

**RESOLUTION AFFIRMING THE BOROUGH OF CHESTER'S NOTICE OF INTENT TO CONFORM TO THE HIGHLANDS REGIONAL MASTER PLAN AND TO CONTINUE WASTEWATER MANAGEMENT PLANNING THROUGH HIGHLANDS REGIONAL MASTER PLAN CONFORMANCE TO ADDRESS EXISTING PUBLIC HEALTH AND SAFETY ISSUES RELATED TO WASTEWATER TREATMENT SHORTAGES IN CHESTER BOROUGH**

**WHEREAS**, the Borough of Chester is designated within the NJ Highlands Planning Area portion of the New Jersey Highlands Region; and

**WHEREAS**, as a Highlands Planning Area municipality, Chester Borough submitted a Notice of Intent to conform to the Highlands Regional Master Plan (RMP) on November 8, 2008 through a process known as "Plan Conformance;" and

**WHEREAS**, RMP Plan Conformance activities funded by the NJ Highlands Council have included an evaluation of the Highlands Regional Master Plan and its policies, a model land use ordinance, a model Master Plan amendment and a Highlands Council-funded "Wastewater Facilities Analysis" that was prepared to assess existing public health and safety issues related to wastewater treatment constraints in Chester Borough; and

**WHEREAS**, the Wastewater Facilities Analysis (the Study) buildout analysis for the Borough indicated that the design flows within the existing Sewer Service Area exceed the permitted capacity of the system, based on Chester Borough Land Development Ordinance and current Borough zoning, and further that, interviews with Health Department officials and a review of Health Department Records to determine which properties within the Borough are or may be susceptible to environmental degradation caused by failing or inadequate on-site subsurface disposal systems revealed significantly insufficient design flows for existing wastewater treatment facilities in the Borough; and

**WHEREAS**, the Study identified 202 properties in the Borough that would benefit from a centralized wastewater collection, treatment and disposal system, including 74 sites zoned commercial that are neither currently served by the existing Borough system nor permitted through the NJPDES program, and 39 parcels zoned residential that have had recently replaced septic systems or are known to be served by seepage pits/cesspools and 89 additional existing residences built prior to 1971, which were assumed to be served by a seepage pit or cesspool due to their age; and

**WHEREAS**, the Study evaluated sites served by individual on-site disposal systems to determine which properties are of sufficient size to allow for construction of replacement on-lot systems that would be capable of treating effluent to the required quality

according to the Trela-Douglas recharge-based nitrate-dilution model, and found that most lots in the Borough are not large enough to adequately dilute nitrate according to standards according to the NJDEP accepted model; and

**WHEREAS**, the Study included an evaluation of sites for possible disposal field construction with limited disposal capacities and identified construction requirements that unreasonably high development costs to develop additional wastewater treatment capacity for the Borough; and

**WHEREAS**, the governing body of the Borough of Chester identifies the highest priority for the allocation of any wastewater treatment capacity that may become available to serve areas where there are clusters of failed septic systems that are located within or adjacent to Existing Areas Served to address residents' public health and safety concerns; and

**WHEREAS**, the Borough of Chester has been invited by the New Jersey Highlands Council to continue to seek wastewater management planning solutions to existing public health and safety issues through Highlands RMP Plan Conformance; and

**WHEREAS**, the NJ Highlands Executive Director and Staff have twice within the past two years attended regularly scheduled governing body meetings and publicly indicated to the governing body that wastewater management planning and addressing existing wastewater treatment plant and collection line capacity constraints is among the benefits available to Chester Borough through RMP Plan Conformance;

**WHEREAS**, the current Borough waste water treatment systems are operating at capacity and are currently in need of improvement, repair, and capacity expansion; and

**WHEREAS**, representatives of the Highlands Council have acknowledged and identified the Borough's sewer capacity limitations, the need for treatment facility improvement and/or repairs, and that the continued use of cesspools by residents (which makes the property unsellable and poses contamination to potable well water), and the need to expand the water service areas to address existing conditions that constitute serious public health and safety issues facing the Borough; and

**WHEREAS**, representatives of the Highlands Council have represented that through plan conformance, the Highlands Council could help the Borough address these issues through grants and utilization of Highlands Council staff and resources. Specifically, it has been represented that there may be funding for exploration of innovative solutions; experts and staff available for assistance in problem solving; guidance through the DEP approval process; and assistance in locating funding sources for the construction of an alternative waste water treatment process, which is provided to the Borough at no cost once a Highlands grant has been issued; and

**WHEREAS**, the Highlands Council has reassured the governing body that if at any time unhappy the governing body is not satisfied with the direction or the impact of plan conformance on the Borough, it may suspend or withdraw from the plan conformance process without any repayment liability to the Highlands Council for any of the grants or assistance obtained from the Highlands Council; and

**WHEREAS**, the Governing Body of the Borough of Chester believes that it is in the best interests of the citizens of the Borough of Chester to affirm its Notice of Intent to conform to the Highlands Regional Master Plan through Highlands Plan Conformance;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Chester, Morris County, New Jersey that Chester Borough shall continue with New Jersey Highlands Council Plan Conformance procedures, together with any planning investigations that may be authorized by the Highlands Council, and to prepare Chester Borough for Highlands Plan Conformance.

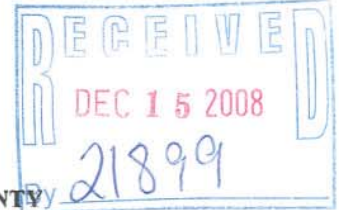
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**CERTIFICATION:** I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Mayor and Council of the Borough of Chester, New Jersey, at a meeting held on October 20, 2015.

*Valerie A. Egan*

Valerie A. Egan, Borough Clerk

Name	Aye	Nay	Absent	Abstain
Cooper-Napolitano	✓			
Ferrone			✓	
Finney	✓			
Gugliemini	✓			
Iverson	✓			
Marshuetz	✓			



RESOLUTION 2008-121

BOROUGH OF CHESTER, MORRIS COUNTY

NOTICE OF INTENT TO STUDY PETITIONING THE HIGHLANDS COUNCIL FOR PLAN CONFORMANCE

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act), N.J.S.A. 13:20-1 et seq., finds and declares that protection of the New Jersey Highlands is an issue of State level importance because of its vital link to the future of the State's drinking water supplies and other key natural resources; and

WHEREAS, the Highlands Act creates a coordinated land use planning system requiring the Highlands Water Protection and Planning Council (Highlands Council) to prepare and adopt a Regional Master Plan (RMP) for the Highlands Region and requiring that within nine to 15 months after September 8, 2008, each county and municipality located wholly or partially in the Preservation Area must submit a Petition for Plan Conformance to the Highlands Council for that portion of its jurisdiction lying within the Preservation Area; and

WHEREAS, The Borough of Chester lies within the Highlands Region as defined by the Highlands Act; and

WHEREAS, The Borough of Chester Borough is located in the Planning Area created under the Highlands Act, but no part of this municipality is located in the Preservation Area, and therefore conformance with the RMP by Chester Borough is discretionary; and

WHEREAS, the thoughtful exercise of discretion in reaching a decision about submitting a petition seeking voluntary compliance with the RMP requires an analysis of known positive and negative criteria that should be based upon a professional study using reliable, accepted methodology; and

WHEREAS, the Governor has ordered Council on Affordable Housing (COAH), The NJDEP, NJDCA, and the Highlands Council to work in cooperation to review COAH's third round growth projections and develop adjusted growth projections within the Highlands Region, consistent with the RMP, to be utilized by municipalities that conform to the RMP; and

WHEREAS, this work of the referenced State agencies, in process at this time, will result in adjustments that are currently unknown, but are expected to be produced within a reasonable time; and

WHEREAS, the Highlands Act specifies that conformance with the Regional Master Plan (Plan Conformance) requires revisions to municipal and county master plans and development regulations as applicable to the development and use of land to align them with the goals, requirements and provisions of the Regional Master Plan; and

WHEREAS, the character and probable impacts of such revisions can only be developed through careful study by qualified professionals, a scope of work that is beyond the budgeted resources of Chester Borough; and

WHEREAS, grant funding is currently available through the Highlands Council for RMP plan conformance studies, including a review of the Council on Affordable Housing third round growth projections, upon which the affordable housing obligation of Chester Borough is based; and

WHEREAS, the Highlands Council's Plan Conformance Guidelines provide that for jurisdictions with any lands in the Planning Area, a Notice of Intent to conform to the Regional Master Plan may be submitted at any time; and

WHEREAS, the Borough of Chester believes that it may be in the best interest of the Borough of Chester to study submitting a petition to the Highlands Council seeking voluntary RMP conformance.

**NOW, THEREFORE BE IT RESOLVED,** that the Mayor and Council of the Borough of Chester, being located entirely within the Planning Area, hereby provides the Highlands Council with this Notice of Intent to study petitioning the Highlands Council for Plan Conformance

**BE IT FURTHER RESOLVED,** in accordance with the Highlands Council's Plan Conformance Guidelines, neither this Notice, nor a Notice of Intent to submit a Conformance Petition is binding with respect to lands within the Planning Area.

**BE IT FURTHER RESOLVED,** that the Mayor and Council of the Borough of Chester expect that the Highlands Council will provide grant funding for a study of the impacts of RMP Conformance upon Chester Borough, beginning with a preliminary assessment RMP, and that further action by the Borough on that study is contingent upon this funding; and

**BE IT FURTHER RESOLVED,** that in accordance with this Resolution, the Chester Borough Council may suspend or discontinue study of the RMP Conformance process if and when the Mayor and Council determine that Highlands RMP Conformance is not desirable or consistent with the Borough's Master Plan, land use goals and objectives, or development objectives for the Borough of Chester, or for any other reason, or for no reason; and

**BE IT FURTHER RESOLVED,** this Resolution is notice to the Highlands Council that the Mayor and Council of the Borough of Chester has set June 15, 2009 or 120 days after COAH develops its adjusted growth projections within the Highlands Region, with a specific component number assigned to Chester Borough, whichever is later, as the target date for a decision on whether the Borough will submit a Petition for Plan Conformance.

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**CERTIFICATION:** I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Mayor and Council of the Borough of Chester, New Jersey, at a meeting held on November 3, 2008.

Valerie A. Egan  
Valerie A. Egan, Municipal Clerk

Dennis Verbaro  
Dennis Verbaro, Mayor

Name	Aye	Nay	Absent	Abstain
Davis Z	X			
Finney M	X			
Iversen	X			
Marshuetz			X	
Robshaw	X			
Schloesser			X	