

ORDINANCE 2018-03

AN ORDINANCE OF THE BOROUGH OF CHESTER, MORRIS COUNTY, STATE OF NEW JERSEY, AMENDING ARTICLE II, “DEFINITIONS” OF CHAPTER 163, “LAND DEVELOPMENT AND PROCEDURES,” OF THE CODE OF THE BOROUGH OF CHESTER TO UPDATE DEFINITIONS OF MINOR SITE PLAN AND MINOR SUBDIVISION.

WHEREAS, municipalities are empowered to make, amend, repeal, and enforce its ordinances pursuant to statute (N.J.S.A. 40:48-1, et seq.); and

WHEREAS, municipalities are required by Statute to follow specific procedures for the passage of ordinances (N.J.S.A. 40:49-2 et seq.); and

WHEREAS, the Chester Borough Land Use Board has reviewed the requirements for minor site plans and minor subdivisions and recommended amendment to the definitions thereof to simply the review process for minor development review; and

WHEREAS, the Mayor and Borough Council agree with the recommendations of the Land Use Board; and

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Borough of Chester, County of Morris, State of New Jersey that the Borough Code is hereby amended as follows:

SECTION 1: The definitions of “Minor Site Plan” and “Minor Subdivision” as set forth §163-6 “Definitions” of the Code of the Borough of Chester are hereby amended to read as follows:

MINOR SITE PLAN

A development plan of one or more lots which:

- (1) Proposes new development limited to renovations of an existing building and/or improvement of existing outside facilities (i.e., parking, drainage, etc.) without expansion of said facilities.
- (2) Does not involve planned development, any new street or extension of any off-tract improvement which is to be prorated pursuant to N.J.S.A. 40:55D-42.
- (3) Contains the information reasonably required to make an informed determination as to whether the requirements established by ordinance for approval of minor site plan have been met.
- (4) When there is reasonable uncertainty or disagreement about the classification of an application for site plan approval under this section, the determination shall lie with the approving authority. In such cases, the applicant is directed to proceed as if the proposal is not a minor site plan until and unless advised to the contrary by the approving authority.

MINOR SUBDIVISION

A subdivision of land which does not involve the following:

- (1) The creation of more than four lots;
- (2) Planned development;
- (3) Any new street;
- (4) Extension of off-tract improvements; or
- (5) An adverse effect on the development of the remainder of the parcel or adjoining property.

SECTION 2. If any Chapter, Article, Section or Subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction such decisions shall not affect the remaining portions of this Ordinance.

SECTION 3: All ordinances or rules or regulations of the Borough of Chester, which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4: This ordinance shall take effect upon passage and publication according to law.

Dated: _____, 2018

Janet Hoven, Mayor

Attest:

Denean Probasco, Municipal Clerk

LEGAL NOTICE OF PENDING ORDINANCE

Notice is hereby given that the Ordinance published herewith was introduced and passed upon first reading at a meeting of the Mayor and Council of the Borough of Chester, in the County of Morris, New Jersey, held on the 3rd day of April, 2018. It will be further considered for final passage after public hearing thereon, at a meeting of said Mayor and Council to be held in the Chester Borough Hall, 50 North Road, in said Borough, on May 1st, 2018 at 7:00 p.m., and during the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office in said Borough Hall building to members of the general public who shall request the same.

Denean Probasco, Municipal Clerk