

**ORDINANCE No. 2025 - 005**

**AN ORDINANCE OF THE BOROUGH OF CHESTER, COUNTY OF MORRIS, STATE OF NEW JERSEY ADOPTING AMENDING THE BLOCK 101, LOTS 13, 14, 15 & 16 REDEVELOPMENT PLAN, BOROUGH OF CHESTER, NJ (ORDINANCE NO. 2020-05), ARTICLE IX ZONING – ZONE REQUIREMENTS, SECTION 163-74 ENTITLED “REDEVELOPMENT”.**

**WHEREAS**, the governing body of the Borough of Chester designated Block 101, Lots 13, 14, 15 & 16, known locally as the Larison’s Tract or Larison’s Corner, a Non-condemnation Redevelopment Area on May 6, 2014 in accordance with N.J.S.A. 40A:12A-1 et seq; and

**WHEREAS**, in response to the New Jersey Supreme Court's decision In re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. I (2015), on or about July 2, 2015, Chester Borough filed a declaratory judgment action with the Superior Court of New Jersey ("Court"), entitled In the Matter of the Application of the Borough of Chester, County of Morris, Docket No. MRS-1661-15, seeking a Judgment of Compliance and Repose approving Chester Borough’s Third Round Affordable Housing Plan (Third Round Plan), in addition to related reliefs (the “Compliance Action”); and

**WHEREAS**, on or about August 14, 2015, Larison’s Corner, LLC (hereinafter “LC) and Turkey Farms Acquisitions, LLC (hereinafter “TF”) filed a Motion to Intervene in the Compliance Action ("Developer Intervention") and such intervention was granted by the Court on September 14, 2015; and

**WHEREAS**, TF is the owner of the real property located on the corner of Route 206 and West Main Street, with a street address of 2 West Main Street and designated on the Borough of Chester Tax Map as Block 101 Lots 13,14,15 & 16 (the "TF Parcel" or "TF Site"). LC is owner of real property located on Mill Ridge Lane and designated on the Borough of Chester Tax Map as Block 101, Lots 12.07, 12.08, 12.10 & 12.11 (the "LC" or “MRL” “Parcel" or "Site"); and

**WHEREAS**, the Borough of Chester and TF & LC entered into a settlement agreement on the Developer Intervention on October 4, 2018 (hereinafter “the TF & LC Settlement” or “Settlement Agreement”) setting forth the terms and conditions for certain development of the TF Site and LC Site, which is conditioned upon the Court’s approval of the Borough of Chester’s third round affordable housing settlement agreement with the

Fair Share Housing Center (FSHC) (hereinafter referred to as the “Third Round Settlement”), dated November 1, 2018, and signed on November 6, 2018; and further conditioned upon certain NJ Highlands Council and NJDEP approvals upon which development of the TF and LC Sites are dependent; and

**WHEREAS**, thirty-six (36) affordable rental apartments are a constituent element of the Borough’s Settlement agreements with FSHC and TF and LC, which are to be developed on the TF Site; and

**WHEREAS**, the 36-affordable rental apartments are a substantial component of the Borough’s Plan to address its Third Round affordable housing obligations and are included in the Third Round Settlement Agreement with FSHC; and

**WHEREAS**, the Superior Court of New Jersey issued a December 14, 2018 Order In The Matter Of The Application Of The Borough Of Chester For A Determination Of Mount Laurel Compliance, finding that Chester Borough’s Third Round Settlement with FSHC is fair and reasonable to the poor; and on July 9, 2019 the Court issued a Conditional Judgment of Compliance and Repose (Conditional JOR) approving the Borough’s Third Round affordable housing plan, which includes the condition that Chester Borough undertake its best efforts to secure approvals from the NJ Highlands Council for development of the TF and LC Sites, including the thirty-six (36) affordable rental apartments to be developed on the TF Site; and

**WHEREAS**, the NJ Highlands Council staff determined that a Highland Center designation will facilitate a New Jersey Department of Environmental Protection (NJDEP) approval of an amendment to the Chester Borough Chapter of the Morris County Wastewater Management Plan to permit an expansion of the Borough’s existing centralized wastewater collection and treatment system, as well as an individual on site wastewater treatment facility to serve TF and LC development, including 36-affordable rental apartments that are part of Chester Borough third round affordable housing plan; and

**WHEREAS**, satisfying the July 9, 2019 Conditional JOR, Chester Borough sought and obtained Highlands Center designation on January 16, 2020, which became effective on or about 30-days later, which Center designation approval satisfied the Court’s condition that Chester Borough undertake its best efforts to secure the Highlands Council’s approval to implement the Borough’s Settlement with TF & LC and the Borough’s Third Round Settlement Agreement with FSHC to address affordable housing obligations; and

**WHEREAS**, adoption of a Redevelopment Plan in accordance with certain Settlement Agreement exhibits identifying future development of the TF site (Block 101, Lots 13, 14, 15 & 15) designated An Area in Need of Redevelopment on May 6, 2014 (Resolution 2014-46) in accordance with N.J.S.A. 40A:12A-6.b.(5)(b), was another stipulation of settlement in the Borough’s Settlement Agreement and a condition of the July 9, 2019 NJ Superior and Chester Borough , which the Borough adopted the Redevelopment Plan for the TF site on April 21, 2020 satisfying the July 9, 2019 Conditional JOR; and

**WHEREAS**, the Court, recognizing that Chester Borough had fulfilled both short-term and long-term requirements of the July 9, 2019 Conditional JOR, did grant Chester Borough on 16 March 2020, a Final Judgment of Compliance and Repose (JOC&R) beginning on July 2, 2015 and ending on July 2, 2025; and

**WHEREAS**, subsequent to Chester Borough’s compliance with the Court’s Conditional JOR and Final JOC&R of 16 March 2020, GLOBAL ACQUISITIONS COMPANY, LLC (“Global”) TF acquired the TF site from TF and Global obtained partial site plan approval of a phased development plan from the Chester Borough Land Use Board for Block 101, Lots 13, 14, 15 & 16; and

**WHEREAS**, for reasons related to development agreements that Global had with others for development of the TF site, Global was unable to proceed with development of the TF Site (Block 101, Lots 13, 14, 15 & 16) and has proposed a replacement development plan, which changes the development components of the development plan

for the TF Site, and notably proposes the reduction of the number of affordable housing units from 36-affordable units to 24-affordable units and eliminates the development of office space and a pharmacy and a sit-down restaurant, and proposes replacement of those components of the 2018 Settlement Agreement with a farm store, a fast/casual restaurant, 66 market-rate townhouse units and 24 affordable stacked townhouse units; and

**WHEREAS**, Chester Borough has agreed to accommodate Global’s revised development plan and is therefore chooses to amend the Redevelopment Plan Ordinance (No. 2020-056) to facilitate the orderly development of the Turkey Farm Site in accordance with the Amended Settlement Agreement, with exhibits, which exhibits are attached hereto and made a part of this Ordinance;

**NOW, THEREFORE, BE IT ORDAINED**, that Chapter 163 of the Code of the Borough of Chester, Article IX Zoning – Zone Requirements, § 163-74, entitled “Redevelopment” is hereby amended and supplemented, as follows:

**Section One.** The “Block 101, Lots 13, 14, 15 & 16 Redevelopment Plan, Borough of Chester, NJ” (“Redevelopment Plan, Block 101, Lots 13, 14, 15 & 16”), Chapter 163 of the Code of the Borough of Chester, Article IX Zoning – Zone Requirements, § 163-74, entitled “Redevelopment” is hereby amended and supplemented to read, as follows:

§ 163-74 Redevelopment

A. Purpose. The purpose of the following Redevelopment Standards is to implement an amended settlement agreement for redevelopment of the Chester Borough “Redevelopment Plan” for the Redevelopment Area consisting of Block 101, Lots 13, 14, 15 & 16, and to permit new development and redevelopment, including 66 townhouse units, one fast/casual restaurant, one farm store, a “country barn store,” and 24-affordable stacked townhouse units in a manner that is generally in accordance with a Concept Plan, dated January 31, 2025 (hereinafter referred to as the “Concept Plan”) and Conceptual Elevations dated October 17, 2023 (hereinafter referred to as the “Conceptual Elevations”). Any dispute as to the intent of the meaning of these Redevelopment Standards shall be construed to permit redevelopment of the Redevelopment Area in accordance with the Concept Plan and Conceptual Elevations, copies of which are attached to these Zoning Standards. Nothing in the Concept Plan and Conceptual Elevations shall bind or restrict the Chester Borough Land Use Board from requiring the applicant to make reasonable adjustments to the appearance of non-residential buildings and structures in the Site Plan application(s) submitted to it in furtherance of the redevelopment of the Turkey Farm, including but not limited to the parking, driveways, circulation (excluding the Chick-Fil-A internal circulation pattern), drainage, lighting, landscaping, signs and all other site improvements.

B.

C. Duration. This Redevelopment Plan shall remain in effect for at least 40 years from the initial date of occupancy of all 24 affordable rental apartments authorized by permanent certificates of occupancy on Block 101, Lots 13, 14, 15 & 16, the date affordable housing deed restrictions are recorded in the Morris County Clerk’s office in conformity with all applicable affordable housing provisions set forth in Chapter 77, Affordable Housing, of the Code of the Borough of Chester, the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (“FHA”); applicable regulations of the New Jersey Council on Affordable Housing (“COAH”); applicable requirements of the Courts of the State of New Jersey; and the regulations of the New Jersey Housing and Mortgage Finance Agency (“NJHMFA”) including the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. (“UHAC”), and from the initial date of occupancy of all development authorized in this Redevelopment Plan, or the Borough of Chester releases the last of the affordable deed restrictions for the 24 affordable rental units, whichever is later.

1. Notwithstanding the provisions cited above, this Redevelopment Plan shall not be amended or rescinded except upon the application or consent of the Redeveloper or by Order of the Court for a period of at least 40 years. The Borough may amend this Redevelopment Plan to address public health, safety and the general welfare, which shall require the consent of the Redeveloper, which shall not be unreasonably withheld.
- D. Highlands Applicability. This Redevelopment Plan shall be subject to applicable provisions set forth in Chapter 163 Land Development and Procedures, Article XV Highlands Land Use, as may be amended in conformity with Chester Borough's Highlands Center designation.
- E. Redevelopment Plan Objectives. The designation of the Redevelopment Area and adoption of this plan is both a means of addressing an important component of Chester Borough's affordable housing obligation by providing safe, decent affordable housing addressing regional low-and moderate-income housing needs, and a means of facilitating economic utility of the Block 101, Lot 13, 14, 15 & 16 Redevelopment Area in a manner that is consistent with the location of the Site within the municipality and Chester Borough's designation as a Highlands Center in the Highlands Regional Master Plan. This plan calls for (1) exterior architectural building design that is consistent with the ordinance design standards and the Conceptual Elevations, (2) where feasible, the reasonable retention of site features, such as remnants of the former use of the site and reconstruction of the stone driveway pillars, (3) landscaping and design elements, (4) appropriate and effective landscaping and buffering between residential development including affordable rental housing and permitted non-residential uses, (5) public trail access improvements to Larison's Woods up the East side of the property along Route 206 with a sidewalk minimum 4 feet wide and maximum 6 feet wide, and (6) a wastewater management collection and treatment system that is capable of serving the redevelopment permitted in this plan and adjacent townhouse development on Mill Ridge Lane, Block 101, Lots 12.07 and 12.08, consisting of 20 market rate townhome units. Site plan applications submitted to the Board for redevelopment within the Redevelopment Area shall demonstrate to the satisfaction of the Land Use Board that compliance with these Redevelopment Plan Objectives is achieved as an essential component of Redevelopment of the TF site.
- F. Redevelopment Plan Permitted Uses. The following uses are permitted uses in the Redevelopment Area, pursuant to the Amended Settlement Agreement between the Borough of Chester and Global Acquisitions Company, LLC, (Date: June 3, 2025), the Conceptual Plan and the redevelopment standards contained herein:
- a. Principal permitted uses:
    1. Retail and Commercial Uses shall be permitted as follows:
      - i. One (1) Chick-fil-A fast food restaurant with dual drive-thru lanes and outdoor dining.
      - ii. One (1) farm store with outdoor porch dining.
      - iii. Country store adaptively reused to support on-site farm use.
    2. 66 Stacked Townhouse Dwellings<sup>4</sup> which shall be for sale units.
    3. 24 affordable Stacked Townhouse Dwellings, which shall be rental units.
    4. One existing cellular telecommunications tower.
    5. One farm in the HERZ portion of the TF site.
    6. On-site sewage package treatment facility including an equipment enclosure and groundwater disposal beds for the development of the TF Site as depicted on the conceptual plan and twenty (20) townhomes to be constructed off site on Block 101, Lots 12.07 & 12.08.
  - b. Accessory uses permitted:
    1. Playground area within the Highlands Center and/or the Highlands Environmental Resource Zone, which shall be located within 100 feet of the closest residential building.

2. Passive recreation areas which may include walking trails.
  3. As permitted by Section J.(h).
  4. All accessory uses and structures that are customary, incidental and subordinate to any permitted principal use, not including sheds.
- c. As conditional uses:
1. None.
- d. The following uses are specifically prohibited:
1. Any principal use or accessory use not specifically permitted is prohibited.
- e. Redevelopment Area Standards

The following Redevelopment Area Standards shall apply to the Turkey Farm. When standards herein conflict with other provisions of the Borough of Chester general ordinances, including Chapter 163 Land Development Procedures, the standards herein shall apply.

## G. Definitions

The following terms, as used in this section, shall have the following meanings:

AVERAGE FINISHED GRADE shall mean the average finished grade of a building or structure measured 5' from the exterior wall of the building or structure at intervals of ten (10) feet along each exterior wall of the building or structure i.e. the sum of the results of such finished grade measurements, divided by the number of such measurements.

BUILDING HEIGHT, TOWNHOUSE DWELLING OR STACKED TOWNHOUSE shall mean the measurement of the vertical distance from the finished elevation of the first floor level of each dwelling, which shall be no greater than five (5) feet from the average exterior grade elevation of the proposed finished grade of the building to the highest point of the roof for flat roofs; to the deck lines of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

DWELLING, TOWNHOUSE shall mean a single-family dwelling in a line of three (3) or more dwelling units attached by plane vertical party walls that is at least two (2) stories in height, with each dwelling unit extending from the ground to the roof and having individual ground-floor outside access and no interior rooms or hallways shared with other dwelling units.

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DWELLING, STACKED TOWNHOUSE shall mean a two-family dwelling consisting of two vertical units, with each dwelling unit having individual ground-floor access.

BUILDING COVERAGE shall mean that portion of a lot covered by the largest floor area of all structures, both principal and accessory.

NEW RETAIL COUNTRY STORE (EXISTING CORWIN HOUSE) shall mean a retail permitted to sell groceries and produce, including but not limited to farm produce, groceries, garden products and accessories, ice cream, candy, baked goods, salads and other prepared foods, meats, cheese, wine, beer, cider and other

products complimentary to a country store, a bakery, coffee shop, deli, butcher, ice cream parlor, creamery or candy shop. There shall be no residential uses located within the Farm Store. Any office use required for the Farm Store shall be included within the Farm Store. A farm store may include indoor and outdoor dining within the permanent roof line of the farm store building and outdoor picnic areas.

EXISTING COUNTRY STORE (EXISTING BARN) may be renovated and relocated. Its use shall be incorporated into either Farm Store or Farm portion of the tract, but it shall not be used for residential use.

#### H. Area

The overall land area is approximately 25 acres and prior to subdivision . A subdivision of the residential components from the non-residential components shall be permitted without limitation, provided that improved access driveways, including vehicular roads, pedestrian sidewalks and curbs, drainage and utility infrastructure, and cross-access and maintenance easements and financial maintenance agreements are provided to the satisfaction of the Borough of Chester Land Use Board.

#### I. Maximum Residential Development Yield:

- (a) The total number of residential units on the TF Site 90 units, consisting of Stacked Townhouse Dwellings. .

#### J. Affordable Housing Required

- (a) At least twenty-four (24) of all residential units within the Turkey Farm Redevelopment Area shall be restricted for occupancy by very low-, low- and moderate-income households (“affordable units”). Affordable units will be constructed within stacked townhouse dwellings as per the Concept Plan attached hereto. The number of very low-income affordable units shall be four (4).
- (b) Affordable units provided shall conform to the requirements of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (“FHA”); applicable regulations of the New Jersey Council on Affordable Housing (“COAH”); applicable requirements of the Courts of the State of New Jersey; and the regulations of the New Jersey Housing and Mortgage Finance Agency (“NJHMFA”) including the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. (“UHAC”).
- (c) Affordable housing units constructed shall be family rental affordable housing.
- (d) Affordable units shall meet the following requirements:
  - i) The residents of affordable family units shall have the same access to the same universally available exterior amenities offered for the residential market-rate units. No mandatory amenity fees or fees for universally available amenities shall be required of any of the affordable housing units.

- ii) As an inclusionary project, the construction of all common improvements in the Turkey Farm Redevelopment Area shall be exempt from the payment of any residential affordable housing development fees; only those improvements that are solely attributable to a non-residential use shall be assessed a non-residential development fee.
- iii) The affordable units shall be constructed with the same exterior building materials and architectural design features as the market rate units.
- iv) The Developer shall be responsible for retaining a qualified Administrative Agent at the developer's sole cost and expense.

K. General Requirements.

- (a) Multiple buildings and structures are permitted and there shall be no dimensional requirements governing development other than as established herein.
- (b) The cost of all off-tract and on-tract improvements for the development permitted herein shall be borne by the Global (the developer) , including, but not limited to, required roadways, traffic signals, utilities, lighting, landscaping, sidewalk/curbs and drainage shall be subject to the following requirements:
- (c) Retaining walls with an exposed face three (3') feet in height or greater shall be poured concrete or concrete block with a finished natural stone or rock veneer on the exposed face to match the stone veneer of the residential units or the NJDOT Route 206 retaining wall Main Street welcome wall; alternatively a colored, textured "Redi-Rock" or similar decorative finish stacked block may be used subject to Land Use Board approval. At the Board's discretion, it may approve decorative CMU, concrete or other decorative material in areas where, in the opinion of the Board, are not highly visible to the public, provided same does not constitute an excess costs generating expense upon the Developer. All retaining walls shall be designed by a professional engineer licensed in the State of New Jersey as may be required by applicable code or law. Final structural design calculations shall be submitted to the Board Engineer for approval prior to construction.
  - i) Where retaining walls smaller than three (3') feet in height are proposed, materials used shall be consistent in color and texture, to the extent achievable, with stone materials used in closest proximity thereto.
  - ii) There exists on the property an existing stone retaining wall. Redeveloper shall use reasonable efforts to adaptively re-use the existing stone elsewhere on the site.
- (d) Sidewalks. Four (4') foot wide sidewalks shall be provided on at least one side of all internal roadways within a Townhouse component of any development. Sidewalks along West Main Street and Route 206 frontage from the traffic light along Route 206 to a point approximately 400 feet north of the traffic light, shall be four (4') feet in width, and constructed of brick to match the Borough's Main Street brick sidewalks. Beyond that

point, the sidewalk shall be five (5') feet wide and constructed from concrete or macadam. By mutual agreement with the Redeveloper, the Board may approve alternative sidewalk materials.

- (e) Slope plantings. Landscaping of the area of all cuts and fills and/or terraces shall be sufficient to prevent erosion, and all roadway slopes steeper than one foot vertically to three feet horizontally shall be planted with ground cover as necessary for stabilizing the slope. All plantings shall be subject to approval by the Land Use Board, or the Land Use Board Engineer.
- (f) Street trees
  - i) Street trees may be installed within public rights-of-way subject to approval by the County and NJDOT in accordance with an approved landscape plan that shall be subject to review by the Land Use Board and the Borough landscape architect. The trees proposed to be installed shall be installed between the curb and sidewalk when a grass area of at least six feet in width is provided adjacent to the curb. If the distance between the curb and sidewalk is less than six feet, the street trees proposed to be installed shall be installed behind the sidewalk. If installed behind the sidewalk, street trees shall be planted within the area between the sidewalk and stormwater basins, which may include tree wells of sufficient size within the stormwater basins to accommodate street trees. When curbs and sidewalks are not provided or proposed, the street trees proposed to be installed shall be set back from the edge of paving. Trees may either be massed or spaced evenly along the street, or both, subject to approval by the Land Use Board.
  - ii) The Redeveloper may select a mix of the type of street trees to be planted but shall consider reasonable modifications based upon comments received from the landscape architect, subject to approval by the Land Use Board. Tree type may vary depending on overall effect desired, but as a general rule, alternating species of trees shall be planted on a street, except to achieve special effects where approved by the Land Use Board.
  - iii) Planting specifications. All trees shall have a minimum caliper classification of at least 2½ inches in caliper and no less than 10 feet in height at the time of planting. All trees shall be nursery grown, of substantially uniform size and shape, and have straight trunks. Evergreen species, where used, shall be not less than 8' in height at the time of planting.
  - iv) All landscape plans shall be prepared by a Licensed Landscape Architect in the State of New Jersey.
  - v) The Association to be created for the management and operation of the TF Site shall be responsible for the ongoing survival and maintenance of trees and shrubs, which may be replaced without any additional approvals being required.
- (g) Lighting.

- i) A lighting plan prepared by a qualified individual shall be provided with site plan applications.
- ii) Freestanding lighting fixtures shall not exceed sixteen (16') feet in height and shall be downward directed, dark sky design. The light source of area lighting shall not be visible from off site.
- iii) Lighting use on all uses shall be 3,000 Kelvin (3,000K) or less and the use of LED bulbs shall be required.
- iv) Lighting beneath a canopy or a point of sale for a fast/casual restaurant use may exceed temperature or intensity limits set forth in § 163-47.A.(41).
- v) Throughout the residential area of the development, street lighting shall conform to the standards of §163-47.A.(41), subject to conformity with the maximum temperature and light fixture cited above, as well as any other modifications that may be recommended by the Land Use Board Engineer.

(h) Signs.

i) Fast/causal restaurant:

a. Attached signs:

- i. Number: Minimum of 5. The Land Use Board may approve additional signs exceeding these limitations identified herein without the need for variance relief based on a comprehensive sign package by the Redeveloper for all signs required by the Redeveloper.
- ii. Size: No wall sign shall exceed 60 square feet, and the total area of all wall signs shall not exceed 250 square feet.

b. Freestanding sign:

- i. Number: 1
- ii. Size: 60 square feet (not including base)
- iii. Height: No more than 6 feet above grade

c. Menu boards associated with a drive-thru ordering lane shall not be considered a sign, but shall be screened from public view to the extent practical .

ii) Farm Store:

- a. Freestanding sign: Freestanding signs are not permitted, except that any existing freestanding shall be considered permitted at its current height, size and location. The Land Use Board may approve the relocation of the existing sign, but in no

case shall the sign be located closer to the farm store than the existing sign.

b. Wall signs:

i. Number: 3. The Land Use Board may approve additional signs exceeding these limitations identified herein without the need for variance relief based on a comprehensive sign package by the Redeveloper for all signs required by the Redeveloper.

ii. Size: 40 square feet per wall sign

iii) Development identification:

a. Free standing sign: Two free standing signs identifying the commercial uses to be permitted along, one along Route 206 and one along Main Street consisting of 60 square feet per side, the signs shall be externally illuminated.

iv) Illumination:

- a. Fast/casual restaurant signs may be illuminated either internally or externally.
- b. Farm store signs shall be externally illuminated.
- c. Residential development name sign, if there be one, shall be externally illuminated

v) One (1) community identification sign shall be permitted for the residential component of the Turkey Farm, where the sign face shall not exceed sixty (40) square feet, shall be setback a minimum of ten (10) feet from any property line, and externally illuminated.

vi) Not more than two (2) temporary construction and marketing signs of forty (30) square feet provided each sign shall be set-back two (10) feet from the property line.

vii) Directional and wayfinding signs shall be permitted, provided the bottom of each sign shall not be located more than three (3) feet above the grade directly below it, except as required by law, nor shall any one directional sign face exceed eight (8) square feet in area and provided further that any directional sign is erected on private property.

Development Standards for the Turkey Farm:

(a) Minimum tract size:

The minimum tract size shall be 25 acres.

(b) Maximum residential development yield:

The maximum number of Stacked Townhouse Dwellings shall be 66 market rate units and 24 affordable units, for a total of 90 units.

- (c) Principal building height requirements:
  - i) Townhouse Dwellings and Stacked Townhouse Dwellings: Maximum of 3 stories/40 feet, exclusive of chimneys and other projections.
  - ii) Fast/casual restaurant: Approximately 35', subject to architectural revisions to be determined.
  - iii) Farm store: 2 stories/40 feet, however, the existing main structure consists of three stories/40 feet, plus a finished basement not open to the public.
- (d) Maximum impervious surface: Shall be consistent with the concept plan attached hereto.
- (e) Maximum building coverage: Shall be consistent with the concept plan attached hereto
- (f) Principal building setback and parking location requirements.
  - i) Shall be consistent with the concept plan attached hereto.
- (g) Building design requirements:
  - i) Country Store
    - a. Height: Two stories for new construction; 3 stories for any portion of the existing building that is adaptively reused.
    - b. Ground floor area: 10,000 square feet
    - c. Outdoor dining area: 1,000 square feet
  - ii) Fast/Casual Restaurant
    - a. Floor area: 5,600 square feet
    - b. Drive-thru lanes: Dual stacking lanes are permitted
    - c. Outdoor dining area: 1,000 square feet
  - iii) Minimum distance between townhouse dwelling structures as measured from external building walls (facades) excluding bay windows, decks, patios and other projections, where “front” is the side with driveway access to an internal street, “rear” is the side opposite the front, and “end” is the side connecting the front to the rear:
    - a. Front to front: 60 feet
    - b. Front to rear: 50 feet

- c. Front to end: 40 feet
  - d. End to end: 20 feet at any point.
  - e. Rear to end: 25 feet
  - f. Rear to rear: 25 feet
- iv) Building façades for Townhouse Dwellings and Stacked Townhouses should be articulated so as to create visual interest and to help define each individual home. Articulation within the building façades shall consist of variation in the appearance and structure, which may be achieved through the inclusion of porches, porticos, balconies, bay windows, offset facades, and differentiated building material types in accordance with the Conceptual Elevations.
- (h) Permitted accessory uses, buildings and structures shall not exceed 16 feet in height and shall include the following:
- i) Ordering and point-of-delivery canopies, menu boards and other similar structures associated with a fast/casual restaurant containing a drive-through, which may be attached to the fast/casual restaurant building or freestanding, with a maximum height of 10 feet. Ordering canopies may have illuminated menu boards and shall be required to have volume modulating technology for any speakers, but menu boards, to the extent practical, shall not be visible from off site and shall be shielded with landscaping or another form of shielding that may be approved by the Board. Canopies and illuminated menu boards shall be designed and thematically coordinated with the architecture of the building, including, where appropriate, the use of pitched gable-end roof, dormers, or other similar building design features.
  - ii) Covered and uncovered patios and grade level decks associated with individual townhouse units. Covered patios and grade level decks shall be roofed structures attached to the townhouse unit and made a permanent part of the building and shall match exterior siding, trim and roofing and architecture of the townhouse units in all respects, subject to Land Use Board approval. A standard patio or grade level deck consisting of approximately 10 x 10 rear facing for the two bedroom units on the first floor and a covered balcony or deck front facing for the three bedroom units on the second floor. Adjacent covered rear patios and decks may include a permanent privacy screen extending 10 feet from the building, with a height of 6 feet between adjacent units. Setbacks between covered roofs and associated components of the structure between townhouses units that are configured back-to-back (rear of townhouse unit adjacent to rear of adjoining townhouse unit) shall be not less than 20'. Setbacks between covered roofs and associated structures for units configured rear of townhouse unit to side of townhouse units shall be not less than 40' and landscaped to blunt visibility of the contents of the patio or deck. Covered patios and decks may be fitted with venting to accommodate outdoor grilling, subject to approval by the

Land Use Board, however, the second floor units shall be deed restricted to preclude outdoor grilling on their balcony/deck.

- iii) Covered and uncovered decks (other than at grade), subject to the standards set forth above.
- iv) Active or passive outdoor recreation facilities for residents and guests.
- v) Fences and retaining walls, provided however that retaining walls three (3') feet in height or greater shall be concrete or concrete block and finished with natural stone veneer substantially similar to or the same as the stone veneer used at the corner of US 206 and on the US 206 northbound retaining wall situated opposite the US 206 frontage of the TF site or cultured stone that will match the residential units., or Alternatively, the Land Use Board may approve a colored, textured "Redi-Rock" or similar decorative finish stacked block may be used, subject to Land Use Board approval, unless they are not highly visible to the public. The Board will approve an alternative retaining wall design for use in areas that are found by the Board to be out of public view or where the use of natural stone veneer is not desired. Fences or guard rails shall be installed as required for safety.
- vi) Individual and common mailboxes will meet the standards required per the U.S. Postal Service. The Redeveloper shall provide a detail of the mailboxes to the Land Use Board.
- vii) Signs
- viii) Private garages and off-street parking areas.
- ix) Temporary construction trailers for each permitted use (restaurant, store, townhouse development), and temporary sales office in a model home which shall be removed prior to the issuance of a temporary or final project Certificate of Occupancy. The placement of such structure or use shall be subject to approval by the Land Use Board and the Board may require landscaping of these structures and uses as the Board may deem appropriate.
- x) HVAC units, utility cabinets / controllers, emergency generators, which shall be screened through a combination of a fence, berm, landscaping, or a combination of the three as the Land Use Board may deem appropriate.
- xi) Sanitary sewer package plant and septic disposal field, which shall not be subject to any specific size or height limitation, but shall be designed to provide sufficient treatment for sanitary sewer effluent for the zone. The sanitary sewer package treatment plant shall be within an accessory structure and shall be landscaped to the reasonable satisfaction of the Land Use Board.
- xii) Electric vehicle charging infrastructure.

xiii) Any other use which is subordinate and customarily incidental to a permitted principal use.

(i) Parking requirements:

- i) For the townhome component parking shall comply with the requirements of the New Jersey Residential Site Improvement Standards (RSIS). Tandem spaces (where one parking space is located directly behind or in front of another parking space) where each space comprising the tandem is to be designated for use by a single unit, each space comprising the tandem shall each be counted as a separate and distinct space with each being credited towards compliance with the RSIS parking requirement.
- ii) For the non-residential component the parking requirements of § 163-80 of the Chester Zoning and Land Development Ordinance shall apply except that with respect to the farm store, the Institute of Transportation Engineers Parking Generation, 6<sup>th</sup> Edition shall govern parking requirements. Where the Land Use Board finds that a reduced number of parking spaces are found to be adequate for normal day-to-day operations for the use, the reduction in the number of required parking spaces or banking of parking may be implemented as a condition of site plan approval, provided that the Redeveloper agrees
- iii) All surface parking areas shall be set back a minimum of forty-five (45') feet from property lines adjoining Route 206 and West Main Street, with two exceptions as depicted on the conceptual plan on the east side and to the rear of the proposed farm store that shall be permitted without the need for setback variance relief.
- iv) Development shall comply with electric vehicle charging station state law requirements for residential and non-residential uses. Electric vehicle charging facilities or Make-Ready infrastructure may be located within a garage of a Townhouse Dwelling/Stacked Townhouse Dwelling Unit.

**Section Two.** This ordinance may be renumbered for codification purposes.

**Section Three.** This ordinance shall not take effect until it is approved by the NJ Highlands Council.

**Section Four.** 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 Redevelopment Plan as a whole, or of any other portion thereof.

**Section Five.** EFFECTIVE DATE. This article shall take effect after final passage and publication in the manner required by law. This Ordinance shall be presented to the Court, and by extension the Affordable Housing Dispute Resolution Program (the “Program”) created pursuant to P.L. 2024, c. 2 and AOC Directive 14-24, as part of the Borough’s Round 4 (2025-2035) Mount Laurel compliance that is currently pending before the Superior Court of New Jersey, Morris County. Should changes to this Ordinance be required through that process, the pertinent provisions of this Ordinance, where change is necessitated by the Program or a County Level Mount Laurel Judge, shall be retroactively ineffective and any amended Ordinance provision shall control those pertinent provisions. Nothing in this provision shall be interpreted to acknowledge that the Program can unilaterally and substantively change the zoning standards. Any substantive proposed changes to density, non-residential uses, or the affordable housing yield shall require the consent of all parties to this agreement.

Dated:

\_\_\_\_\_  
Janet Hoven, Mayor

Attest:

\_\_\_\_\_  
Dena Dziergoski  
Acting Municipal Clerk