,CHESTER BORO | 105 | 5 | 17292.29 | 0.396976 | CHESTER BORO | MORRIS | Residential | Planning | 2015 | new | 2/5/2015 | new septic sytem | Burkhardt |
| 1406_114_12 | 1406 | MEREDITH, PHILLIP G/DONNA | 29 NORTH RD,CHESTER BORO | 114 | 12 | 17788.07 | 0.408358 | CHESTER BORO | MORRIS | Residential | Planning | | repair | 6/2/2015 | septic repair | Harrrington Const |
| 1406_118_5 | 1406 | KOVACEVIC, DJORDJE/KELLI | 11 LARCH DR,CHESTER BORO | 118 | 5 | 22035.78 | 0.505872 | CHESTER BORO | MORRIS | Residential | Planning | | repair | 6/10/2015 | septic repair | AA Sewer&Septic |
| 1406_102_15 | 1406 | CARDULLO, FRANK W & JILL | 59 HILLSIDE RD,CHESTER BORO | 102 | 15 | 44839.07 | 1.029363 | CHESTER BORO | MORRIS | Residential | Planning | 2015 | new | 9/3/2015 | new septic | Peach Bros |
| 1406_118_6 | 1406 | BOYLE, JAMES A/LORETTA M | 9 LARCH DR,CHESTER BORO | 118 | 6 | 21034.55 | 0.482887 | CHESTER BORO | MORRIS | Residential | Planning | 2015 | new | 9/8/2015 | new septic | Boyle |
| 1406_117_17 | 1406 | MADISON GRAHAM HOME VENTURES LLC | 53 FAIRMOUNT AVE,CHESTER BORO | 117 | 17 | 19608.59 | 0.450151 | CHESTER BORO | MORRIS | Residential | Planning | | repair | 11/24/2015 | septic repair | MadisonGrahamHome |
| 1406_133_5.01 | 1406 | SIDDIQUI, SHAHID & MUMTAZ, SYEDA | 1 WINDY TOP LN,CHESTER BORO | 133 | 5.01 | 44009.84 | 1.010327 | CHESTER BORO | MORRIS | Residential | Planning | | repair | 12/15/2015 | repair | ResidualsMgt |
| 1406_114_12 | 1406 | MEREDITH, PHILLIP G/DONNA | 29 NORTH RD,CHESTER BORO | 114 | 12 | 17788.07 | 0.408358 | CHESTER BORO | MORRIS | Residential | Planning | | repair | 1/5/2016 | septic repair | Peach Bros |
| 1406_102_14 | 1406 | CALABRESE, J. C/O E. FITZPATRICK | 63 HILLSIDE RD,CHESTER BORO | 102 | 14 | 25803.23 | 0.592361 | CHESTER BORO | MORRIS | Residential | Planning | | repair | 1/20/2016 | septic repair permit | Robertson Excavating |
| 1406_120_24 | 1406 | MARIN, LOIS D | 3 ASPEN DR,CHESTER BORO | 120 | 24 | 22089.36 | 0.507102 | CHESTER BORO | MORRIS | Residential | Planning | | repair | 3/2/2017 | septic repair | Beachstone Septic |
| 1406_128_6 | 1406 | WEST, ELAINE G | 123 FAIRMOUNT AVE,CHESTER BORO | 128 | 6 | 23433.41 | 0.537957 | CHESTER BORO | MORRIS | Residential | Planning | | repair | 3/21/2017 | septic repair | Aaron Excavating |
| 1406_114_8 | 1406 | MEYER, MARARET C & MURPHY, M TRUSTE | 35 NORTH RD,CHESTER BORO | 114 | 8 | 63706.46 | 1.462499 | CHESTER BORO | MORRIS | Residential | Planning | 2017 | new | 6/8/2017 | new septic | Seneca Hills |
| 1406_120_21 | 1406 | HEIMBOUCH, KERRIE D | 4 SEWARD PL,CHESTER BORO | 120 | 21 | 20673.43 | 0.474597 | CHESTER BORO | MORRIS | Residential | Planning | | repair | 7/18/2017 | septic repair | Aaron Excavating |
| 1406_103_19 | 1406 | 105 MAIN ST LLC | 105 MAIN ST,CHESTER BORO | 103 | 19 | 22899.6 | 0.525702 | CHESTER BORO | MORRIS | Non_Residential | Planning | | repair | 8/2/2017 | septic repair | Pierson Landscaping |
| 1406_102_3 | 1406 | GROSSMAN, ROBT J & KAREN E | 354 ROUTE 206,CHESTER BORO | 102 | 3 | 56113.81 | 1.288196 | CHESTER BORO | MORRIS | Residential | Planning | 2017 | new | 8/9/2017 | new septic system | Careaga Eng. Inc. |
| 1406_122_10 | 1406 | IANNELLI , ANTHONY/ROSE | 96 FAIRMOUNT AVE,CHESTER BORO | 122 | 10 | 47336.48 | 1.086696 | CHESTER BORO | MORRIS | Residential | Planning | | alteration | 8/30/2017 | septic alteration | Civil Engineering |
| 1406_114_13 | 1406 | NORTON, JOHN J & MARIA S | 3 WILLIAMSON LN,CHESTER BORO | 114 | 13 | 26612.1 | 0.61093 | CHESTER BORO | MORRIS | Residential | Planning | | repair | 12/5/2017 | septic repair | Norton |
| 1406_124_7 | 1406 | PERLETT, JOSHUA/KATHLEEN | 20 ORANGE ST,CHESTER BORO | 124 | 7 | 13164.48 | 0.302215 | CHESTER BORO | MORRIS | Residential | Planning | | alteration | 12/21/2017 | septic alteration | Dig Engineering |
| 1406_128_10 | 1406 | WARD, JAMES J & JEAN L | 4 OAK ST,CHESTER BORO | 128 | 10 | 23344.22 | 0.53591 | CHESTER BORO | MORRIS | Residential | Planning | | repair | 1/2/2018 | septic repair | Careaga Engineering |
| 1406_102_40 | 1406 | THOMAS, EDWARD B THIRD | 23 WHEELER RD,CHESTER BORO | 102 | 40 | 60739.18 | 1.39438 | CHESTER BORO | MORRIS | Residential | Planning | | repair | 2/1/2018 | septic repair | Parker Engineering |
| 1406_119_12 | 1406 | VERBARO, DENNIS S. & DONNA M. | 384 MAIN ST,CHESTER BORO | 119 | 12 | 34959.66 | 0.802563 | CHESTER BORO | MORRIS | Residential | Planning | | repair | 5/2/2018 | septic repair | Personal CFO Solutions |
| 1406_118_4 | 1406 | ACE, STEPHEN E & LISA A | 13 LARCH DR,CHESTER BORO | 118 | 4 | 23943.1 | 0.549658 | CHESTER BORO | MORRIS | Residential | Planning | | repair | 5/31/2018 | septic repair | Stephen Ace |
| 1406_119_27 | 1406 | D'ELIA, MICHAEL/MARIANNA | 17 CHURCH ST,CHESTER BORO | 119 | 27 | 28641.02 | 0.657507 | CHESTER BORO | MORRIS | Residential | Planning | | repair | 7/2/2018 | septic repair | Michael D'Elia |
| 1406_102_34 | 1406 | ARTICLE FOUR FAMILY TRUST | 3 MELVILLE PL,CHESTER BORO | 102 | 34 | 23253.63 | 0.53383 | CHESTER BORO | MORRIS | Residential | Planning | | repair | 7/24/2018 | septic repair | Giuseppe Sica |
| 1406_102_9 | 1406 | HAIGHT, MICHAEL PETER/MAAIKE EMILIA | 85 HILLSIDE RD,CHESTER BORO | 102 | 9 | 48147.78 | 1.105321 | CHESTER BORO | MORRIS | Residential | Planning | | repair | 8/20/2018 | septic repair | Michael Haiaght |
| 1406_120_35 | 1406 | SOMODY,GEORDE A & CRIDER,CYNTHIA M | 79 FAIRMOUNT AVE,CHESTER BORO | 120 | 35 | 19679.74 | 0.451785 | CHESTER BORO | MORRIS | Residential | Planning | 2018 | new | 10/3/2018 | new septic system | Seneca Hills |
| 1406_117_16 | 1406 | HERRIDGE,DEBORAH & DEVITT,H W III | 1 SEWARD PL,CHESTER BORO | 117 | 16 | 22522 | 0.517034 | CHESTER BORO | MORRIS | Residential | Planning | | repair | 10/9/2018 | septic repair | AA Sewer&Septic |
| 1406_128_7 | 1406 | GALLAGHER, MICHAEL & ELLEN | 6 OAK ST,CHESTER BORO | 128 | 7 | 78095.69 | 1.79283 | CHESTER BORO | MORRIS | Residential | Planning | 2018 | new | 10/9/2018 | new septic system - liste | Spring House Bldrs |
| 1406_114_9 | 1406 | CERRO, MARGARET ANN | 6 WILLIAMSON LN,CHESTER BORO | 114 | 9 | 36611.89 | 0.840493 | CHESTER BORO | MORRIS | Residential | Planning | 2019 | new | 8/13/2019 | new septic | Careaga Engineering |
| 1406_128_16 | 1406 | ROGUS, JOSEPH A/LAURIE A | 5 MACDOUGALL CT,CHESTER BORO | 128 | 16 | 40094.16 | 0.920435 | CHESTER BORO | MORRIS | Residential | Planning | | repair | 9/11/2019 | septic repair | Maxwell Pump & Water |
| 1406_104_1 | 1406 | SCHNEE, VICTOR & INGE R | 9 RIDGE RD,CHESTER BORO | 104 | 1 | 18203.41 | 0.417893 | CHESTER BORO | MORRIS | Residential | Planning | | alteration | 11/5/2019 | septic alteration | Schnee |
| 1406_110_35 | 1406 | HATKIN, DENNIS & NORMA | 293 MAIN ST,CHESTER BORO | 110 | 35 | 49791.42 | 1.143054 | CHESTER BORO | MORRIS | Residential | Planning | | alteration | 11/12/2019 | septic alteration | Hatkin |
| 1406_117_21 | 1406 | PROGRESSIVE PROPERTIES INC | 31 FAIRMOUNT AVE,CHESTER BORO | 117 | 21 | 47486.92 | 1.09015 | CHESTER BORO | MORRIS | Non_Residential | Planning | | alteration | 11/14/2019 | septic alteration | Progressive Prop |
| 1406_107_20 | 1406 | ZAKAR, ALFREDA | 44 HILLSIDE RD,CHESTER BORO | 107 | 20 | 7912.731 | 0.181651 | CHESTER BORO | MORRIS | Residential | Planning | | repair | 9/18/2020 | septic repair | |

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|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1406_120_33 | 1406 | LEE, CHOI WAH & ZHANG, YUN LING | 75 FAIRMOUNT AVE,CHESTER BORO | 120 | 33 | 20084.82 | 0.461084 | CHESTER BORO | MORRIS | Residential | Planning | | repair | 11/24/2020 | septic repair | |
| 1406_101_12.02 | 1406 | NINE TWO WEST MAIN ASSOCIATES LLC | 92 W. MAIN ST,CHESTER BORO | 101 | 12.02 | 42926.7 | 0.985462 | CHESTER BORO | MORRIS | Non_Residential | Planning | | alteration | 12/3/2020 | septic alteration | |
| | | | 28 MILL RIDGE | 101 | 12.1 | | | | | | | 2021 | new | 2/23/2021 | new septic system | |
| 1406_101_14 | 1406 | TURKEY FARM ACQUISITION, LLC | 24 ROUTE 24,CHESTER BORO | 101 | 14 | 90933.86 | 2.087554 | CHESTER BORO | MORRIS | Non_Residential | Planning | 2021 | new | 3/9/2021 | new septic system | Global Acquisitions |
| 1406_101_13 | 1406 | TURKEY FARM ACQUISITION, LLC | 2 ROUTE 24,CHESTER BORO | 101 | 13 | 1998.234 | 0.045873 | CHESTER BORO | MORRIS | Non_Residential | Planning | | abandon | 3/12/2021 | abandon existing septic | Global Acquisitions |
| 1406_110_39 | 1406 | 259 MAIN STREET HOLDING LLC | 259 MAIN ST,CHESTER BORO | 110 | 39 | 43799.84 | 1.005506 | CHESTER BORO | MORRIS | Non_Residential | Planning | | expand | 3/25/2021 | expand existing | Manjit Bajwa |
| 1406_101_12.02 | 1406 | NINE TWO WEST MAIN ASSOCIATES LLC | 92 W. MAIN ST,CHESTER BORO | 101 | 12.02 | 42926.7 | 0.985462 | CHESTER BORO | MORRIS | Non_Residential | Planning | | expand | 4/12/2021 | expand septic | Manjit Bajwa |
| 1406_106_22 | 1406 | WETZEL, CHARLES & MARIA | 56 HILLSIDE RD,CHESTER BORO | 106 | 22 | 47862.46 | 1.098771 | CHESTER BORO | MORRIS | Residential | Planning | | alteration | 5/7/2021 | septic alteration | |
| 1406_116_3 | 1406 | HATKIN, DENNIS/NORMA | 484 MAIN ST,CHESTER BORO | 116 | 3 | 7676.384 | 0.176226 | CHESTER BORO | MORRIS | Non_Residential | Planning | 2021 | new | 7/20/2021 | new septic system | Careaga Engineering |
| 1406_120_32 | 1406 | BERMAN, JEFFREY/ELLEN | 73 FAIRMOUNT AVE,CHESTER BORO | 120 | 32 | 19700.47 | 0.452261 | CHESTER BORO | MORRIS | Residential | Planning | 2021 | new | 9/7/2021 | new septic system | |
| 1406_133_5.04 | 1406 | MELORO, MARK C/COLLEEN A | 130 OLD GLADSTONE RD,CHESTER BORO | 133 | 5.04 | 50032.2 | 1.148581 | CHESTER BORO | MORRIS | Residential | Planning | | repair | 11/18/2021 | septic repair | Harrington Const. |
| 1406_120_13 | 1406 | HERRLING, DEREK A & KATY A | 5 SWAYZE LN,CHESTER BORO | 120 | 13 | 88242.47 | 2.025768 | CHESTER BORO | MORRIS | Residential | Planning | 2021 | new | 12/1/2021 | new septic system | Peach Bros. |
| 1406_110_37 | 1406 | HALL, ANDREW E | 275 MAIN ST,CHESTER BORO | 110 | 37 | 30577.93 | 0.701973 | CHESTER BORO | MORRIS | Non_Residential | Planning | 2021 | new | 12/7/2021 | new septic system | Careaga Engineering |
| 1406_102_31 | 1406 | NITTOLO, JAMES JR | 15 WHEELER RD,CHESTER BORO | 102 | 31 | 14661.24 | 0.336576 | CHESTER BORO | MORRIS | Residential | Planning | | alteration | 3/25/2022 | septic alteration | |
| 1406_102_9 | 1406 | HAIGHT, MICHAEL PETER/MAAIKE EMILIA | 85 HILLSIDE RD,CHESTER BORO | 102 | 9 | 48147.78 | 1.105321 | CHESTER BORO | MORRIS | Residential | Planning | | repair | 5/24/3013 | septic repair | Dolan |
| 1406_119_1 | 1406 | SOLDOVIERI, LAWRENCE & GISELA | 236 MAIN ST,CHESTER BORO | 119 | 1 | 35675.81 | 0.819004 | CHESTER BORO | MORRIS | Residential | Planning | | repair | 0/0/2022 | repair septic | Peach Bros. |
| 1406_100_3 | 1406 | KARNS, JOEL/CASALMIR, MARY JUNE | 22 CHERRY TREE LN,CHESTER BORO | 100 | 3 | 107904.2 | 2.47714 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_101_3 | 1406 | HAILES, JAMES H & BEATRICE O | 23 FURNACE RD,CHESTER BORO | 101 | 3 | 89301.53 | 2.050081 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_101_4 | 1406 | GILL, MARYANN | 21 FURNACE RD,CHESTER BORO | 101 | 4 | 82953.5 | 1.90435 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_101_8 | 1406 | CHESTER TRADING LLC | 383 ROUTE 206,CHESTER BORO | 101 | 8 | 29894.76 | 0.686289 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_101_9 | 1406 | DONALD R AND MADELYN J STORMS ONE T | 313 ROUTE 206,CHESTER BORO | 101 | 9 | 680902.5 | 15.63137 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_101_10 | 1406 | D & C ELECTRICAL CONTRACTORS, INC. | 263 ROUTE 206,CHESTER BORO | 101 | 10 | 66232.59 | 1.520491 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_101_12.01 | 1406 | MIGLIACCIO, DAVID H/MAUREEN L | 74 WEST MAIN ST,CHESTER BORO | 101 | 12.01 | 43708.5 | 1.003409 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_101_12.03 | 1406 | MGHC GROUP II LLC | 1 MILL RIDGE LN,CHESTER BORO | 101 | 12.03 | 113887.3 | 2.614493 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_101_12.06 | 1406 | MGHC GROUP LLC | MILL RIDGE LN,CHESTER BORO | 101 | 12.06 | 107698.4 | 2.472415 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_101_12.09 | 1406 | CREWS, CAROLYN | 24 MILL RIDGE LN,CHESTER BORO | 101 | 12.09 | 87352.46 | 2.005336 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_101_15 | 1406 | TURKEY FARM AQUISITION,LCC. | 46 WEST MAIN ST,CHESTER BORO | 101 | 15 | 1709.839 | 0.039253 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_101_20 | 1406 | BRADY, RONALD, ROBERT, GARY | 190 WEST MAIN ST,CHESTER BORO | 101 | 20 | 61578.33 | 1.413644 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_101_23 | 1406 | SPOTTS, ANDREW M/KATHLEEN D | 29 CHERRY TREE LN,CHESTER BORO | 101 | 23 | 53381.4 | 1.225468 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_101_24 | 1406 | ESPOSITO, JOSEPH V./CAMPAS, JACQUEL | 25 CHERRY TREE LN,CHESTER BORO | 101 | 24 | 51047.62 | 1.171892 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_101_26 | 1406 | PINTO, FRANK T JR/SUSAN M | 21 CHERRY TREE LN,CHESTER BORO | 101 | 26 | 61621.67 | 1.414639 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_101_27 | 1406 | CHAPMAN, ROBERT P. & CHERYL | 19 CHERRY TREE LN,CHESTER BORO | 101 | 27 | 66699.44 | 1.531208 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_101_28 | 1406 | LEOPOLD, RICHARD J & PATRICIA A | 17 CHERRY TREE LN,CHESTER BORO | 101 | 28 | 72258.87 | 1.658835 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_101_29 | 1406 | BURD, PETER/KIM | 11 CHERRY TREE LN,CHESTER BORO | 101 | 29 | 150164.1 | 3.447293 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_101_30 | 1406 | STORMS, DONALD R. JR. & LISA ANN | 15 CHERRY TREE LN,CHESTER BORO | 101 | 30 | 123576.9 | 2.836935 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_102_2 | 1406 | BAUM, DEBORAH | 368 ROUTE 206 NORTH,CHESTER BORO | 102 | 2 | 34235.75 | 0.785945 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_102_4 | 1406 | AMMERMAN, JOSEPH | 101 HILLSIDE RD,CHESTER BORO | 102 | 4 | 24270.17 | 0.557167 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_102_5 | 1406 | DE FILIPPIS, ROBERT E | 310 ROUTE 206,CHESTER BORO | 102 | 5 | 234068.2 | 5.373468 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_102_6 | 1406 | GOODWIN, RUSSELL C/LAURA A. | 93 HILLSIDE RD,CHESTER BORO | 102 | 6 | 21477.13 | 0.493047 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_102_7 | 1406 | EDWARDS,RAND J. & KATHRYN | 91 HILLSIDE RD,CHESTER BORO | 102 | 7 | 37126.42 | 0.852305 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_102_8 | 1406 | DOWNS, DIANA | 89 HILLSIDE RD,CHESTER BORO | 102 | 8 | 54561.47 | 1.252559 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_102_10 | 1406 | CHARMONT, THOMAS C | 77 HILLSIDE RD,CHESTER BORO | 102 | 10 | 99728.27 | 2.289446 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_102_11 | 1406 | FARLEY, DENNIS P. & JEAN B. | 71 HILLSIDE RD,CHESTER BORO | 102 | 11 | 51706.15 | 1.18701 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_102_12 | 1406 | TEDESCO, LEONARD R & PEGGY E B | 67 HILLSIDE RD,CHESTER BORO | 102 | 12 | 37956.34 | 0.871358 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_102_13 | 1406 | HEIL, CHRISTOPHER TRUS | 65 HILLSIDE RD,CHESTER BORO | 102 | 13 | 34231.98 | 0.785858 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_102_16 | 1406 | JAWORSKI, JOSEPH/KAREN | 51 HILLSIDE RD,CHESTER BORO | 102 | 16 | 53635.63 | 1.231305 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_102_17 | 1406 | RHODES, GREYDON A. & ANITA I. | 47 HILLSIDE RD,CHESTER BORO | 102 | 17 | 22422.99 | 0.514761 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_102_18 | 1406 | DERRICK, DONALD I., JR. | 45 HILLSIDE RD,CHESTER BORO | 102 | 18 | 16907.74 | 0.388148 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_102_19 | 1406 | LANZARA, MARY T TRUSTEE | 6 RIDGE RD,CHESTER BORO | 102 | 19 | 18954.63 | 0.435138 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_102_20 | 1406 | RHODES, GREYDON & ANITA | 4 WHEELER RD,CHESTER BORO | 102 | 20 | 47946.82 | 1.100707 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_102_21 | 1406 | MALANGONE, CARMEN/JESSICA | 10 WHEELER RD,CHESTER BORO | 102 | 21 | 17814.25 | 0.408959 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_102_22 | 1406 | FURPHEY, JOHN B JR/JENNIFER A | 12 WHEELER RD,CHESTER BORO | 102 | 22 | 23707.42 | 0.544248 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_102_23 | 1406 | ZAKAR, ALFREDA | 14 WHEELER RD,CHESTER BORO | 102 | 23 | 18701.17 | 0.42932 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_102_24 | 1406 | BORDA, SARAH K | 16 WHEELER RD,CHESTER BORO | 102 | 24 | 17886.08 | 0.410608 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_102_25 | 1406 | HIGINBOTHAM, JONATHAN & CHERYL | 20 WHEELER RD,CHESTER BORO | 102 | 25 | 40446.38 | 0.928521 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_102_27 | 1406 | STEINBERG, JEAN C. | 24 WHEELER RD,CHESTER BORO | 102 | 27 | 26010.8 | 0.597126 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_102_28 | 1406 | RINALDO, JOSEPH L | 21 WHEELER RD,CHESTER BORO | 102 | 28 | 22443.51 | 0.515232 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_102_29 | 1406 | GONZALEZ, DEBBIE LOU | 19 WHEELER RD,CHESTER BORO | 102 | 29 | 19832.01 | 0.45528 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_102_30 | 1406 | EIBLE, TED & SUSAN | 17 WHEELER RD,CHESTER BORO | 102 | 30 | 23016.09 | 0.528377 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_102_32 | 1406 | DIETZ, WARREN S & JANET L | 11 WHEELER RD,CHESTER BORO | 102 | 32 | 17273.53 | 0.396546 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_102_33 | 1406 | MARSH, KENNETH B II/JENNIFER K | 5 MELVILLE PL,CHESTER BORO | 102 | 33 | 20720.81 | 0.475684 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_102_35 | 1406 | SCOTTO, THOMAS/GLORIA | 1 MELVILLE PL,CHESTER BORO | 102 | 35 | 25784.14 | 0.591923 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_102_36 | 1406 | VALLES, STANLEY/KATHLEEN | 194 RT 206 NORTH,CHESTER BORO | 102 | 36 | 28775.67 | 0.660599 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_102_38 | 1406 | AGUILAR, EDUARDO & MAGALI | 216 RT 206 NORTH,CHESTER BORO | 102 | 38 | 19686.11 | 0.451931 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_102_39 | 1406 | OLIVEIRA, JOSE C | 224 RT 206,CHESTER BORO | 102 | 39 | 32527.63 | 0.746732 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_102_41 | 1406 | PENISTON, SHIRLEY/PENISTON,DENMAN | 69 HILLSIDE RD,CHESTER BORO | 102 | 41 | 173902.1 | 3.992243 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |

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|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1406_103_1 | 1406 | HALL, ANDREW E | 164 ROUTE 206,CHESTER BORO | 103 | 1 | 33288.91 | 0.764208 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_103_2 | 1406 | BUCHANAN, EILEEN | 20 MELVILLE PL,CHESTER BORO | 103 | 2 | 19583.47 | 0.449575 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_103_4 | 1406 | SOUSA, DEBORAH | 7 WHEELER RD,CHESTER BORO | 103 | 4 | 26059.09 | 0.598234 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_103_5 | 1406 | NAPOLITANO, JENNIFER COOPER | 5 WHEELER RD,CHESTER BORO | 103 | 5 | 17843.19 | 0.409623 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_103_6 | 1406 | COOPER, THOMAS M/CAROL G | 3 WHEELER RD,CHESTER BORO | 103 | 6 | 18836.85 | 0.432435 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_103_7 | 1406 | SMITH, JEFFREY & SANDRA | 1 WHEELER RD,CHESTER BORO | 103 | 7 | 18025.99 | 0.41382 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_103_9 | 1406 | SOMODY, GEORGE A & SUE ANN | 23 HEDGES RD,CHESTER BORO | 103 | 9 | 18629.94 | 0.427684 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_103_10 | 1406 | SIEGEL, JOSHUA | 21 HEDGES RD,CHESTER BORO | 103 | 10 | 15237.77 | 0.349811 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_103_11 | 1406 | NINES, ROBERT J JR & CLAIRE M | 19 HEDGES RD,CHESTER BORO | 103 | 11 | 18611.48 | 0.427261 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_103_12 | 1406 | ERATH, NEIL R/MARGARET E | 17 HEDGES RD,CHESTER BORO | 103 | 12 | 24310.52 | 0.558093 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_103_13 | 1406 | HARE, JAMES & SHEILA | 13 HEDGES RD,CHESTER BORO | 103 | 13 | 22543.5 | 0.517528 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_103_14 | 1406 | LA BELLA, MARY ANN QUINTO/FRANK | 11 HEDGES RD,CHESTER BORO | 103 | 14 | 45139.23 | 1.036254 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_103_16 | 1406 | BOLIO, ANGELO L/MARY C | 7 HEDGES RD,CHESTER BORO | 103 | 16 | 16455.95 | 0.377777 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_103_17 | 1406 | PASTORINO,JAMES & FRANCES & LINDA | 31 HILLSIDE RD,CHESTER BORO | 103 | 17 | 54754.22 | 1.256984 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_103_18 | 1406 | SICA, GUISEPPE & MARIA | 25 HILLSIDE RD,CHESTER BORO | 103 | 18 | 21424.75 | 0.491845 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_103_21 | 1406 | LYONS, ROBERT & THERESA | 18 HILLSIDE RD,CHESTER BORO | 103 | 21 | 25270.43 | 0.580129 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_103_22 | 1406 | BOEHS, JOHN H/BOEHS, MARGARET A | 85 MAIN ST,CHESTER BORO | 103 | 22 | 14713.26 | 0.33777 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_103_23 | 1406 | PFISTER, ANNE M/SUZANNE F | 75 MAIN ST,CHESTER BORO | 103 | 23 | 3665.173 | 0.084141 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_103_24 | 1406 | MIC LUC REALTY LLC | 71 MAIN ST,CHESTER BORO | 103 | 24 | 8072.8 | 0.185326 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_103_26 | 1406 | CHESTER FRANKLIN ASSOCIATES LLC | 57 MAIN ST,CHESTER BORO | 103 | 26 | 54963.76 | 1.261794 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_103_27 | 1406 | ERAM INC | 47 MAIN ST,CHESTER BORO | 103 | 27 | 14706.29 | 0.33761 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_103_28 | 1406 | ERAM, INC. | 43 MAIN ST,CHESTER BORO | 103 | 28 | 10816.74 | 0.248318 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_103_29 | 1406 | COMO,FRANCES Y,TRUSTEE OF MICHAEL J | 41 MAIN ST,CHESTER BORO | 103 | 29 | 5110.783 | 0.117327 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_103_30 | 1406 | BLUM, DALE | 35 MAIN ST,CHESTER BORO | 103 | 30 | 8140.528 | 0.186881 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_103_31 | 1406 | COMO, MICHAEL J. | 41 MAIN ST,CHESTER BORO | 103 | 31 | 2077.469 | 0.047692 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_103_32 | 1406 | NIKO ENTERPRISE LLC | 31 MAIN ST,CHESTER BORO | 103 | 32 | 13090.49 | 0.300516 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_103_34 | 1406 | VANARSDALE, MURIEL | 25 MAIN ST,CHESTER BORO | 103 | 34 | 13300.36 | 0.305334 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_103_35 | 1406 | MAIN STREET CHESTER PROPERTIES LLC | 9 MAIN ST,CHESTER BORO | 103 | 35 | 5052.966 | 0.116 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_103_36 | 1406 | O'HERN, WILLIAM I. & ELLEN MARIE | 27 MAIN ST,CHESTER BORO | 103 | 36 | 12446.97 | 0.285743 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_103_37 | 1406 | MAIN STREET CHESTER PROPERTIES LLC | 9 MAIN ST,CHESTER BORO | 103 | 37 | 2852.061 | 0.065474 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_103_38 | 1406 | MAIN STREET CHESTER PROPERTIES LLC | 9 MAIN ST,CHESTER BORO | 103 | 38 | 4471.05 | 0.102641 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_103_39 | 1406 | IVY CHESTER CORP. % S. VACCHIANO | 5 MAIN ST,CHESTER BORO | 103 | 39 | 11303.42 | 0.259491 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_103_40 | 1406 | MAIN STREET CHESTER PROPERTIES LLC | 9 MAIN ST,CHESTER BORO | 103 | 40 | 13188.13 | 0.302758 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_103_41 | 1406 | SICA, GIUSEPPE/MARIA | 24 ROUTE 206 NORTH,CHESTER BORO | 103 | 41 | 18031.52 | 0.413947 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_103_42 | 1406 | TLAPALA, EMILIANO C/MARCELINA | 34 ROUTE 206 NORTH,CHESTER BORO | 103 | 42 | 15248.15 | 0.350049 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_103_44 | 1406 | ARIAS, GEORGINA | 44 HEDGES RD (RT 206),CHESTER BORO | 103 | 44 | 13638.09 | 0.313087 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_103_45 | 1406 | RENZETTI, MICHAEL P/SANDRA M | 15 HEDGES RD,CHESTER BORO | 103 | 45 | 42079.59 | 0.966015 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_103_46 | 1406 | CERRETA, KAREN & ADINOLFI,THOMAS | 54 ROUTE 206,CHESTER BORO | 103 | 46 | 12709.63 | 0.291773 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_103_48 | 1406 | LORENZEN, FREDERICK & MARGARET | 64 ROUTE 206,CHESTER BORO | 103 | 48 | 47556.62 | 1.09175 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_103_49 | 1406 | STORMS , DONALD R JR | 84 ROUTE 206,CHESTER BORO | 103 | 49 | 42913.53 | 0.985159 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_103_50 | 1406 | KRG HOLDINGS, LLC | 104 ROUTE 206,CHESTER BORO | 103 | 50 | 43873.7 | 1.007202 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_103_53 | 1406 | FORGIONE, PATRICK/AMANDA | 27 HEDGES RD,CHESTER BORO | 103 | 53 | 23354.74 | 0.536151 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_103_54 | 1406 | SCHMEAL, BRUCE/AMY | 25 HEDGES RD,CHESTER BORO | 103 | 54 | 17726.47 | 0.406944 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_104_2 | 1406 | SPINO, NORMAN E & JO ANNE | 7 RIDGE RD,CHESTER BORO | 104 | 2 | 17006.48 | 0.390415 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_104_3 | 1406 | CONKLIN, WALTER | 5 RIDGE RD,CHESTER BORO | 104 | 3 | 21353.8 | 0.490216 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_104_4 | 1406 | BARBARINO, LOUIS | 41 HILLSIDE RD,CHESTER BORO | 104 | 4 | 15553.49 | 0.357059 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_104_5 | 1406 | GRIFFIN, ANTHONY & JUDITH ETAL | 39 HILLSIDE RD,CHESTER BORO | 104 | 5 | 15069.41 | 0.345946 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_104_6 | 1406 | WILKIE, WILLIAM R/LESLIE C | 37 HILLSIDE RD,CHESTER BORO | 104 | 6 | 21498.35 | 0.493534 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_104_7 | 1406 | TREUTLEIN, GEORGE J & JUDITH P | 6 HEDGES RD,CHESTER BORO | 104 | 7 | 18753.08 | 0.430512 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_104_8 | 1406 | LAMBROS, FLORENCE | 8 HEDGES RD,CHESTER BORO | 104 | 8 | 19733.42 | 0.453017 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_104_9 | 1406 | HARMAN, CHARLES R/VALERIE | 12 HEDGES RD,CHESTER BORO | 104 | 9 | 19090.9 | 0.438267 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_105_2 | 1406 | MCGUIRE, JOHN THOMAS/CAROLYN | 11 PLEASANT HILL RD,CHESTER BORO | 105 | 2 | 39254.63 | 0.901162 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_105_3 | 1406 | ZAPRZALKA, CHESTER J & SYLVIA | 7 PLEASANT HILL RD,CHESTER BORO | 105 | 3 | 33453.19 | 0.76798 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_105_4 | 1406 | SZMAK, JOHN & FLORENCE | 88 HILLSIDE RD,CHESTER BORO | 105 | 4 | 23728.17 | 0.544724 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_105_6 | 1406 | FISCHER, RONALD & DONNA J. | 90 HILLSIDE RD,CHESTER BORO | 105 | 6 | 20876.98 | 0.47927 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_105_7 | 1406 | LIN, MING TE | 94 HILLSIDE RD,CHESTER BORO | 105 | 7 | 35010.41 | 0.803728 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_106_1 | 1406 | JONES, STEPHEN C & KATHY M | 1 VALLEY VIEW RD,CHESTER BORO | 106 | 1 | 20844.71 | 0.478529 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_106_2 | 1406 | ROLPH, CLARENCE JR & BARBARA | 3 VALLEY VIEW RD,CHESTER BORO | 106 | 2 | 20876.85 | 0.479266 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_106_3 | 1406 | LING, CHRISTOPHER D/STACY C | 5 VALLEY VIEW RD,CHESTER BORO | 106 | 3 | 19023.22 | 0.436713 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_106_4 | 1406 | WHORLEY, DENNIS R & NANCY | 7 VALLEY VIEW RD,CHESTER BORO | 106 | 4 | 20106.87 | 0.46159 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_106_5 | 1406 | BYRNES, JAMES J & DOREEN D | 9 VALLEY VIEW RD,CHESTER BORO | 106 | 5 | 20908.09 | 0.479984 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_106_6 | 1406 | WILLIAMS, TIMOTHY S | 11 VALLEY VIEW RD,CHESTER BORO | 106 | 6 | 19629.56 | 0.450633 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_106_8 | 1406 | BROWN, EILEEN C. | 15 VALLEY VIEW RD,CHESTER BORO | 106 | 8 | 29057.71 | 0.667073 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_106_23 | 1406 | HENDERSON, BARBARA N. | 62 HILLSIDE RD,CHESTER BORO | 106 | 23 | 23220.33 | 0.533065 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_106_24 | 1406 | CASHMAN, DENNIS C & CAROL H | 66 HILLSIDE RD,CHESTER BORO | 106 | 24 | 23085.04 | 0.52996 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_106_26 | 1406 | THOMAS, ANIL/MIRIAM | 74 HILLSIDE RD,CHESTER BORO | 106 | 26 | 30200.71 | 0.693313 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |

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|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1406_106_27 | 1406 | INGENITO, ANTHONY/MERCEDES M | 78 HILLSIDE RD,CHESTER BORO | 106 | 27 | 26730.26 | 0.613642 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_106_28 | 1406 | PAVICS, ROBERT L/ETNA | 2 PLEASANT HILL RD,CHESTER BORO | 106 | 28 | 65312.79 | 1.499375 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_106_29 | 1406 | ROBINSON, WILLIAM T & MARILYN | 4 PLEASANT HILL RD,CHESTER BORO | 106 | 29 | 46794.29 | 1.074249 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_106_31 | 1406 | TRINGALI, RAYMOND J JR & MARSHA L | 8 PLEASANT HILL RD,CHESTER BORO | 106 | 31 | 21662.95 | 0.497313 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_106_32 | 1406 | FRIEDEMANN, JOHN & DELONG, KRISTINA | 12 PLEASANT HILL RD,CHESTER BORO | 106 | 32 | 26124.51 | 0.599736 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_106_33 | 1406 | BEAM, VALERIE FRANCO- & THEODORE II | 2 VALLEY VIEW RD,CHESTER BORO | 106 | 33 | 20035.95 | 0.459962 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_106_34 | 1406 | KRATOCHVIL, JOSEPH H | 2 ORCHARD LN,CHESTER BORO | 106 | 34 | 22376.14 | 0.513686 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_106_35 | 1406 | WONSALA, ANTHONY JR & RITA ANN | 4 ORCHARD LN,CHESTER BORO | 106 | 35 | 24385.17 | 0.559806 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_106_37 | 1406 | QUINER, BARRY/KRISTA | 1 ORCHARD LN,CHESTER BORO | 106 | 37 | 22268.76 | 0.51122 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_106_38 | 1406 | CHODNIEWICZ, RUTH | 4 VALLEY VIEW RD,CHESTER BORO | 106 | 38 | 19659.53 | 0.451321 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_106_40 | 1406 | MAC DOUGALL, LAURENCE & KATHLEEN | 8 VALLEY VIEW RD,CHESTER BORO | 106 | 40 | 30539.25 | 0.701085 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_106_41 | 1406 | LYNCH, JOSEPH M/ELAINE A | 10 VALLEY VIEW RD,CHESTER BORO | 106 | 41 | 17370.77 | 0.398778 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_107_9 | 1406 | MATTHEWS, LAURIE E | 61 COLLIS LN,CHESTER BORO | 107 | 9 | 33758.6 | 0.774991 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_107_10 | 1406 | PRAISNER, ROBERT J | 55 COLLIS LN,CHESTER BORO | 107 | 10 | 27120.88 | 0.62261 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_107_12 | 1406 | CHESTER BOY SCOUTS & AMERICAN LEG. | 177 MAIN ST,CHESTER BORO | 107 | 12 | 16370.98 | 0.375826 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_107_18 | 1406 | FIRST CONGREGATIONAL CHURCH | 30 HILLSIDE RD,CHESTER BORO | 107 | 18 | 100660.8 | 2.310855 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_107_21 | 1406 | DRYSDALE, EUGENE & ANASTASIA | 46 HILLSIDE RD,CHESTER BORO | 107 | 21 | 26900.79 | 0.617557 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_110_18 | 1406 | EIBLE, TED NELSON & SUSAN | 77 OAKDALE RD,CHESTER BORO | 110 | 18 | 55349.63 | 1.270653 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_110_19 | 1406 | HACK, JOHN R | 73 OAKDALE RD,CHESTER BORO | 110 | 19 | 20896.69 | 0.479722 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_110_20 | 1406 | ANDERSEN, CARSTEN A/JYTTE B | 71 OAKDALE RD,CHESTER BORO | 110 | 20 | 19930.09 | 0.457532 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_110_21 | 1406 | CHIN, BELLIE A | 69 OAKDALE RD,CHESTER BORO | 110 | 21 | 19413.43 | 0.445671 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_110_23 | 1406 | MARKOWITZ, DANIEL | 63 OAKDALE RD,CHESTER BORO | 110 | 23 | 68402.11 | 1.570296 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_110_24 | 1406 | MARKOWITZ,DANIEL | 53 OAKDALE RD,CHESTER BORO | 110 | 24 | 52799.69 | 1.212114 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_110_25 | 1406 | MIDO REALTY | 41 OAKDALE RD,CHESTER BORO | 110 | 25 | 53753.98 | 1.234022 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_110_27 | 1406 | 495 MAIN STREET CHESTER LLC | 495 MAIN ST,CHESTER BORO | 110 | 27 | 29109.92 | 0.668272 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_110_29 | 1406 | DE SAPIO REAL ESTATE DEVELOPMENT LL | 425 MAIN ST,CHESTER BORO | 110 | 29 | 95391.93 | 2.189897 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_110_30 | 1406 | ADAMS, WILLIAM C/O DESAPIO PROPERTY | 409 MAIN ST,CHESTER BORO | 110 | 30 | 22213.97 | 0.509963 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_110_32 | 1406 | ST LAWRENCE THE MARTYR CHURCH | 375 MAIN ST,CHESTER BORO | 110 | 32 | 534643.1 | 12.27372 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_110_33 | 1406 | FBTJ LLC | 347 MAIN ST,CHESTER BORO | 110 | 33 | 85576.39 | 1.964564 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_110_36 | 1406 | CHESTER PROPERTY LLC | 285 MAIN ST,CHESTER BORO | 110 | 36 | 39441.88 | 0.905461 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_110_38 | 1406 | ASDAL DEVELOPMENT LLC | 267 MAIN ST,CHESTER BORO | 110 | 38 | 141260.6 | 3.242898 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_110_41 | 1406 | COOK, TERRY R & VIRGINIA | 225 MAIN ST,CHESTER BORO | 110 | 41 | 30040.82 | 0.689642 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_110_43 | 1406 | BDB ASSOCIATES, LLC | 205 MAIN ST,CHESTER BORO | 110 | 43 | 32780.13 | 0.752528 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_110_44 | 1406 | OLD CHESTER ROAD ASSOCIATES | 191 MAIN ST,CHESTER BORO | 110 | 44 | 28358.12 | 0.651013 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_110_45 | 1406 | OLD CHESTER ROAD ASSOCIATES | 32 COLLIS LN,CHESTER BORO | 110 | 45 | 5501.984 | 0.126308 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_110_46 | 1406 | BAJWA, MANJIT SINGH/KAUR, RAVINDER | 44 COLLIS LN,CHESTER BORO | 110 | 46 | 33703.43 | 0.773724 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_110_47 | 1406 | BOROUGH OF CHESTER | COLLIS LN,CHESTER BORO | 110 | 47 | 97966.17 | 2.248994 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_110_57 | 1406 | ROSKAM, GERRIT W | 64 COLLIS LN,CHESTER BORO | 110 | 57 | 21761.21 | 0.499569 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_114_5 | 1406 | GASPARINE, MICHELINA | 47 NORTH RD,CHESTER BORO | 114 | 5 | 87044.8 | 1.998274 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_114_6 | 1406 | BROEK, MARK D & SARACENA, VANESSA | 43 NORTH RD,CHESTER BORO | 114 | 6 | 48252.27 | 1.10772 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_114_7 | 1406 | TREDWAY, MARGARET M/CHARLES | 39 NORTH RD,CHESTER BORO | 114 | 7 | 56694.04 | 1.301516 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_114_10 | 1406 | THEROUX, BRIAN J/MARY N | 8 WILLIAMSON LN,CHESTER BORO | 114 | 10 | 39078.93 | 0.897129 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_114_11 | 1406 | BRYCE, JAMES T / AMY | 31 NORTH RD,CHESTER BORO | 114 | 11 | 17281.42 | 0.396727 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_114_15 | 1406 | M H FARMS, L.L.C. | 15 NORTH RD,CHESTER BORO | 114 | 15 | 43522.61 | 0.999142 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_114_17 | 1406 | PEREIRA, CARL W | 7 NORTH RD,CHESTER BORO | 114 | 17 | 16298.28 | 0.374157 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_114_18 | 1406 | JACOBSON, HENRY W/WANDA L | 2 OAKDALE RD,CHESTER BORO | 114 | 18 | 43068.79 | 0.988723 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_114_19 | 1406 | JACOBSON, HENRY & WANDA | 28 OAKDALE RD,CHESTER BORO | 114 | 19 | 29069.82 | 0.667351 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_114_20 | 1406 | PERSECHINO, VINCENT J. & ELLEN H. | 42 OAKDALE RD,CHESTER BORO | 114 | 20 | 27847.9 | 0.6393 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_115_1_CA004 | 1406 | CARRIE GOTEINER PROPERTY LLC | COR ROUTE 24 & NORTH ROAD,CHESTER BORO | 115 | 1 | 1107.094 | 0.025415 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_115_1_CA002 | 1406 | DELLI SANTI, ANTHONY & JOANNE | COR ROUTE 24 & NORTH ROAD,CHESTER BORO | 115 | 1 | 1050.096 | 0.024107 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_115_1_CA005 | 1406 | CIRCLE ASSET MANAGEMENT LLC | COR ROUTE 24 & NORTH ROAD,CHESTER BORO | 115 | 1 | 1043.965 | 0.023966 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_115_1_CA006 | 1406 | LAWRENCE N. EARL/DOLORES M. DUNNE | COR ROUTE 24 & NORTH ROAD,CHESTER BORO | 115 | 1 | 1176.236 | 0.027003 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_115_1_CA003 | 1406 | CARRIE GOTEINER PROPERTY LLC | COR ROUTE 24 & NORTH ROAD,CHESTER BORO | 115 | 1 | 1004.807 | 0.023067 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_115_1_CA001 | 1406 | | | 115 | 1 | 35083.34 | 0.805403 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_115_2 | 1406 | 525 EAST MAIN STEET LLC | 535 MAIN ST,CHESTER BORO | 115 | 2 | 39843.65 | 0.914684 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_115_3 | 1406 | HALL, ANDREW E | 545 EAST MAIN ST,CHESTER BORO | 115 | 3 | 86260.87 | 1.980277 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_115_4_CO103 | 1406 | COOPER, MARY E | 555 MAIN ST,CHESTER BORO | 115 | 4 | 4184.654 | 0.096066 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_115_4_CO101 | 1406 | | | 115 | 4 | 4184.654 | 0.096066 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_115_4_CO102 | 1406 | LSLS ASSOCIATES LLC | 555 MAIN ST,CHESTER BORO | 115 | 4 | 4184.654 | 0.096066 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_115_4_CO201 | 1406 | DICON R.E. VENT LLC C/O H. DIAMOND | 555 MAIN ST,CHESTER BORO | 115 | 4 | 1704.814 | 0.039137 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_115_4_CO104 | 1406 | BODKIN, BRIAN | 555 MAIN ST,CHESTER BORO | 115 | 4 | 4184.654 | 0.096066 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_115_5 | 1406 | JWB REAL ESTATE INC | 581 MAIN ST,CHESTER BORO | 115 | 5 | 91751.77 | 2.106331 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_115_7 | 1406 | PERRY, KATHERINE | 20 NORTH RD,CHESTER BORO | 115 | 7 | 38955.25 | 0.894289 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_115_8 | 1406 | BLANCO, ELLEN MCGRAW | 26 NORTH RD,CHESTER BORO | 115 | 8 | 136078.3 | 3.123927 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_115_9 | 1406 | COALE, MELISSA | 28 NORTH RD,CHESTER BORO | 115 | 9 | 20313.52 | 0.466334 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_115_10 | 1406 | PRICE, WALTER E. & DONNA R. | 30 NORTH RD,CHESTER BORO | 115 | 10 | 118257 | 2.714808 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |

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|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1406_115_11 | 1406 | PELA, ANDREW & LISA | 32 NORTH RD,CHESTER BORO | 115 | 11 | 14590.85 | 0.33496 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_115_13 | 1406 | ROBINSON, FRANCIS & JULIA | 34 NORTH RD,CHESTER BORO | 115 | 13 | 23258.47 | 0.533941 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_115_15 | 1406 | HOLLENBECK, CLARENCE C & HOPE C | 36 NORTH RD,CHESTER BORO | 115 | 15 | 38207.01 | 0.877112 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_115_16 | 1406 | RAYMOND, JULES | 38 NORTH RD,CHESTER BORO | 115 | 16 | 37961.62 | 0.871479 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_116_1 | 1406 | JPMORGAN CHASE C/O INDUSTRY CONSULT | 444 MAIN ST,CHESTER BORO | 116 | 1 | 34757.16 | 0.797915 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_116_2 | 1406 | VYKY LLC | 460 MAIN ST,CHESTER BORO | 116 | 2 | 22169.65 | 0.508945 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_117_1 | 1406 | SLYLANDS COMMUNITY BANK | 510 MAIN ST,CHESTER BORO | 117 | 1 | 21568.99 | 0.495156 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_117_2_CA102 | 1406 | SEIZE THE DAY LLC | 530 MAIN ST,CHESTER BORO | 117 | 2 | 586.7929 | 0.013471 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_117_2_CA101 | 1406 | | | 117 | 2 | 541.4524 | 0.01243 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_117_2_CA206 | 1406 | BLUE AMBER PROPERTY MANAGEMENT LIMI | 530 EAST MAIN ST,CHESTER BORO | 117 | 2 | 589.358 | 0.01353 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_117_2_CA202 | 1406 | BALYSKY, ANDREW I. & NATALIE R. | 530 MAIN ST,CHESTER BORO | 117 | 2 | 634.0927 | 0.014557 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_117_2_CA104 | 1406 | ODAK REAL ESTATE LLC | 530 MAIN ST,CHESTER BORO | 117 | 2 | 542.891 | 0.012463 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_117_2_CA105 | 1406 | ODAK REAL ESTATE LLC | 530 MAIN ST,CHESTER BORO | 117 | 2 | 585.3613 | 0.013438 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_117_2_CA204 | 1406 | J WILLIAMS & COMPANY INC | 530 MAIN ST,CHESTER BORO | 117 | 2 | 583.539 | 0.013396 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_117_2_CA203 | 1406 | REAL BROOKS, LLC | 530 MAIN ST,CHESTER BORO | 117 | 2 | 585.688 | 0.013446 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_117_2_CA205 | 1406 | RIZK, NADER | 530 MAIN ST,CHESTER BORO | 117 | 2 | 630.4307 | 0.014473 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_117_2_CA301 | 1406 | D & R CHESTER PROPERTIES LLC | 530 MAIN ST,CHESTER BORO | 117 | 2 | 1255.301 | 0.028818 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_117_2_CA302 | 1406 | LA SILA LLC | 530 MAIN ST,CHESTER BORO | 117 | 2 | 1207.759 | 0.027726 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_117_2_CA103 | 1406 | PARKER, NANCY K | 530 MAIN ST,CHESTER BORO | 117 | 2 | 641.074 | 0.014717 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_117_2_CA201 | 1406 | BALYSKY, ANDREW I/NATALIE R | 530 MAIN ST,CHESTER BORO | 117 | 2 | 583.5466 | 0.013396 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_117_2_CA303 | 1406 | LA SILA LLC | 530 MAIN ST,CHESTER BORO | 117 | 2 | 1259.05 | 0.028904 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_117_2_CA106 | 1406 | ODAK REAL ESTATE LLC | 530 MAIN ST,CHESTER BORO | 117 | 2 | 641.0658 | 0.014717 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_117_3 | 1406 | KUPKA, MATTHEW J & MARTHA | 2 VILLAGE RD,CHESTER BORO | 117 | 3 | 81781.2 | 1.877438 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_117_4 | 1406 | NASELLI, JOSEPH V/MONICA A | 2 LARCH DR,CHESTER BORO | 117 | 4 | 21599.57 | 0.495858 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_117_5 | 1406 | NEWMAN, HUGH D JR & AUTUMN H | 4 LARCH DR,CHESTER BORO | 117 | 5 | 21045.4 | 0.483136 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_117_6 | 1406 | GEBHARDT, ROBERT C & | 10 LARCH DR,CHESTER BORO | 117 | 6 | 49673.47 | 1.140346 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_117_7 | 1406 | SKALTSIS, BASIL/LISA | 12 LARCH DR,CHESTER BORO | 117 | 7 | 20132.97 | 0.462189 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_117_8 | 1406 | GOMEZ, RICARDO/CHERYL | 14 LARCH DR,CHESTER BORO | 117 | 8 | 51049.2 | 1.171928 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_117_9 | 1406 | STESSL, WILFRIED B & CAROLE J | 16 LARCH DR,CHESTER BORO | 117 | 9 | 54345.56 | 1.247602 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_117_10 | 1406 | PARKS, ARTHUR F/JENNIFER | 18 LARCH DR,CHESTER BORO | 117 | 10 | 24040.3 | 0.551889 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_117_12 | 1406 | KAY, WILLIAM & MAUREEN | 9 SEWARD PL,CHESTER BORO | 117 | 12 | 45874.13 | 1.053125 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_117_13 | 1406 | SCOTTI, JEFFREY/MELINDA | 7 SEWARD PL,CHESTER BORO | 117 | 13 | 161916.9 | 3.717102 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_117_14 | 1406 | VORNEHM, GEORGE F/MARY ANN | 5 SEWARD PL,CHESTER BORO | 117 | 14 | 22479.1 | 0.516049 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_117_15 | 1406 | MOORE, MARTIN/MARIA | 3 SEWARD PL,CHESTER BORO | 117 | 15 | 24862.54 | 0.570765 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_117_18 | 1406 | AYGEN, ZEHRA | 49 FAIRMOUNT AVE,CHESTER BORO | 117 | 18 | 23443.83 | 0.538196 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_117_20 | 1406 | CARVALHO, JOSE & EILEEN | 41 FAIRMOUNT AVE,CHESTER BORO | 117 | 20 | 83803 | 1.923852 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_118_1 | 1406 | BENEDUCE, JOSEPH A., JR. & NANCY L. | 19 LARCH DR,CHESTER BORO | 118 | 1 | 27458.31 | 0.630356 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_118_2 | 1406 | MATAKITIS, MARY | 17 LARCH DR,CHESTER BORO | 118 | 2 | 25690.14 | 0.589765 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_118_3 | 1406 | ULLRICH/ZACSEK, RICHARD CARL/JOANN | 15 LARCH DR,CHESTER BORO | 118 | 3 | 26790.53 | 0.615026 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_118_7 | 1406 | MISKIMAN, MATHEW T & ALISON M | 7 LARCH DR,CHESTER BORO | 118 | 7 | 28099.45 | 0.645075 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_118_8 | 1406 | CREEDON,JAMES P.& AMBROSE,STEPHANIE | 5 LARCH DR,CHESTER BORO | 118 | 8 | 34369.22 | 0.789009 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_118_9 | 1406 | GUGLIEMINI, VINCENT P/ELIZABETH | 3 LARCH DR,CHESTER BORO | 118 | 9 | 25089.41 | 0.575974 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_118_10 | 1406 | MANIBAY, MARFO & FE | 1 LARCH DR,CHESTER BORO | 118 | 10 | 23011.11 | 0.528262 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_118_11 | 1406 | RAMES, MARION | 630 MAIN ST,CHESTER BORO | 118 | 11 | 44549.27 | 1.022711 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_119_3 | 1406 | MACWRIGHT, JEFFREY & BETH A | 252 MAIN ST,CHESTER BORO | 119 | 3 | 17528.9 | 0.402408 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_119_5 | 1406 | POWER OF THE FLOWER LIMITED LIABILI | 266 MAIN ST,CHESTER BORO | 119 | 5 | 15371.51 | 0.352881 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_119_7 | 1406 | MADKINJAM HOLDING GROUP LLC | 294 MAIN ST,CHESTER BORO | 119 | 7 | 18471.93 | 0.424057 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_119_9 | 1406 | T J M HOLDINGS, LLC | 338 MAIN ST,CHESTER BORO | 119 | 9 | 46363.66 | 1.064363 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_119_10 | 1406 | PEAPACK AND GLADSTONE BANK | 350 MAIN ST,CHESTER BORO | 119 | 10 | 39075.27 | 0.897045 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_119_11 | 1406 | COLONIAL PROSPECT MASONIC TEMPLE AS | 370 MAIN ST,CHESTER BORO | 119 | 11 | 29962.5 | 0.687844 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_119_14 | 1406 | ROSEMARIE REALTY, LLC | 408 MAIN ST,CHESTER BORO | 119 | 14 | 28396.43 | 0.651892 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_119_15 | 1406 | JARURN INVESTORS LLC % HELLER GROUP | 420 MAIN ST,CHESTER BORO | 119 | 15 | 47567.36 | 1.091996 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_119_16 | 1406 | KRUSE, LINDA L | 52 FAIRMOUNT AVE,CHESTER BORO | 119 | 16 | 17121.18 | 0.393048 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_119_17 | 1406 | SULLIVAN, PAUL F THIRD & URMSTON, L | 56 FAIRMOUNT AVE,CHESTER BORO | 119 | 17 | 51281.21 | 1.177255 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_119_18 | 1406 | ILG, WILLIAM & VALERIE | 60 FAIRMOUNT AVE,CHESTER BORO | 119 | 18 | 48368.63 | 1.110391 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_119_19 | 1406 | NOWAK, CHRISTOPHER/MAUREEN G | 62 FAIRMOUNT AVE,CHESTER BORO | 119 | 19 | 41119.31 | 0.94397 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_119_20 | 1406 | HOVEN, DONALD & JANET | 64 FAIRMOUNT AVE,CHESTER BORO | 119 | 20 | 42474.83 | 0.975088 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_119_22 | 1406 | COLLINS, STEPHEN J & CAROLYN KLEPPE | 70 FAIRMOUNT AVE,CHESTER BORO | 119 | 22 | 90156.06 | 2.069698 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_119_23 | 1406 | RUFOLO, KRISTEN MICHELE | 72 FAIRMOUNT AVE,CHESTER BORO | 119 | 23 | 92391.49 | 2.121017 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_119_24 | 1406 | FINNESEY, ROBERT B. & ROBIN | 83 BUDD AVE,CHESTER BORO | 119 | 24 | 57951.72 | 1.330388 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_119_25 | 1406 | O'DONNELL, JOSEPH C/ANDREA K | 75 BUDD AVE,CHESTER BORO | 119 | 25 | 84907.91 | 1.949217 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_119_28 | 1406 | JOHNSON, EDWARD A & SUSAN A | 15 CHURCH ST,CHESTER BORO | 119 | 28 | 9995.417 | 0.229463 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_119_29 | 1406 | ROBINSON, MARY P | 11 CHURCH ST,CHESTER BORO | 119 | 29 | 10291.3 | 0.236256 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_120_1 | 1406 | TRUCHAN, FRANCIS W & LINDA D | 2 ELM ST,CHESTER BORO | 120 | 1 | 22902.4 | 0.525767 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_120_2 | 1406 | GILLESPIE, JOSEPH & MARY | 4 ELM ST,CHESTER BORO | 120 | 2 | 20809.11 | 0.477711 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_120_3 | 1406 | MARSHUETZ, GARY AND DANA | 6 ELM ST,CHESTER BORO | 120 | 3 | 20655.09 | 0.474176 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |

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|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1406_120_4 | 1406 | MC GUIRE, GEORGE P & OLIVIA | 8 ELM ST,CHESTER BORO | 120 | 4 | 20813.97 | 0.477823 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_120_5 | 1406 | LEONE, MARTIN T | 10 ELM ST,CHESTER BORO | 120 | 5 | 31172.65 | 0.715625 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_120_6 | 1406 | KAPLAN, CHRISTOPHER/EDITH | 12 ELM ST,CHESTER BORO | 120 | 6 | 20394.18 | 0.468186 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_120_7 | 1406 | SHAMMAS, JERRY & MARIE | 14 ELM ST,CHESTER BORO | 120 | 7 | 20229.52 | 0.464406 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_120_8 | 1406 | INFANTE, DOMINICK/MARY-BETH | 16 ELM ST,CHESTER BORO | 120 | 8 | 20075.54 | 0.460871 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_120_9 | 1406 | QUINTANA, STANLEY & LORETTA | 18 ELM ST,CHESTER BORO | 120 | 9 | 20255.18 | 0.464995 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_120_10 | 1406 | VALENZ, SCOTT DAVID/SARA | 20 ELM ST,CHESTER BORO | 120 | 10 | 24410.04 | 0.560377 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_120_12 | 1406 | VARTAN, LEE & BRYCE, KIMBERLY | 3 SWAYZE LN,CHESTER BORO | 120 | 12 | 43783.92 | 1.00514 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_120_14 | 1406 | PORTER, MICHAEL R & ALLISON L | 7 SWAYZE LN,CHESTER BORO | 120 | 14 | 106671.1 | 2.44883 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_120_15 | 1406 | HARTMAN, DANIEL B/COLLEEN L | 9 SWAYZE LN,CHESTER BORO | 120 | 15 | 160247 | 3.678765 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_120_17 | 1406 | LEBERMAN, RICHRD & CINDY | 12 SEWARD PL,CHESTER BORO | 120 | 17 | 26492.29 | 0.608179 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_120_18 | 1406 | CARLSON, ERIC P/CATHLEEN A | 10 SEWARD PL,CHESTER BORO | 120 | 18 | 20966.06 | 0.481315 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_120_19 | 1406 | SANDLER, RONALD/PAMELA | 8 SEWARD PL,CHESTER BORO | 120 | 19 | 24641.35 | 0.565688 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_120_23 | 1406 | QUACKENBUSH, JACQUELINE | 1 ASPEN DR,CHESTER BORO | 120 | 23 | 25196.79 | 0.578439 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_120_25 | 1406 | DUSSIAS, PETER/HEIDI | 5 ASPEN DR,CHESTER BORO | 120 | 25 | 20352.16 | 0.467221 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_120_26 | 1406 | CROSSEN, VIRGINIA R. | 7 ASPEN DR,CHESTER BORO | 120 | 26 | 22878.65 | 0.525222 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_120_27 | 1406 | NORDMARK, JANE A | 8 ASPEN DR,CHESTER BORO | 120 | 27 | 25177.98 | 0.578007 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_120_28 | 1406 | ADAMCSIK, FREDERICK & JUDY | 6 ASPEN DR,CHESTER BORO | 120 | 28 | 20634.73 | 0.473708 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_120_29 | 1406 | WESTERLUND, STACEY K | 4 ASPEN DR,CHESTER BORO | 120 | 29 | 20727.88 | 0.475847 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_120_30 | 1406 | RYBKA, LYNDA J | 2 ASPEN DR,CHESTER BORO | 120 | 30 | 23537.47 | 0.540346 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_120_31 | 1406 | STRUM, SAMUEL/STACEY | 71 FAIRMOUNT AVE,CHESTER BORO | 120 | 31 | 20209.19 | 0.463939 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_120_34 | 1406 | NAVAL, CHRISTOPHER/LORI | 77 FAIRMOUNT AVE,CHESTER BORO | 120 | 34 | 19298.75 | 0.443038 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_120_36 | 1406 | MARKS, THOMAS N & SUSAN W | 83 FAIRMOUNT AVE,CHESTER BORO | 120 | 36 | 21053.97 | 0.483333 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_120_37 | 1406 | MILLS, EDWARD & DEBORAH A. | 2 SWAYZE LN,CHESTER BORO | 120 | 37 | 42136.56 | 0.967322 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_120_38 | 1406 | HANCOCK, JAMES D/AMY M | 4 SWAYZE LN,CHESTER BORO | 120 | 38 | 42124.87 | 0.967054 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_120_39 | 1406 | TRAUGHBER,RONALD M/CATHERINE A | 6 SWAYZE LN,CHESTER BORO | 120 | 39 | 40518.19 | 0.93017 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_121_1 | 1406 | FELLER, CHARLES & INA | 1 ELM ST,CHESTER BORO | 121 | 1 | 22339.72 | 0.512849 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_121_2 | 1406 | MOKE, THOMAS | 93 FAIRMOUNT AVE,CHESTER BORO | 121 | 2 | 52840.79 | 1.213058 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_121_3 | 1406 | MAC DOUGALL, SCOTT ALEXANDER TRUS | 91 FAIRMOUNT AVE,CHESTER BORO | 121 | 3 | 88430.97 | 2.030096 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_121_5 | 1406 | BRAUE, DALE & LAURA | 11 ELM ST,CHESTER BORO | 121 | 5 | 19531.54 | 0.448382 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_121_6 | 1406 | LIPPIN, DOUGLAS & MC CARTHY, MEGAN | 9 ELM ST,CHESTER BORO | 121 | 6 | 26657.76 | 0.611978 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_121_7 | 1406 | FERRONE, MICHAEL S./KAREN L. | 7 ELM ST,CHESTER BORO | 121 | 7 | 35583.1 | 0.816875 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_121_8 | 1406 | POLITO, EDWIN & ARLEEN | 5 ELM ST,CHESTER BORO | 121 | 8 | 22297.64 | 0.511883 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_121_9 | 1406 | MC CONNELL, RONALD & MARTHA | 3 ELM ST,CHESTER BORO | 121 | 9 | 24697.81 | 0.566984 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_122_1 | 1406 | PARLA, MICHAEL J & LISA MEO | 73 GROVE ST,CHESTER BORO | 122 | 1 | 18514.53 | 0.425035 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_122_2 | 1406 | REMS, DOLORES A C/O MINDY DEVANEY | 21 ORANGE ST,CHESTER BORO | 122 | 2 | 23066.07 | 0.529524 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_122_3 | 1406 | CONNOLLY, JAMES M/CONCETTA G. | 17 ORANGE ST,CHESTER BORO | 122 | 3 | 26353.02 | 0.604982 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_122_4 | 1406 | STAGG, BRIAN & BRIGID | 11 ORANGE ST,CHESTER BORO | 122 | 4 | 32802.24 | 0.753036 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_122_5 | 1406 | BLANC, DIDIER/KAREN | 9 ORANGE ST,CHESTER BORO | 122 | 5 | 67858.6 | 1.557819 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_122_6 | 1406 | WOODRUFF, JAMES D. & SUSAN H. | 62 BUDD AVE,CHESTER BORO | 122 | 6 | 28567.97 | 0.65583 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_122_7 | 1406 | KIRBY, PATRICIA/PARDEE,MARTIN | 70 BUDD AVE,CHESTER BORO | 122 | 7 | 25118.06 | 0.576631 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_122_8 | 1406 | LASORSA, VINCENT & LAURIE | 90 FAIRMOUNT AVE,CHESTER BORO | 122 | 8 | 63904.31 | 1.467041 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_122_9 | 1406 | VACCHIANO, SAMUEL & LINDA | 94 FAIRMOUNT AVE,CHESTER BORO | 122 | 9 | 39140.11 | 0.898533 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_122_11 | 1406 | BABCOCK, DAWN | 100 FAIRMOUNT AVE,CHESTER BORO | 122 | 11 | 25109.16 | 0.576427 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_122_12 | 1406 | FILA, G. FRANK & ELIZABETH H. | 79 GROVE ST,CHESTER BORO | 122 | 12 | 21830.11 | 0.50115 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_123_1 | 1406 | MC LAUGHLIN, RAYMOND C & CATHERINE | 128 MAIN ST,CHESTER BORO | 123 | 1 | 6925.343 | 0.158984 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_123_3 | 1406 | WEICHERT, JAMES M & PAMELA M | 142 MAIN ST,CHESTER BORO | 123 | 3 | 19149.79 | 0.439619 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_123_4 | 1406 | UNITED TELEPHONE COMPANY OF NJ | 170 MAIN ST,CHESTER BORO | 123 | 4 | 39582.94 | 0.908699 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_123_5 | 1406 | SOUTHERN HILL PROPERTIES LLC | 184 MAIN ST,CHESTER BORO | 123 | 5 | 76775.54 | 1.762524 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_123_6 | 1406 | COMMUNITY PRESBYTERIAN CHURCH | 196-220 MAIN ST,CHESTER BORO | 123 | 6 | 101358.5 | 2.326871 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_123_8 | 1406 | KUBERT, KAREN | 63 BUDD AVE,CHESTER BORO | 123 | 8 | 5342.637 | 0.12265 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_123_9 | 1406 | WILLIAMS, ROBERT/REBECCA J | 59 BUDD AVE,CHESTER BORO | 123 | 9 | 11254.48 | 0.258367 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_123_10 | 1406 | PRACH, JOAN | 51 BUDD AVE,CHESTER BORO | 123 | 10 | 12851.94 | 0.29504 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_124_1 | 1406 | POTICNY, SHARON L | 54 BUDD AVE,CHESTER BORO | 124 | 1 | 13493.03 | 0.309757 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_124_3 | 1406 | LANE, LAURIE C/O THOMAS BENTON | 60 BUDD AVE,CHESTER BORO | 124 | 3 | 7698.268 | 0.176728 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_124_4 | 1406 | SHAMHART, WILLIAM D JR. | 6 ORANGE ST,CHESTER BORO | 124 | 4 | 13107.7 | 0.300911 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_124_5 | 1406 | DAVIS, KIMBERLY B/CHRISTOPHER M | 10 ORANGE ST,CHESTER BORO | 124 | 5 | 13313.1 | 0.305627 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_124_8 | 1406 | SCHILD, GARY/ANNE | 26 ORANGE ST,CHESTER BORO | 124 | 8 | 10609.57 | 0.243562 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_124_9 | 1406 | IVERSEN, TIMOTHY/LISA A. | 67 GROVE ST,CHESTER BORO | 124 | 9 | 8103.925 | 0.186041 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_124_10 | 1406 | HESS, ANDREW & ELIZABETH | 19 CHERRY ST,CHESTER BORO | 124 | 10 | 9978.009 | 0.229064 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_124_11 | 1406 | COOPER, MARK/CAROL | 17 CHERRY ST,CHESTER BORO | 124 | 11 | 4312.501 | 0.099001 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_124_12 | 1406 | FINNEY, MATTHEW S & MAXINE L | 15 CHERRY ST,CHESTER BORO | 124 | 12 | 6460.133 | 0.148304 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_124_13 | 1406 | VAN ARSDALE, KATHLEEN & ETALS | 11 CHERRY ST,CHESTER BORO | 124 | 13 | 13496.45 | 0.309836 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_124_14 | 1406 | SIMONELLI, STEPHEN/ELIZABETH | 7 CHERRY ST,CHESTER BORO | 124 | 14 | 18397.79 | 0.422355 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_126_4 | 1406 | CHESTER VOLUNTEER FIRE CO | 86 MAIN ST,CHESTER BORO | 126 | 4 | 1005.517 | 0.023083 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_127_6 | 1406 | DEFALCO, ANN | 110 FAIRMOUNT AVE,CHESTER BORO | 127 | 6 | 32876.5 | 0.754741 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1406_127_7 | 1406 | THOMPSON, DAVID R & CAROL L | 112 FAIRMOUNT AVE,CHESTER BORO | 127 | 7 | 17935.62 | 0.411745 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_127_8 | 1406 | O'DELL, EDNA G | 114 FAIRMOUNT AVE,CHESTER BORO | 127 | 8 | 26302.12 | 0.603814 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_127_9 | 1406 | LEWAND, KATHLEEN | 116 FAIRMOUNT AVE,CHESTER BORO | 127 | 9 | 38356.74 | 0.88055 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_127_10 | 1406 | SAKMAR, BERIL & MEHMET ERSIN | 118 FAIRMOUNT AVE,CHESTER BORO | 127 | 10 | 23834.35 | 0.547161 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_127_11 | 1406 | SICA, GUISEPPE | 120 FAIRMOUNT AVE,CHESTER BORO | 127 | 11 | 24932.42 | 0.57237 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_127_12 | 1406 | BOTSKO, PHILLIP & ELEANOR | 122 FAIRMOUNT AVE,CHESTER BORO | 127 | 12 | 26070.48 | 0.598496 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_128_1 | 1406 | ROSLE REALTY LLC | 115 ROUTE 206,CHESTER BORO | 128 | 1 | 22351.92 | 0.513129 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_128_2 | 1406 | DPF CHESTER LLC | 24 MAPLE AVE,CHESTER BORO | 128 | 2 | 47355.3 | 1.087128 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_128_3 | 1406 | SOMERSET TIRE SERVICE, INC | 125 ROUTE 206,CHESTER BORO | 128 | 3 | 43180.26 | 0.991282 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_128_8 | 1406 | TRUST FOR VARZAL, CHRISTOPHER RT | 121 FAIRMOUNT AVE,CHESTER BORO | 128 | 8 | 40848.05 | 0.937742 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_128_9 | 1406 | STARK, PETER J & CAROLINE | 2 OAK ST,CHESTER BORO | 128 | 9 | 20154.63 | 0.462687 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_128_12 | 1406 | COCCARO, ROBERT & DIANE | 3 OAK ST,CHESTER BORO | 128 | 12 | 21763.55 | 0.499622 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_128_13 | 1406 | MOUNTAIN, STEPHEN/MAURA | 1 OAK ST,CHESTER BORO | 128 | 13 | 21870.42 | 0.502076 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_128_14 | 1406 | MCNAUGHT, JAMES W/BARBARA | 109 FAIRMOUNT AVE,CHESTER BORO | 128 | 14 | 24647.02 | 0.565818 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_128_15 | 1406 | CINGARI, MICHAEL/DIANA | 6 MAC DOUGALL CT,CHESTER BORO | 128 | 15 | 55663.49 | 1.277858 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_128_17 | 1406 | GUILTINAN, EDWARD J/BARBARA D | 3 MACDOUGALL CT,CHESTER BORO | 128 | 17 | 51344.4 | 1.178705 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_128_18 | 1406 | FORTE, TODD P/CAROL | 1 MACDOUGALL CT,CHESTER BORO | 128 | 18 | 43833.57 | 1.00628 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_132_1 | 1406 | FERRARA, C/O PMG NJ II, LLC | 90 ROUTE 206,CHESTER BORO | 132 | 1 | 13686.82 | 0.314206 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_132_2 | 1406 | GROUP 6 ASSOC.%NUTLEY PARK SHOPRITE | 112 ROUTE 206,CHESTER BORO | 132 | 2 | 65996.92 | 1.515081 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_133_3 | 1406 | AMERIGAS PROPANE, INC. | 145 WEST MAIN ST,CHESTER BORO | 133 | 3 | 210141.2 | 4.824178 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_133_5.02 | 1406 | HOUTZ, RICHARD PAUL JR & KAREN L | 3 WINDY TOP LN,CHESTER BORO | 133 | 5.02 | 44904.76 | 1.030872 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_133_5.03 | 1406 | MORGAN, KEVIN M & NICOLE E | 5 WINDY TOP LN,CHESTER BORO | 133 | 5.03 | 61726.9 | 1.417055 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_133_5.05 | 1406 | MANNING, KEITH W & EILEEN A | 7 WINDY TOP LN,CHESTER BORO | 133 | 5.05 | 67884.45 | 1.558413 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_133_5.06 | 1406 | KUTI, ZOLTAN & SUH, CAROLINE | 14 WINDY TOP LN,CHESTER BORO | 133 | 5.06 | 241987.9 | 5.555279 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_133_5.07 | 1406 | FORTE, JASON G/AMANDA M | 12 WINDY TOP LN,CHESTER BORO | 133 | 5.07 | 168841.4 | 3.876066 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_133_5.08 | 1406 | PROFITO, DAVID & JULIE-MARIE | 10 WINDY TOP LN,CHESTER BORO | 133 | 5.08 | 152268.6 | 3.495606 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_133_5.09 | 1406 | SELLER, ELI/NOA | 8 WINDY TOP LN,CHESTER BORO | 133 | 5.09 | 132620 | 3.044537 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_133_5.10 | 1406 | PHILLIPS, JOHN M II & KIMBERLEE | 6 WINDY TOP LN,CHESTER BORO | 133 | 5.1 | 118903.6 | 2.729651 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_133_5.11 | 1406 | PATEL, AVNI & CHIRAG | 4 WINDY TOP LN,CHESTER BORO | 133 | 5.11 | 180917.8 | 4.153301 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_133_5.12 | 1406 | HOVE, WILLIAM A JR & A. LYNN | 2 WINDY TOP LN,CHESTER BORO | 133 | 5.12 | 82121.9 | 1.885259 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_133_6 | 1406 | MOC LEGACY LLC | 1 WEST MAIN ST,CHESTER BORO | 133 | 6 | 12747.93 | 0.292652 | CHESTER BORO | MORRIS | Non_Residential | Planning | | | | | |
| 1406_133_10 | 1406 | HAMANN, JOHN & URSULA | 150 OLD GLADSTONE RD,CHESTER BORO | 133 | 10 | 38906.82 | 0.893178 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |
| 1406_133_11 | 1406 | GINSBERG, HAL & PEARCE, JUNE | 170 OLD GLADSTONE RD,CHESTER BORO | 133 | 11 | 22949.95 | 0.526858 | CHESTER BORO | MORRIS | Residential | Planning | | | | | |

# WMP Technical Method for Septic Inventory Parcel Identification

The septic inventory was populated utilizing the available information from the Highlands composite zone data, property class information, and municipally available data. These are the composite zones taken into account during the Highlands WMP build-out process and for identifying whether remaining parcels not identified in any of the build outs contain an existing septic unit. After each zone a residential designation (res) or a non-residential designation (non-res) was applied to each composite zone as a way to distinguish between residential and non-residential septic systems.

## Developed Residential Septic Systems

Existing residential septic units were identified by selecting parcels that were not identified as an existing area served of the assigned sewer service area and are classified as property class 2 or 3A. These parcels receive 1 septic unit as one septic system was assumed for each developed single family home. These parcels are depicted on Map 3b as Existing Septic Areas – Residential and these parcels and their associated parcel information populate the septic inventory. This process does not account for homes that may have a second system or a cesspool that has not been previously identified by any entity. Any parcel that did not have property class information was not identified as a parcel containing an existing septic system.

## Developed Non-Residential Septic Systems

Existing non-residential septic units were identified by selecting parcels that were not identified as an existing area served of the assigned sewer service area and are classified as property class 4A, 4B, 15A, 15D, or 15F. These parcels receive one septic unit as one septic unit was assumed for each developed commercial or industrial property. These parcels are depicted on Map 3b as Existing Septic Areas – Non Residential and these parcels and their associated parcel information also populate the septic inventory. Any parcel that did not have property class information was not identified as a parcel containing an existing septic system.

# APPENDIX H

## Septic Maintenance Program

**SEPTIC MAINTENANCE PROGRAM**
**(Septic Management Plan Component)**
**WASTEWATER MANAGEMENT PLANS (WMP)**

**Chester Borough, Morris County**
**July 2022**

## I. Current ISSDS (septic system) Inventory:

Provide Data Report (narrative & property/ISSDS data) on ISSDSs for which records are currently maintained, i.e., begin inventory with all existing-to-date records for newly constructed, modified or repaired ISSDSs that required a permit from the Morris County Health Department. The following fields should also be included if the information is available:

- Name & address of person responsible for the ISSDS maintenance;
- Street address/location of ISSDS
- Date ISSDS installed or approximate age of system;
- Type of ISSDS;
- Date/description of last known permitted activity via Health Department (installation, alteration, repair);
- Date of last inspection or pump-out.

Other fields such as name of inspector, name of pump-out provider, date of last notification sent from Morris County Health Dept. or Municipality (as applicable), are examples of other optional fields that may prove useful if available[1].

➢ Appendix G of Chester Borough's Wastewater Management Plan contains a spreadsheet all the parcels within the municipality identified as having an existing septic system. The spreadsheet lists known repair, alteration and new septic system construction activity recorded by the Borough Board of Health Office since 2009 – the date from which septic system records exist.

The spreadsheet identifies Individual parcel information for each existing septic system, as follows:

- Lot owner
- Street address
- Tax map block/lot designation
- Lot area in square feet
- Municipality (all parcels are in Chester Borough)
- County (all parcels are Morris County)
- Type of land use (i.e. residential/non-residential)
- Highlands Planning/Preservation Area designation (all parcels are designated Highlands Planning Area – there is no Highlands Preservation Area in Chester Borough
- Design year of the individual subsurface sewage disposal system (ISSDS) – to the extent known
- Type of ISSDS – for each Board of Health record, this column designates "new" for a new septic system, "repair" for a system repair, "alteration" for a septic system, and "replacement" for a system replacement

[1] All arrow bullets are the Borough's responses to questions and statements.

- Year the system was installed, repaired or altered
- Name of Inspector - (no records are identified with this information) ***– inspection activity is carried out by the Bernards Township Board of Health, which is the agency that the Borough has contracted with to provide ISSDS design review, approval and inspections services***.
- System Repair/ Alteration: this column states whether the known activity was a for a new system, a repair, an alteration or a replacement
- Applicant/contractor/design engineer – where noted in records for septic system activity, this information is provided

Seventy-six (76) of the of the 423 existing ISSDS's listed in the spreadsheet have recorded activity since 2009. This accounts for 17% of all ISSDS in the Borough for the approximately 14 years of records provided in the spreadsheet. Of these, approximately 25 of the ISSDS's listed are new systems and fewer than 10 were for new homes with most being replacement systems for existing dwellings that had failures requiring a new system. Based on the inventory and records, there is an average of approximately five ISSDS's that require, repair, alteration or replacement on an annual basis.

## II. Current Septic Management Practices:

Provide narrative of the current activity underway in your municipality that helps to support the proper functioning of ISSDSs—both including AND separate from the triennial requirements of N.J.A.C. 7:9A-3.14. The narrative will include a discussion of how each municipality implements septic system maintenance/management, with a specific focus on the activities outlined below:
(Note: All activities outlined below may not be applicable to the current practices in each municipality.)

1. Identify areas (as applicable) that have a history of failing ISSDSs or exhibit other indications that the area is prone to failing ISSDSs that are "aging out" and showing signs of failure or improper maintenance (e.g., complaints to Health Department or from residents speaking out at town meetings);

- Through the development of this inventory, areas within the Borough that are prone to failing septic systems or in need of multiple repairs can be easily identified. Areas prone to failing systems are clustered within existing well-established residential neighborhoods on small lots (i.e. less than one acre) and include some of the Borough's oldest housing stock; however, more recently developed neighborhoods (dating to the 1960's, 70's and 80's) also show substantial ISSDS repair and replacement activity. The inventory also shows that the Borough's historic Main Street businesses that are dependent on ISSDS's also identify septic system repair and replacement activity.
- The Borough has long had a desire to identify a permanent long-term solution to wastewater disposal, but the existing wastewater treatment plant is at capacity. The Borough's plan is to construct a new sewage treatment plant and extend sewer lines to all neighborhoods and nonresidential land uses and efforts to secure regulatory approvals to facilitate this are underway.

2. Narrative for Permitting Process for ISSDSs—provide general summary and (as applicable) other relevant information, such as if there are options for alternative systems that utilize "Green" technologies or are those prohibited and why?

- The procedures outlined in N.J.A.C. 7:9A for the permitting of new and altered system design approvals are adhered to as follows:
    1. Soil testing is scheduled, and application fees are submitted by applicant.
    2. Soil testing conducted by applicant's professionals and witnesses by municipal representatives.

3. Application and design for conventional or advanced systems submitted to the Administrative Authority for review.
4. Permit to construct issued by the Administrative Authority.
5. Construction is inspected by a representative by the Administrative Authority.
6. Final construction approval granted upon receipt of as- built plan, certifications, and certificate of compliance prepared by the applicant's professionals.

- In Chester Borough, ISSDS design review, including soil logs, system design and inspections are provided by the Bernards Township Board of Health. These services include:
  - reviewing proposed designs for new septic systems, alterations, and repairs,
  - inspecting the installation and abandonment of septic systems and wells, and
  - witnessing soil logs and soil permeability tests for subdivisions and septic systems.

3. Maintenance requirements for ISSDS owners/users, pursuant to N.J.A.C. 7:9A-3.14 (i.e., what is sent out (include copies of letter/pamphlet, etc.) and when (each triennial schedule)).

- The maintenance requirements for systems incorporating advanced pretreatment per N.J.A.C. 7:9A are adhered to by the Borough and incorporated into local ordinances (Chapter 260 – Wastewater Disposal Systems).

4. Any additional municipal maintenance requirements, as applicable, (e.g., any existing ordinances, for example, for inspections required every "x" years? Or a pump-out required every "x" years? Other septic management measures?)

- Chapter 260, Wastewater Disposal Systems, of the Code of the Borough of Chester, subsection § 260-8, Pumping, requires "… septic tank(s) pumped out within three years of the initial licensing … and once every three years thereafter." The ordinance also provides that "The Board of Health or its authorized agent may require septic or alternate waste disposal system tanks to be pumped out at more frequent intervals for proper operation of the system if it finds that the system is malfunctioning, that the system has malfunctioned in the past, that seasonal use will significantly increase use of the system, that the number of people using the system has increased above its designed capacity, that a garbage grinder has been installed in a building serviced by a system not designed to handle the increased waste load, or for any other good cause shown."

5. Education/Outreach on Proper Maintenance (in addition to 7:9A-3.14).

- Guidance materials are available from the Chester Borough Department of Health upon request.

6. Record Creation and Maintenance (in addition to 7:9A-3.15), such as an already existing inventory of ISSDS owners/users and if/when any municipal notifications are sent to them).

- The Borough Board of Health and the Bernards Township Board of Health as the contracted agency providing ISSDS design review and approval services each maintain an inventory of the Borough's approved septic system repair, replacement and new construction records.
- Morris County does not have an existing septic inventory.

7. Response Actions to Complaints—provide general summary.

- The Chester Borough Health Department responds to complaints received by the Administrative Authority. The Administrative Authority implements the procedures outlined under N.J.A.C. 7:4-3.4(d), (e), and (f) upon identification of a non-compliant system.

8. Remedial Actions Required for Failing ISSDSs—provide general summary.

- The Administrative Authority implements the procedures outlined under N.J.A.C. 7:9A-3.4(d), (e), and (f) upon identification of a non-compliant system.

9. Reporting to DEP—provide general summary.

- Annual numeric data is provided to the NJDEP via the NJ Local Health Reporting System in Hippocrates.

**III. Proposed Improvements to Current Septic Management Practices and Plan to Complete Inventory:**

Provide a description of activities that will be evaluated and/or implemented over the next 10-year WMP planning period, that will improve the current municipal practices listed above associated with septic management. Examples of the types of activities being sought include:

1. How will existing but yet unaccounted-for ISSDSs be added to the initial/partial inventory—for example, those noted during past realty transfers, CO Inspections, tax records for non-sewer areas, etc?

2. In what other ways may this inventory be augmented and/or completed, i.e., need a plan or suite of approaches that propose how to augment and complete the inventory over the 10-year WMP planning period?

3. Improving Tracking and Notification process to further encourage regular pump-outs, system augmentation, and regular maintenance practices. This will include periodic notifications sent with tax bills as reminders to residents and businesses of the need to maintain a regular schedule of ISSDS maintenance and pump outs. The notifications will request that residents and businesses report when regular pump-outs occur with identification of the service provider. This may serve to assist the Borough in building the inventory.

4. Additional educational opportunities to share information with system owners on septic maintenance (e.g., classroom presentations or to civic groups such as Lions Club, Women's Clubs, or partnering with Environmental Commissions/ Advisory Councils/Watershed Ambassadors, etc.).

5. Include an estimated timeframe and/or system of "Milestones" to chart progress, e.g., estimate total number of ISSDSs per municipality (provided to Health Depts. pursuant to N.J.A.C. 7:9A-3.15) and commit to populating the Inventory for a certain percentage of them over a pre-determined time-period, or dividing non-sewer areas into geographical "sections" to be completed on a pre-determined timeframe, etc.

- The septic inventory is complete to the greatest extent possible. The Borough will work with the Highlands Council through Plan Conformance on incorporating existing, but unaccounted for ISSDSs into the septic inventory. Additional educational opportunities to inform septic system owners on septic maintenance will be developed if needed and mandated by the DEP.

- As part of this WMP amendment, Chester Borough seeks NJDEP designation of all ISSDS service areas as future sewer service areas and to obtain authorization for a new sewage treatment plant with sufficient capacity to extend sewage collection infrastructure throughout the Borough to connect all existing sites served by an ISSDS to a new wastewater treatment plant. The build-out of a new treatment plant and extension of sewage collection system will be phased to span the 10-year WMP planning period. Phasing will be designed to prioritize connections (1) to areas with the highest incidence of septic system failures and (2) to major wastewater generators that can assist the Borough with debt service on the new wastewater treatment plant and collection infrastructure.

# APPENDIX I

## Resolution for Authorization for Submission of the Wastewater Management Plan to the New Jersey Department of Environmental Protection