

Housing Element and Fair Share Plan

Fourth Round

CHESTERFIELD TOWNSHIP, BURLINGTON COUNTY, NJ

JUNE 2025

Adopted by the Chesterfield Township Planning Board on June 24, 2025
by Resolution 2025-07.

Endorsed by Chesterfield Township Committee on June __ 2025 .

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2025 Chesterfield Township Committee

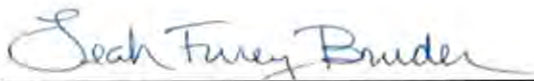
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I. Introduction and Executive Summary

This Fourth Round Housing Element and Fair Share Plan ("HEFSP") has been prepared for Chesterfield Township in accordance with the New Jersey Fair Housing Act ("FHA") and the applicable rules of the New Jersey Council on Affordable Housing ("COAH") at N.J.A.C. 5:93 et seq. There are four components of a municipality's affordable housing obligation under the regulatory scheme that has evolved since the *Mount Laurel I* and *Mount Laurel II* decisions. Beginning with the First Round of affordable housing in 1987, municipalities wishing to proactively plan to accommodate opportunities for affordable housing may opt to participate in the fair share planning process. The four elements of the obligation are: the Fourth Round Present Need (Rehabilitation Share), the Prior Round Prospective Need (Cumulative First and Second Round), the Third Round Gap and Prospective Need, and the Fourth Round Prospective Need. Since the 1990s Chesterfield has been simultaneously pursuing and implementing farmland preservation, support of the agricultural industry, planned growth, and the production of affordable housing. Chesterfield Township's affordable housing obligations. Chesterfield Township is in a unique position as the leader and steward of the only functioning municipal TDR program in the State and believes that particular and specific consideration of the Third Round obligation is warranted.

Fourth Round Present Need /Rehabilitation Obligation	0
Prior Round Prospective Need	55
Third Round Gap and Prospective Need	undetermined ¹
Fourth Round Prospective Need	45

The Township has fully satisfied the Prior Round Prospective Need (1987-1999) of 55 with 1 market to affordable unit, 3 supportive and special needs credits (group home), 10 family rental units in inclusionary development, 27 family for sale units in inclusionary development, and 14 rental bonus credits. The Prior Round compliance is detailed in Section IV.A(1).

The Third Round Gap/ Prospective Need (1999-2025) is being satisfied with the continued implementation and build out of the inclusionary TDR receiving area at Old York Village. Third Round compliance to date includes 5 family rental units in inclusionary development, 21 family for sale units in inclusionary development, 5 rental bonus credits, and 11 anticipated affordable units. The Township's Third Round history, relevant factors, and approach are detailed in Sections IIC and IID.

The Fourth Round Prospective Need (2025-2035) of 45 units will be satisfied with the development of 1 unit within the Crosswicks Firehouse Redevelopment, 1 unit within the Mincemeat Factory Redevelopment, up to 16 units from the increased set aside and increased permitted density on lot 20 in block 107, 18 units or more from the proposed 100% affordable housing development,

¹ Econsult Solutions Inc. used the workbooks from Judge Jacobson's decision In the Matter of the Application of the Municipality of Princeton, L-1550-15 to extrapolate Third Round obligations for all municipalities in the State. For Chesterfield this number is 145.

and 5 bonus credits. The proposed 100% affordable development may result in additional affordable housing units and additional bonus credits that may alter the compliance calculation. Excess credits above 45 will be applied to the Fifth Round.

II. *Mount Laurel* Affordable Housing Background

A. Judicial Background

In the landmark 1975 decision in the case of *Southern Burlington County NAACP v. the Township of Mount Laurel*, (commonly known as *Mount Laurel I*), the New Jersey Supreme Court held that developing municipalities in New Jersey have a constitutional obligation to provide a realistic opportunity for the construction of low- and moderate-income housing in their communities. In its second significant *Mount Laurel* decision, decided on January 20, 1983 (*Mount Laurel II*), the Supreme Court expanded the *Mount Laurel* doctrine by determining that this constitutional responsibility to address the present need for affordable housing extended to all municipalities in New Jersey, and that the responsibility to address regional prospective need for affordable housing extended to all developing municipalities in New Jersey. The Court also established various remedies, including the “builder remedy” or court-imposed zoning, to ensure that municipalities affirmatively addressed this obligation.

In response to the *Mount Laurel II* decision, the New Jersey Legislature adopted the Fair Housing Act in 1985 (Chapter 222, Laws of New Jersey, 1985). The Fair Housing Act established the Council on Affordable Housing (COAH) as an administrative alternative to the courts. COAH was given the responsibility of dividing the state into housing regions, determining regional and municipal fair share affordable housing obligations, and adopting regulations that would establish the guidelines and approaches that municipalities may use in addressing their affordable housing need. COAH drafted regulations and calculated regional and municipal fair share numbers for Round 1 (1987-1993) and again for Round 2 (1993 -1999). However, the Round 2 methodology superseded the First-Round methodology and the cumulative period (1987-1999) became known as the “Prior Round”.

For the Third Round, which should have begun in 1999, COAH adopted regulations in 2004 intended to cover a ten-year period through 2014. In 2007 the first iteration of the Third Round rules were invalidated by a New Jersey Appellate Court decision, and COAH was ordered to propose amendments to its rules. The second iteration of the Third Round rules were adopted in June and October of 2008. The rules were again challenged and ultimately invalidated by the Court in 2010. After being ordered by the NJ Supreme Court to do so, COAH then attempted to adopt a third set of Third Round regulations in 2014, but failed, resulting in additional challenges. These challenges lead to the Supreme Court’s decision *In re Adoption of N.J.A.C. 5:96 & 5:97 by the N.J. Council on Affordable Housing*, 221 N.J. 1 (2015) (“*Mount Laurel IV*”), in which it held that since COAH was no longer functioning, trial courts were to resume their role as the form of first instance for evaluating municipal compliance with *Mount Laurel* obligations, and also established a transitional process for municipalities to seek a Judgment of Compliance and Repose (“JOR”) in lieu of Substantive Certification from COAH.

While the Supreme Court's decision set forth a procedural path for municipalities to address their Third Round fair share obligations, it did not specifically assign those obligations. Instead, the fair share obligation was to be negotiated by the municipalities and Fair Share Housing Center and determined by the trial courts. The Supreme Court directed that the method of determining municipal housing obligations would be "similar to" the methodologies used in the Prior Round calculations. Additionally, the Court provided that municipalities should rely on COAH's Second Round rules (N.J.A.C. 5:93) and certain components of COAH's 2008 regulations that were specifically upheld, as well as the Fair Housing Act to guide planning for affordable housing, preparation of fair share plans, and implementation.

In 2017 the New Jersey Supreme Court determined that the "lost" period of time between 1999 and 2015 when no valid affordable housing regulations were in force, still generated an affordable housing obligation to address housing needs that continued to accrue during that time.² This time period became known as the "gap period" and is now a component of the Third Round obligation.

In 2018 Judge Jacobson decided a Third Round methodology In the Matter of the Application of the Municipality of Princeton, L-1550-15. As a result of this decision, which only legally applied to Princeton and West Windsor, Econsult Solutions, Inc. extrapolated a calculation of Statewide, regional, and municipal Third Round prospective need obligations that have been referenced and utilized by municipalities and the Courts in cases where a Third Round Fair Share Settlement had not been entered prior to that decision.

B. Legislative Background

The New Jersey Legislature has been both responsive to the *Mount Laurel* Judicial decisions and at times proactive in its efforts to craft a comprehensive planning and implementation response to the affordable housing mandate. Significant amendments to the Fair Housing Act were enacted in 2008 and 2024.

On July 17, 2008, P.L. 2008c. 46 (also referred to as A500) amended the Fair Housing Act. The following significant changes were made:

- It established a statewide 2.5% non-residential development fee payable to the municipal or State Affordable Housing Trust Fund instead of requiring non-residential developers to provide affordable housing;
- It eliminated new regional contribution agreements ("RCAs") as a compliance technique available to municipalities. Prior to the change, a municipality could fund the transfer up to 50% of its fair share to a so called "receiving" municipality where the money would be used to create or rehabilitate affordable housing.
- It added a requirement that 13% of all affordable housing units be restricted to very low-income households, which it defined as households earning 30% or less of median income;

² The Third Round gap present need is a measure of low- and moderate-income households that formed from 1999 and 2015 and that were still in need of housing in 2015.

- It added a requirement that municipalities had to commit to spend development fees within four years of the date of collection.

On March 20, 2024 the legislature adopted P.L. 2024 c.2 which amended the Fair Housing Act and other related statutes. This amendment intends to provide a more predictable and consistent approach to affordable housing planning and implementation and to enable maximum production of low- and moderate-income housing units. The 2024 amendments to the Fair Housing Act are intended to implement the Mount Laurel doctrine, and provides that municipalities in compliance with the Fair Housing Act are also in compliance with the Mount Laurel doctrine. The following are highlights of the 2024 amendments to the Fair Housing Act:

- The Council on Affordable Housing is formally abolished.
- The NJ Department of Community Affairs (“DCA”) is required to promulgate municipal obligations using an adjusted methodology set forth in the amended Fair Housing Act. The obligations are to be considered advisory, not binding, but any municipal adjustment to the fair share obligation must follow the methodology set forth in the law.
- Establishes timelines for the municipal compliance process and related challenges. Municipalities must abide by the timelines in order to retain immunity from exclusionary zoning lawsuits.
- Requires the New Jersey Housing and Mortgage Finance Agency and the DCA to update the Uniform Housing Affordability Controls (“UHAC”) along with other rules governing the production and administration of affordable housing.
- Establishes the Court- based Affordable Housing Alternate Dispute Resolution Program (“Program”) that is charged with resolving challenges to municipal determinations of fair share needs and compliance efforts.
- Provides for a minimum of 40 year control period for new affordable rental units;
- Modifies the criteria for affordable housing bonuses that may be claimed in municipal fair share plans.
- Establishes a specific timeline for the steps needed to establish municipal affordable housing obligations, to challenge the determinations, and to adopt a Housing Element and Fair Share Plan, in order for them to retain their immunity from exclusionary zoning litigation.

- Establishes new reporting and monitoring procedures and deadlines for both affordable units and affordable housing trust funds and assigns oversight for reporting and monitoring to DCA.

This Housing Element and Fair Share Plan has been prepared to address the essential components of a Housing Element (as required by N.J.S.A. 52:27D-310 and N.J.S.A. 40:55D-28), to meet the requirements of the FHA as most recently amended, and to meet the intent of Administrative Directive #14-24.

C. Chesterfield Township Affordable Housing History

Chesterfield Township adopted its first Housing Element in 1985 after the *Mount Laurel II* decision (1983), but before the adoption of the NJ Fair Housing Act and before the creation of Council on Affordable Housing (COAH). At that time, the NJ State Development Guide Plan designated the northwest corner of the Township as a “growth area” (in the vicinity of the Garden State Youth Correctional Facility, and the Bordentown and Hamilton Township borders). As such, the 1985 Housing Element included several alternatives for development on the unconstrained and available land in the “growth area” that would result in satisfaction of the fair share obligation. A new residential zoning district with increased density and a 20% affordable housing set aside was established for the area generally bound by Hogback Road, Ward Avenue, and the NJ Turnpike. An ordinance was also adopted to permit affordable accessory apartments in the AG residential district.

The Fair Housing Act was adopted in 1985 which established the Council on Affordable Housing as an administrative alternative to the courts. In 1987 COAH published its first set of municipal fair share obligations. Chesterfield was allocated a 62-unit fair share obligation. In 1992 the State Development and Redevelopment Plan was adopted, which removed the “growth area” for Chesterfield and identified the entire Township as a rural planning area. In 1994 COAH adopted its second set of substantive regulations and allocated municipal affordable housing obligations through 1999. The first round was recalculated, and the 1987 to 1999 period became cumulative. Chesterfield’s cumulative calculated need was determined to be 68 units (13 indigenous/rehabilitation need and 55 prospective need). In 1995 Chesterfield prepared and filed its second round Housing Element and Fair Share Plan with COAH, but did not petition for substantive certification.

In 1989 the New Jersey Legislature adopted the Burlington County Transfer of Development Rights Demonstration Act (N.J.S.A. 40:55D-113 through 129) which acknowledged the challenges that faced local governments as they sought to accommodate vital growth while preserving the natural resources of the Garden State and aimed to provide a tool for municipalities in Burlington County

to ensure that growth and preservation may be compatible goals and that the goals may be achieved in an equitable manner. Throughout the 1990s Chesterfield Township worked with the Burlington County Land Use office to prepare for and lay the foundations for implementation of the Transfer of Development Rights (TDR) program. This included natural resources, conservation and soils studies, transportation studies, community facilities studies, utility and infrastructure studies, market studies, and architectural studies.

In 1997 Chesterfield adopted a Master Plan that recommended a voluntary Transfer of Development Credits program to advance the goal of preserving major contiguous blocks of farmland, protecting landowner equity, and enabling context sensitive growth while minimizing infrastructure and the costs of public services. The 1997 Master Plan anticipated that the receiving area would accommodate as many as 1,220 development credits and as many as 1,700 housing units. On September 16, 1997 a revised Housing Element was adopted, proposing to satisfy the 68 unit (13 present need and 55 prospective need) fair share obligation through a housing rehabilitation program, an accessory apartment program, inclusionary zoning within the receiving area, and an optional RCA program for the transfer of up to 50% of the total obligation in lieu of onsite construction within the receiving area. The Township also filed a petition for substantive certification with COAH.

In 1998 the Township revised the Housing Element to streamline the compliance plan to rely entirely on inclusionary development to meet the entire Prior Round fair share obligation. In 2001 the Township withdrew from COAH, prepared an updated Housing Element and Fair Share Plan that brought together all of the prior planning efforts, affirmed the capacity to accommodate the Prior Round fair share obligation within the TDR receiving area, and filed a Declaratory Judgment action with the Superior Court.

In 2003 Judge Sweeney found Chesterfield Township's HEFS Plan for the Prior Round (1987 – 1999) obligation to be in compliance with the NJ Fair Housing Act and *Mount Laurel* doctrine in satisfying the Township's first and second round fair share need. The Township received a Judgment of Compliance and Repose (for 6 years).

The Township's Prior Round compliance plan relied primarily on a 6% affordable housing set aside for development in the receiving area. The 6% set aside was arrived at by evaluating the need to maintain the value of the development credits in the sending area (landowner equity) to incentivize voluntary participation, and to ensure that the economic burden of the affordable units combined with other mandated improvements (including the collector road system, the creation of the sanitary sewer collection system, and other off tract improvements) was not heavier in the receiving area than in competing market areas. The Fair Share Plan was intended to ensure that

affordable units were created commensurate with the buildout of the receiving area, and that economic interests were balanced in a sustainable way.

When COAH released the first iteration of the Third Round rules in 2004, incorporating the “growth share” methodology, the Township determined that it would be prudent to seek a ruling from the Court to clarify the implications of the COAH rules relative to Chesterfield’s long range planning program. On December 14, 2005 Judge Sweeney executed an Order, finding that the 6% affordable housing set aside provided for in the Township’s Prior Round fair share plan as it related to the TDR receiving area was justified and that “no third round affordable housing growth share obligation shall be attributable to the Township as a result of any residential, retail or office development by non-governmental entities within the existing receiving area established by the 1997 Master Plan”. The finding was largely based on a “Planning Report on Chesterfield Township’s Third Round Fair Share Obligation” prepared by Phil Caton and dated October 11, 2005.

In an Order executed on December 14, 2007, Judge Sweeney extended the Township’s second round protection from exclusionary zoning litigation until new Third Round rules were adopted. In an Order executed on February 22, 2008, Judge Sweeney reaffirmed the 2005 Order stating that “the Township shall be entitled to continue to rely upon same in its efforts to assess its Third Round obligation and plan for its satisfaction in light of COAH’s repropose and revised third round rules”. In 2009 Township planner Phil Caton prepared an analysis of the Township’s Third Round Affordable Housing obligation based on the second iteration of the Third Round COAH rules. The analysis and calculation were prepared based on “growth share” as the operating methodology, but with consideration for the structure of the planned TDR program that was already underway.

Since the growth in the receiving area had defined limits, the unknown variable was the extent to which landowners would opt in to the program, thus extinguishing development potential within the sending area. In 2009 the Township agreed to conduct biennial plan evaluation reviews of the actual growth in the sending area to evaluate the accrued fair share obligation. In an Order executed on June 16, 2010 Judge Bookbinder approved an adjustment of the Township’s Third Round growth share obligation from 69 (as calculated by COAH) to 17 units and confirmed that no growth share obligation would be attributable to the Township from growth and development in the TDR receiving area. The submission deadline for the Township’s fair share plan was extended to September 30, 2010.

On September 14, 2010 the Township adopted a Third Round Housing Element and Fair Share Plan demonstrating compliance with the Prior Rounds and the adjusted Third Round Growth Share obligation. The prior round obligation was 55 units (the present need/rehabilitation obligation is recalculated with each census) and with the development of the receiving area underway,

affordable housing was being constructed. The Third Round obligation was set at 17 units (based on actual growth in the sending area from 2004 through 2009 and projected growth in the sending area from 2009 through 2019). COAH's Third Round rules and the "growth share" methodology were overturned by the Court in October 2010.

On June 28, 2011, Judge Bookbinder executed an Order extending the Township's immunity protection from Third Round exclusionary zoning litigation and builder's remedy lawsuits until 90 days after new Third Round rules take effect. On July 20, 2011, Judge Bookbinder executed an Order requiring the Township to continue to implement the components of its Fair Share Plan in the TDR receiving area that will provide for affordable units toward the third round.³

The New Jersey Supreme Court's March 2015 *Mount Laurel IV* decision held that the review and approval of all exclusionary zoning matters would be heard by Trial Court Judges rather than by COAH. This decision set forth a procedural path but did not provide new "Third Round rules" and did not rule on the precise methodology that would be used to calculate fair share numbers. Virtually all developments in Chesterfield since the 1990s have taken place within the receiving area. The Township therefore continued with implementation of the receiving area inclusionary zoning scheme that had been developed to balance various competing demands, and that became a model and case study referenced throughout the State and the Country.

The Township's 2017 Master Plan Reexamination and Amendment carried forward the 2009 Reexamination recommendations related to third round fair share compliance. In 2022 the Township initiated a review of the Third Round obligations calculated by Econsult following Judge Jacobson's 2018 decision *In the Matter of the Application of the Municipality of Princeton, L-1550-15*. The Township found that there is a fundamental disconnect between the fair share methodology and the exceptional circumstance of the Township's TDR program, considering the explicit economic balance that had been established between the sending and receiving areas, and that were necessary for the Township's successful TDR program.

A more detailed explanation of the TDR program is included in section D below. As the receiving area has been developed over the last 20 years, affordable housing units have been constructed as part of each section of the planned development. The inventory of affordable units is Appendix D.

³ The Township has continued implementing the inclusionary development scheme that was approved by the Court. Implementation has satisfied the Prior Round and has yielded 26 units for the Third Round. A total of 1,133 residential units have been constructed in the receiving area, resulting in 63 deed restricted affordable units.

D. Transfer of Development Rights (TDR) Program and Fair Share Obligation Analysis

In 1998 Chesterfield Township became the first municipality in New Jersey to enact and implement a municipal-wide Transfer of Development Rights (hereinafter "TDR") land use and zoning program. In the face of intense residential development pressure, Chesterfield's leaders, in coordination with Burlington County and the State of New Jersey, planned and implemented a comprehensive growth management program with agriculture at its core. By all conventional planning indices, the TDR program has done very well and is achieving the objectives it was designed to achieve. The market in development credits in Chesterfield has been fully functional since the program's inception in 1998 with credit values appreciating substantially over the last 27 years. As the buildout of the receiving area nears completion, the Township has emerged with its rural and historical character intact and as a model community where residential growth, affordable housing, and agricultural production coexist.

A key component of Chesterfield's TDR program was the satisfaction of the Township's 12-year cumulative affordable housing obligation (Prior Round). The Township's 2001 Housing Element and Fair Share Plan included an analysis of the respective acreage and development credits assigned to the Sending and Receiving Areas, the credits required for various residential uses (no credits are required for affordable housing units), the development capacity of the Receiving Area considering environmental constraints, and the PVD zoning standards, and concluded that the application of a 6% affordable housing set aside within the Receiving Area would create a realistic opportunity for achieving the Prior Round fair share obligation without undermining the TDR program overall. The 2001 Housing Element provided an economic justification for the 6% set aside. The comparatively low set aside was determined with consideration for the variety of costs to be incurred by developers in the receiving area and intended to ensure that development in the receiving area remained competitive with development in neighboring municipalities. There were many interconnected factors that needed to align to ensure that the TDR program was economically viable. Since the program was voluntary, the credit value needed to be high enough that landowners would be motivated to sell them (thereby preserving farmland). The affordable housing set aside needed to represent an economic burden equivalent to that being borne by competing market rate residential developers throughout the Chesterfield market area so that developers would be interested in buying credits and developing in the planned village. Parity was important to maintain, particularly at the relatively low densities (2-3 units per acre) which prevail in the developments approved within the Receiving Area.

The 6% set aside was also determined to be consistent with the subsequent January 25, 2007 decision by the Appellate Division which found, among other deficiencies with COAH's rules, that developers could not be compelled to bear an affordable housing burden beyond properly established developer fees without a compensating zoning benefit. The TDR planning program transfers development from one area of the town to another but does not increase the overall density above what could have been developed had the entire town been consumed by suburban sprawl based on the pre-TDR zoning. The 6% set aside was specifically selected to balance the two principal State policy goals that were shared by Chesterfield and included in the Master Plan:

accommodating growth while preserving the municipality's established agricultural character and satisfying the municipality's constitutional obligation to provide for its fair share of the regional need for housing affordable to low- and moderate-income households. If the affordable housing set aside percentage had been increased above 6% it would have begun to diminish the value of development credits and thereby erode landowner equity – a critical foundation for a successful TDR program. Further, if the set aside had been reduced below 6% the likelihood of achieving the Township's prior round fair share obligation could have been jeopardized and would not have provided a realistic opportunity.

These facts were recognized in 2005 when the Superior Court found that no growth share obligation would accrue from development by non-governmental entities in Chesterfield's Receiving Area.

Specifically, the December 14, 2005 Order by Judge Sweeney stated:

"The Court accepts the 'rational basis' justifications set forth in the Planner's Report as more fully amplified in the Court's comprehensive bench determinations. The contents of the Planner's Report (marked as Exhibit 'A' at the Hearing) and the Court's December 7, 2005 bench determinations are adopted and incorporated by reference herein as if set forth herein at length. As such, the Court finds and determines pursuant to N.J.A.C. 5:94-2.4(a)(3) that there was and is a 'rational basis' to justify a 6% affordable housing set-aside in the Township's existing second round Housing Element and Fair Share Plan as it relates to the TDR 'Receiving Area' that heretofore received judicial approval, consequently, no third round affordable housing growth share obligation shall be attributable to the Township as a result of any residential, retail or office development by non-governmental entities within the existing 'Receiving Area' established by the 1997 Master Plan of Chesterfield Township."

In the February 22, 2008 Order, Judge Sweeney reaffirmed the 2005 Order and stated:

"All of the Court's findings and determinations in prior Orders up to and including the most recent Order entered on December 14, 2005 are ratified and confirmed and the Township shall be entitled to continue to rely upon same in its efforts to assess its third round obligation and plan for its satisfaction in light of COAH's repropose and revised third round rules."

In 2010 when a Third Round Fair Share Plan was being prepared, the Township continued its reliance upon the 2005 and 2008 Orders. The Township evaluated its Third Round growth share obligation, premised on the fact that development by private developers in the Receiving Area would not factor in the calculation of the Third Round obligation. Only development outside the Receiving Area would generate a third round "growth share" obligation for Chesterfield.

While the "growth share methodology" was overturned in 2010, the principles upon which the above determinations were made remained and remain relevant. It is implicit in a TDR program that growth is finite. The program is premised on the established expectation of development potential in both the sending and receiving areas, and the objective of directing growth to the

planned village receiving area. Special consideration would be (and is) given to small scale redevelopment, infill, and other emergent opportunities to ensure that residential development would be inclusionary and that commercial development would contribute funds in support of affordable housing.

In 2011 Judge Bookbinder issued orders extending Chesterfield's immunity protection from exclusionary zoning litigation and requiring the Township to continue to implement the inclusionary zoning in the TDR receiving area to provide affordable housing toward the Third Round fair share obligation.

Consistent with Superior Court decisions and the ongoing cooperative approach to Chesterfield's TDR program by the Township, County, and State, the Township proceeded with implementation of the TDR program and the approved affordable housing set aside. Chesterfield aims to satisfy its Fourth Round prospective need obligation as set forth in this plan. The Township's planning program is unique in the State and should not accrue a Third Round obligation from development located in Chesterfield's Receiving Area. The Third Round methodology that was established by Judge Jacobson's decision *In the Matter of the Application of the Municipality of Princeton, L-1550-15* is now commonly referenced to infer Third Round obligations. A review of the workbooks utilized to calculate municipal obligations under this methodology, it is clear that Chesterfield Township's obligation is significantly correlated with the residential growth in the receiving area (the income capacity factor) that occurred between 1999 and 2014. The methodology, intended to be applicable Statewide, is not fit to adjust to the specific circumstances of Chesterfield's specific planning history and growth management program.

E. Timelines

N.J.S.A. 52:27D-304.1 provides that following the expiration of the Third Round of affordable housing on July 1, 2025, a municipality shall have immunity from exclusionary zoning litigation if the municipality complies with the deadlines established for both determining present and prospective obligations and for adopting a housing element and fair share plan to meet those obligations. The New Jersey Department of Community Affairs (DCA) prepared calculations of regional need and municipal present and prospective need obligations in accordance with the methodology and formulas established in 52:27D-304.2 and C.52:27D-304.3. These obligations are set forth in a report entitled "Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background". The following is an overview of the timelines that are set forth in the amended Fair Housing Act for Fourth Round participation, and Chesterfield's responses to the timeline.

1. January 31, 2025. For the fourth round of affordable housing obligations participating municipalities were required to determine their present and prospective fair share obligations by binding resolution no later than January 31, 2025.

Chesterfield Township adopted Resolution 2025-1-33 on January 23, 2025.

The Declaratory Judgement Action was filed with the program on January 24, 2025, Docket BUR-L-000199-25.

2. February 28, 2025. Challenges to the municipal determination were required to be filed by February 28, 2025.

Challenges were filed by the New Jersey Builders Association (NJBA) and Fair Share Housing Center (FSHC).

3. March 31, 2025. Decisions on challenges to the municipally determined obligation shall be decided by the program by March 31, 2025 and an order will be entered by the vicinage's judge.

Chesterfield Township participated in dispute resolution sessions on March 10, 2025 and March 19, 2025. At the mediation, the Township, FSHC, and NJBA agreed to a Fourth Round fair share obligation of 45 units. The Affordable Housing Dispute Resolution Program recommended the Settlement to the Court.

On April 17, 2025, by Order of Judge Cook, the municipal fourth round prospective need obligation was fixed at 45.

4. June 30, 2025. Municipalities are required to adopt a housing element and fair share plan and propose drafts of the appropriate zoning and other ordinances and resolutions to implement its present and prospective obligation by June 30, 2025, and file it with the Program.
5. August 31, 2025. Challenges to the adopted housing element and fair share plan alleging non-compliance with the Fair Housing Act must be filed by August 31, 2025.
6. March 15, 2026. The municipality shall adopt Implementing ordinances and resolutions by March 15, 2026.

F. Housing Element Requirements

Pursuant to both the Fair Housing Act (52:27D-310) and the Municipal Land Use Law (N.J.S.A. 40:55D-28 and -62), municipalities in New Jersey are required to include a housing element in their master plans. The land use element and the housing plan element are the foundations for the municipal zoning ordinance. The housing element is designed to provide information and perspective to guide the municipality toward identifying its present and prospective housing needs and to provide the foundations that will enable the municipality to provide access to affordable housing opportunities to meet the identified needs with particular attention to low- and moderate-income housing. The Fair Housing Act requires that the Housing Element include the essential elements outlined below (**N.J.S.A. 52:27D-310**).

- a. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated, and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose of conducting the inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards;
- b. A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
- c. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
- d. An analysis of the existing and probable future employment characteristics of the municipality;
- e. A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing, as established pursuant to section 3 of P.L.2024, c.2 (C.52:27D-304.1);
- f. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing;
- g. An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c.273 (C.52:27D-329.20);
- h. For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), an analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities. This analysis shall include consideration of the municipality's most recent Highlands Municipal Build Out Report, consideration of

opportunities for redevelopment of existing developed lands into inclusionary or 100 percent affordable housing, or both, and opportunities for 100 percent affordable housing in both the Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands regional master plan; and

- i. An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

G. Directive #14-24 Requirements

The March 20, 2024 amendments to the Fair Housing Act (P.L. 2024 c.2) established the Affordable Housing Alternate Dispute Resolution Program (the “Program”) within the Judiciary that is responsible for reviewing challenges to municipal fair share determinations and municipal compliance efforts. Administrative Directive #14-24 was issued to promulgate procedures and guidelines for implementing the Program. The Directive includes an Addendum outlining the elements to be included in the Housing Element and Fair Share Plan. These elements are outlined below.⁴

1. Detailed site suitability analyses, based on the best available data, for each of the un-built inclusionary or 100 percent affordable housing sites in the plan as well as an identification of each of the sites that were proposed for such development and rejected, along with the reasons for such rejection.
2. The concept plan for the development of each of the selected sites should be overlaid on the most up to date environmental constraints map for that site as part of its analysis. When the detailed analyses are completed, the municipality can see what changes will be needed (either to the selected sites or to their zoning) to ensure that all of the units required by the settlement agreement will actually be produced. If it becomes apparent that one (or more) of the sites in the plan does not have the capacity to accommodate all of the development proposed for it, the burden will be on the municipality either to adjust its zoning regulations (height, setbacks, etc.) so that the site will be able to yield the number of units and affordable units anticipated by the settlement agreement or to find other mechanisms or other sites as needed to address the likelihood of a shortfall.
3. The final HEFSP must fully document the creditworthiness of all of the existing affordable housing units in its HEFSP and to demonstrate that it has followed all of the applicable requirements for extending expiring controls, including confirmation that all of the units on which the controls have been extended are code-compliant or have been rehabilitated to code-compliance, and that all extended controls cover a full 30-year period beginning with the end of the original control period. Documentation as to the start dates and lengths

⁴ The Directive references consistency with an executed “Settlement Agreement”. However the Round 4 process does not require a settlement agreement at this juncture.

of affordability controls applicable to these units and applicable Affordable Housing Agreements and/or deed restrictions is also required. Additionally, the income and bedroom distributions and continued creditworthiness of all other existing affordable units in the HEFSP must be provided.

4. The HEFSP must include an analysis of how the HEFSP complies with or will comply with all of the terms of the executed settlement agreement.

Once the HEFSP has been prepared, it must be reviewed by Fair Share Housing Center and the Program's Special Adjudicator for compliance with the terms of the executed settlement agreement, the Fair Housing Act (FHA) and Uniform Housing Affordability Controls (UHAC) regulations. The HEFSP must be adopted by the Planning Board and the implementation components of the HEFSP must be adopted by the governing body.

III. Housing Element Analysis

A. Demographic Characteristics

1. Population

The changes in population in Chesterfield Township, Burlington County and the State of New Jersey from 1930 through 2024 are shown in Table 1. Chesterfield experienced relatively steady population growth from 1930 through 1990, with ten-year population increases ranging from 254 (during the 1940s) and 677 (during the 1980s). During the post World War II suburban housing boom, Burlington County overall grew at a much higher rate than Chesterfield Township. The 1950s through 1970s were a time of substantial residential development in suburbs in the path of expansion out from urban areas. Chesterfield grew during this time, but the growth rate was slower, as infrastructure and suburban support services were not readily available or extendable, and farming remained a viable and productive use of the land. As development pressure mounted and consumptive land development patterns crept closer, Chesterfield worked to lay the foundations for its Transfer of Development Rights program. Chesterfield's population growth after 2000 was primarily driven by compact housing development at Old York Village (the TDR receiving area). The largest net increases in population have occurred between 2000 and 2010 (1,744) and 2010 and 2020 (1,723).

The presence of the Albert C. Wagner Youth Correctional Facility (opened in 1934) and the Garden State Youth Correctional Facility (opened in 1968) in Chesterfield have also factored into the Township's population. As of 2025 there are 961 inmates at the GSYCF. The Wagner facility was closed in 2020 as part of a Department of Corrections consolidation plan.⁵

⁵ The closure of the Albert C Wagner facility may partly explain the estimated loss of population in Chesterfield between 2020 and 2024, even though additional development in the TDR receiving area has been completed during that time.

Table 1 Population Trends									
Year	Chesterfield Township			Burlington County			New Jersey		
	Population	Change since last Census		Population	Change since last Census		Population	Change since last Census	
		Number	Percentage		Number	Percentage		Number	Percentage
1930	1,269	--	--	93,541	-	-	4,041,334	-	-
1940	1,766	497	39.2%	97,013	3,472	3.7%	4,160,165	118,831	2.9%
1950	2,020	254	14.4%	135,910	38,897	40.1%	4,835,329	675,164	16.2%
1960	2,519	499	24.7%	224,499	88,589	65.2%	6,066,782	1,231,453	25.5%
1970	3,190	671	26.6%	323,132	98,633	43.9%	7,168,164	1,101,382	18.2%
1980	3,867	677	21.2%	362,542	39,410	12.2%	7,364,823	196,659	2.7%
1990	5,152	1,285	33.2%	395,066	32,524	9.0%	7,730,188	365,365	5.0%
2000	5,955	803	15.6%	423,394	28,328	7.2%	8,414,350	684,162	8.9%
2010	7,699	1,744	29.3%	448,734	25,340	6.0%	8,791,894	377,544	4.5%
2020	9,422	1,723	22.4%	461,860	13,126	2.9%	9,288,994	497,100	5.7%
2024*	9,022	-400	-4.4%	475,515	13,655	3.0%	9,500,851	211,857	2.3%
Source: U.S. Census Bureau, Decennial Census and 2024 Population and Housing Unit Estimates * 2024 is an estimate									

2. Population Composition by Age

According to the 2023 American Community Survey 5-year estimates, the median age of the residents of Chesterfield in 2023 was 34.8 years.⁶ Analysis of age group characteristics provides insight into the demographic shifts and trends in a municipality. Changes in age group data reflect a number of demographic trends, which can be helpful in considering how the changes impact housing, community facilities and services needs for the municipality and the County overall. Between 2000 and 2020 the age composition of Chesterfield has fluctuated among each age cohort. While the population overall has increased by 58%, the number of children under the age of 14 has increased by 178%. The number of adults aged 35 to 64 has also increased disproportionately. This is reflective of the demographic purchasing new homes in the TDR receiving area. Over time, the population will age, and then housing turnover will bring a new wave of younger families.

⁶ The presence of the Garden State Youth Correctional Facility, housing young adult inmates ranging from 18 to 30 years old impacts the median age in the Township.

Table 2 Population by Age 2000 and 2020, Chesterfield Township						
Population	2000		2020		Change, 2000 to 2020	
	Number	Percentage	Number	Percentage	Number	Percentage
Total population	5,955	100%	9,422	100%	3,467	58.2%
Under 5 years	183	3.1%	404	4.3%	221	120.8%
5 to 14	378	6.3%	1,161	12.3%	783	107.1%
15 to 24	2,568	43.1%	2,799	29.7%	231	9.0%
25 to 34	1,262	21.2%	1,525	16.2%	263	20.8%
35 to 44	513	8.6%	1,120	11.9%	607	118.3%
45 to 54	489	8.2%	997	10.6%	508	103.9%
55 to 64	263	4.4%	735	7.8%	472	179.5%
65 and over	299	5.0%	681	7.2%	382	127.8%
Source: US Census Bureau, Decennial Census						

B. Housing Characteristics

There were 2,573 housing units in Chesterfield as of 2023. The Township's housing stock consists primarily of single-family houses (77.9%), followed by a substantial number of single attached houses (16.8%). The stock of single-family detached units makes up a greater portion of the Township's housing stock (77.9%) than that of Burlington County overall (64.4%) and has a comparable percentage of single family-attached (townhouse) units (16.8%) to the County (14.5%). The Township's renter population occupies approximately 6.6% of the housing units.

Table 3 Chesterfield Township Housing by Type of Structure and Tenure								
Number of Units in Structure	Owner-Occupied		Renter-Occupied		Vacant		Total	
	Units	Percent	Units	Percent	Units	Percent	Units	Percent
1, Detached	1,927	74.9%	31	1.2%	47	1.8%	2,005	77.9%
1, Attached	349	13.6%	63	2.4%	21	0.8%	433	16.8%
2	0	0%	0	0%	33	1.3%	33	1.3%
3 or 4	11	0.4%	27	1.0%	0	0%	38	1.5%
5 to 9	0	0%	0	0%	0	0%	0	0%
10 or more	14	0.5%	50	1.9%	0	0%	64	2.5%
Other	0	0%	0	0%	0	0%	0	0%
Total	2,301	89.4%	171	6.6%	101	3.9%	2,573	100%
Source: US Census Bureau, 2019-2023 American Community Survey Five Year Estimates Table B25024, Table B25032								

The approximate age of Chesterfield Township's housing stock is shown in Table 4. The median year of construction of all housing units in the Township is 2004 which is substantially newer than that of Burlington County (1977) and the State overall (1969). Approximately 57% of the Township's housing stock was built after 2000, while 6.1% was built prior to 1940 (primarily in the villages of Crosswicks, Chesterfield, Sykesville). Renter-occupied units in Chesterfield are generally even newer than owner-occupied units, as rented residential units in the TDR receiving area have been more recently constructed.

Table 4 Chesterfield Township Housing by Year Built and Tenure								
Year Built	Owner-Occupied		Renter-Occupied		Vacant		Total	
	Units	Percent	Units	Percent	Units	Percent	Units	Percent
2020 or later	18	0.7%	23	0.9%	0	0%	41	1.6%
2010 to 2019	624	24.3%	61	2.4%	33	1.3%	718	27.9%
2000 to 2009	811	31.5%	66	2.6%	21	0.8%	898	34.9%
1990 to 1999	172	6.7%	0	0%	47	1.8%	219	8.5%
1980 to 1989	169	6.6%	0	0%	0	0%	169	6.6%
1970 to 1979	58	2.3%	0	0%	1	0.0%	59	2.3%
1960 to 1969	121	4.7%	0	0%	0	0%	121	4.7%
1950 to 1959	150	5.8%	7	0.3%	0	0%	157	6.1%
1940 to 1949	21	0.8%	0	0%	0	0%	21	0.8%
1939 or earlier	156	6.1%	14	0.5%	0	0%	170	6.6%
Total	2,301	89.4%	171	6.6%	101	4.0%	2,573	100%
Median Year Built	2004		2010		(X)		2004	
Sources: Table B25034, Table B25036, and Table B25037 U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimates								

As shown in Table 5, 60.2% of all housing units in Chesterfield Township contain four (4) bedrooms or more. Homes in Chesterfield are larger relative to the County and State overall, where 33.3% and 25.6% of housing units have four or more bedrooms.

Table 5		
Chesterfield Township Housing by Number of Bedrooms		
Bedrooms per Unit	Units	Percent
Efficiency	0	0%
1 Bedroom	101	3.9%
2 Bedrooms	161	6.3%
3 Bedrooms	764	29.7%
4 Bedrooms	1,438	55.9%
5+ Bedrooms	109	4.3%
Total	2,573	100%
Source: Table DP04 U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimates		

Between 2013 and 2023, housing values for owner occupied units in Chesterfield increased by 25% (not accounting for inflation). The sharp increase in residential real estate values is consistent with a substantial increase in demand for residential real estate outside of major metropolitan areas beginning during the covid pandemic. In 2013, 30.7% of all owner-occupied homes in the Township were valued at \$500,000 or more; by 2023, that had grown to 43.6%. Approximately 79.7% of homeowners in Chesterfield have a mortgage or other debt on their property, while approximately 26.1% have no mortgage or debt on their property. This is higher than the percentage of homeowners with mortgages across Burlington County (66.6% with mortgage and 33.4% without) and reflects the newer housing stock in the receiving area.

Table 6 Chesterfield Township Value of Owner Occupied Housing Units				
Housing Unit Value	2013		2023	
	Units	Percent	Units	Percent
Less than \$50,000	24	1.5%	0	0%
\$50,000 to \$99,999	9	0.6%	11	0.5%
\$100,000 to \$149,999	18	1.1%	20	0.9%
\$150,000 to \$199,999	10	0.6%	71	3.1%
\$200,000 to \$299,999	221	14.1%	105	4.6%
\$300,000 to \$499,999	808	51.4%	861	37.4%
\$500,000 to \$999,999	473	30.1%	1,195	41.9%
\$1,000,000 or more	9	0.6%	38	1.7%
Total	1,572	100%	2,301	100%
Median Value	\$415,800		\$520,300	
Sources: Table DP04, U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimates;				

Table 7 Mortgage Status Chesterfield Township and Burlington County, 2023 Estimates				
	Township		Burlington County	
	Number	Percentage	Number	Percentage
Housing units with a mortgage, contract to purchase, or similar debt:	1,700	73.9%	88,755	66.6%
With either a second mortgage or home equity loan, but not both:	133	5.8%	10,177	7.6%
Second mortgage only	19	0.8%	1,402	1.1%
Home equity loan only	114	5.0%	8,775	6.6%
Both second mortgage and home equity loan	0	0%	258	0.2%
No second mortgage and no home equity loan	1,525	66.3%	75,895	56.9%
Housing units without a mortgage	601	26.1%	44,570	33.4%
Source: U. S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates, Table B25081				

The median rent in Chesterfield Township in 2023 was \$2,118 dollars, compared to \$1,465 across Burlington County. According to American Community Survey data there are only 108 rental units in Chesterfield where a contract rent is paid. For such a small number of rental units, the survey data may not be reflective of the full picture. For example, it is known that there are 16 deed restricted affordable rental units in Chesterfield.

Table 8 Contract Gross Rent Chesterfield Township and Burlington County, 2023 Estimates				
	Chesterfield Township		Burlington County	
	Units	Percent	Units	Percent
Total Renter Occupied Units	171	100%	42,721	100%
Less than \$200	0	0%	290	0.7%
\$200 to \$399	0	0%	1,026	2.4%
\$400 to \$599	0	0%	580	1.4%
\$600 to \$799	0	0%	1,436	3.4%
\$800 to \$999	7	4.1%	3,529	8.3%
\$1,000 to \$1,499	20	11.7%	14,921	34.9%
\$1,500 to \$1,999	23	14.5%	11,522	27.0%
\$2,000 to \$2,499	17	9.9%	5,374	12.6%
\$2,500 to \$2,999	27	15.8%	1,810	4.2%
\$3,000 to \$3,499	14	8.2%	554	1.3%
\$3,500 or more	0	0%	399	0.9%
No cash rent	63	36.8%	1,280	3.0%
Median Contract Rent	\$2,118		\$1,465	
Source: American Community Survey 2019-2023, 5-year estimates, Table B25056, Table 25058				

C. Households

Households are defined as one or more people, related or not, living together as a housekeeping unit. In 2023 there were 2,472 total households living in Chesterfield Township. Four-person households make up the largest household size at 27.1% of all households, whereas in the County overall only 14.7% of households consist of four people. The average household size in Chesterfield is 3.23 persons, which is higher than Burlington County's average household size of 2.58. Only 6.8% of Chesterfield's households are one person households, compared to 27.7% for the County overall.

According to the U.S. Census, family households are defined as two or more persons living in the same household related by birth, marriage, or adoption. As shown in Table 10 a large majority of households in the Township were categorized as family households (87.8%). Households in Chesterfield consisting of a married couple with children under the age of 18 accounted for 42.8% of all households, compared with 20.2% for the County overall. Single parent households with children account for an additional 6.7% of all households in Chesterfield.

The household composition in Chesterfield is linked to the type of housing, the age of the housing, the public school system, and other community factors.

Table 9 Household Size- Occupied Housing Units, 2023 Chesterfield Township and Burlington County				
	Chesterfield Township		County	
	Number	Percent	Number	Percent
Total Households	2,472	100%	176,046	100%
1-person household	168	6.8%	46,962	27.7%
2-person household	564	22.8%	57,994	32.9%
3-person household	606	24.5%	29,079	16.5%
4-person household	671	27.1%	25,903	14.7%
5-person household	170	6.9%	10,883	6.2%
6-person household	98	4.0%	3,609	2.0%
7-or-more-person household	24	1.0%	1,616	0.9%
Average Household Size	3.23		2.58	
Source: American Community Survey 2019-2023, 5-year estimates Table B25009 and S1101				

Table 10 Household Size and Type, 2023 Chesterfield Township		
	Total	Percent
Total Households	2,472	100%
Family households	2,171	87.8%
Married Couple Family	1,859	75.2%
With own children under 18 years	1,059	42.8%
No children under 18 years	800	32.4%
Other Family	312	12.6%
Male householder, no spouse present	75	3.0%
With own children under 18 years	31	1.3%
Female householder, no spouse present	237	9.6%
With own children under 18 years	134	5.4%
Nonfamily Households	301	12.2%
Average Family Size	3.46	
Source: US Census Bureau, American Community Survey 2019-2023, 5-year estimates Table S1101		

D. Income Characteristics

1. Household Income

As measured in by the American Community Survey 2023 5-year estimate, Chesterfield Township had a significantly higher median household income than that of Burlington County and the State of New Jersey overall. In 2023, the median household income in Chesterfield Township was \$193,224, which is \$87,953 more than Burlington County overall and \$92,174 more than the State overall. However, per capita income in Chesterfield was \$58,113 compared to \$53,077 in Burlington County and \$53,118 for the State overall. This underscores the differences in household and family size. While Chesterfield's household income is high relative to the County and State, the difference is significantly diminished when accounting for household size.

Table 11		
Per Capita and Household Income		
	2023 Per Capita Income	2023 Median Household Income
Chesterfield Township	\$58,113	\$193,224
Burlington County	\$53,077	\$105,271
New Jersey	\$53,118	\$101,050
Source: 2023 American Community Survey 5-year Estimates, Tables 19013 and 19301		

The distribution of household income for Chesterfield Township is listed below. The highest percentage of households (44.3%) fall into the \$200,000 or more income bracket. This category was followed by those households that earned \$100,000 to \$149,999 (17.6%). In Chesterfield, 7.3 percent of households earned less than \$50,000, compared to 23.7 percent of the County's households overall.

Table 12 Household Income Chesterfield Township and Burlington County, 2023				
	Chesterfield Twp		Burlington County	
	Number	Percentage	Number	Percentage
Total Households	2,472	100%	176,046	100%
Less than \$10,000	0	0%	5,362	3.0%
\$10,000 to \$14,999	12	0.5%	1,969	1.1%
\$15,000 to \$24,999	11	0.4%	6,523	3.7%
\$25,000 to \$34,999	74	3.0%	8,027	4.6%
\$35,000 to \$49,999	83	3.4%	19,955	11.3%
\$50,000 to \$74,999	210	8.5%	22,911	13.0%
\$75,000 to \$99,999	150	6.0%	23,250	13.2%
\$100,000 to \$149,999	436	17.6%	35,553	20.2%
\$150,000 to \$199,999	401	16.2%	23,631	13.4%
\$200,000 or more	1,095	44.3%	33,865	19.2%
Median Household Income	\$193,224		\$105,271	
Source: 2019-2023 American Community Survey 5-year Estimates, Tables B19001 and B19013				

2. Poverty Rates

The 2025 Federal Poverty Guidelines define poverty by income thresholds. For a one-person household the Federal poverty income is \$15,650, for a two-person household it is \$21,150, for a three-person household it is \$26,650 and for a four-person household it is \$32,150. Eligibility for assistance programs often use percentages of the federal poverty level to determine eligibility. Since New Jersey is a high-income state with high cost of living, State programs typically use a higher income threshold (such as 138% of the Federal Poverty Level).

Table 13 Poverty Level		
	Families	Individuals
Chesterfield Township	2.6%	2.9%
Burlington County	4.9%	6.8%
Source: US Census Bureau, 2019-2023 American Community Survey 5 year estimates, Tables S1701 and S1702		

3. Income Limits and Rents

In order to be eligible for deed restricted affordable housing in New Jersey, a household's income must be below the income limit for the region in which the housing is located. Generally, housing is considered affordable for a household if no more than 30% of gross income is spent on housing costs. Restricted affordable housing is made affordable for households earning up to 80% of the

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median income in the region. The Fair Housing Act and the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1) define very-low income households (those earning up to 30% of the median household income for the region), low-income households (those earning up to 50% of the median household income for the region) and moderate-income households (those earning from 50% to 80% of the median household income for the region). The maximum income figures are adjusted for household size and the municipality's geographic location within the State (there are six regions) and are updated yearly.

The Uniform Housing Affordability Controls (UHAC) provide that the maximum rent for a qualified affordable unit must be affordable to households that earn no more than 60% of the median income for the region and the average rent must be affordable to households earning no more than 52% of the median income. The maximum sale prices for affordable units must be affordable for households that earn no more than 70% of the median income. The average sale price must be affordable for a household that earns no more than 55% of the median income. Each time an affordable housing development or unit is being prepared for the market, the rent or sales price is calculated by the Township's or the developer's certified administrative agent.

Chesterfield Township is located within region five, which includes Burlington, Camden and Gloucester Counties. Deed restricted affordable housing units must be made affordable to a mix of very low-income, low-income, or moderate-income households. The maximum income depends on the number of people in the household. The table below shows 2025 maximum income limits for households of different sizes in Region 5.

Table 14			
2025 Region 5 Income Limits by Household Size			
# Persons	Very Low Income	Low Income	Moderate Income
1	\$25,080	\$41,800	\$66,880
2	\$28,680	\$47,800	\$76,480
3	\$32,250	\$53,750	\$86,000
4	\$35,820	\$59,700	\$95,520
5	\$38,700	\$64,500	\$103,200
6	\$41,580	\$69,300	\$110,880
Source: NJHMFA, Effective May 16, 2025			

The table below shows illustrative affordable rents in region 5.

Table 15 2025 Illustrative Rents for Region 5				
	unit type	% of median income	Gross rent (all utilities included)	FINAL RENT: Net Rents (Minus utilities not included)
1 Bedroom				
	VL	30.00%	\$672	\$418
	LOW	50.00%	\$1,120	\$866
	MOD	60.00%	\$1,344	\$1,090
2 Bedroom				
	VL	30.00%	\$806	\$502
	LOW	50.00%	\$1,344	\$1,040
	MOD	60.00%	\$1,613	\$1,309
3 Bedroom				
	VL	30.00%	\$932	\$573
	LOW	50.00%	\$1,553	\$1,194
	MOD	60.00%	\$1,863	\$1,504
Source:				

The table below shows illustrative affordable sales prices in region 5.

Table 16 Region 5 Illustrative Affordable Sales Prices (\$250 HOA fees, 6.73% interest rate)			
	Income	% of Median	Sale Price
1 BR			
	Very Low	30.00%	\$45,891
	Low	50.00%	\$96,763
	Mod	60.00%	\$ 122,198
	Mod	65.00%	\$134,916
	Mod	70.00%	\$147,634
2 BR			
	Very Low	30.00%	\$ 61,136
	Low	50.00%	\$122,170
	Mod	60.00%	\$152,687
	Mod	65.00%	\$167,946
	Mod	70.00%	\$183,204
3 BR			
	Very Low	30.00%	\$75,358
	Low	50.00%	\$145,874
	Mod	60.00%	\$181,132

	Mod	65.00%	\$198,761
	Mod	70.00%	\$216,390
Source CGP&H, May 2025			

Affordable sales prices vary depending on Homeowner Association (HOA) fees, current property taxes, and current mortgage interest rates.

E. Housing Affordability

1. For Sale Housing Units

Based on CGP&H's 2024 illustrative sales price numbers, as many as 78 (3.8%) of for sale units may be affordable to low- and moderate-income households overall (depending on the number of bedrooms in the unit).

2. For Rent Housing Units

Based on CGP&H's 2025 illustrative rents, as many as 27 units, or 15.8%, may be affordable to low- or moderate-income renters depending on the unit size.

Housing is generally considered to be affordable if the costs of rents, mortgages, and other essential costs consume 28% or less of an owner-household's income or 30% or less of a renter-household's income. Homeowner rates are lower to account for the additional home maintenance costs associated with ownership. In Chesterfield Township, while only 25% of all households in owner occupied units are expending more than 30% of their income on housing, nearly 41% of renter households are paying more than 30% of their income on housing. At higher income levels, the higher percentage spent on housing is easier to absorb than it is at lower income levels.

Chesterfield Township Housing Affordability						
Monthly Housing Costs as % of Income	Owner Occupied		Renter Occupied		All	
	Units	Percent	Units	Percent	Units	Percent
Less than 20%	1,106	48.1%	57	52.8%	1,163	48.3%
20 to 29%	622	27.0%	7	6.5%	629	26.1%
30% or more	573	24.9%	44	40.7%	617	25.6%
Not Computed	0	0%	63	58.3%	63	2.6%
Total	2,301	100%	108	100%	2,409	100%
Remaining occupied units have zero income and/or no cash rent						
Source: 2019-2023 American Community Survey Table DP04						

F. Substandard Housing Capable of Being Rehabilitated

Approximately 17.4% of Chesterfield's housing stock, roughly 448 housing units, was constructed before 1970. Overall housing in Chesterfield is well maintained. In some communities, older housing units are the most likely to be substandard or in need of rehabilitation. However, in Chesterfield much of the older housing stock is in the historic village areas, where value has been preserved and where property owners are meticulous about caring for their homes.

The present need is defined by the FHA as the number of substandard existing deficient housing units currently occupied by low-and moderate-income households. The present need (rehabilitation) fair share obligation is calculated using three proxy factors for each municipality including (a) the number of housing units lacking complete kitchen facilities, (b) the number of units lacking complete plumbing facilities and (c) the number of overcrowded units more than 50 years old that are occupied by low- and moderate-income households. The proxy data is intended to reflect the number of substandard units in the municipality occupied by low-and moderate-income households that may be in need of rehabilitation. The data is based on tabulations of survey responses. The DCA's calculation methodology is intended to account for overlap.

According to the American Community Survey Five Year Estimates, in 2023, there were zero housing units in Chesterfield Township that were overcrowded (more than 1 person per room) and were in structures that were built before 1950. Zero units had incomplete kitchen facilities and zero units had incomplete plumbing facilities. These conditions are used in New Jersey's affordable housing methodology as indicators of housing deficiency.

Table 18 Chesterfield Deficient Housing Units			
	Incomplete Plumbing	Incomplete Kitchen	Crowded and Build Prior to 1950
Number of Units	0	0	0
Source: 2019-2023 American Community Survey Five-Year Estimate Tables B25050 and B25051			

G. Employment Data

1. Labor Force Estimates

Table 19 details changes in employment among Chesterfield Township residents from 2007 through 2024. The numbers are estimates from the New Jersey Department of Labor and Workforce Development. Employment among Chesterfield Township residents in the labor force has increased as the Township's population has grown. This is particularly true because the housing types that have been constructed in the receiving area since 2007 are designed to accommodate families with working aged adult householders. The unemployment rate in Chesterfield has generally aligned with the unemployment rate in the County and the State and has been reflective of national and regional shifts in the economy. Unemployment in Chesterfield increased during the recession in 2009 and lasted through 2012, when the employment rate began to decline, until 2020 when unemployment jumped up again during the global covid pandemic. The covid induced unemployment in Chesterfield was less severe than in the County and State overall, likely because of the jobs held by Chesterfield residents, and the ability to work from home.

Table 19 Employment and Resident Labor Force—Chesterfield Township				
Year	Labor Force	Employment	Unemployment	Unemployment Rate
2007	1,570	1,512	58	3.7%
2008	1,586	1,510	76	4.8%
2009	1,601	1,469	132	8.2%
2010	1,853	1,727	126	6.8%
2011	2,319	2,180	140	6.0%
2012	2,892	2,644	248	8.6%
2013	2,890	2,678	212	7.3%
2014	2,842	2,674	168	5.9%
2015	2,832	2,692	140	4.9%
2016	4,247	4,103	144	3.4%
2017	4,255	4,120	135	3.2%
2018	4,267	4,143	124	2.9%
2019	4,306	4,201	105	2.4%
2020	4,254	4,024	230	5.4%
2021	4,101	3,935	166	4.0%
2022	4,248	4,136	112	2.6%
2023	4,469	4,331	138	3.1%
2024	4,497	4,347	1,150	3.3%
Source: New Jersey Department of Labor and Workforce Development Labor Force Estimates				

2. Class of Worker

According to the American Community Survey data, the vast majority of workers (75.4%) living in Chesterfield Township in 2023 were part of the private wage and salary worker group. This group includes people who work for wages, salary, commission, and tips for a private for-profit employer or a private not-for-profit, tax-exempt or charitable organization. The second largest category was government worker (20.2%), followed by those who were self-employed (4.5%).

Table 20 Class of Worker Chesterfield Township, 2023 Estimates		
	Number	Percentage
Employed Civilian population 16 years and over	4,296	100.0%
Private Wage and Salary Worker	3,238	75.4%
Government Worker	866	20.2%
Self-Employed Worker	192	4.5%
Unpaid Family Worker	0	0%

Source: 2023 American Community Survey 5-Year Estimates, Table DP01

3. Employment by Industry

The table below indicates the industries that Chesterfield Township residents work in. According to the 2023 American Community Survey 5 year estimates, there were 4,296 employed Chesterfield Township residents in 2023.

Table 21		
Resident Employment by Industry 2023		
Private Sector Category	Number of Jobs	Percent
Agriculture, forestry, fishing and hunting, and mining	6	0.1%
Construction	357	8.3%
Manufacturing	270	6.3%
Wholesale trade	89	2.1%
Retail trade	156	3.6%
Transportation and warehousing, and utilities	204	4.7%
Information	104	2.4%
Finance and insurance, and real estate and rental and leasing	646	15.0%
Professional, scientific, and management, and administrative and waste management services	547	12.7%
Educational services, and health care and social assistance	1,175	27.4%
Arts, entertainment, and recreation, and accommodation and food services	305	7.1%
Other services, except public administration	74	1.7%
Public administration	363	8.4%
Total Covered Employment	4,296	100%
Source: Source: 2023 American Community Survey 5-Year Estimates, Table DP03		

4. Chesterfield Township Employment by Sector

There is limited information available about actual jobs and employers within individual municipalities. The New Jersey Department of Labor collects quarterly information on covered employment, which is employment and wage data for employees covered by unemployment insurance. This data excludes small businesses, self-employed people, part-time workers, and some agricultural work that is not covered by unemployment. The U.S. Census Bureau's Center for Economic Studies also tracks "covered employment" for various geographic areas. Covered employment data includes only those jobs for which unemployment compensation is paid.

Table 22			
Average Number of Chesterfield Township Establishments and Employees by Industry			
Industry ID and Description		Avg Units	Avg Employment
	Local Govt	2	123
	State Govt	8	175
61	Local Govt- Education	1	109
11	Agriculture	8	28
23	Construction	13	75
31	Manufacturing	-	-
42	Wholesale Trade	4	37
44	Retail Trade	7	117
48	Transportation/Warehousing	-	-
51	Information	-	-
52	Finance/Insurance	7	22
53	Real Estate	-	-
54	Professional/Technical	29	75
55	Management	-	-
56	Admin/Waste Remediation	9	75
62	Health/Social	12	26
71	Arts/Entertainment	8	59
72	Accommodation/Food	6	94
81	Other Services	-	-
99	Unclassifieds	10	12
	Private Sector Totals	136	719
Source: NJ Department of Labor & Workforce Development, Quarterly Census of Employment and Wages by sector, 2023.			

H. Population and Housing Projections

The Delaware Valley Regional Planning Commission ("DVRPC") is the Metropolitan Planning Organization ("MPO") for all of Region 5, including Burlington County, and publishes population and employment projections. The DVRPC projects that Chesterfield's population and employment will increase by 7.1% and 9.7%, respectively, from 2020 to 2050. As Table 23, Population, and Employment Projections, 2020 to 2050 shows, both population growth in Chesterfield is anticipated to be greater than that of Burlington County overall, as the receiving area is built out. Employment growth, however, is anticipated to be less than that of Burlington County overall.

As detailed in Section IIC and IID of this Plan, in the 1980s Chesterfield acknowledged its location in the path of suburban development and took action to alter the course of the land consumptive and sprawling development pattern. Within the Township there is a clear delineation between the designated growth area (receiving area and villages) and the rural and agricultural area (sending area). As municipalities closer to the urban center have built out, land within

Chesterfield's receiving area has become the focus of residential development. The remaining receiving area land, and the proposed expanded receiving area, are well positioned to accommodate well designed and complementary development, while the rural sending area is well positioned to hold the line on suburban sprawl and to ensure that valuable farmland and environmentally sensitive areas are preserved and protected from encroachment.

Table 23						
Population, and Employment Projections, 2020 to 2050						
	Chesterfield Township			Burlington County		
	2020	2050	% Change	2020	2050	% Change
Population	9,422	10,088	7.1%	461,860	481,500	4.3%
Employment	1,895	2,078	9.7%	272,361	304,810	11.9%
Source: DVRPC County and Municipal Population and Employment Forecasts 2020-2050						

The Fair Housing Act requires that the Housing Element include a projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands.

Table 24			
Chesterfield Township			
Residential COs and Demolition Permits Issued			
Year	Certificates of Occupancy	Demolitions	Net New Dwellings
2013	25	1	24
2014	26	0	26
2015	51	0	51
2016	49	1	48
2017	58	4	54
2018	41	1	40
2019	36	0	36
2020	28	1	27
2021	2	0	2
2022	1	2	-1
2023	3	0	3
Total	320	10	312
Annual Average	32	1	31.2
Source: NJDCA Construction Reporter, Yearly Summary Data			

Though the DCA's Construction Reporter data indicates that 312 certificates of occupancy have been issued in Chesterfield over the ten-year period between 2013 and 2023, this number does not specifically inform the Township's growth projection for the next ten years. Since Chesterfield is a planned community, growth is not linear. While it is influenced by general market forces, it is also influenced by the availability of land in the receiving areas, and the availability of TDR credits. The following table includes information about approved and projected development. It is anticipated that 181 new residential units will be added to the housing inventory over the next ten years. Changes proposed as part of the Fourth Round Fair Share Plan will increase development potential with an increase in permitted density on Block 107 Lot 20 (62 acres) and a 100% affordable development consisting of 25 residential units. These sites are not included in the projection in table 25.

Table 25 Chesterfield Township Anticipated Residential Development 2025-2035				
Development Name	Unit Type	Status	# of Units	Projected Completion
118NP (receiving area)	Single family detached Single family attached	Approved	12	2027
Bentley Farm (receiving area)	Single family detached	Approved	23	2027
Ottavi Property (receiving area)	Single family detached	Proposed	12	2028
Crosswicks Firehouse Redevelopment (Crosswicks)	Multi-family	Proposed	4	2027
Mincemeat Factory Redevelopment (Crosswicks)	Single Family	Proposed	6	2028
Liedtka Property (Receiving Area)	Single Family detached Single Family attached	Zoned	124	unknown
Total Projected Housing Units through 2035			181	

I. Consideration of Lands Appropriate for Affordable Housing and Consistency with the State Development and Redevelopment Plan

The Fair Housing Act requires that a municipal housing element must include consideration of lands most appropriate for construction of low- and moderate-income housing and existing structures most appropriate for conversion, or rehabilitation for low- and moderate-income housing. The evaluation must include a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing. The Act further requires an analysis of consistency with the State Development and Redevelopment Plan.

Chesterfield Township is divided into three distinct types of land use areas that generally coincide with the "Centers" and "Environs" designations contemplated by the State Plan. The entirety of Chesterfield Township is within the Rural Planning Area (PA-4), but there are three distinct historic

village and hamlet areas including Crosswicks, Chesterfield, and Sykesville. The fourth village is Old York Village, the planned TDR receiving area. The designated sewer service area generally aligns with the State correctional facilities where the wastewater treatment plant is located (northwest of the NJ Turnpike), Old York Village, and Crosswicks Village. The Chesterfield Village and Sykesville Hamlet area are not served by public water or sewer systems. The Township's planned growth approach has worked because of the bold leadership, vision, and persistence that enabled the creation and adoption of a land use planning strategy that interrupted the march of conventional sprawl development. The Township's master plan and development regulations have set clear expectations and well-defined boundaries for the TDR sending and receiving areas. The sending area is characterized by farms, agricultural operations, and low-density residential areas. The receiving area is a coordinated traditional neighborhood development. A "Transfer of Development Rights Current Status Map" is included as Appendix C. This map shows the TDR receiving area and the preserved and active farms in the Township.

Consistent with long standing Township, County, and State planning policies, the Township aims to accommodate affordable housing within the designated growth areas. The receiving area has been inclusionary since the outset. The Township aims to increase the supply of affordable housing units in Chesterfield by increasing the affordable housing set aside for the remaining unapproved receiving area (and making other necessary changes to enable the increase) and by identifying possible locations for a 100% affordable housing development within or immediately adjacent to existing growth areas. The proposed inclusionary village and small scale 100% affordable development will make efficient use of utilities and resources, will provide opportunities for a variety of housing types, and will enable a well-connected community with access to shopping, recreation, and employment. Concentrating development opportunities in the receiving area of the Township is consistent with the Township's complementary goals related to the protection of large contiguous areas of valuable farmland and agricultural soils that contribute to the regional and the State needs for productive farmland and agricultural products. The Planning Areas from the State Plan Policy Map and the Sewer Service Area are shown on **Map 1**.

J. Consistency with Recommendations of Multigenerational Family Housing Continuity Commission

The Fair Housing Act requires that the Housing Element consider the extent to which municipal ordinances and other local factors advance or detract from the goals of preserving multi-generational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, established pursuant to paragraph (1) of subsection f. of 23 section 1 of P.L.2021, c.273 (C.52:27D-329.20). As of the time of the preparation of this Housing Element and Fair Share Plan, the Commission has not issued a report. The Township supports multi-generational housing.

IV. Fair Share Plan

The Fair Housing Act at N.J.S.A. 52:27D-310 requires that the housing element include a determination of the municipality's present and prospective fair share and its capacity to accommodate the present and prospective housing needs as established in N.J.S.A. 52:27D-304.1. As required by the law, the Department of Community Affairs calculated Fourth Round regional affordable housing need and allocated the need to municipalities in accordance with the methodology and formulas established in the law.

The Township's cumulative affordable housing obligation consists of four components that have accrued since the "first round" of affordable housing beginning in 1987. The four components are: the Fourth Round Present Need obligation ("Rehabilitation Share"), the Prior Round obligation (combined First and Second Round), the Third Round Gap and Prospective Need obligation, and the Fourth Round Prospective Need obligation. Present Need resets with each round of affordable housing based on an evaluation of census data relating to the number of deficient housing units occupied by low- and moderate-income households existing at the beginning of that round. The obligation in the Prior Round, Third Round, and Fourth Round is also known as "Prospective Need" which refers to the provision of affordable housing necessary to address the demand for housing based on regional population growth and household formation. The Third Round addresses an extended period of time and includes the "Gap" Need obligation for 1999 to 2015 and the Third Round Prospective Need obligation for 2015 to 2025. Chesterfield's position on the Third Round obligation is explained in sections IIC, IID and IVA(2).

Chesterfield Township Fair Share Obligation	
Fourth Round Present Need /Rehabilitation Obligation	0
Prior Round Prospective Need	55
Third Round Gap and Prospective Need	undetermined ⁷
Fourth Round Prospective Need	45

The Affordable Housing sites are shown on Map 2. The map does not show each individual affordable unit within the TDR receiving area but identifies the entire receiving area as an inclusionary development.

Present Need/Rehabilitation Share

In accordance with the amended Fair Housing Act, a municipality's present need obligation shall be determined by estimating the existing deficient housing units currently occupied by low- and moderate-income households within the municipality, following a methodology comparable to the methodology used to determine third round present need, through the use of datasets made

⁷ Chesterfield has not accepted the Third Round number that was calculated by Econsult in 2018 (145 units) by extrapolating the Third Round numbers arrived for Princeton and West Windsor following Judge Jacobson's decision in the Matter of the Application of the Municipality of Princeton, L-1550-15. Chesterfield's unique position is outlined in sections IIC and IID of the Housing Element and Fair Share Plan.

available through the federal decennial census and the American Community Survey, including the Comprehensive Housing Affordability Strategy dataset thereof. (N.J.S.A. 52:27D-304.3(7)(b))

The Present Need affordable housing obligation number is intended to reflect the number of existing deficient housing units currently occupied by low- and moderate-income households that are in need of rehabilitation. The number is calculated using three proxy factors including (a) the number of housing units lacking complete kitchen facilities, (b) the number of units lacking complete plumbing facilities and (c) the number of overcrowded units more than 50 years old that are occupied by low- and moderate-income households (applying a calculated percentage of units occupied by LMI households). The available data is based on tabulations of survey responses.

According to the DCA's evaluation of HUD's Comprehensive Housing Affordability Strategy dataset there are zero households in Chesterfield living in units lacking complete plumbing and/or kitchen facilities and zero units that are overcrowded and occupied by low- and moderate-income households. The Township's rehabilitation obligation is therefore zero.

A. Look Back to Prior Rounds

N.J.S.A. 52:27D-304.1(3)(f)(2)(a) provides that as part of its housing element and fair share plan, the municipality shall include an assessment of the degree to which the municipality has met its fair share obligation from the prior rounds of affordable housing obligations as established by prior court approval, and determine to what extent this obligation is unfulfilled or whether the municipality has credits in excess of its prior round obligations. If a prior round obligation remains unfulfilled, or a municipality never received approval from court or the council for any prior round, the municipality shall address such unfulfilled prior round obligation in its housing element and fair share plan.

In addressing prior round obligations, the municipality shall demonstrate how any sites that were not built in the prior rounds continue to present a realistic opportunity, which may include proposing changes to the zoning on the site to make its development more likely, and which may also include the dedication of municipal affordable housing trust fund dollars or other monetary or in-kind resources. The municipality shall only plan to replace any sites planned for development as provided by a prior court approval, settlement agreement, or approval by the council, with alternative development plans, if it is determined that the previously planned sites no longer present a realistic opportunity, and the sites in the alternative development plan provide at least an equivalent number of affordable units and are otherwise in compliance with the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.) and the Mount Laurel doctrine.

1. Prior Round Obligation

The Prior Round obligation is the cumulative prospective need obligation for the First and Second Rounds of affordable housing (1987 to 1999). Chesterfield Township's **Prior Round Need of 55** units was calculated by COAH in accordance with N.J.A.C. 5:93, and the Second Round Fair Share Plan was approved by the Court. COAH's Second Round rules, contained at N.J.A.C. 5:93, provide

Chesterfield Township Housing Element and Fair Share Plan

the parameters that permit affordable housing credits and bonuses to be applied toward affordable housing obligations for the Prior Round.

A summary of Chesterfield's Prior Round compliance plan is provided on the table below. A complete list of the affordable housing units in Old York Village is provided in Appendix D.

Chesterfield Township						
Prior Round Obligation: 55						
Block	Lot	Compliance Mechanism	Type	Status	Units	Bonuses
200	1	Crosswicks Inn	Family Rental	Complete	1	1
901	7.02	Catholic Charities	Rental SSN	Complete	3	3
206.210	4	90&100 Saddle Way	Family Rental	Complete	8	8
206.223	3	95 &105 Saddle Way ⁸	Family Rental	Complete	2	2
Various		Old York Village Inclusionary	Family For Sale	Complete	27	0
Total					41	14
					55	

The minimum number of affordable rental units and maximum number of age-restricted affordable units are established based on the following formulas set forth in COAH's Second Round rules at N.J.A.C. 5:93.

1. Minimum number of rental units (25% of obligation): 14
2. Maximum number of age restricted units (25% of obligation minus RCAs): 14
3. Bonus credits (max 25% of obligation): 14

2. Third Round Obligation

Chesterfield Township does not have a Third Round Settlement Agreement with Fair Share Housing Center and the Township's Third Round fair share obligation has not been formally established. In 2018 Econsult calculated all municipal obligations using the methodology set forth in Judge Jacobson's opinion In the Matter of the Application of the Municipality of Princeton, L-1550-15. The Township's position on the Third Round number relative to its Transfer of Development Rights program and its Fair Share Planning History is set forth in sections IIC and IID.

Chesterfield's progress toward satisfaction of the Third Round prospective need obligation is provided in the table below. This represents the built out of the Planned Village Development (receiving area) as had been anticipated prior to the preparation of this Fourth Round Housing Element and Fair Share Plan.

⁸ 95 &105 Saddle Way is part of The Residence at Old York Village and contains 7 affordable units. Two are applied to the Prior Round and the remaining units are applied to the Third Round.

Chesterfield Township								
Round 3 Prospective Need: Unconfirmed								
Block	Lot	Name & Location	Unit Type	Sale/Rent	VL/Low/Mod	Status	#Units	#Bonus
206.223	3	95 & 105 Saddle Way ⁹	Family	Rent	1VL/1L/3M	Complete	5	5
Various		Old York Village Inclusionary ¹⁰	Family	Sale	10L/11M	Complete	21	0
107	20	Old York Village Liedtka Site ¹¹	Family	Sale	1 VL/3 L/4 M	Zoned	8	0
107.04	7	118 BC (PVD2)	Family	Sale	1 Low	Approved	1	0
206	17.02	Bentley Farm (PVD2)	Family	Sale	1 Low/1 Mod	Approved	2	0
							37	5
Total							42	

The Third Round is subject to the following crediting parameters. The calculations below are based on the 42 credits outlined above.

1. Maximum Rental Bonuses (25% of obligation) = **11**
2. Minimum Third Round Total Family Units (50% of obligation- bonuses)= 19
3. Maximum Third Round Age-Restricted Units (25% of obligation) = 11
4. Minimum Third Round Rental Units (25% of obligation) = 11
5. Maximum Third Round Family Rental Units (50% of required rental)= 6
6. Minimum Third Round Very Low-Income Units (13% of units approved/created after 7/17/2008) = **5**
7. Minimum Third Round Very Low-Income Family Units (50% of required very low income units) = 3

The continued implementation of the TDR program and the Old York Village plan in its current form will result in the construction of approximately 11 additional affordable housing units. This is consistent with what has been anticipated and planned for throughout the Third Round period.

Revisions to the Planned Village Development standards for the remaining undeveloped land in the receiving area will enable increased total residential yield and an increased affordable housing set aside. Following the adoption of this plan, the Township will evaluate the zoning standards, the availability of development credits, the need for roadway and recreation improvements, and the

⁹ 95 & 105 Saddle Way is part of The Residence at Old York Village and contains 7 affordable units. Two were applied to the Prior Round and the remaining units are applied to the Third Round.

¹⁰ Inventory of completed affordable units is included in Appendix D.

¹¹ This plan proposes to increase the permitted density and affordable housing set aside on the Liedtka property. The previously anticipated yield will accrue to the Third Round and the additional yield will accrue to the Fourth Round.

permitted housing types in order to ensure that: 1) there will be adequate credits available to enable the buildout of the receiving at a potentially higher density, 2) that developing at a higher density is feasible on the site, and 3) that the development of the site will be financially viable and competitive even with a higher affordable housing set aside requirement. The evaluation will consider and implement modifications that will enable a higher affordable housing set-aside without compromising the essential balance that has enabled the TDR program's success.

The proposal is to modify the zoning of lot 20 in block 107, the largest remaining undeveloped site in the receiving area. Beginning with the 1997 Master Plan, it had been anticipated that the 61-acre site in the PVD-1 zone would yield 8 affordable units. The Township proposes that the 8 affordable units that have been anticipated from this site will go toward the Third Round obligation, as development under the current receiving area zoning remains viable and realistic. The increase in affordable housing yield resulting from revisions to the zoning and the modifications to the TDR requirements for this site will accrue to the Fourth Round obligation.

The site is reviewed in detail in the Prospective Need compliance section below. **Map 2** shows the location of the Old York Village inclusionary PVD zone. Block 107 Lot 20 is located at the northeast corner of the village.

B. Fourth Round Prospective Need

The amended Fair Housing Act defines prospective need as a "projection of housing needs based on development and growth which is reasonably likely to occur in a region or municipality, as the case may be, as a result of actual determination of public and private entities." The methodology for calculating the prospective need is set forth at N.J.S.A. 52:27D-304.3(c). The prospective need is calculated based on three factors: the nonresidential valuation factor, the income capacity factor, and the land capacity factor. The three factors are averaged to yield the municipality's average allocation factor for distributing the regional prospective need to the municipality. NJDCA calculated Chesterfield Township's Fourth Round number to be 60.

Based on the history and context described in detail in sections IIC and IID above, and as outlined in Township Resolution 2025-1-33 filed with the Township's Declaratory Judgement Action on January 24, 2025, the Township found that the "one size fits all" methodology is unfit to account for the unique circumstances surrounding land planning in Chesterfield Township. The Township provided an explanation in the binding resolution and proposed a reduced prospective need number of 16. Following mediation, the Township's **Fourth Round prospective need obligation was set at 45 units**. On April 17, 2025, by Order of Judge Cook, the municipal fourth round prospective need obligation was fixed at 45.

The following table summarizes Chesterfield Township's Fourth Round compliance plan. The locations of the affordable housing sites are included on Map 2.

Chesterfield Township Round 4 Prospective Need: 45								
Block	Lot	Name & Location	Unit Type	Sale/Rent	VL/Low/Mod	Status	#Units	#Bonus
107	20	Old York Village Liedtka Site ¹²	Family	Sale	2 VL/6 L/ 8 M	Zoned	16	TBD
300	12	Old School Firehouse LLC (Redevelopment)	Family	Rent	1 Low	Proposed	1	.5
302	1	Mincemeat Factory 5 Chesterfield Crosswicks Rd (Redevelopment)	Family	For Sale	1 Mod	Proposed	1	.5
TBD (sites outlined below)		100% Affordable Development	Family or Senior	Rent	3 VL/6 L/9 M	Proposed	18 ¹³	TBD
TBD		Supportive Special Needs-Group Home	SSN	Rent	4	Proposed	4	4
							40	5
Total								45

1. Bonus Credits and Fourth Round Parameters

N.J.S.A. 52:27D-311(k) provides that a municipality is permitted to satisfy up to 25% of its prospective need obligation through the use of bonus credits. For Chesterfield's Round 4 obligation (45 units) this is 11 Bonus Credits. The following types of bonus credits may be available as part of Chesterfield's Fourth Round fair share plan.

- N.J.S.A. 311(k)(1) provides that for low- and moderate- income housing for individuals with special needs or permanent supportive housing, municipalities may claim 1 bonus credit per unit.
- N.J.S.A. 311(k)(5) provides that for each unit of low- or moderate-income family housing with at least three bedrooms above the minimum number required by the bedroom distribution (pursuant to the Uniform Housing Affordability Controls) the municipality may claim .5 bonus credit per unit.

¹² This plan proposes to increase the permitted density and affordable housing set aside on the Liedtka property. The previously anticipated yield will accrue to the Third Round (8) and the additional yield (+/- 16) will accrue to the Fourth Round.

¹³ The Township will aim for the proposed 100% affordable housing site to yield 25 units. This will provide flexibility in the event that the set aside for inclusionary development of Block 107 Lot 20 must be less than 15% or if the site layout does not yield 24 affordable housing units (8 for Third Round and 16 for Fourth Round). Any excess credits will be carried forward to the Fifth Round.

- N.J.S.A. 311(k)(6) provides that for each unit of low- or moderate-income housing constructed on land that is or was previously developed and utilized for retail, office, or commercial space the municipality may claim .5 bonus credit per unit.

The Fair Housing Act provides parameters to guide the compliance plan and ensure that certain objectives are met. The following are key to the compliance plan:

- A minimum of 50% of the affordable housing units must be family housing units.
- A minimum of 25% of the affordable housing units, exclusive of any bonus credits, must be rental units, and a minimum of half of the rental units must be family rental units.
- A maximum of 30% of affordable housing units, exclusive of any bonus credits may be age-restricted housing units.

2. Old York Village (Block 107 Lot 20)

Receiving Area Inclusionary Housing

Block 107 Lot 20

24 Family Affordable (8 for Third Round, 16 for Fourth Round)

This receiving area lot, known as the Liedtka property, has been part of the receiving area since the outset of the TDR program. It has therefore been included in the Township's earlier fair share compliance plans and has been deemed suitable for inclusionary housing. The 61-acre site has a TDR credit allocation of 7.75 and is currently within the PVD-1 district. The intensity of use within the planned village (receiving area) is limited by a standard of development credits per acre rather than by conventional standards of dwelling units per acre or floor area ratio. The PVD-1 zone is located on the north side of Bordentown Crosswicks Road and allows a maximum intensity of use of 2 credits per acre. The site is constrained by the presence of a tributary to Crosswicks Creek and associated wetlands and flood hazard areas. However, the variety of unit types and lot sizes permitted would still allow the development potential of the site to be realized. Though various combinations of lot sizes are permitted, the village concept plan had anticipated the development of approximately 120 residential units on the tract with 8 affordable units.

This plan proposes to rezone the lot from PVD-1 to PVD-2 (or potentially a new PVD-2A), to increase the permitted intensity to 3 credits per acre and to increase the affordable housing set aside from 6% to up to 15%. An increase in the affordable housing set aside will only be possible with careful consideration and continued balancing of the interests of the landowner, developer/builder, Township, and County. The development of Old York Village is nearing completion. To increase the potential for affordable housing on this remaining tract, the Township will reconcile the availability of TDR credits in the private market with the availability of credits acquired by Burlington County and held in the credit bank (purchased by the County

to stimulate the credit market but not extinguished). The Township will also evaluate the need for utility infrastructure and recreation improvements, the availability of sewer capacity, the remaining recapture requirements for improvements installed by early receiving area developers and will strive to ensure that the TDR program continues to function as planned while providing additional affordable housing units. An evaluation will be conducted to study the economic implications of modifications to the affordable housing requirements, to determine whether the per residential unit credit requirement must be reduced in order to ensure that development of the site is financially viable, and that total sending area credit value is retained, while also increasing affordable housing yield. Though there will be revisions to the zoning and potentially to the credit requirements to increase the affordable housing yield, the design principles espoused in the 1997, 2002, and 2003 Master Plans and in the Township Code (Article IX and section 130-83) will remain in place. The design quality, the traditional neighborhood design, the focus on a pedestrian oriented and people centered neighborhood, and the value of Old York Village will be upheld.

The Township will conduct the required evaluation of the remaining TDR credits, the cost to subsidize additional affordable units, the need for an additional unit type for affordable units, the need for utility infrastructure and recreation. The required affordable housing set aside on Block 105 Lot 20 may be increased up to 15%, but if the evaluation of factors that must balance to maintain the viability of the TDR program demands a lower set aside, then the affordable housing requirement will be set accordingly. The Township will complete this evaluation over the next several months (by January 2026) and will implement revised requirements (via ordinance) by March 2026 as required. The evaluation will be provided as an appendix to this plan when it is complete. The Township anticipates that the total yield at the Liedtka site may be approximately 164 units, including 24 total affordable housing units

3. 100% Affordable Housing Development

Possible Sites

18 Family Affordable (25 total: 18 for Fourth Round , 7 for Fifth Round)¹⁴

The Township has evaluated several areas as it has considered how to meet its fair share obligations. Consistent with long standing Township, County, and State planning policies, the Township would like to provide for its affordable housing obligation with the smallest possible development footprint within or immediately adjacent to the existing sewer service area and designated TDR receiving area. These areas have access to utility infrastructure, can be integrated into the fabric of the community, and are reasonably proximate to other developed areas, infrastructure, employment, and shopping opportunities. In support of this goal, the Township proposes to purchase a tract of land (or to utilize one that it already owns) for the

¹⁴ Following the study of factors influencing the proposed modifications to the zoning of Block 107 Lot 20, it may be determined that the site will yield fewer than 24 affordable units. If that is the case, then additional units from the 100% affordable site will be needed for the Fourth Round.

development of a small scale (25 unit) 100% affordable development. The Township has determined that this will be the most effective and efficient means to add needed affordable units in the context of the community's historic and planned villages. This project will enable the Township to facilitate and meet its full Fourth Round obligation without unduly undermining other important and sometimes competing policy objectives. The affordable units in this development will be rental units, which the Township needs for its compliance plan. If the development is a family project, the municipal contribution of land/funds will make it eligible for bonus credits under the Fourth Round legislation (or rental bonuses under the Third Round rules).

The following is a list of possible sites for a municipally sponsored 100% affordable housing development. The Housing Element and Fair Share Plan will be supplemented with additional information as the Township evaluates and pursues the options.

- a. **Civic Lot. (Block 107.02 Lot 1). 12 Units.** This 1.2 acre lot is owned by the Township. The Township has intended to develop a recreation/community center on this lot. There is demand for such a facility and residents expectations have been set. The site is included here because it is already owned by the Township and has access to necessary utility infrastructure. The site could be placed in a special PVD zone with no credit requirements to accommodate affordable housing. The Township would need to provide the land and support an affordable housing developer in their effort to apply for funding and financing. With the extension of Pocomoke Lane for rear access, the site could be developed with up to 12 affordable units in the triplex format, but with stacked units or 8 affordable units in the quad format. This layout would leave an area on the north side of the site to buffer the single-family homes on lots 2 and 5 to the north. If the buffer were eliminated, or with different unit types, the site could potentially accommodate additional units. It appears that use of this site would still require additional units in another location.
- b. **5-acre piece of Block 107 Lot 20 (Liedtka). 25 units.** In this scenario the Township would purchase a +/-5 acre piece of the overall lot to accommodate a 100% affordable development. The Township would work with the owner and would pay fair market price for the land. The Township could then provide the land to an affordable housing developer, which would design the site and apply for financing for a small (25 unit) affordable housing development. The site would be designed consistent with the Old York Village design standards, but special zoning would enable a multi-family unit type. The remainder of the Liedtka tract would remain inclusionary (This is critical in order for the affordable housing developer to be eligible for funding).
- c. **86 Chesterfield-Crosswicks Road (Block 202 Lot 29.01).** This 4.37 acre lot within the AG zoning district is presently developed with one house. This lot is not in the PVD (TDR receiving area), but is surrounded by the receiving area on three sides and is within the sewer service area. The Township could purchase this lot and transfer it to a selected affordable housing developer. The site would be designed consistent with the Old York

Village design standards, but special PVD zoning would enable a multi-family unit type (with no credit requirements) . The zoning would enable up to 25 residential units and the selected affordable housing developer would apply for funding from the DCA's Affordable Housing Trust Fund program.

d. **State of New Jersey Division of Institutions Land, 452 Ward Avenue (Block 105 Lot 2.01)**

This property is located in the northwestern corner of the Township, west of the New Jersey Turnpike. The 555 acre lot is developed with the Garden State Youth Correctional Facility (GSYCF) and is within the AG Agricultural zoning district. Though two separate prison facilities have been located on this property, large areas are undeveloped, and some areas are farmed. In 2019 it was announced that the Albert C Wagner Youth Correctional Facility would close (with inmates transferred to the adjacent GSYCF). The wastewater treatment facility on the site serves both the GSYCF and Chesterfield Township (Crosswicks Village and the Old York Village receiving area). In 2022 the Township designated the site as an Area in Need of Redevelopment, with the intent of preparing for any future land use change. The Township will pursue a collaboration with the State of New Jersey to subdivide and acquire a piece of land from the prison property. The State has land on the north and south sides of Ward Avenue. The preferred location would be a 5 to 7 acre lot on the north side of Ward Avenue, just west of the NJ Turnpike (in the vicinity of the dilapidated houses on the site). This area is removed from the Department of Corrections' activities on the site and not far from Crosswicks Village.

For each of the sites above the Township will evaluate the following:

- Availability of the land and the cost of the land.
- Potential to yield a minimum of 25 housing units.
- Housing types that will suit the site and surrounding neighborhood.
- Potential to create zoning that will enable the proposed development.
- Ability to satisfy stormwater management requirements.
- Whether application to NJDEP for an expansion of the sewer service area would be needed to include the identified site.
- Ability to uphold the design principles espoused in the 1997, 2002, and 2003 Master Plans and in the Township Code (Article IX and section 130-83). The development should embrace traditional neighborhood design, architectural quality, and pedestrian orientation and connectivity.

Site Suitability

In accordance with N.J.A.C. 5:93-5.3 sites designated for inclusionary development or municipally sponsored affordable housing must be available, suitable, developable and approvable, as defined in N.J.A.C. 5:93-1.3. From a sound land use planning perspective, the site suitability factors must be considered as parts of a whole rather than in isolation. Each factor is affected by and/or interconnected with other suitability factors.

Available Site

An available site means a site with clear title, free of encumbrances which preclude development for low- and moderate-income housing.

- The Township believes that the sites above have clear title, but does not yet have title reports to affirm that each has clear title and is free of encumbrance. This information will be obtained and added to the appendices when a site is chosen.

Suitable Site

A suitable site means a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.

The sites are shown in purple on MAP 2. Each site has frontage on roads that are equipped to handle the additional traffic that would be generated by 25 housing units. Environmental constraints will be evaluated as part of the Township's decision-making process. Wetland constraints do not appear to hinder the potential of any of the sites.

Developable Site

A developable site means a site that has access to appropriate water and sewer infrastructure, and is consistent with the applicable areawide water quality management plan (including the wastewater management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by DEP.

The sites are within the designated sewer service area in the Tri-County Water Quality Management Plan. The Township has an Operations Agreement for Sewer Services with the State Department of Corrections. Wastewater from Chesterfield's sewer service area flows to the treatment plant at the Albert C Wagner Youth Correctional Facility (now merged with the Garden State Youth Correctional Facility). The Township planned and installed the conveyance system and developers in the receiving area constructed the residential (and commercial) collection system. The sites are within the Township's water franchise area.

Approvable Site

An approvable site means a site that may be developed for low- and moderate-income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low- and moderate-income housing.

After the above evaluations are complete, a new PVD or Affordable Housing zoning district will be prepared and adopted for the chosen site.

The COAH rules at N.J.A.C. 5:93-5.5 provide that a municipally sponsored construction program shall address the following:

Site Control (N.J.A.C. 5:93-5.5(a))

The municipality shall demonstrate that it has site control or has the ability to control the site. Control may be in the form of outright ownership or an option on the property. Chesterfield Township intends to acquire one of the above sites for a 100% affordable development.

Administrative Agent

An administrative mechanism shall be submitted for the development indicating who will income qualify applicants and administer the units once they are occupied.

The Township has not yet selected a developer, but anticipates that once the Township has chosen a site, it will enter a Memorandum of Understanding with an experienced affordable housing developer. The affordable housing developer will be the owner and operator, and will serve as the long-term administrative agent for the proposed 100% affordable development. Several affordable housing developers are already operating in the region and will be able to operate the Chesterfield site in a similar manner. Experienced affordable housing developers have professional administrative agents on staff and will oversee all aspects of the development ensuring adherence with DCA's and HMFA's requirements and the applicable UHAC requirements (affirmative marketing, income distribution, minimum 13% very low-income, ensuring the filing of 45-year affordability controls, affirmative marketing, income qualifying tenants and overseeing the long-term management of the development). The Township's administrative agent will oversee monitoring of the affordable units.

Funding

The municipality shall submit detailed information demonstrating that it has adequate funding capabilities.

Chesterfield Township intends to purchase a property at market value for the development of the 100% affordable housing site. The designated developer will pursue funding from available sources. The Township has evaluated a number of potential funding sources. The DCA's Affordable Housing Trust Fund Program intends to provide financial assistance to spur the development of affordable housing across the State. The program is currently structured to support the development of projects containing 25 units or fewer. The Township believes this is the most likely source of funding for the project.

Construction Schedule

A construction schedule, or timetable, shall be submitted for each step in the development process: including preparation of a site plan, granting of municipal approvals, applications for State and Federal permits, selection of a contractor and construction.

The Township is working to lay foundations for the project. The construction schedule will be updated when the site selection is finalized, and a developer is selected. The Township intends to advocate for and support efforts to enable project funding within the next three years.

Bedroom and Income Distribution

The following table includes the bedroom and income breakdown for the proposed 84 family units.

Chesterfield Township 100% Site				
	Very Low	Low	Moderate	
One Bedroom	1	2	2	5
Two Bedroom	2	5	7	14
Three Bedroom	1	2	3	6
Total				25

4. Supportive and Special Needs Housing

The Township is seeking locations for a supportive and special needs group home. The Township will work with an experienced developer and operator to identify a site to build a new residential unit or to convert an existing one-story residential unit. The Township will utilize affordable housing trust funds to support this development. The Township will enter into an affordable housing agreement with the provider to ensure that the unit has 40 year affordability controls and is administered by a qualified and certified administrative agent. When a site is identified, details of this compliance mechanism will be added to the Appendices.

5. Crosswicks Union Firehouse Redevelopment

Old School Firehouse LLC
Inclusionary Redevelopment
Block 300 Lot 12
1 Family Rental Unit

The property is located in Crosswicks Village and has frontage on the south and west sides of New Street. The principal two story brick building was constructed in 1909 and originally served as the Chesterfield Public School, which operated at the site until 1964. From 1964 to 2019, the Crosswicks Union Fire Company No. 1 operated at the site. In 2019 when the Township's two fire districts- Crosswicks Union Fire Company (District 1) and the Chesterfield Hose Company (District 2)- were consolidated to form the Chesterfield Township Fire Department, the building at 18 New Street was vacated. The now vacant property contains a two story brick building, with a one story three bay garage that was added to the north side of the building in the 1960s to house fire apparatus. The site also contains a freestanding garage/shed that was used for display and storage of an historic fire truck, a storage shed, and a parking lot. The principal building on the site is a fixture of the Crosswicks Village historic district, as it has been an institutional anchor of the village for more than 100 years. The site was designated as an area in need of redevelopment by Resolution 2022-9-13 on September 22, 2022. A redevelopment plan has been prepared for the site. The draft redevelopment plan is included as Appendix E. The redevelopment plan requires that the original school

building be adaptively reused, and that the exterior of the building be preserved and restored. The interior of the building may be modified and modernized, and non-contributing additions and site improvements may be removed. The redevelopment plan encourages a mix of uses on the site, including up to 5 residential units, with one affordable. The site location is shown on Map 2.

Site Suitability

In accordance with N.J.A.C. 5:93-5.3 sites designated for inclusionary development or municipally sponsored affordable housing must be available, suitable, developable and approvable, as defined in N.J.A.C. 5:93-1.3. From a sound land use planning perspective, the site suitability factors must be considered as parts of a whole rather than in isolation. Each factor is affected by and/or interconnected with other suitability factors.

Available Site

An available site means a site with clear title, free of encumbrances which preclude development for low- and moderate-income housing.

- Block 300 Lot 12 is owned by Old School Firehouse LLC. The current owner purchased the property in 2021 and indicates that it has clear title and is free of encumbrance.

Suitable Site

A suitable site means a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.

The site is located within a designated redevelopment area, located in Crosswicks Village. Crosswicks is the oldest settlement in Chesterfield Township and constitutes one of the two historic districts in the Township. The surrounding properties to the west and south in block 300 are residential. The properties across New Street to the north and east are also residential. Crosswicks Village overall includes a mix of residential, public, institutional, and small-scale commercial uses. The revitalization and redevelopment of the Union Firehouse/Crosswicks Public School will bring the property back to productive use so that it may continue to contribute to the character and vibrancy of the Township.

Developable Site

A developable site means a site that has access to appropriate water and sewer infrastructure, and is consistent with the applicable areawide water quality management plan (including the wastewater management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by DEP.

The site is within a designated sewer service area in the Tri-County Water Quality Management Plan. The existing building is connected to the sewer system and to the public water system.

Approvable Site

An approvable site means a site that may be developed for low- and moderate-income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low- and moderate-income housing.

The proposed Redevelopment Plan is attached as Appendix E.

6. Mincemeat Factory Redevelopment

Inclusionary Redevelopment

Block 302 Lot 1

1 Family Rental Unit

The 3.28 acre property is located in Crosswicks Village and has frontage on the south side of Ellisdale Road and on the east side of Crosswicks Chesterfield Road (CR 677). The site was home to Brick's Mincemeat Factory dating to 1879, and then Hamilton Uniform Company from 1980 to 2005. After years of vacancy the site was designated as an area in need of redevelopment in 2019 (Resolution 2019-10-15). The primary structures on the site were deemed unsafe and were demolished around 2021. There is a historic blacksmith's shop at the northern edge of the site. The Township proposes preparing and adopting a redevelopment plan that will enable adaptive reuse of the blacksmith shop for a small-scale commercial use, and to enable a village style residential subdivision along the Crosswicks- Chesterfield Road frontage. The redevelopment plan will allow attached (duplex) and detached houses and will require that 20% of residential units be affordable.

The site location is shown on Map 2.

Site Suitability

In accordance with N.J.A.C. 5:93-5.3 sites designated for inclusionary development or municipally sponsored affordable housing must be available, suitable, developable and approvable, as defined in N.J.A.C. 5:93-1.3. From a sound land use planning perspective, the site suitability factors must be considered as parts of a whole rather than in isolation. Each factor is affected by and/or interconnected with other suitability factors.

Available Site

An available site means a site with clear title, free of encumbrances which preclude development for low- and moderate-income housing.

- Block 302 Lot 1 is owned by Crosswicks Forge LLC. The owner purchased the site in 2018. According to the property owner it has clear title and is free of encumbrance.

Suitable Site

A suitable site means a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.

The site is located within a designated redevelopment area and is within Crosswicks Village historic district. The proposed residential units will have consolidated driveways on Crosswicks Chesterfield Road. There is a restaurant across the street to the west, other surrounding uses are residential.

Developable Site

A developable site means a site that has access to appropriate water and sewer infrastructure, and is consistent with the applicable areawide water quality management plan (including the wastewater management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by DEP.

The site is within a designated sewer service area in the Tri-County Water Quality Management Plan. Sewer and water infrastructure are available to the site.

Approvable Site

An approvable site means a site that may be developed for low- and moderate-income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low- and moderate-income housing.

The site has been designated as a non-condemnation area in need of redevelopment. Currently the site is partly within the (Crosswicks) Village zoning district and partly within the Agriculture zoning district. A redevelopment plan will be prepared and adopted to enable the preservation of the Blacksmith shop together with village style residential homes on the southern portion of the site.

C. Affordable Housing Trust Fund

The Fair Housing Act (N.J.S.A. 52:27D-329.2) provides that a municipality in the process of seeking compliance certification or that has obtained compliance certification, and which has adopted a municipal development fee ordinance shall be authorized to impose and collect development fees from developers of residential properties in accordance with rules promulgated by the department (DCA). Chesterfield Township initially adopted a Development Fee ordinance on May 10, 2001, which was approved by COAH and the Court. The Affordable Housing Development Fee requirements (Township Code section 130-122) were updated by Ordinance 2009-6 on February 11, 2009 and approved by COAH. An order authorizing a specific expenditure for the market to affordable unit at the Crosswicks Inn (\$35,000) was entered by Judge Bookbinder on June 5, 2009. A fully updated Spending Plan was prepared and submitted as part of the Township's 2010 Housing Element and Fair Share Plan.

Chesterfield's Affordable Housing Trust Fund is in a separate interest-bearing account at First Bank. As required by N.J.S.A. 52:27D-329.2, Chesterfield has entered updated information into DCA's AHMS including a detailed accounting of development fees that have been collected and

expended since the inception of the municipal authorization to collect fees. Updated detailed accounting is required by February 15th of each year in the compliance cycle.

An updated Affordable Housing Development ordinance and a new Spending Plan are being prepared and will be added to this Housing Element and Fair Share Plan upon their completion and adoption by September 30, 2025.¹⁵ As of December 31, 2024 there was \$48,916.32 in Chesterfield's Affordable Housing Trust Fund. The collected development fee revenues have been minimal, as the majority of development in Chesterfield has taken place within the inclusionary planned village. There are additional revenues anticipated from proposed commercial development over the next ten years, which will be projected in the Spending Plan. Development fees are only permitted to be expended in accordance with an approved spending plan.

The amended Fair Housing Act required that the DCA promulgate updated regulations related to the establishment, administration, reporting, and enforcement of the expenditure of affordable housing development fees by municipalities, which shall include establishing an expedited process for approving spending plan expenditures for emergent opportunities to create affordable housing after a municipality has obtained compliance certification and procedures for monitoring the collection and expenditure of trust funds.

The updated Fourth Round Spending Plan will include the following anticipated revenues. Though the anticipated projects have been evaluated, the Township hesitates to commit to spend funds that may not be collected if the projects do not come to fruition. The Spending Plan will include contingencies.

Project	Type of Development	Anticipated Completion Date	Anticipated AHTF Revenue
Existing Balance			\$48,916
Oliver Communications	Light Industrial/Office	December 2025	\$50,000
Ward Avenue Storage	Redevelopment Light Industrial	2028	\$183,000
Leader Meat Processing	Light Industrial	2028	\$115,000
Active Acquisitions OYR	Light Industrial/ Warehouse/Office	2029	\$1,485,000
Total			\$1,881,916

¹⁵ N.J.S.A .52:27D-32.2(a) requires that a spending plan for current and projected funds through the current round are to be included in the housing element and fair share plan.

The updated Fourth Round Spending Plan will include the following anticipated expenditures. The affordability assistance to support infrastructure in the Old York Village will support the increased affordable housing set aside within the undeveloped area and expansion area (currently 6%, with up to 15% proposed).

Type of Expenditure	Project	Number of Units	Amount
Supportive and Special Needs Housing	TBD	4	\$120,000
Affordability Assistance	Old York Village Inclusionary	5 VL Support the provision of at least 5 very low income units	\$20,000 subsidy for 6 very low-income units \$120,000 Total
Land Purchase for 100% Affordable Site	100% Affordable Contribution	25	\$500,000
Contribution toward 100% Affordable Site	100% Affordable Contribution	25	\$300,000
Administration	Overall	Preparation and Implementation of HEFS Plan, Administration of Units, Yearly Compliance Monitoring	\$300,000

D. Cost Generation

Chesterfield Township has worked with developers in the Old York Village receiving area to ensure the viability of the affordable units within the village. The Township proposes, as part of the implementation of this plan to review and modify the PVD zoning requirements to enable a greater affordable housing set aside to satisfy the Fourth Round obligation and the production of affordable housing. The Township has and will continue to ensure the removal of unnecessary cost-generating requirements. Once DCA and HMFA finalize their proposed rules, the Township will consider revisions to the Land Development Code that may be necessary to address new requirements related to cost generation.

E. Administration

Affordable housing units are required to be administered by a certified administrative agent that will oversee all aspects of the affordable units to ensure adherence to DCA's and HMFA's requirements and the applicable UHAC requirements (affirmative marketing, income

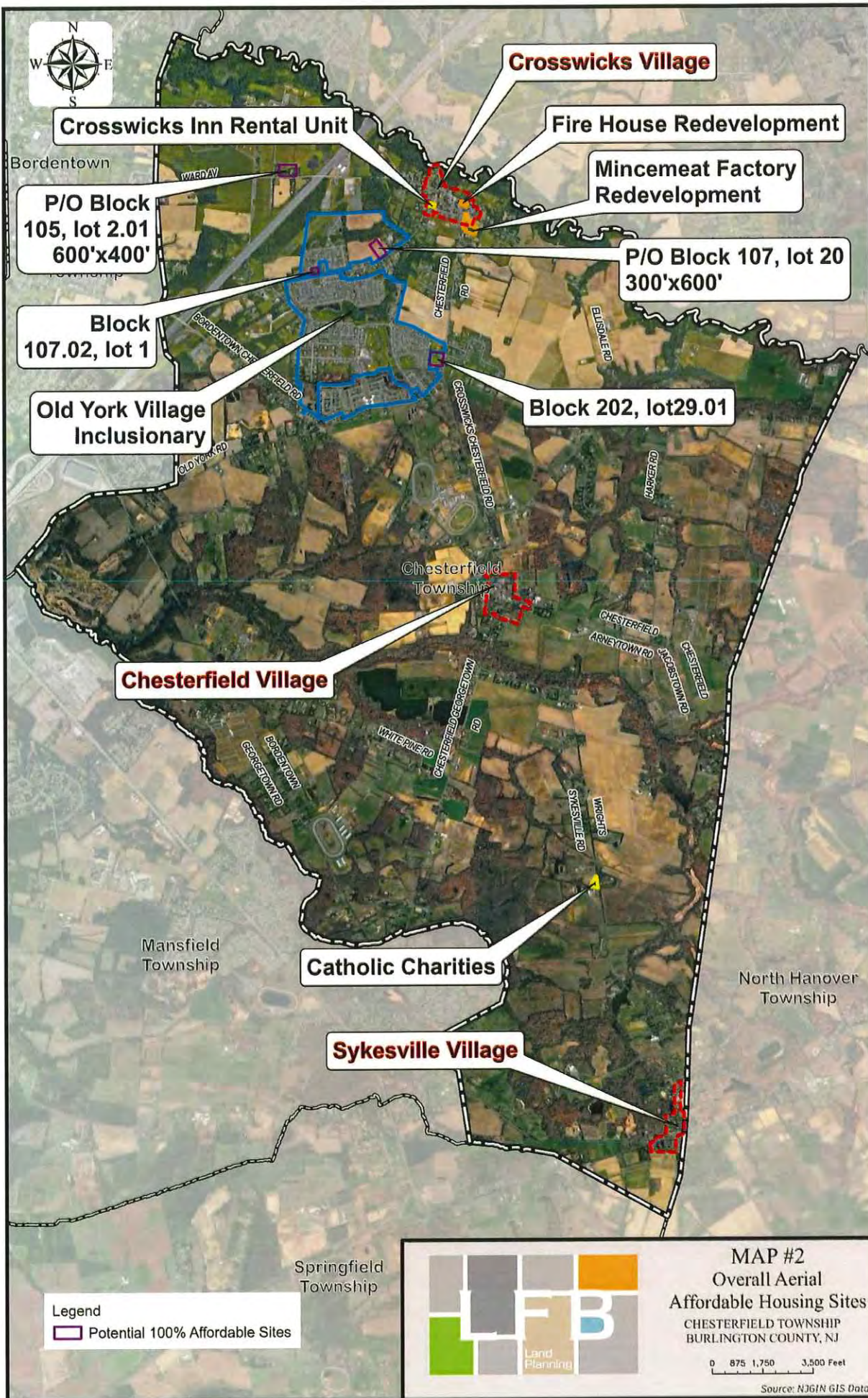
distribution, minimum 13% very low-income, ensuring the filing of 45-year affordability controls, income qualification of tenants, and overseeing the long-term management of the development).

Sales and re-sales of affordable units in Old York Village have been administered by NJHMFA's Housing Affordability Service (HAS). The Township is currently in the process of reviewing proposals from qualified administrative agents.

F. Monitoring

In accordance with the requirements of N.J.S.A. 52:27D-329.2 and -329.4, by February 15 of each year of the Fourth Round, the Township will provide a detailed accounting through DCA's new online portal of all residential and non-residential fees collected, interest earned, and other income collected and deposited into the Township's affordable housing trust fund during the prior calendar year. The Township will also provide a detailed accounting of all expenditures of affordable housing trust funds during the prior calendar year, including purposes and amounts, and documentation of the balance remaining in the affordable housing trust fund as of December 31 of that year.

The status of implementation of the Fair Share Plan may be evaluated by the Township or an interested party at the midpoint of the certification period by filing a request with the Program for a realistic opportunity review. If such an action is initiated, The Township may propose one or more alternative sites with an accompanying development plan or plans that provide a realistic opportunity for the same number of affordable units and are otherwise in compliance with the FHA and the *Mount Laurel* doctrine.



CHESTERFIELD PLANNING BOARD

RESOLUTION NO. 2025-07

**RESOLUTION ADOPTING A FOURTH ROUND
HOUSING ELEMENT AND FAIR SHARE PLAN**

WHEREAS, on March 20, 2024, P.L. 2024, c.2, was signed into law which amended the FHA at N.J.S.A. 52:27D-301 *et seq.*, ("Amended FHA"); and

WHEREAS, in addition to the Amended FHA, the Acting Administrative Director of the Administrative Office of the Courts issued Directive #14-24, dated December 13, 2024 ("Administrative Directive #14-24"); and

WHEREAS, in response to the Amended FHA and the Administrative Directive #14-24, the Township of Chesterfield adopted a binding resolution on January 23, 2025 committing to address the DCA Fourth Round Present Need or Rehabilitation Obligation of zero (0) units and the Fourth Round Prospective Need Obligation of sixteen (16) units; and

WHEREAS, pursuant to the requirements of the amended FHA and Administrative Directive #14-24, on January 24, 2025, the Township of Chesterfield filed a Fourth Round DJ action (which included its January 23, 2025 adopted binding resolution) with the Superior Court/Affordable Housing Dispute Resolution Program ("Program") under Docket No. BUR-L-199-25, asking the Court to declare Chesterfield Township's Fourth Round HEFSP constitutionally compliant, and seeking protection and repose against exclusionary zoning litigation for a ten (10) year period (July 1, 2025 to June 30, 2035); and

WHEREAS, objections were filed challenging the Township's calculations provided for in the Township's adopted January 23, 2025 binding resolution; and

WHEREAS, pursuant to Administrative Directive #14-24, "After the entry of an order determining present and prospective fair share obligations, the municipality must file with the Program its adopted housing element and fair share plan ... within 48 hours after adoption or by June 30, 2025, whichever is sooner."; and

WHEREAS, a Court Order, dated April 17, 2025, was issued which set the Township's Fourth Round Present Need or Rehabilitation Obligation of zero (0) units and the Township's Fourth Round Prospective Need Obligation of forty-five (45) units; and

WHEREAS, the Amended FHA provides that "All parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute, including P.L. 2024, c.2, or binding court decisions" (N.J.S.A. 52:27D-311(m)); and

WHEREAS, the Township's and Planning Board's Planner, Leah Furey Bruder, PP, AICP, has prepared a Fourth Round HEFSP, dated June 5, 2025, that addresses the Township's Fourth Round affordable housing obligations; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing on the Fourth Round HEFSP on June 17, 2025 and June 24, 2025; and

WHEREAS, the Planning Board has determined that the Fourth Round HEFSP is consistent with the goals and objectives of the Township of Chesterfield's Master Plan and Master Plan Re-examination Report, and that the adoption and implementation of the Fourth Round HEFSP is in the public interest, protects public health and safety and promotes the general welfare.

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Chesterfield, Burlington County, State of New Jersey, that the Planning Board hereby adopts the Fourth Round Housing Element and Fair Share Plan on this 24th day of June, 2025.

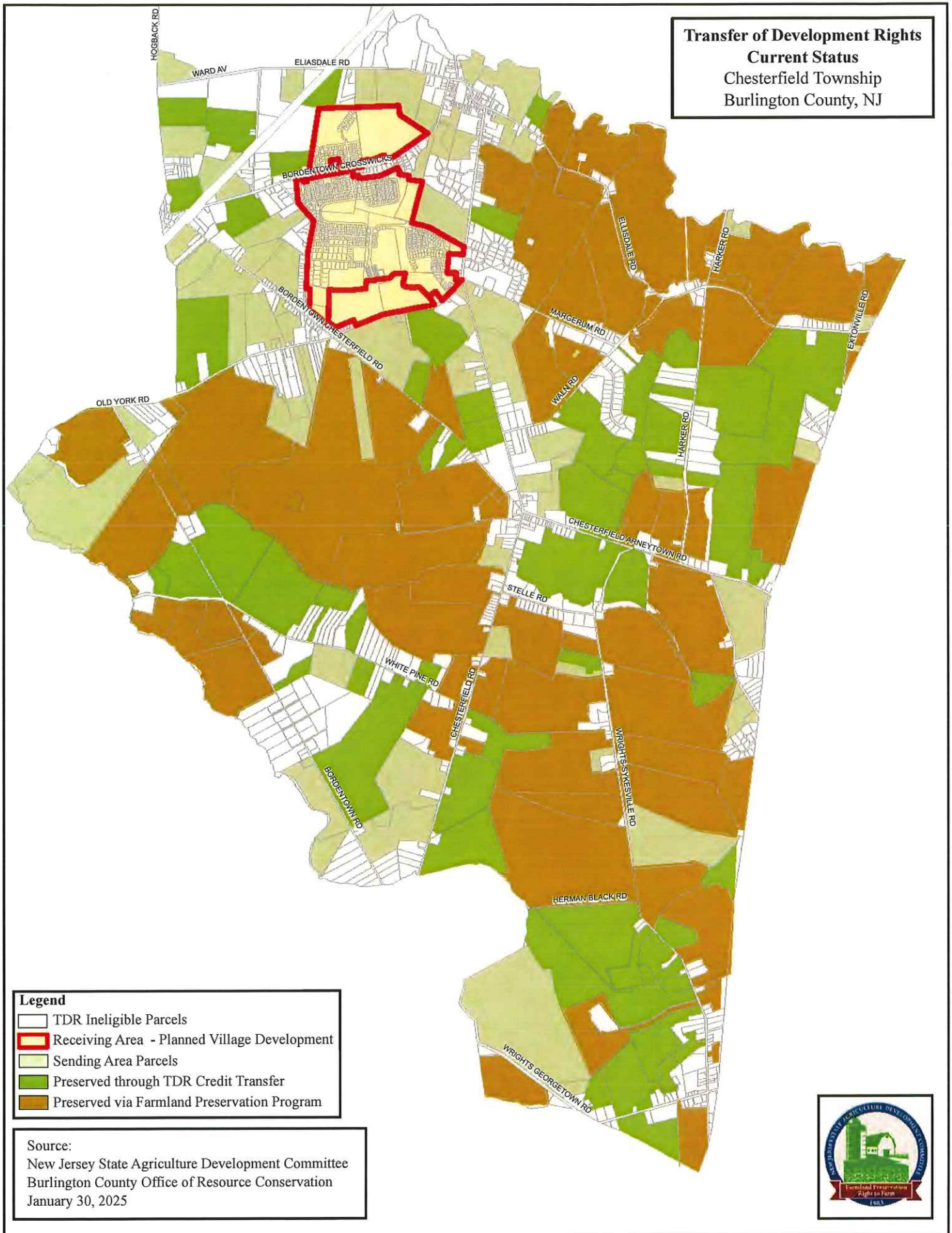
BE IT FURTHER RESOLVED the Planning Board of the Township of Chesterfield hereby directs its Planning Board Attorney and Planning Board Secretary to assist the Township Attorney of the Township of Chesterfield to file this adopted resolution and this adopted Fourth Round HEFSP as part of the Township's Fourth Round Declaratory Judgment action under Docket No. BUR-L-199-25, in Burlington County Superior Court and with the Program within 48 hours after adoption of this Fourth Round HEFSP via ECourts per Directive #14-24.


Aggie Napoleon, Board Secretary


Michael Nei, Board Chair

I hereby certify that this is a true copy of the resolution adopting the Fourth Round Housing Element and Fair Share Plan of the Township of Chesterfield, Burlington County, on June 24, 2025.


Aggie Napoleon, Board Secretary



Appendix D**Chesterfield Affordable Housing Inventory**

Prepared by Leah Furey Bruder, PP, AICP

The following table assigns existing and projected affordable units to prior round and third round with consideration for rental requirements and low/mod split.

PRIOR ROUND						
Block	Lot	Address	Unit Type	Sale or Rent	Length of Controls	#Units
201	1	Crosswicks Inn 2 Chesterfield Crosswicks Road	Apartment	Rent	30year/Moderate	1
901	7.02	Catholic Charities 126 Sykesville Road	3 bed Group Home	Rent	20 year/ Very Low	3
Cross Creek at Chesterfield						
202.27	3.01	17A Recklesstown Way	Quad	Sale	30 yr/Mod	1
202.27	3.02	17B Recklesstown Way	Quad	Sale	30 yr/Mod	1
202.27	3.03	17C Recklesstown Way	Quad	Sale	30 yr/Low	1
202.27	3.04	17D Recklesstown Way	Quad	Sale	30 yr/Low	1
202.27	10.01	3A Recklesstown Way	Quad	Sale	30 yr/low	1
202.27	10.02	3B Recklesstown Way	Quad	Sale	30 yr/Mod	1
202.27	10.03	3C Recklesstown Way	Quad	Sale	30 yr/low	1
202.27	10.04	3D Recklesstown Way	Quad	Sale	30 yr/Mod	1
Villages at Chesterfield Greene						
202.07	30	26 Quaker Street	Duplex	Sale	30 yr/Mod	1
202.07	31	111 Recklesstown Way	Duplex	Sale	30 yr/Mod	1
202.08	10	3 Quaker Street	Duplex	Sale	30 yr/Low	1
202.08	11	4 Wright Drive	Duplex	Sale	30 yr/Low	1
202.11	6	6 Sprague Street	Duplex	Sale	30 yr/Low	1
202.11	7	2 Lathem Lane	Duplex	Sale	30 yr/Low	1
202.13	9	26 Steven Lane	Duplex	Sale	30 yr/Mod	1
202.13		137 Recklesstown	Duplex	Sale	30 yr/mod	1

		Way				
202.14	6	26 Sprague Street	Duplex	Sale	30 yr/Low	1
202.14	7	2 Woodward Way	Duplex	Sale	30 yr/low	1
Ridings at Chesterfield Downs						
202.114	2	3 Horseshoe Place	Townhouse	Sale	30 yr/Mod	1
202.114	5	9 Horseshoe place	Townhouse	Sale	30 yr/Mod	1
202.114	8	15 Horseshoe Place	Townhouse	Sale	30 yr/Mod	1
202.104	4	27 Saddle Way	Townhouse	Sale	30 yr/Mod	1
202.104	7	33 Saddle Way	Townhouse	Sale	30 yr/Mod	1
202.104	10	39 Saddle Way	Townhouse	Sale	30 yr/Mod	1
202.104	13	45 Saddle Way	Townhouse	Sale	30 yr/Mod	1
202.105	2	34 Saddle Way	Townhouse	Sale	30 yr/Low	1
202.105	5	40 Saddle Way	Townhouse	Sale	30 yr/Low	1
The Residence at Old York Village/ Renaissance Properties						
206.210	4	90 & 100 Saddle Way	Apartments	Rent	30 year 3 Low, 1 VL 4 Mod	8
206.223	3	95 & 105 Saddle Way	Apartments	Rent	30 year 2 Low	2
TOTAL					20 moderate 21 low	41 (+14 bonus)
THIRD ROUND						
Ridings at Chesterfield Downs						
202.105	8	46 Saddle Way	Townhouse	Sale	30 yr/Low	1
202.105	11	52 Saddle Way	Townhouse	Sale	30 yr/Mod	1
Heritage at Cross Creek						
107.04	1.01	100A Bordentown Crosswicks Road	Quad	Sale	30 yr/Low	1
107.04	1.02	102A Bordentown Crosswicks Road	Quad	Sale	30 yr/Mod	1
107.04	1.03	100B Bordentown Crosswicks Road	Quad	Sale	30 yr/Low	1
107.04	1.04	102B Bordentown Crosswicks Road	Quad	Sale	30 yr/Mod	1
202.30	13.01	101 Bordentown Crosswicks Road	Quad	Sale	30 yr/Mod	1
202.30	13.02	99 Bordentown Crosswicks Road	Quad	Sale	30 yr/Low	1

202.30	13.03	97 Bordentown Crosswicks Road	Quad	Sale	30 yr/Low	1
202.30	13.04	95 Bordentown Crosswicks Road	Quad	Sale	30 yr/Low	1
202.30	4.01	125 Bordentown Crosswicks Road	Quad	Sale	30 yr/Low	1
202.30	4.02	123 Bordentown Crosswicks Road	Quad	Sale	30 yr/Mod	1
202.30	4.03	121 Bordentown Crosswicks Road	Quad	Sale	30 yr/Mod	1
202.30	4.04	119 Bordentown Crosswicks Road	Quad	Sale	30 yr/Mod	1
202.41	4.01	131 Bordentown Crosswicks Road	Quad	Sale	30 yr/Mod	1
202.41	4.02	133 Bordentown Crosswicks Road	Quad	Sale	30 yr/Mod	1
202.41	4.03	135 Bordentown Crosswicks Road	Quad	Sale	30 yr/Mod	1
202.41	4.04	137 Bordentown Crosswicks Road	Quad	Sale	30 yr/Low	1
Traditions at Chesterfield						
206.210	5 C11	30 Hartman Way-Unit 11	Condo	Sale	30 yr/Low	1
206.210	5 C12	30 Hartman Way-Unit 12	Condo	Sale	30 yr/Mod	1
206.223	2 C12	30 Foulkes Lane-Unit 12	Condo	Sale	30 yr/Low	1
The Residence at Old York Village/ Renaissance Properties						
206.223	3	95 & 105 Saddle Way	Apartments	Rent	30 year 1 Low, 1 VL 3 Mod	5
TOTAL					12 Low 14 Mod	26 (+5 bonus)

CHESTERFIELD TOWNSHIP

Union Fire Company/Crosswicks School
Redevelopment Plan
Block 300 Lot 12

February 2025

Recommended to Township Committee by the Planning Board on
_____.

Adopted by Ordinance No. ____ on _____.

Prepared by Leah Furey Bruder, PP, AICP
NJPP# 585100

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Appendix A Redevelopment Plan Area

I. Introduction

In 2020 the Chesterfield Township Committee authorized the Planning Board to conduct a preliminary redevelopment investigation to determine whether certain identified properties in three distinct areas of the Township qualified as a non-condemnation area in need of redevelopment in accordance with the criteria defined in New Jersey's Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.).¹ The "New Street Study Area" included lot 12 in block 300 and lot 10 in block 301. Both lots were owned by the Chesterfield Board of Education, but contained buildings associated with the former Crosswicks Union Fire Company #1 and a vacant lot. The Township undertook the redevelopment planning initiative after observing that the study area properties were either vacant or underutilized, and that these conditions had persisted for several years. The preliminary redevelopment needs investigation report dated September 2022 provides an overview of the Township's redevelopment planning process, a detailed description of the study area, an outline of the redevelopment criteria, a review of the relationship of the study area to the Township's master plan and to the State Plan and explains the conditions that warranted the redevelopment area designation. On September 22, 2022, in accordance with resolution 2022-9-13, after a public hearing and recommendation from the Planning Board, the Township Committee designated the study area properties as a Non-condemnation Area in Need of Redevelopment. The areas designated as in need of redevelopment in 2022 are in three distinct areas including the "Ward Avenue Area", the "Former Municipal Building Area" and the "New Street Area". One of the two lots within the New Street Redevelopment Area (lot 10 in Block 301) was recently approved for a minor subdivision and will be developed with three residential dwellings consistent with the Crosswicks Village zoning and the Historic District design standards. This Redevelopment Plan applies only to lot 12 in block 300, consisting of approximately 32,977 square feet and containing the former Crosswicks Union Fire Company building, accessory structures, and parking area.

The lot subject to this redevelopment plan is located in Crosswicks Village and has frontage on the south and west sides of New Street. The principal two story brick building on the site was constructed in 1909 and originally served as the Chesterfield Public School, which operated at the site until 1964. From 1964 to 2019, the Crosswicks Union Fire Company No. 1 operated at the site. In 2019 when the Township's two fire districts- Crosswicks Union Fire Company (District 1) and the Chesterfield Hose Company (District 2)- were consolidated to form the Chesterfield Township Fire Department, the building at 18 New Street was vacated. The now vacant property contains a two story brick building, with a one story three bay garage that was added to the north side of the building in the 1960s to house fire apparatus. The site also contains a freestanding garage/shed that was used for display and storage of an historic fire truck, a storage shed, and a parking lot. The principal building on the site is a fixture of the Crosswicks Village historic district, as it has been an institutional anchor of the village for more than 100 years. Though the building will no longer be used as a school or firehouse, with private investment and adaptive reuse the exterior of the original school building will be preserved and restored while updating the interior

¹ Resolution 2020-6-11 on June 25, 2020

to accommodate new uses. The Redevelopment Plan anticipates that the revitalization and reuse of the building will have a stabilizing effect and will have a positive impact on the overall character and vibrancy of Crosswicks village.

The plan that follows requires the retention of the original structure on the site, while allowing the removal of noncontributing building additions and architectural features that were added subsequent to the original construction. The Redevelopment Plan establishes permitted uses, standards, and design controls to enable the site to be retrofitted and improved to accommodate up to five (5) housing units together with compatible commercial uses within the existing buildings and permitted additions.² The Redevelopment Plan also sets the stage for discussions about a short term or long term financial agreement that may benefit the Township, facilitate the production of an affordable housing unit, and enable greater investment by the redeveloper.

II. Redevelopment Plan Requirements

The redevelopment planning process allows the Township to take a proactive approach to supporting creative development and high-quality design, by identifying opportunities that may otherwise be overlooked in the private market or that may be particularly challenging, and by working with property owners and redevelopers to create mutually beneficial development opportunities and outcomes. The Township aims to utilize the tools provided in the Local Redevelopment and Housing Law (LRHL) to provide a design and organizational framework to enhance opportunities for adaptive reuse, revitalization, and redevelopment in the designated redevelopment areas to support the Township's goals for the preservation of the Township's character, the enhancement of the historic districts as vibrant mixed-use areas, and the provision of opportunities for small scale housing developments.

Following the designation of an area in need of redevelopment, the Township Committee may prepare, or direct the Planning Board to prepare, a Redevelopment Plan for the Redevelopment Area. The Redevelopment Plan must contain an "outline for the planning, development, redevelopment or rehabilitation of the project area" sufficient to cover the items set forth in the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-7). The requirements include:

- a. Relationship to local objectives as to land uses, population density, improved traffic and transportation, utilities, recreation, and other public improvements
- b. Proposed land uses and building requirements
- c. Identification of any land to be acquired
- d. Relationship to Master Plans of adjacent towns, County, and State Plan
- e. Affordable housing inventory, relocation, and replacement provisions (if applicable)

² The redevelopment plan allows for the demolition and reconstruction of accessory structures if they are not suitable for rehabilitation or reuse.

- f. Proposed locations of public electric vehicle charging infrastructure
- g. Relationship to municipal Master Plan
- h. Relationship to Township's land development regulations (supersede existing or optional overlay)

The redevelopment planning process empowers the Township to establish standards that set the stage for the type of development that the Township wants to facilitate in terms of types of uses, streetscape, coordinated improvements, architectural and site design, and integration of uses.

III. Property Description

The property that is the subject of this redevelopment plan, lot 12 in block 300, is located on the inside of the corner formed by the bend in New Street within Crosswicks Village. The area is illustrated in Appendix A. The property includes the two story brick school house constructed in 1909, the engine room/3 bay garage constructed by the Union Fire Company in 1964, a freestanding garage/shed that housed an historic fire apparatus, a small storage shed, parking areas, and driveways. A description of the current conditions at the site is included in the September 2022 redevelopment study. Crosswicks is the oldest settlement in Chesterfield Township and constitutes one of the two historic districts in the Township. The surrounding properties to the west and south in block 300 are residential. The properties across New Street to the north and east are also residential. Crosswicks Village overall includes a mix of residential, public, institutional, and small-scale commercial uses. The revitalization and redevelopment of the Union Firehouse/Crosswicks Public School will bring the property back to productive use so that it may continue to contribute to the character and vibrancy of the Township.



1 Chesterfield Public School, date unknown

IV. Current Zoning and Redevelopment Plan Goals and Objectives

This redevelopment plan is intended to carry out Chesterfield's goals related to appropriate land uses, population density, provision of a variety of housing opportunities including affordable housing, improved pedestrian and traffic circulation, and the continued preservation of the Township's historic districts.

The underlying zoning of the subject lot is V-Village. In accordance with section 130-16, the purpose of the Crosswicks Village district is to recognize the existence of the small lots in the Village of Crosswicks and to permit dwellings on small lots to reduce the level of nonconformity among existing lots and to preserve the character of the village. The subject property, and the entire Village zone are also designated as a Historic Preservation District. The purpose of the Historic District is to recognize the unique characteristics reflecting the history, architecture, land use relationships, and small village way of life. One of the goals of the Historic District is to retain and preserve structures and sites of historic significance whose age and character, both individually and collectively, create the tone and character of the villages. The Historic District regulations are intended to prevent any construction, exterior alternation, or demolition that would injure, depreciate, or conflict with the tone and character of the area.

The permitted principal uses in the Village zone include single family dwellings, municipal government facilities, parks and playgrounds, and houses of worship. While the redevelopment plan intends to allow for additional uses (multi-family residential, office, retail, flex space) as set forth herein, it is also intended that the redevelopment be generally consistent with the building and site design requirements set forth for Township facilities in the Village zone and the Historic District Design Guidelines for non-residential and commercial buildings. Specific area, yard, and bulk requirements are set forth in this redevelopment plan. When possible non-conforming conditions should be improved.

The following are the Redevelopment Plan goals:

- A. Enable the adaptive reuse of underused formerly institutional structures in a manner that will preserve and improve the exterior of the existing building, enliven the site, and that will bring together historic preservation, community character, economic development, environmental sustainability, and housing goals.
- B. Halt the deterioration of buildings in the historic district, eliminate the negative impacts of empty buildings, and allow alternate uses to enable preservation and restoration of architectural features and forms, and complementary building additions.
- C. Encourage an inviting, connected, and continuous streetscape.
- D. Ensure the retention and maintenance of the mass, form, and setbacks of buildings relative to adjacent lots.
- E. Promote the design of buildings and site improvements that complement the historic and architectural character of the Township and respect the scale of surrounding uses while allowing new uses of the site that will increase the value of the building and site.

- F. Provide opportunities for the creation of new housing units to diversify the Township's housing stock, including deed restricted affordable units.
- G. Integrate compatible stormwater management and green infrastructure into the redevelopment plan.
- H. Provide for maximization of private investment through the attraction of a qualified redeveloper capable of securing private financing commitments and utilizing the tools provided in the NJ Local Redevelopment and Housing Law and the NJ Long Term Tax Exemption Law, and capable of demonstrating a financial commitment upon the execution of a redevelopment agreement with the Township.

V. Applicability of Redevelopment Plan and Relationship to Municipal Development Regulations

The requirements and standards set forth below for lot 12 in Block 300 shall function as an overlay zone for the property when the redeveloper has been appointed by Township Committee or has entered into a Redevelopment Agreement with Township Committee in accordance with N.J.S.A. 40A:12A-8. If a redeveloper has been conditionally designated or designated, they may proceed with a site plan application utilizing the redevelopment plan overlay standards and must enter into a redevelopment agreement as a condition of the planning board approval, which must be satisfied prior to initiating site work. Where the regulations and standards in the redevelopment plan are silent, the standards of the Land Development Ordinance (Chapter 130) applicable to site development shall apply to the redevelopment area property. The adoption of this redevelopment plan shall constitute an amendment to the Chesterfield Township Zoning Map to illustrate the redevelopment plan overlay.

All applications for development within the redevelopment area shall be submitted to the Planning Board for site plan and/or subdivision approval as required by Municipal Land Use Law and Township Code Chapter 130. The redeveloper may apply to the Planning Board for "C" variances or design waivers, but a designated redeveloper may not request a "D" variance. Requested deviations from the redevelopment plan standards related to use, height, or floor area ratio requirements must be addressed to the Township Committee for consideration, and if agreeable shall be addressed via an amendment to the Redevelopment Plan.

VI. Redevelopment Plan Uses and Standards

The land use and building requirements are intended to provide a framework that permits creative reuse and adaptation of the principal structure to accommodate a small-scale multi-family residential development and complementary non-residential use(s). The standards require that the exterior walls of the original school building be retained. The later additions may be removed but may remain and be repurposed at the redeveloper's discretion. It is envisioned that the redeveloped site will result in the retention of the brick façade and the original window shapes, with the reinstatement of the majority of the original window openings, and the adaptation of the

inside of the building to accommodate new uses and upgraded infrastructure to make the building functional for the intended uses. The accessory garage structure on the east side of the principal building may be removed and replaced with a complementary new structure. Further, the site and streetscape will be improved to complement the adaptation of the building and to solidify the building's place in the Village. It is further envisioned that an entryway element will be added to identify the building entry and to connect it to the streetscape.

A. Permitted Uses. Multiple permitted principal buildings, multiple permitted principal uses within a building, and multiple tenants within a principal building shall be allowed within the redevelopment area. For the purposes of this section, both the former Union Fire Co/Public School building and the display garage may be considered principal structures. The display garage may be repurposed or demolished and replaced with another compatible building with a maximum footprint of 700 square feet.

1. Multi-family residential (apartment) dwellings.
2. Private educational, recreational, and instructional facilities such as martial arts, dance studio, fitness studio, art studio, music studio, academic tutoring services.
3. Professional and business offices (not including medical, dental, or veterinarian).
4. Small scale production such as clothing, jewelry, soap and skincare, health and wellness products, 3D printing, brewing and distilling, local food production and packaging, not to exceed 5,000 square feet per tenant.
5. Meeting and gathering space or community room with a maximum capacity of 40 people
6. Neighborhood retail, boutique, and galleries
7. Restaurant, deli, or café with a maximum of 30 seats (including inside and outside). No drive-through or drive-up windows are permitted.
8. Contractors' offices, flex space, and inside storage not to exceed 5,000 square feet

B. Prohibited Uses. Any use not permitted above is prohibited.

C. Permitted Accessory Uses.

1. Temporary outdoor seasonal events such as a vendor collective, farmers market, or food trucks with required licensing and/or approval from the Township.
2. Off street parking shall be provided as required by Township Code section 130-49 for nonresidential uses and as per RSIS (N.J.A.C 5:21) for residential uses, except as modified below:
 - a. The required standards for parking lots are as follows.
 - i. Parking stalls for passenger vehicles shall be a minimum of 9 feet wide and 18 feet long.
 - ii. Drive aisles shall be a minimum of 24 feet in width.

- iii. Parking shall be set back a minimum of ten feet from the right of way on the west side of the principal structure.
 - iv. On the east side of the site, a maximum of seven 90 degree parking stalls shall be permitted along the New Street frontage. If such parking is proposed, the maintenance of the parking spaces shall be addressed in the Redevelopment Agreement.³ Alternatively, parallel parking spaces (minimum 23 feet long) or angled parking spaces may be provided along the New Street frontage.
 - b. One ADA parking space is required on site to serve the commercial and/or residential units in addition to the required residential parking required above.
 - c. Required parking for residential units must be dedicated for the use of the residents between 7pm and 7am at a minimum.
 - d. Electric vehicle charging stations and make ready spaces are permitted and are required in accordance with P.L. 2021 c. 171.
3. Private storage buildings/sheds for accessory storage,
 - a. Storage buildings/sheds shall be set back a minimum of 80 feet from the New Street right-of-way and a minimum of 2 feet from side and rear property lines.
 - b. A maximum of two storage buildings/sheds are permitted.
 - c. The maximum area of each storage building/shed shall not exceed 120 square feet.
 - d. All accessory structures shall be designed to complement the site design and architecture of the principal building.
 4. Off street loading. For residential and non-residential uses, the site plan shall demonstrate how delivery vehicles (box truck and van) will access and serve the site.
 5. Signs in accordance with the requirements below and section 130-87.
 6. Fences and walls as permitted section 130-86 for residential uses, only in the side and rear yard.
 7. Stormwater management structures and facilities, and green development structures and techniques in accordance with N.J.A.C. 7:8
 8. Trash and recycling enclosures as set forth below.
 9. Incidental storage, inside a building only.
 10. Outdoor seating, outdoor café areas, street vending and kiosks when appropriate licenses/approvals are acquired from the Township.

D. Bulk and Area Regulations

Standard	Requirement
Minimum lot size	30,000 square feet
Minimum lot width	130 feet
Minimum street frontage	130 feet each street frontage

³ Since these parking stalls will be accessed directly from New Street and may be located partly in the public right-of-way, responsibility for the parking spaces must be clearly defined.

Minimum front yard building setback from property line ⁴	30 feet
Minimum side yard setback for principal building	30 feet
Minimum rear yard setback for principal building	30 feet
Minimum rear and side yard setback for accessory structures	2 feet for structures up to 120 square feet
Maximum Building Footprint for replacement building on east side of site	700 square feet
Minimum parking setback	10 feet from New Street on west side of principal building 80 feet from New Street on east side of principal building ⁵ 5 feet from side and rear
Maximum Impervious Cover/Lot Coverage	65%
Maximum Building Height	42 feet existing principal structure ⁶ 30 feet new principal structure 15 feet accessory structure
Minimum distance between buildings on site	25 feet

E. Design Standards

1. Sidewalks are required to connect the public right-of-way and parking areas to building entrances and connecting buildings on the site. All sidewalks shall be interconnected to the extent possible. Typical sidewalks along the right-of-way may be installed where feasible.

⁴ The existing garage/engine room is set back 0 feet from the right-of-way (it encroached 1.5 feet into the ROW). This existing condition is acknowledged and shall not require a variance. The existing condition may not be exacerbated or expanded without variance approval.

⁵ The existing stone parking on the east side of the property may be reconfigured as perpendicular, parallel or angled parking that is partly on lot 12 and partly within the right-of-way. An agreement with the Township shall provide that the redeveloper will maintain the parking spaces.

⁶ The existing principal structure is approximately 42 feet in height. The maximum permitted height for multi-family residential buildings in the PVD-3 district is also 42 feet. If it is determined that the existing structure is taller than 42 feet, it may remain and may be replaced in its current form without the need for a variance.

- a. New Sidewalks within or along the right-of-way shall be separated from the roadway by a planting strip a minimum of 3 feet in width. Where there is inadequate space, the planting strip may be reduced or eliminated.
2. A bicycle rack (post and ring rack, color black) shall be provided on site.
3. A maximum of two driveways are permitted for vehicular ingress and egress. Vehicular access to the parking area shall be from New Street on the north side of the site. Vehicular access to the existing garage may be from New Street on the east side of the site.
4. Street trees shall be provided along the right-of-way where feasible, set back four feet from the sidewalk or 6 feet from the edge of pavement within a street tree easement at intervals of approximately 40 feet.
 - a. Where building setbacks or the presence of driveways prevent the installation of street trees, they are not required.
 - b. The species should be chosen with consideration for the other existing street trees in the area and the presence of any obstructions such as overhead wires. Areas where soil has been compacted should be amended with engineered soil, structured soil, or soil support cells.
 - c. The landscape plan, showing existing and proposed street trees and any other planting within the right-of-way shall be submitted to the Chesterfield Shade Tree Commission for review and approval prior to final site plan approval.
5. Landscaping.
 - a. A detailed landscape plan shall be submitted for review and approval by the Planning Board. The landscape plan should illustrate plants to be removed as well as proposed new planting. The applicant should consult the landscape standards in section 130-80 of the Township code.
 - b. The landscape plan should include notes about the proposed methods of irrigation.
 - c. A landscape buffer shall be provided along the west side of the site and south of the principal building to buffer the back of the building and parking area from New Street. The buffer standards in 130-80 F(3) and (5) of the Township Code shall be used as guidance in developing a landscape plan.
 - d. All pervious areas shall be planted with a variety of evergreen and deciduous trees, shrubs, perennials, ground cover, and grasses. A minimum of 75% of all landscape plants shall be native species.
 - e. Plants shall be provided within landscape islands and around parking areas. Landscaping shall include native evergreen and deciduous shrubs, perennials, and ornamental trees (where space permits). Where a small setback inhibits the installation of trees around the parking area, additional groupings of trees and complementary shrubs shall be provided where space permits.

6. Architecture and Building Design.

The original school building and the later engine room/garage have outlived the purposes for which they were constructed. This redevelopment plan aims to enable the site and buildings to be repurposed in a manner that will prevent the decay and demolition of the building, and that will optimize the performance of the building, and benefit the community. Any demolition, change to the exterior of buildings, site changes, new construction, or changes to signs within the historic district require review by the Historic Preservation Commission, which will advise the Planning Board as to the proposal. The redevelopment plan intends that the redeveloper will be guided by the Historic District Design Guidelines for commercial and non-residential buildings (beginning on page 64) and will present plans for preservation treatments, repairs, restoration, replacements, and construction including materials and colors for review and approval.

- a. Architectural plans showing all sides of each building must be submitted along with the site plan application.
- b. This redevelopment plan intends that the original two story brick school building on lot 12 in block 300 will be retained, renovated, and adapted for a new use. The firehouse engine room/garage that was added to adapt the school building for use as a firehouse may remain or may be removed. Any building additions or noncontributing functional elements that were added but that are no longer necessary for the function of the proposed use may be removed to restore the character of the building.
- c. Windows.
 - i. Original window shapes and openings shall be restored for a minimum of 75% of the original windows that are still visible.
 - ii. Where windows must be closed in to adapt the building for a new use, the window opening shall be infilled with brick or cast stone.
 - iii. Where new building openings are required for emergency egress, the openings shall be placed consistent with the rhythm of existing openings.
- d. New construction additions are not permitted to the north or east sides of the original 2 story brick building. New construction additions on the west or south side of the existing building must be set back a minimum of 10 feet from the front façade of the original building. Any building additions shall utilize compatible architecture that respects and enhances the nature and character of the historic district, the style of the existing structures, and the buildings on surrounding lots.
- e. It is recommended that a covered porch, portico, or overhang be constructed over the primary entrances to the building. This is a permitted exception to the requirement at section 6(d) above.
- f. New buildings and accessory structures shall be designed to complement the architecture of the original school building and enhance the character of Crosswicks Village.

- g. All HVAC units and utility meters must be placed on the side or rear of the buildings (not along either frontage) and shall be screened. Screening may include landscaping, walls, or architectural screening designed to complement the building.
- h. The redeveloper shall coordinate with the USPS postmaster to determine the appropriate location for mailboxes to serve the development. The mailbox location(s) shall be shown on the site plan.
- i. Storage space shall be provided for residential tenants to store items such as bicycles, strollers, and other larger personal items. This can be provided in units or in common area such as a basement or storage building but shall be in addition to typical bedroom closets.

F. Enclosures for Trash and Recyclables

- 1. Trash and recycling storage areas must be enclosed and sufficiently sized to contain the dumpsters or containers for both trash and recyclable materials. Dumpsters or other trash containers are not permitted to sit in the open anywhere on the site.
- 2. If outside of the building footprint, trash and recyclables enclosure areas must be closed fence or masonry structures designed to complement the building and site design with an exterior façade to match the building, in a location accessible by residents, commercial tenants, and collection vehicles.
- 3. Trash enclosures must be a minimum of six feet in height and a maximum of eight feet, as needed to shield the trash containers.
- 4. Trash enclosure gates shall be constructed with a steel frame. Chain link gates must be black vinyl coated.
- 5. Trash enclosures that are outside the principal building footprint must be set back a minimum of 80 feet from the right-of-way and 5 feet from side and rear property lines.
- 6. The applicant shall submit an operations statement to outline the plan for solid waste and recyclables management and collection.

G. Lighting. Lighting fixtures within the parking area and internal pedestrian pathways shall be placed to complement the architectural character of the site and to provide for public safety, while minimizing light pollution. Lighting requirements are set forth in Township Code section 130-81.

- 1. Any newly installed lighting within and around the parking area shall be post-top fixtures a maximum of 18 feet high, color black.
- 2. Bollard lighting of a similar style (color black) may be utilized along pedestrian pathways.
- 3. The color temperature of LED lights should be 2,700 to 3,300 kelvins to promote a “warm” glow.

H. Signs. Signs shall be in conformance with the requirements of Township Code section 130-87 except as modified below.

1. The site may have one monument style freestanding sign on each frontage a maximum of 24 square feet in area and a maximum of 6 feet in height.
2. Monument style freestanding signs must be set back a minimum of 10 feet from the right-of way and a minimum of 50 feet from side an rear property lines.
3. The monument style sign shall have a masonry base to complement the building and shall be surrounded by a landscaped area.
4. The site may have one façade sign adjacent to or above the residential access, which shall include the address and may include the name of the building. The façade sign shall not exceed 4 square feet.
5. The site may have one façade sign for each commercial access to the building, not to exceed 12 square feet.
6. For non-residential uses with a parking area at the rear of the building, a secondary façade sign may be located at the rear of the building facing the parking area. The secondary façade sign may not exceed 6 square feet in area.
7. Freestanding signs shall not be internally illuminated. The method of illumination shall be provided with the sign permit application.
8. Sign letters and characters may not exceed 9 inches in height.

I. Affordable Housing Requirements

1. All residential development in the redevelopment area shall be inclusionary. A minimum of one dwelling unit and a minimum of 20% of the total number of dwellings shall be affordable to very low-, low-, and moderate-income households. The first affordable unit required shall either be a two-bedroom moderate income unit or a one-bedroom low income unit. All affordable units shall be restricted, regulated, and administered consistent with the Township's affordable housing regulations, the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq) and all other provisions of the Township's Affordable Housing ordinance.
2. If 20% of the total number of housing units results in a fraction of a unit, the fraction shall be rounded up if it is .5 or greater. If the fraction is less than .5 the applicant shall make a contribution to the Township's Affordable Housing Trust Fund for the fractional portion of the obligation. The contribution shall be negotiated with the Township based on the cost to subsidize a deed restricted affordable unit in the housing region.

VII. Municipal Master Plan Consistency

The central and perennial goals of Chesterfield Township's Master Plan and other planning documents over the last several decades have been to promote the industry of agriculture, to preserve a critical mass of contiguous farmland, and to allow reasonable and well-planned

opportunities for growth and the provision of affordable housing. Further, the Master Plan identifies the historic villages of Crosswicks and Chesterfield as critical to the character of the Township and supports preservation of historic resources, buildings, and sites. The Township has planned and implemented a comprehensive growth management program with agriculture and historical character at its core and continues to implement this strategy to ensure that residential growth, affordable housing, neighborhood commercial services, and viable agriculture coexist. The Master Plan also recognizes the need to allow for redevelopment and adaptive reuse of historic buildings to allow for new uses while maintaining their essential characteristics.

In 2022, consistent with Master Plan goals and objectives, the Township's Historic Preservation Commission prepared a document entitled Design Guidelines for the Historic Districts and Sites of Chesterfield Township, New Jersey. These guidelines provide context, recommendations, and direction that property owners, redevelopers, architects and community members may use as a resource. The Design Guidelines focus on residential and community buildings constructed in the 18th and 19th centuries but are applicable to all historic structures. This redevelopment plan considers the specific circumstances of the Crosswicks Union Fire Company/Public School site as well as its place in the historic district and the Township overall and encourages renovations and adaptations that utilize the design guidance provided in the historic district guidelines document.

The Township's Master Plan documents aim to ensure the availability of a range of housing types, including affordable housing, within the context of the overall land use plan. This redevelopment plan aims to enable to development of four new rental dwellings, one of which will be restricted for affordability. This redevelopment project will provide an additional affordable housing unit in support of the Township's ongoing fair share compliance efforts.

This redevelopment plan utilizes the tools provided in the Local Redevelopment and Housing Law (LRHL) to enhance opportunities for adaptive reuse of a vacant historical structure, to provide needed housing, and to enliven Crosswicks Village. None of the Township's planning policies or objectives will be undermined by this redevelopment plan.

VIII. Relationship to Master Plans of adjacent towns, County, and State Plan

A. Surrounding Municipalities

Chesterfield Township is bordered by the following municipalities: Hamilton Township in Mercer County to the north, Bordentown Township to the west, Mansfield Township to the southwest, Springfield Township to the south, and North Hanover Township to the east. The property that is the subject of this redevelopment plan is approximately 890 feet from the municipal boundary with Hamilton Township to the north and 2 miles from the municipal boundary with Bordentown Township to the west. The site is separated from Hamilton

Township by residential lots to the north and Crosswicks Creek and the associated wetland and flood hazard areas. The site is well over 2 miles from the other surrounding towns.

The base zoning of the impacted lot is V Village which permits residential and institutional uses. The redevelopment plan intends to adapt the now vacant site for compatible uses that will make productive use of the building and enable it to be maintained and improved. The redevelopment plan provides additional flexibility to allow the existing building to be renovated to accommodate residential units. Though the permitted uses are being altered somewhat from what the Village zone permits, the appearance and character of the site will not be substantially different from what has been permitted in the past. The changes brought by the redevelopment plan will not have any substantial impact on the surrounding municipalities or their master plans.

B. Burlington County

This redevelopment plan is consistent with the vision set forth in the Northern Burlington County Growth and Preservation Plan, the goals of the Burlington County Farmland Preservation Plan, and the Burlington County Parks and Open Space Plan. Redevelopment and adaptive reuse in existing villages is encouraged as a means to accommodate growth and change while preventing excessive consumption of land and extension of utilities to previously undeveloped areas.

C. New Jersey State Development and Redevelopment Plan

New Jersey's State Planning Act at N.J.S.A. 52:18A-200 provides that the purpose of the State Development and Redevelopment Plan (State Plan) is to coordinate planning activities and establish statewide planning objectives related to land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, suburban and urban redevelopment, historic preservation, public facilities and services and intergovernmental coordination. The State Plan identifies areas for growth, limited growth, agriculture, open space, conservation, and other needed designations. The plan delineates "Planning Areas" to identify areas with common characteristics and provide policy direction for each area based on natural and built characteristics and sets forth the State's vision for the future development of those areas.

The current New Jersey State Development and Redevelopment Plan (SDRP) was adopted by the State Planning Commission in 2001 and provides an overall vision the creation and maintenance of sustainable communities and focuses on outcomes such as the prevention of pollution, of excessive traffic congestion, and of excess land consumption, noting that substantial efficiencies occur when systems are designed to prevent problems rather than having to react to fix problems after they occur.

All of Chesterfield Township is located within the Rural Planning Area (PA-4) on the State Plan policy map. According to the State Plan, Planning Area 4 is intended to maintain the environs

as large contiguous areas of farmland and other lands; revitalize cities and towns; accommodate growth in centers; promote a viable agricultural industry; protect the character of existing stable communities; and confine programmed sewers and public water services to centers. The State Plan notes that the open lands of the Rural Planning Area include most of New Jersey's prime farmland, which has the greatest potential of sustaining continued agricultural activities in the future, and wooded tracts. These Rural Planning Areas along with the Environmentally Sensitive Planning Area serve as the greensward for the larger region and are not intended to be urban or suburban in nature.

The Crosswicks Firehouse/ Public School site is within a designated center (Crosswicks Village) within the rural planning area (PA-4) on the State Plan Policy Map. In historic villages such as Crosswicks the State Plan aims to protect the character of the existing stable community while encouraging private investment that will strengthen economic capacity and promote a stronger rural economy. Center based planning promotes growth in compact forms and enables the ability to accommodate change while maintaining and creating a physical framework that responds to market forces and makes the community unique. Crosswicks Village is served by utility infrastructure, is defined by its historic character, and has boundaries to limit its expansion. The proposed redevelopment is consistent with State Plan policies for this area.

IX. General Provisions

- A. **Redevelopment Entity.** The Chesterfield Township Committee shall act as the Redevelopment Entity pursuant to N.J.S.A. 40A:12A-4c for the purpose of implementing this redevelopment plan and carrying out redevelopment projects. The Township Committee shall have the powers set forth in N.J.S.A. 40A:12A-8 to effectuate the execution and implementation of this redevelopment plan, except that the Township shall not utilize the power of eminent domain since this area is a non-condemnation redevelopment area.⁷
- B. **Selection and Designation of Redeveloper.** The Township Committee shall designate a redeveloper based on the entity's experience, project proposal, financial capacity, ability to meet deadlines, ability to meet market demands within the Redevelopment Plan framework, and other relevant criteria that demonstrate the redeveloper's ability to implement the goals and objectives of the Redevelopment Plan.
- C. **Redevelopment Agreement.** The Township Committee acting as the Redevelopment Entity may enter into a redevelopment agreement with the designated redeveloper as set forth in

⁷ Only properties that have been designated as an Area in Need of Redevelopment and that have been determined to be blighted are subject to acquisition through eminent domain by the Redevelopment Entity. The Crosswicks Redevelopment Area was found to be a non-condemnation area in need of redevelopment and therefore is not subject to acquisition through eminent domain. The property subject to this redevelopment plan is not identified for acquisition.

N.J.S.A. 40A:12A-9. Prior to entering into a redevelopment agreement, the redeveloper shall submit a concept plan to the Township Committee and the Township's professional consultants to determine consistency with the redevelopment plan. Once consistency is certified, the redevelopment agreement may be executed with the concept plan as an exhibit. Any development or construction within the redevelopment area shall be undertaken in accordance with the contractual agreement between Chesterfield Township and the designated redeveloper. The execution of the redevelopment agreement shall convey the right to develop the property in accordance with the terms of the agreement and this redevelopment plan. In addition, the agreement may establish the time period for development under the terms of the redevelopment plan. The redevelopment agreement may be amended from time to time or at any time when mutually agreed by the redeveloper and the Township Committee.

- D. Time Limits. The redevelopment plan does not have an expiration date. Once the redevelopment project(s) has/have been completed in accordance with the redevelopment plan and redevelopment agreement, and the Redevelopment Entity has affirmed that all obligations have been satisfied; the conditions that warranted the redevelopment area designation shall be deemed to no longer exist. However, the Redevelopment Plan shall continue to apply as the operative zoning for the property until such time as it is specifically repealed or replaced.
- E. Relocation Provisions. No relocation requiring assistance is anticipated for property subject to this redevelopment plan and therefore a Workable Relocation Assistance Program (WRAP) is not necessary. The redevelopment area that is the subject of this redevelopment plan does not currently contain any affordable housing units. Therefore, no replacement units are required.
- F. Outside Agency Approvals. The redeveloper shall be responsible for obtaining any and all necessary outside agency approvals including but not limited to NJDEP, NJDOT, Burlington County Planning Board, and Soil Conservation District Approval.

X. Development Review and Approval

- A. All applications for development on property subject to this redevelopment plan shall be submitted to the planning board for site plan and/or subdivision review and approval pursuant to the requirements of Municipal Land Use Law and the Township Code.
- B. Prior to making a formal application to the planning board the designated redeveloper shall submit a concept plan for review by the Township Committee and the Township's professional engineer and planner to confirm consistency with the redevelopment plan.
- C. The Township shall facilitate a fast-track review process for designated redevelopers proposing projects that are consistent with the redevelopment plan by reviewing applications for

completeness as quickly as is practical and by prioritizing such applications for placement on the planning board agenda.

- D. A Redeveloper must establish an escrow account in accordance with N.J.S.A. 40:55D-53.2 and the Township's fee schedule. The escrow shall be used to pay the Township's consultants for the review of the redevelopment project.
- E. Exceptions to the regulations and standards of this redevelopment plan may only be granted by the Chesterfield Township Planning Board. Relief may not be granted by the planning board to permit a use that is not permitted, an increase in building height that exceeds the maximum permitted height by 10 feet or 10%, or any other relief that would be considered a "D" variance pursuant to N.J.S.A. 40:55D-70.d. Any such deviation shall require an amendment to the redevelopment plan. "C" variances or design waivers from the zoning standards in this plan or within chapter 130 of the Township Code may be granted by the Planning Board. Consideration of exceptions from the redevelopment plan standards in section VII above or the zoning regulations should be considered in the same manner as a "C" variance pursuant to the requirements and criteria set forth in N.J.S.A. 40:55D-70c.