

**BOROUGH OF PEAPACK AND GLADSTONE
SOMERSET COUNTY, NEW JERSEY**

ORDINANCE NO. 1142-2024

AN ORDINANCE TO AMEND CHAPTER XXIII, "LAND DEVELOPMENT ORDINANCE" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF PEAPACK AND GLADSTONE CREATING THE SENIOR LIVING CAMPUS ZONE

WHEREAS, Pfizer Inc., has long maintained a research and office campus within the Borough located at 100 Route US-206. This facility sits on 148 acres, employs over 1,200 persons and pays over \$1.5 million annually in local taxes representing 9% of the Borough's tax revenue; and

WHEREAS, in October of 2023 Pfizer announced it would be closing this facility permanently along with other facilities due to slumping pharmaceutical sales; and

WHEREAS, the loss of the Pfizer office and laboratory research facility requires that the campus be repurposed to address the void left by Pfizer's closure; and

WHEREAS, the Borough believes that the campus is well suited to be repurposed to include, among other things as described herein, to a senior housing campus with multifamily units and townhomes limited to 55 and over, assisted living facility, an on-site extended stay hotel, medical arts facility and commercial space, including restaurants and retail for the benefit of residents and visitors, various site amenities, including property reserved for open space and trails, and other ancillary and incidental uses; and

WHEREAS, in consideration of the above and in accordance with the requirements of N.J.S.A. 40:55D-1 et. seq., the Borough Land Use Board adopted, on March 6, 2024, a Master Plan Land Use Element Amendment prepared by Burgis Associates entitled "Master Plan Land Use Element Amendment-Pfizer Campus Development" dated February 22, 2024.

NOW THEREFORE BE IT ORDAINED by the Governing Body of the Borough of Peapack and Gladstone, Somerset County, New Jersey that it does hereby amend and supplement the Zoning Ordinance of the Borough as follows:

Note: deletions of existing ordinance requirements are indicated by ~~strikeout~~ where new sections are indicated by ***bold italics***.

SECTION 1. Article IV §23-38.1 Establishment of Zones is hereby amended and supplemented as follows:

SLC Senior Living Campus Zone

SECTION 2. Article IV §23-38.2 Zoning Map is hereby amended and supplemented as follows:

Block 20, Lots 7, 8, 9, 9.01, 10 and 15 are hereby rezoned from ORL, to SLC.

SECTION 3. Article IV, Zoning is hereby amended to add §23-39.3, Senior Living Campus Zone:

§23-39.3 Senior Living Campus Zone (New Section)

a. Purpose. The purpose of this zoning district is to permit the adaptive reuse of the former Pfizer Campus, previously occupied by the Pfizer Pharmaceutical Corporation as an office, research and laboratory facility, into a campus that will provide senior housing (in the form of multifamily units and townhome units, senior assisted living facilities, medical arts buildings, extended stay hotel, commercial uses and other principal uses and accessory uses as described herein within the SLC Zone. Given the scope of the SLC Zone, it is intended that development of the SLC Zone (and approvals granted pursuant to this ordinance) will occur in multiple phases.

b. Principal permitted uses.

- 1. Senior Multifamily Residential Development (including rental apartments, for-sale condominiums, and townhomes) constructed solely for senior occupants hereby defined as those adults that are 55 years of age or older subject to occupancy limitations as set forth in this ordinance. Nothing herein is intended to restrict the ownership of any residential unit by virtue of the age of any one or more unit owner, but rather the intent is to restrict the occupancy of residential units by virtue of the age of the occupants of such units, consistent with applicable statutory and case law, including, but not limited to, the Federal Fair Housing Act (FHA) and the NJ Law Against Discrimination (NJ LAD). Residential development at the site may also include special needs housing (as permitted and defined under the Uniform Housing Affordability Controls) and/or a group home subject to the same age restrictions set forth in this Section.***
- 2. Senior assisted living or continuum care facilities, including but not limited to acute care facilities, memory care facilities, independent living facilities.***

- 3. Medical Arts Building limited to small-scale general or specialty practices herein defined as a medical or dental practice offering medical or dental services on an outpatient basis. Each such practice shall include a total of no more than the full-time equivalent of three principal health care providers and two other medical or dental professionals, exclusive of administrative or clerical staff, providing services on the premises. A medical or dental office may also contain associated in-house ancillary services such as in-house diagnostic testing facilities, medical counseling services, and similar services which are customarily included in connection with such principal uses.**
- 4. Extended Stay Hotel, including conference center, conference rooms, restaurants and/or banquet halls, and retail uses which are customarily included in connection with a Hotel. Any such restaurant or banquet hall shall be permitted to include space to service patrons consuming alcoholic beverages, to the extent such facility is or will be in possession of a liquor license. Agreements for occupancy at an Extended Stay Hotel shall be limited to a maximum term of nine (9) months pursuant to a license agreement. No lease agreement will be permitted. There shall be no minimum term for occupancy.**
- 5. Commercial uses, including a market, convenience store, small restaurant or other businesses that directly support the residential community. The foregoing shall include a Pub, Café, private dining or brasserie. An outdoor dining area associated with a food service use shall be permitted provided it is in an enclosed space (i.e., surrounded by a small fence, landscaping boxes, or similar enclosures customarily used for outdoor dining) and appropriately screened. The total square footage of commercial uses shall be limited to 12,500 square feet; it being understood that the square footage associated with other principal uses and/or accessory uses permitted hereunder shall not count toward such square footage maximum cap. By way of example, and not of limitation, the foregoing uses shall not be included within the 12,500 square foot limit: clubhouses, assisted living facilities or similar uses, extended stay hotels, restaurants, conference centers or banquet facilities included in an extended stay hotel, solar arrays, or other accessory uses incidental to a principal use as noted below.**
- 6. Solar array limited to its present footprint and location on Block20, Lot 9 with the expressed purpose of providing electric energy to the SLC and other areas within the Borough.**

7. ***Multiple permitted uses shall be permitted on a single lot and may occupy a single building or can be developed as separate structures within the SLC Zone.***

c. Prohibited uses. Any use not specifically permitted herein is prohibited.

d. Accessory Uses. Any use which is ordinarily subordinate and customarily incidental to the principal permitted uses including but not limited to residential amenities, including clubhouses, pools, gyms, fitness facilities, spas, lounges, rooftop decks, walking trails, tennis courts, pickleball courts, bocce courts, recreational facilities, community rooms, outdoor barbecues and eating areas, decks, patios and similar site improvements. Without limiting the generality of the foregoing, accessory uses shall also include:

1. ***Roof-top mounted structures for heating, cooling, ventilation, hot water, elevators, or generation of electricity through renewable energy sources;***
2. ***Dining facilities associated with the hotel and conference facilities and/or assisted living facilities;***
3. ***Retail uses associated with the hotel and conference facilities;***
4. ***Courtyard***
5. ***Club Room venue and fitness center for classes & activities***
6. ***Medical care center, on-site physicians, & medication administration***
7. ***Hair salon***
8. ***Wellness consultants and lifestyle curators***
9. ***Emergency response technology***
10. ***Library and lounge(s)***
11. ***Housekeeping, concierge, and daily living assistance***
12. ***Resident transportation***
13. ***Pet friendly facilities such as dog runs and dog washes***
14. ***Indoor heated pool or Outdoor Pools and associated storage areas.***
15. ***Rooftop decks or gardens***
16. ***Movie theater room***
17. ***Sanctuary/Meditation center***
18. ***Art studio***
19. ***Parking areas***
20. ***Signs as permitted by ordinance***
21. ***Storage areas for residential occupants in the SLC Zone***
22. ***Mechanical areas***
23. ***Detention Basins, infiltration basins, swales, we ponds, and constructed***

*stormwater wetlands that handle stormwater management; * and*
24. Other site improvements which are customary and incidental to the principal uses permitted herein.

e. Low and Moderate-Income Housing Requirements.

- 1. There shall be a mandatory set aside of 20% of residential units as applied to the residential portion of the SLC regardless of whether for rental or for sale. Of the 20% mandatory set aside set forth above, not more than fifteen (15) of such units may be satisfied by the development of special needs age restricted beds (which shall have the meaning set forth in the Uniform Housing Affordability Controls (UHAC) regulations. It being understood that such beds shall be credited against any other affordable housing unit requirement applicable to the SLC Zone's residential portion on a one to one basis, as permitted by UHAC.**
 - 2. Notwithstanding the foregoing, the set aside applicable to an assisted living facility shall be subject to only a 10% affordable housing set aside as required by N.J.A.C. 5-93-5.16a**
 - 3. Residential development, as permitted by this section, shall comply with all provisions of Chapter XXIII, Article IX titled "Affordable Housing."**
 - 4. The required set aside may be satisfied by the inclusion of multi-story residential buildings, garden style apartments, ~~group homes~~ or any other use permitted hereunder.**
- f. Area and setback requirements shall be as follows, which shall be applied on the basis of the larger of (1) the existing lots as of the adoption of this ordinance, or (2) lots created subsequent to the date hereof as a result of lot consolidations, without regard to any future subdivision affecting the property within the SLC Zone. For the avoidance of doubt, future subdivisions of the Property are permitted without regard to the minimum lot area or other bulk requirements set forth herein. Any application for preliminary and/or final site plan approval submitted under this ordinance which either (i) also includes a subdivision, or (ii) succeeds a previously approved subdivision, shall include the boundary lines of the lots in existence as of the date of adoption of this ordinance for purposes of determining whether the**

proposed site plan complies with the bulk requirements set forth herein.

- 1. Minimum tract area for development application (acres): 50**
- 2. Minimum setbacks from boundaries of the SLC Zone, applicable regardless of whether same constitutes a front yard, rear yard, side yard or otherwise (feet):**
 - (a) Abutting an industrial zone (as of the date of adoption of this ordinance): 50 feet**
 - (b) All other yards: 100 feet**
- 3. Impervious Coverage Limitation. 50%**
- 4. Building Height. Building height shall be regulated as follows:**
 - (a) "Building height" shall mean the vertical distance from average finished grade of the building or structure to the level of the highest point of the building (or in the case of a pitched or gable roof, the mid-point between the eave and ridge of such roof), but not including Rooftop Appurtenances.**
 - (b) "Rooftop Appurtenances" means the visible, functional or ornamental objects accessory to and part of a building's roof-top, including, but not limited to, chimneys, parapets or other ornamental features, elevator equipment, mechanical utility equipment, and any associated screening or enclosures.**
 - (c) "Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it; provided that (1) any Story that is at least 45% below finished grade, measured according to the portion of its floor-to-ceiling height that is below finished grade shall not be considered a Story, and (2) attics, inaccessible space, or space not otherwise intended for human occupancy, shall not be considered a Story as well as ground level or subterranean space utilized solely for parking, ingress and egress, shall not be considered a story.**

(d) Maximum number stories and building height:

- i. Residential: 3 Stories/ 45 feet**
- ii. Extended Stay Hotel/Commercial: 3 Stories/45 feet**
- iii. Assisted Living: 3 Stories/ 45 feet**

(e) Height Exception.

- i. Existing buildings within the SLC Zone that are repurposed to uses as permitted by this section may maintain existing building heights but may not be expanded in height. The addition of parapets or other ornamental features, elevator equipment, mechanical utility equipment, and any associated screening or enclosures or rooftop decks shall not be considered an expansion of existing building height subject to the requirements pursuant to subsection f.4.ii.**
- ii. The height limit shall not apply to roof-mounted heating, air-conditioning units or mechanical, electrical, and plumbing equipment, except such equipment shall not exceed a maximum height of 10 feet and shall not occupy more than 25% of the roof area. and be screened by a wall, cover or by other means, and such screening shall be in keeping with the architectural motif of the building.**

g. Supplemental Regulations.

1. Maximum number of residential units. The maximum number of allowable residential units shall not exceed the following:

(a) Residential senior housing development: 200 total units.

(b) Assisted Living Units and/or Hotel Units: Total number in combination of units shall not exceed 230 total units (which may be allocated among the foregoing uses in the discretion of applicants). Notwithstanding the total number of units set forth above, in no event shall the SLC Zone include more than 195 assisted living units, or 130 Hotel Units.

2. Occupancy limitations.

- (a) The occupancy of any residential unit shall be limited either, by deed if for sale or by lease if rental, to occupancy by adults where at least one adult is age 55 or older, and no one in the household is less than 19 years of age.**
- (b) Any change in occupancy of a residential unit shall create a new tenancy and the age restriction set forth in subsection g.2(a) above shall be incorporated into any title or lease associated with the unit.**

3. Parking.

- (a) Residential Parking: In accordance with Residential Site Improvement Standards (RSIS).**
- (b) Assisted Living Facility: In accordance with Residential Site Improvement Standards (RSIS).**
- (c) Nonresidential:**
 - i. Restaurant: 1 space per 4 seats**
 - ii. Conference Center: 1 space per 400 square feet**
 - iii. Medical arts building: 1 space per 200 square feet**
 - iv. Convenience Store 1 space per 250 square feet**
 - v. Extended Stay Hotel: 1 space per unit plus 1 parking space per employee on a maximum shift.**
- (d) Except as otherwise set forth herein, Parking and circulation shall comply with Land Development, Article V, Site Plan and Subdivision Standards enumerated in §23-46.12 as applicable. Parking spaces measuring 9'x18' shall be permitted and satisfy the requirements hereunder.**
- (e) Electric Vehicle Supply/Service Equipment. Electric Vehicle Supply/Service Equipment (EVSE) shall be incorporated in any development within the SLC Zone pursuant to New Jersey P.L. 2021, c.171. Same shall be for the exclusive use of residents and other users of the principal uses, and not the general public.**

4. Buffer Requirements. A natural vegetated buffer equal to the distance of the applicable setback requirement as set forth herein, shall be required to be maintained at all times along the perimeter of the SLC Zone, other than areas located within the public right-of-way or other easement areas, (i.e., the

perimeter of the aggregate plot of land comprising the SLC Zone, and not individual lots within the SLC Zone). The buffer may include naturally occurring vegetation, as well as hedges, row trees, berms or similar landscaping installed by developer.

- (a) No disturbance or use is permitted to the buffer area with the exception of access roads, walking paths or trails and similar passive recreation uses, underground infrastructure, landscaping, hardscape (including retaining walls, fencing, ornamental walls, and the like), signs as may otherwise be permitted by this Ordinance or other Borough Ordinances, or required maintenance to the foregoing or the buffer area.***
- (b) Any disturbance to buffer areas as permitted by subsection 4.(a) above shall be restored subject to the review and approval of the Borough Land Use Board.***

5. Landscape Requirements.

- a) Landscaping shall be provided to promote a desirable visual environment, to accentuate building design, define entranceways, screen parking areas, mitigate adverse visual impacts and provide windbreaks for winter winds and summer cooling for buildings, and enhance buffer areas. The impact of any proposed landscaping plan at various time intervals shall be considered. Plants and other landscaping materials shall be selected in terms of aesthetic and functional considerations. The landscape design shall create visual diversity and contrast through variation in size, shape, texture and color. The selection of plants in terms of susceptibility to disease and insect damage, wind and ice damage, habitat (wet- site, drought, sun and shade tolerance), soil conditions, growth rate, longevity; root pattern, maintenance requirements, etc., shall be considered. Consideration shall be given to accenting site entrances and unique areas with special landscaping treatment. Flowerbed displays are encouraged.***
- b) Landscaped islands shall be at least six feet in width to accommodate***

plantings.

- c) Landscaping within sight triangles shall not exceed a mature height of 30 inches. Shade trees shall be pruned up to an 8-foot branching height above grade.**
- d) All areas that are not improved with buildings, structures and other man-made improvements are encouraged to be forested, left in their natural state, or landscaped with trees, shrubs, street furniture, sculpture or other design amenities. The foregoing shall not prohibit open space (including a forest or space left in its natural state), which is encouraged to be included in the SLC Zone.**
- e) Shade trees shall be a minimum 2.5 to 3-inch caliper with a canopy height of at least the minimum American Nursery and Landscape Association Standards for this caliper.**
- f) Ornamental Trees shall be installed at a minimum size of 6 feet in height.**
- g) Shrubs shall be planted at a minimum size of 18 to 24 inches.**
- h) All plant material shall meet the minimum latest American Nursery and Landscape Association Standards.**
- i) Irrigation shall be provided for all lawn areas in a manner appropriate for the specific plant species.**
- j) A growth guarantee of one growing season shall be provided and all dead or dying plants within that period shall be replaced by the applicant, as required, to maintain the integrity of the site plan.**
- k) Landscape Plantings. All plant materials are to be indigenous to the region herein defined as the Somerset County region but in no event shall the plant materials be comprised of less than 50 percent indigenous species. Invasive plant species shall not be permitted.**
- l) Landscaping shall be a condition of any approval and shall be maintained in perpetuity. The perpetual maintenance obligation shall not require that landscaping be replaced with identical species**

types, but shall allow for substitution with like-kind landscaping. An applicant shall be permitted to upgrade, replace, add or otherwise alter landscaping set forth in any approved plan, so long as the same is reasonably consistent with that which was approved in the site plan application. Any replacement of plant species shall comply with the requirements of subsection 5.(k) above

6. Lighting.

- a) All lighting fixtures and foot-candle standards for parking areas and recreation facilities shall be consistent with the standards outlined by the Illuminating Engineering Society of North America (IESNA).*
- b) A lighting plan prepared by a qualified professional shall be provided with site plan applications.*
- c) The intensity, shielding, direction and reflecting of lighting shall be subject to site plan approval by the Borough Engineer and Land Use Board.*
- d) All parking areas, walkways, building entrances, and driveways required for uses in this zone shall be adequately illuminated during the hours of operation that occur after sunset.*
- e) Lighting shall be shielded so as to prevent glare from adversely impacting surrounding properties.*

7. Signage.

- a) Signage shall be in accordance with Article IV, Zoning §23-40.17 and Attachment 2 of the Land Development Code, except as modified herein. Notwithstanding the lack of reference to the SLC Zone therein, all signage permitted by Attachment 2 to Chapter 23 (the "Sign Zone Specification Table") which are applicable to the uses permitted hereunder shall be permitted in the SLC Zone.*
- b) Freestanding Signage*
 - i. Electric Vehicle Charging Stations for public use shall be permitted one freestanding sign subject to compliance with*

Article IV, Zoning §23-40.17 and Attachment 2 of the Land Development Code as enumerated in this section. Notwithstanding the foregoing, the minimum setback required for such freestanding sign shall be 10 feet.

- ii. A property sign, identifying the property address, shall be permitted subject to compliance with Article IV, Zoning §23-40.17 and Attachment 2 of the Land Development Code as enumerated in this section. Notwithstanding the foregoing, the minimum setback required for such freestanding sign shall be 10 feet.**

c) Wayfinding Signage

- i. In order to promote the safe and efficient circulation of vehicles and pedestrians within the SLC Zone, development within the SLC Zone shall permit wayfinding signage throughout the tract in the discretion of applicants, subject to the reasonable approval of the Board Engineer.**

d) Permitted signs are as follows:

- i. Residential uses: Townhouses and multi-family residential uses are permitted ground identification signs and/or monument signs at entrances to a community which shall not exceed 36 square feet in area nor shall be greater than six feet above grade.**
- ii. Mixed use: For a mixed-use development, the sign requirements for each component use as provided herein shall be calculated separately**
- iii. Hospitality/lodging uses: The permitted signs for hospital/lodging uses shall be the same as for retail uses.**

e) Office uses as follows:

- i. Wall signs: Office uses are permitted one wall sign per street frontage; Permitted Wall Sign Dimensions for Office Uses. No walls signs are permitted above the roofline. Walls signs may be internally lit raised letters with concealed ballast, back-lit raised letters with concealed ballast, signage board with gooseneck**

lighting, or individual cut letters with gooseneck lighting.

- ii. Ground signs: Office uses are permitted one ground sign. The maximum sign area shall be 48 square feet. The maximum sign height shall be six feet above grade. If lighted, the sign shall be lit by direct, external light sources, internally illuminated letters/logos, or back-lit raised letters/logos. Ground signs shall be constructed so that no void is present between the sign and the ground; and*
- iii. Directory signs: Office structures having more than two tenants may have tenants' names aggregated into one directory sign located at or near the main entrance into the building and be either attached to the building or be freestanding. Directory signs shall not be more than 10 feet from the entrance to the buildings provided the resulting directory sign does not exceed two square feet per business or 32 square feet in aggregate, whichever is less.*

f) Retail Uses as follows:

- i. Retail uses are permitted one wall sign per street frontage; Wall signs shall be located between the top line of display windows or doors on the first floor, and the bottom line of the second-floor windows, roof, or cornice above, in an area that is uninterrupted by windows, architectural details, or openings. Wall signs shall not project beyond the roof or sides of the building. No sign shall project more than 15 inches from the wall of any building*
- ii. Retail window signs are permitted provided that the aggregate sign area of window signs shall not exceed 15 percent of the glazed area of the ground-floor retail window in which the sign is placed. Retail window signs shall be affixed flush with or inside the glazing, and letters and graphics may only be opaque. No portion of any retail window sign shall be located higher than 15 feet above grade.*
- iii. Temporary window signs shall be permitted to be displayed on or*

inside the glazed portion of ground-floor retail windows. No such sign shall be permitted on solid portions of facades

- iv. Retail uses are permitted one awning sign. No sign shall be placed on any portion of an awning except the valance. The sign area shall be less than 30 percent of the surface area of the valance. Such sign copy may be non-illuminated or indirectly illuminated.***

g) Temporary Signs

- i. Future development signs: In conjunction with site plan approval, a temporary sign is permitted indicating the future development of the property under construction or alteration.***
 - ii. Temporary signs announcing the future opening of a use permitted hereunder shall be permitted, provided the sign not exceed 100 square feet nor shall any portion of the sign be greater than eight feet in height or closer than 10 feet to any property line.***
 - iii. Sale or rental signs: Temporary signs shall be permitted advertising the sale or rental of the premises upon which said sign has been erected. The foregoing shall include freestanding signage, feather flags, and signs designating parking spaces for prospective future residents. Sale and rental signs shall not be permitted to be neon or flashing lighted signage.***
- 8. Refuse and recycling shall be located interior to a building or, alternatively, if located outside, the refuse area shall be appropriately screened by decorative masonry wall and/or fencing consistent with the type of building materials used within the development not to exceed six feet.***
- 9. Rooftop utilities, including mechanical, electrical, and plumbing equipment, and HVAC units, are permitted as set forth elsewhere in this ordinance, but shall be shielded from public view with appropriate screening that complements the character of the buildings architecture. Private residential balconies shall be permitted but shall not exceed a maximum depth of six (6)***

feet beyond the building façade nor encroach within a required setback. Notwithstanding the foregoing, ground level private and common courtyards shall not be subject to these requirements and may be permitted within the required setback provided the encroachment is screened or landscaped.

10. Rooftop terrace space may be used as an outdoor amenity provided such use is screened or otherwise not visible to the neighboring properties and the hours of operations are limited to the hours of 8:00 a.m. to 11:00 p.m. daily.

11. Architecture compatibility. Any proposed new construction shall incorporate architectural features that are compatible in design and color to existing campus buildings that are maintained within the complex.

12. Dedication of Open Space. Pursuant to the Master Plan Land Use Element of the Borough, any development of the SCL Zone shall require a dedication of open space to the Borough as detailed in the amendment document entitled "Master Plan Land Use Element Amendment-Pfizer Campus Development," prepared by Burgis Associates, dated February 22, 2024, and adopted by the Land Use Board on March 6, 2024.

13. Solar Array. The existing solar array situated on Block 20, Lot 9 shall be maintained and continued for the sole benefit of the development within the SLC Zone and/or other areas within the Borough. The solar array shall remain operational until such time the solar array has reached its engineered functional age and is no longer feasible to operate or, the third-party lessee responsible for operation of the solar array elects to decommission, terminate or otherwise abandon its operation in accordance with the terms of the lease, whereupon the array may be replaced with renewed solar equipment or abandoned. If abandoned, the responsible third-party lessee shall restore the site to its original undeveloped condition.

14. The SLC Zone is subject to that certain Sewer User Agreement, between the Borough of Peapack & Gladstone and Pharmacia & Upjohn Company, dated as of December 18, 1999 (the "Sewer User Agreement"). The Sewer User Agreement shall remain in full force and effect notwithstanding any change in use or other development as permitted hereunder or as may be approved in accordance with the MLUL. Without limiting the generality of the foregoing, (1) the existing capacity authorized pursuant to the Sewer User Agreement

shall continue to be authorized by the Borough, (2) in accordance with Section 201 of the Sewer User Agreement, the Borough agrees to endorse (subject to the reasonable approval of the Borough engineer) any application to the New Jersey Department of Environmental Protection for Treatment Works Approval made by an applicant within the SLC Zone, such endorsement to be provided to applicant upon submission of a preliminary or final site plan and/or subdivision approval; and (3) in the event increased capacity is approved in accordance with applicable law following the date hereof, the Borough's assessment of connection fees, user charges and surcharges shall be consistent with those permitted by applicable law and Borough ordinances then in effect.

15. Subdivisions: The subdivision of land within the SLC Zone for the purpose of financing, property management, conveyance or creation of fee simple lots for townhome units or for the separation of the apartment / condominium units from the townhome units shall be permitted hereby, notwithstanding that after any such subdivision the individual lots and improvements thereon may not comply with all requirements of this chapter, provided that the pre-subdivided lot (whether an original lot or a consolidated lot) remains in compliance with the site plan approved in accordance with the MLUL.

16. Developer's Agreement. Any approval for development within the SLC Zone shall be conditioned upon a Developer's Agreement memorializing the conditions of approval granted pursuant to the Municipal Land Use Law (MLUL) to be entered into between the Borough Governing Body and Developer which must be filed with the County Registrar.

SECTION 4. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Somerset County Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15 and 40:55D-62.1. The Borough Clerk shall execute any necessary Proofs of Service of the notices required by this section and shall keep any such proofs on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

SECTION 5. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Land Use Board of the Borough of Peapack for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Land Use Board, acting in its capacity as Planning Board, is directed to make and transmit to the Borough Council, within thirty-five (35) days after referral, a report including identification of any provision in the proposed Ordinance

which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

SECTION 6. If any paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 7. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 8. This ordinance shall take effect immediately upon: (i) adoption; and (ii) publication in accordance with the laws of the State of New Jersey.

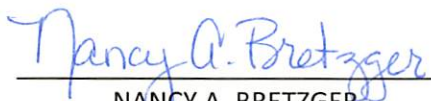
Introduced: May 14, 2024

Introduced	Seconded	Borough Council	Aye	Nay	Abstain	Absent
		Jamie Murphy	X			
	X	Eric L. Quartello	X			
		Sergio Silva	X			
		Julie Sueta	X			
X		John Sweeney	X			
		Jill Weible	X			

Adopted: September 10, 2024

Introduced	Seconded	Borough Council	Aye	Nay	Abstain	Absent
		Jamie Murphy				X
		Eric L. Quartello	X			
		Sergio Silva	X			
		Julie Sueta	X			
X		John Sweeney	X			
	X	Jill Weible	X			

Attest:



 NANCY A. BRETZGER
 BOROUGH CLERK



 MARK A. CORIGLIANO
 MAYOR