

TOWNSHIP OF CHESTERFIELD

ORDINANCE NO. 2022-17

AN ORDINANCE TO AMEND ORDINANCE 2022-15 WHICH ADOPTED THE OLD YORK REDEVELOPMENT PLAN FOR CERTAIN PROPERTY KNOWN AS BLOCK 701, LOT 2.01, THE FORMER OLD YORK COUNTRY CLUB

BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Chesterfield, County of Burlington, State of New Jersey, as follows:

ARTICLE I. Amended Sections.

A. Section 1.1 of the Redevelopment Plan, entitled “Purpose,” is hereby amended to delete the second sentence in the third full paragraph of the text which currently reads:

“The closure of golf clubs has been a national trend in recent years due to an oversupply of golf courses and declining interest and participation the sport.”

B. Section 1.2, “Description of Rehabilitation Area”, is amended to insert after the last full sentence on page 1 the following sentence: “A 301,400 square foot warehouse at Route 206 and Old York Road was recently approved by the Bordentown Planning Board.”

C. Section 2.2, “Permitted Principal Uses”, subparagraph (3) is hereby amended to add: “...parcel hub warehouses and fulfillment centers” to the end of the clause.

D. Section 4.5, “Historic Structure Relocation (Black House)”, is hereby amended to delete the words “make reasonable efforts to” from the second sentence of the text; and to change the introductory language of the last paragraph to read: “Notwithstanding the foregoing, no relocation, removal, or alteration of the 1740 Black House shall be undertaken...” thereby deleting the words “or demolition” from that text.

E. Section 3, “Plan Consistency”, is hereby amended to add the following new Section 3.1.1:

“3.1.1. Notwithstanding the foregoing Section 3.1, it has been suggested by some members of the public that this Redevelopment Plan is not consistent with the Township’s Master Plan and/or is not designed to effectuate the Master Plan. To the extent such suggestion has credibility, the Township Committee, pursuant to N.J.S.A. 40A:12A-7(d), herewith sets forth its reasons for adopting this Redevelopment Plan.

- A. At the time the Township’s Master Plan was adopted in 1997, its focus was on the preservation of farmland and promoting the Township’s agricultural character through a then-newly crafted “Transfer of Development Rights” (“TDR”) legislative program. Commercial and industrial development were not priorities.
- B. Chesterfield is the only municipality in the State of New Jersey to successfully implement TDR, and residential development in the “Receiving Area” is now more than eighty percent (80%) completed. The limited commercial area in the Receiving Area has now also been built, but suffers from vacancy concerns.
- C. Chesterfield’s tax revenues are disproportionately derived from its residential development and farms. In fact, ninety-seven percent (97%) of Chesterfield’s tax ratable base is farmland and residential. The Township Committee recognizes the fragility of such a reliance on residences and farms as the nearly sole source of tax revenue.
- D. There are very few areas in the municipality where non-residential, non-agricultural pursuits can be achieved.
 - 1. Of Chesterfield’s 13,728 acres of land:

- (a) 7,956.36 acres are preserved and 577.39 are unpreserved (but with TDR Credits assigned to them);
- (b) 689.55 acres are State-owned land;
- (c) 583 acres comprise the “Receiving Area”;
- (d) 140 acres are recreation fields and/or open space outside the Receiving Area;
- (e) Crosswicks and Recklesstown comprise 385 acres;
- (f) Turnpike Roads comprise: 102.87 acres.

2. As a result, seventy-six percent (76%) of Chesterfield’s land mass has been dedicated to the purposes of the 1997 Master Plan, and subsequent Master Plan Re-Examination Reports, and/or is physically not developable.

E. However, no significant commercial or industrial initiatives have been undertaken since TDR was adopted in 1998.

F. The five (5) highest ratables in this community are:

(1) Transco Generator:	\$5,297,500.00
(2) Colonial Pipeline:	\$4,303,100.00
(3) Old York Village Shops:	\$3,180,000.00
(4) Old York Country Club:	\$3,000,000.00
(5) Horse Track:	\$2,523,000.00

G. The general welfare of the community is advanced when the municipality seeks industrial ratables to create a better economic balance for the community, vis-à-vis educational and governmental costs engendered by residential development. There is no question that the success of the TDR Program, and its resultant increase in school population and need for governmental services, has resulted in greater

governmental expenditures. The Township Committee deems it appropriate to seek an opportunity to increase commercial/industrial tax rates to mitigate increased municipal expenditures resulting from an increased residential population.

- H. The property in question, 156 +/- acres in size, is not a farm, and has not been a farm for years. The Township Committee has been informed that the costs and expenses a farmer would have to incur to return the property to tillable soil are prohibitive, such that it is unlikely to become farmland.
- I. However, the property, having been used commercially for decades, is appropriate for non-agricultural, non-residential, purposes. Its close proximity to Route 206 (1,900 +/- feet) makes it attractive for the uses identified as permitted and accessory uses in Sections 2.2 and 2.3 of this Plan. The Township Committee believes it is a good location for the uses identified in this Plan.
- J. In making its determination of the appropriateness of this area for these purposes, the Township has received the benefit of traffic reports, environmental reports, and a community impact statement, all of which have been posted to the Township's website for public consumption, and are made part of the record on this Ordinance. The Committee has also received an analysis of the traffic studies from the Township Planner's office, dated October 21, 2022; a memo from the Township Administrator, dated October 27, 2022, entitled "Data Related to Township Land uses, PVD, and Assessed Value Apportionment"; all of which documents are part of this legislative record and inform the Township Committee's decision.

K. The Township Committee believes that this Plan advances the following purposes of the MLUL:

N.J.S.A. 40:55D-2(a): To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare. [See the foregoing statements]

N.J.S.A. 40:55D-2(c): To provide adequate light, air and open space [most of the property will remain undeveloped].

N.J.S.A. 40:55D-2(g): To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens. [See the foregoing statements]

N.J.S.A. 40:55D-2(h): To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight [truck traffic going to and from Route 206 only]

N.J.S.A. 40:55D-2(i): To promote a desirable visual environment through creative development techniques and good civic design and arrangement [setback distances and landscaping/berming regulations]

N.J.S.A. 40:55D-2(j): To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land [Black House, solar in Sec. 2.6.9; and electric vehicle/service equipment (EV/SE) at Sec. 2.5, page 10]

While the Township Committee believes that the Redevelopment Plan is consistent with the Master Plan, as stated in Section 3.1 of the Plan, for purposes of completeness of the record, and should it be determined by a reviewing Court that the Redevelopment Plan is not consistent with the Master Plan, or is not designed to effectuate the Master Plan, the Township Committee adopts the foregoing as its reasons for adopting this Plan despite any such concerns.

ARTICLE II. REPEALER, SEVERABILITY AND EFFECTIVE DATE.

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

CHESTERFIELD TOWNSHIP COMMITTEE

Introduced: October 27, 2022

Adopted: December 8, 2022

RECORD OF VOTE													
INTRODUCTION							ADOPTION						
TWP COMMITTEE	AYE	NAY	NV	AB	ORD	SEC	TWP COMMITTEE	AYE	NAY	NV	AB	ORD	SEC
Blazic	X					X	Blazic	X					X
Koetas-Dale		X					Koetas-Dale		X				
Russo		X					Russo		X				
Liedtka	X				X		Liedtka	X				X	
Panfili	X						Panfili	X					
X – Indicates Vote NV – Not Voting AB – Absent ORD – Motion SEC - Seconded													

4877-0962-9501, v. 1