

TOWNSHIP OF CHESTERFIELD

RESOLUTION 2019-2-5

**RESOLUTION AUTHORIZING SECOND AMENDMENT TO DEVELOPER'S
AGREEMENT WITH TRADITIONS AT CHESTERFIELD, LLC AND
CHESTERFIELD, LLC**

WHEREAS, by Developer's Agreement entered into on or about May 23, 2013, the Township of Chesterfield reached certain agreements with both Traditions at Chesterfield, LLC and Chesterfield, LLC, regarding the development of certain property known as Block 202, Lots 24.01, 25.01, and 25.02 comprised of single-family residential dwelling units, duplex/triplex units, apartments, and commercial square footage; and

WHEREAS, the Developer's Agreement was subsequently amended by the "First Amendment to Developer's Agreement" entered into on or about September 27, 2015, wherein the Parties modified certain provisions pertaining to the off-site water main improvements to be undertaken by the Developer in efforts to expedite the installation ahead of proposed roadway improvements by the County of Burlington and a subsequent 5-year moratorium imposed by the County of Burlington which would have delayed the installation of the water main improvements including the provision of public water service to the new municipal building; and

WHEREAS, the Developer has sought and received approval from the Chesterfield Township Planning Board to reconfigure the mixed-use building in Phase 7(b) and Phase 8 to increase the number of apartments to 17 from 13, and decrease the total square footage of the retail space in each Phase from 22,485 +/- square feet, to 18,891 +/- square feet; and

WHEREAS, the modified unit count and square footage will alter some of the

schedules, fees and TDR credits required for buildout outlined in the Developer's Agreement, as amended; and

WHEREAS, in consideration of such circumstances as the proximity of utility infrastructure, the physical location of the affordable housing units within the mixed-use buildings to accommodate the Township's request to have the units tendered as rentals versus for sale, market conditions impacting retail demand prior to the substantial completion of the residential component of the project, and the impracticality of designating "interim" or "temporary" affordable units as initially contemplated in the event the mixed-use component was not completed by the designated milestones triggering the need for additional affordable units, the Township, at the request of the Developer, petitioned the Superior Court of the State of New Jersey to provide an extension of time for the delivery of the next 7 affordable units, which relief was granted on February 10, 2017, and

WHEREAS, the Township's Solicitor, Engineer, and the governing body have reviewed

these matters with the Developer, and have determined that in order to facilitate the objectives outlined above, it is necessary to facilitate same through certain modifications to the Developer's Agreement, as amended; and

WHEREAS, the Township Committee deems it to be in the best interests of the residents and citizens of the Township of Chesterfield to amend the Developer's Agreement in this fashion.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chesterfield, County of Burlington, State of New Jersey as follows:

1. Recitals. The foregoing Recitals are incorporated herein as the factual predicate for this Resolution and are they are adopted hereby as if set forth at length.
2. Second Amended Approved. The Township Committee hereby authorizes the Mayor and Township Clerk to execute the attached Second Amendment to Developer's Agreement.
3. Resolution Effective Immediately. This Resolution shall be effective upon proper passage by the Township Committee.

CHESTERFIELD TOWNSHIP COMMITTEE

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I, Caryn M. Hoyer, Clerk of the Township of Chesterfield in the County of Burlington and State of New Jersey do hereby certify the foregoing Resolution to be a true and accurate copy of the Resolution approved by the Township Committee at a duly advertised meeting held on \_\_\_\_\_, 2019, at which a quorum was present.

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Caryn M. Hoyer, RMC  
Township Clerk

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