



State of New Jersey
DEPARTMENT OF STATE
NEW JERSEY STATE PLANNING COMMISSION
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PHILIP D. MURPHY
Governor

THOMAS K. WRIGHT
Chairman

SHEILA Y. OLIVER
LT. GOVERNOR

DONNA A. RENDEIRO
Executive Director/Secretary

Resolution No. 2021-15
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Date: October 6, 2021
Patron: Thomas Wright

RESOLUTION
ADOPTING PLAN ENDORSEMENT WAIVERS FOR
THE TOWNSHIP OF UPPER, Cape May COUNTY

WHEREAS, pursuant to the State Planning Act, N.J.S.A. 52:18A-196 et seq. (the Act), the State Planning Commission (the Commission) has prepared and adopted a State Development and Redevelopment Plan (the State Plan) which includes a State Plan Policy Map; and

WHEREAS, the Commission is empowered, pursuant to N.J.S.A. 52:18A-203, to adopt rules and regulations to carry out and implement its statutory responsibilities and purposes; and

WHEREAS, pursuant to its authority under N.J.S.A. 52:18A-203, the Commission has adopted regulations, set forth in N.J.A.C. 5:85, that establish procedures for the filing of petitions with the Commission for the purpose of, *inter alia*, seeking Plan Endorsement and amendments to the State Plan Policy Map as a means to implement the State Plan and to foster cooperation and coordination of planning activities between relevant State agencies and county and local governments; and

WHEREAS, in October 2006, the Commission passed Resolution 2006-04 extending deadlines for initial Plan Endorsement for petitioners interested in continuing to work toward Plan Endorsement conditioned upon entering into a Memorandum of Understanding (MOU) and Action Plan with the Office of Smart Growth (OSG) for so long as petitioner exerts good faith efforts to work toward Plan Endorsement as determined by the Executive Director of the OSG, now known as the Office of Planning Advocacy (OPA); and

WHEREAS, Upper Township entered MOU with OPA including an Action Plan to address issues outlined in the Consistency Review letter dated April 26, 2006 so that the Township's petition could be endorsed by the Commission, with its Centers recognized thereafter by DEP's CAFRA rules. A report from OPA was considered by the Plan Implementation Committee (PIC) on January 24, 2007; and

WHEREAS, on February 21, 2007, the Commission adopted Resolution 2007-02 endorsing Upper Township's plans and establishing two Town Centers, Marmora-Palermo-Beesley's Point (Marmora) and Seaville, and two Village Centers, Petersburg and Tuckahoe, with a ten-year expiration; and

WHEREAS, at the same time, OPA prepared a Plan Implementation Agreement (PIA), attached hereto and marked as **EXHIBIT A**, which set forth additional commitments for State agencies and Upper Township; and

WHEREAS, through a series of legislative actions and executive orders, all endorsed communities have been granted extensions for their endorsements. Upper Township's endorsement is scheduled to expire January 11, 2022; and

WHEREAS, Upper Township submitted a petition for renewal of its Plan Endorsement in May 2019; attended a Prepetition meeting on June 26, 2019; submitted a Municipal Self-Assessment Report on September 17, 2020; and requested a waiver of the Plan Endorsement Advisory Committee, visioning, and the opportunities and constraints report on August 23, 2021; and

WHEREAS, pursuant to her authority under N.J.A.C. 5.85-7.6(a), the Executive Director granted a waiver of appointment of a Plan Endorsement Advisory Committee, in recognition of Upper Township's rich history of public engagement that has satisfactorily complied with the intent of this step; and

WHEREAS, also pursuant to N.J.A.C. 5.85-7.6(a), the Executive Director granted a waiver of visioning in recognition of Upper Township's vision as articulated in its Master Plan, reexamined in 2018 and 2020, which remains the core value driving its planning and development; and

WHEREAS, pursuant to N.J.A.C. 5.85-7.6(f), any of the requirements of plan endorsement may be waived at the discretion of the Commission, based on a written request by petitioner and a written recommendation by the Executive Director in consultation with any relevant State agencies.

WHEREAS, on September 15, 2021, the OPA presented a Recommendation Report to the PIC, which reviewed and concurred with the recommendation to approve the waiver requests for the Opportunities and Constraints Report and the Consistency Review, and moved the recommendation for consideration by the full Commission at its next regularly scheduled meeting; and

WHEREAS, Upper Township and the Staff and Executive Director of the OPA, in consultation with relevant State agencies, have collaborated and are refining the Town Center boundaries and Planning Areas to be presented for consideration upon reaching consensus; and

WHEREAS, the OPA is preparing a PIA, which will set forth the outstanding actions for relevant State agencies and Upper Township to take in order to maintain consistency with the State Plan, including the timeframe(s) for completion of those actions and the steps to be taken by relevant State agencies to review and support the Township's continued consistency; and

WHEREAS, in reviewing the submitted materials, the Commission finds that the Township has made significant progress in the commitment to comprehensive planning and sustainable land use, which will be further advanced through renewing their Plan Endorsement; and

NOW, THEREFORE, BE IT RESOLVED, that the Commission hereby affirms the Executive Director's recommendation for waivers of Plan Endorsement Opportunities and Constraints Report, and the Consistency Review, as Upper Township's planning activities are consistent with the intent of the required Plan Endorsement process and approves these waivers for Upper Township; and

BE IT FURTHER RESOLVED, that notwithstanding the Commission's waiver authorizations, Upper Township must still achieve mapping consistency with the State Plan and commit to a PIA that encompasses the current requirements of Plan Endorsement prior to achieving a renewal of its Plan Endorsement.

I hereby certify that this resolution was duly adopted by the State Planning Commission at its meeting on October 6, 2021



Donna A Rendeiro, Secretary
State Planning Commission

Dated: October 6, 2021

Upper Township 2007 Planning and Implementation Agreement (PIA) February 2021 Status Update

Adopted by the State Planning Commission on February 21, 2007

2/21/2007

9/8/2021

Topic	#	Subtopic	Activity (local action unless otherwise indicated)	State/County Assistance	Timetable	Status
General	A1	CAFRA Center Boundary, revised planning area boundaries	Submit drafts of all new and revised planning documents required by this PIA to OSG, DEP and the Pinelands Commission.	OSG, DEP and Pinelands Commission to provide technical assistance	20 days prior to adoption by township	4/9/07, complete
General	A4	CAFRA Center Boundary & revised planning area boundaries	DEP to provide the requisite notice concerning designated center and revised planning area boundaries in the NJ Register. As part of this process, the Pinelands Commission will provide general comment to DEP regarding the petition per the MOU between the two agencies.	DEP, Pinelands	5/23/2007	4/2/2008 complete
General	A5	Plan Endorsement review	By February 21, 2009 and biennially thereafter, the Township shall submit a report to OSG and the public concerning the terms of this PIA and related efforts pursuant to NJAC 5:85-7.12(c).		2/21/2009 and biennially thereafter	Ongoing
General	A7	Revised Plan Endorsement Process	Once the new Plan Endorsement process is in place, the Township will have the option to work with state agencies to outline an action plan and timetable to attain the new standard for the benefit of additional state assistance. This action plan may be merged with this PIA, due to overlapping activities.	OSG and other state agencies	90 days after new rules and guidelines are adopted	Ongoing
General	A8	Inter-governmental coordination	Coordinate with planning efforts of adjoining municipalities, the County and State and regional planning efforts particularly concerning: regional planning, transportation, economic development, tourism, natural resource protection and open space and recreation.	County Planning Board, OSG, DOT, DEP	Ongoing	Ongoing
Land Use & Zoning	B1	Land Use Regulations	Update zoning regulations to implement land use plan and support center-based development. Eliminate discrepancies between the land use plan, zoning plan and CAFRA requirements to enable planning consistency. Provide preservation of the environs through refined zoning standards, and development cluster and transfer mechanisms.	OSG, DEP, Pinelands Commission	4/22/2007	10/9/2007 complete

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Land Use & Zoning	B2	Stormwater Management	Adopt ordinance changes required to implement new Stormwater Management Rules	DEP	Completed	6/12/2006 complete
Land Use & Zoning	B3	TDR Plan	Create TDR plan element in coordination with County Smart Future project.	OSG, SADC, County (subject to funding)	2/20/2009	County-wide project?
Housing	C1	COAH Plan	Finalize and adopt Housing Element and Fair Share Plan. Coordinate housing site selection with centers. Petition COAH for substantive certification.	COAH	180 days after COAH has finalized any necessary rule and/or guideline amendments following court decision.	12/22/2008; final JOR from Superior Ct and settlement agreement with Fair Share Housing 6/30/2020 complete
Housing	C2	Residential Design	Incorporate housing design into design guidelines (K2) to support housing diversity and links to services and amenities.	OSG (subject to funding)	6/22/2008	Need Funding
Redevelopment	D1	Beesley's Point	Investigate Beesley's Point redevelopment options to promote suitable mixed use waterfront based development in this Center. This effort will provide for reutilization of this prime economic resource for the Township. (This item depends on future status of B.L. England plant).	OSG, DEP	2/20/2009	Ongoing Rezoned area for Waterfront Towncenter on 5/26/20. Approved Condemneation Redevelopment Area on 1/22/21. Incorporate area as a State Redevelopment Node

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Open Space & Recreation	E1	Recreation and Open Space Plan	Prepare and adopt Recreation and Open Space Plan as updated Master Plan element. Use the Plan to prioritize open space and farmland preservation acquisition efforts. Coordinate efforts with County Farmland Preservation plan. Prioritize acquisition of open space in coordination with State and Federal agencies and not-for-profit groups. Prepare Recreation and Open Space Inventory (ROSI) and submit to NJDEP to enable funding.	DEP Green Acres	2/20/2009	ROSI And Open Space Plan Complete MIPAP approved by DEP 5/20
Open Space & Recreation	E2	Recreation and Open Space Plan	Target maintenance and enhancement of neighborhood-level parks and recreation facilities for Centers. Pedestrian and bicycle connections between residential areas and these facilities shall be a key part of the strategy.	OSG	2/20/2009	ongoing NJDOT funded Bike Plan 4/2019
Environmental Resources	F1	Coastal Consistency Statement	The Township shall prepare a statement that addresses natural resource protection and coastal management demonstrating consistency of local plans and ordinances with the goals of the Coastal Zone Management Program.	DEP technical assistance	4/7/2007	3/30/2007 completed
Environmental Resources	F2	Local Environmental Review	Adopt Environmental Review regulations to protect environmental sensitive lands as a condition of Plan Endorsement. Provide environmental maps for Township construction and zoning officials to use to identify critical land and to inform public.	DEP technical assistance	4/7/2007	3/30/2007 completed
Environmental Resources	F3	Dredging	Undertake regional dredging effort, obtain funding for equipment, and identify spoil sites as part of an overall regional plan.	County coordination of regional plan. DEP assistance with funding and site selection.	2/20/2009	Ongoing CM County held task force, OC and Strathmere projects
Env Resources	F4	Threatened & Endangered Species	Prepare Habitat Conservation Plan and protection measures to maintain habitat.	DEP technical assistance and funding	2/20/2010	Partial, need funding

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Transportation & Circulation	G1	Access Management	Revise the Township's LDO to comply with the MLUL requirement that municipal zoning regulate land adjacent to State highways in conformity with the State Highway Access Management Code.	DOT technical assistance*	4/7/2007	10/7/2007 complete
Transportation & Circulation	G10	Route 47/55	Implement Route 47/Route 55 Corridor Study improvements to reduce congestion (except a Route 55 bypass).	NJ Turnpike Authority funding DOT/SJTPO TIP	Ongoing	complete
Transportation & Circulation	G2	Circulation Plan	Prepare updated Circulation Plan Element of the Master Plan. This element shall justify investments proposed in other Transportation PLA items, including alternative transportation modes.	DOT technical assistance	2/20/2009	Partial - Town Center Road Network Map Complete Streets Policy 8/2019
Transportation & Circulation	G3	Bicycle Paths	Construct Petersburg/Woodbine/Tuckahoe bike path. Secure funding to design and construct bike path to connect to Woodbine from Armandas Field and connecting north to Tuckahoe Village.	DOT TE funds, DOT Bicycle and Pedestrian funds*, DEP wetlands permits	2/21/2012	Bike Plan prepared; need funding for implementation
Transportation & Circulation	G4	Bicycle Paths	Design and construct Palermo bike path along inactive NJT transit rail line from Route 9 to the Inland Waterway.	DOT TE funds, DOT Bicycle and Pedestrian funds*, DEP wetlands permits.	2/21/2012	NJT no response - permitting use of inactive rail line.
Transportation & Circulation	G5	Tuckahoe rail station	Construct Tuckahoe train station link to Main Street. In coordination with County, design and construct sidewalk improvements along Reading Avenue from Route 50 to the Tuckahoe Train Station to support economic development efforts.	NJDOT Bike and Pedestrian funds; NJDOT Local Aid funds*	2/20/2009	Need County and NJDOT for \$.

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Transportation & Circulation	G6	Routes 50 and 49 (Tuckahoe)	Construct Tuckahoe streetscape and Route 50 bridge improvements as key to revitalization of the Tuckahoe Village. Extend improvements to the section of Route 49 within Village center.	DOT project under design. Funds and fast track improvements to support Tuckahoe Village economic development efforts. TE and/or NJDOT Local Aid for Centers of Place funds for to extend streetscape improvements along Route 49 and to provide streetscape enhancements in	2/20/2009	complete.
Transportation & Circulation	G7	Beesley's Point Bridge	Coordinate bridge improvements with Somers Point, DOT and any related redevelopment activity (D1). Alternative funding mechanisms may be explored in conjunction with state agencies if DOT funding does not exist for the improvements.	Beesley's Point Bridge Company, OSG	12/1/2007	complete
Transportation & Circulation	G8	Garden State Park - Exit 20	Install full interchange at Exit 20 of the Garden State Parkway. This is the highest priority Township transportation improvement project to reduce congestion.	NJ Turnpike Authority funding DOT/SJTPO TIP	2/21/2012	NJHA Project
Transportation & Circulation	G9	Route 9	Implement Route 9 Cape May County Access Management Plan to reduce congestion along corridor.	County coordinate regional access plan with mainland municipalities. DOT Local Planning Assistance funds*.	2/21/2012	County Project

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Transit	H1	Regional Shuttle Service	Plan and implement regional shuttle service between campgrounds and beaches and other recreational opportunities in coordination with mainland municipalities campgrounds and County. Shuttle service will provide transit service between campgrounds, mainland attractions and barrier island destinations. This needs to be coordinated by the County.	Request funding through NJ Transit for system planning and purchase of shuttle vans (which can be used off season for other transit services (seniors, van pools, dial a ride programs); coordinate with SITPO or TIP	2/20/2010	Regional Project awaiting funding
Transit	H2	Bus Service	Pursue improved bus transit facilities to increase route headways, increase bus pickup locations, develop central transit locations coordinated with parking.	Coordinate between Twp, County, NJ	2/21/2012	N Transit Project
Transit	H3	Rail Service	Complete rail line between Cape May City and Tuckahoe Village. Excursion rail service will support planned economic development activities around restored Train Station and Tuckahoe Village. The retention of the rail spur to Beesley's Point as part of redevelopment plan can further expand the excursion rail line route thereby reducing vehicular traffic through Route 9 corridor.	Cape May Seashore Line shall take the lead in this effort. DOT funds for rail line improvements; Transportation	2/20/2014	Cape May Seashore Lines Project awaits funding
Transit	H4.1	Rail Service	Conduct feasibility study for potential expansion of rail line from Tuckahoe to the Atlantic City Rail Line. This rail line can provide connection to NJ Transit/PATCO service to Philadelphia and enable alternative travel modes, reducing congestion for summer visitors. (The rail line is also part of the excursion rail line link from Cape May to Tuckahoe Village.)	Municipalities, County and NJ Transit	2/20/2010	Regional Project
Transit	H4.2	Rail Service	Depending on results of feasibility study, expand rail line connection from Tuckahoe to the AC Rail Line.	Municipalities, County and NJ Transit	Long term	Regional Project

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Infrastructure	11	Wastewater Management Plan	Prepare and submit a Wastewater Management Plan Amendment consistent with the revised land use element and Centers & Planning Areas. The WMP will identify the areas the Township intends to encourage wastewater treatment systems, namely portions of the two Town Centers, and areas that will be served by individual septic systems.	Cape May County, NJDEP permits.	4/7/07 (contingent on timetable of coordination with DEP)	Complete; Awaiting NJDEP approval of submitted plan.
Infrastructure	12	Community Package Treatment Systems	Promote private alternative sewer systems in Centers. Coordinate between larger development or redevelopment area for joint infrastructure facilities.	DEP	Ongoing	ongoing
Infrastructure	13	Sewer service on Roosevelt Blvd	Expand sewer service area to include developed properties on Roosevelt Blvd. The Township agreed to exclude these properties from the Marmora Center in lieu of extending public sewers to serve this area which has failing septic systems. Consent Order provides for the sewer service area extension.	DEP permits for sewer extension to service existing development.	2/21/2012	ongoing
Infrastructure	14	Public Water	Encourage water line extensions by New Jersey American Water Company within Centers to support increased development density and to improve fire suppression capabilities. Work with utility to plan and improve waterline network.	DEP	Ongoing	NJ American plans extension
Infrastructure	15	Gibson Bill Study	Once water supply scenarios are presented, the Township shall work with DEP, USGS, County and other municipalities to select the most feasible, cost-effective solution.	DEP, OSG, County, other stakeholders	2/21/2008	complete
Infrastructure	16	Southeastern NJ Alternative Water Supply Feasibility Study	Continue to coordinate with DEP, USGS, County and other municipalities on regional water supply studies.	DEP, OSG, County, other stakeholders	2/20/2010	Complete

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Economic Development	J1	Tuckahoe Village Revitalization	Promote Tuckahoe Village Center Revitalization through coordinated planning efforts with business and property owners. Develop plans for revitalization of Tuckahoe Village to support economic development initiatives including facade and rehabilitation grant program, wayfinding signs, coordinated marketing efforts, etc. Evaluate land use and zoning for train station area.	OSG, Main Street NJ, historic preservation trust grants and revolving loan program. (subject to funding)	8/22/2009	Awaits Funding
Economic Development	J2	Agriculture	Prepare and adopt a Farmland Preservation Plan. Coordinate efforts with County Farmland Preservation plan.	NJDA	2/20/2009	Works with County Funding
Community Design / Sense of Place	K1	Design Charrettes	Undertake design charrettes for Seaville, Marmora/Palermo/Beesley's Point, Tuckahoe, and Petersburg Centers. Use design workshops to refine Vision for zoning and design standards for Centers and planned Cores in Marmora and Seaville.	OSG (subject to funding)	6/22/2008	5/9/2011 complete
Community Design / Sense of Place	K2	Design Guidelines	Adopt design guidelines to support and enhance centers development. Provide design guidelines suitable for each unique Township Center. Create user friendly design guidebook to inform on guidelines. Incorporate guidelines into LDO.	OSG (subject to funding)	6/22/2008	5/9/2011 complete
Community Design / Sense of Place	K3	Walkable Neighborhoods	Create pedestrian friendly centers through appropriate site design standards. Amend land use regulations to provide for vehicular interconnections and pedestrian facilities within centers.	OSG, DOT*	6/22/2008	Study 20210 Form-based code ordinances 5/9/2011 Complete streets ord 2019
Historic and Cultural Resources	L1	Amendments to review process	Develop procedures to ensure Historic Preservation Society input for any development application or permit that affects identified historic properties.	OSG, DEP	4/7/2007	3/30/2007 complete

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Historic and Cultural Resources	L2	Amendments to review process	Require a cultural resources assessment for identified historical properties as part of Environmental Review checklist.	OSG, DEP	4/7/2007	3/30/2007 complete
Historic and Cultural Resources	L3	Historic Site Inventory	Update existing historic properties inventory and include as updated section of Township Master Plan. Coordinate efforts with Upper Township Historic Preservation Society.	OSG, DEP	Complete	complete
Historic and Cultural Resources	L4	Historic Preservation Plan	Update Historic Preservation Plan of the Master Plan. Coordinate efforts with Upper Township Historic Preservation Society.	OSG, DEP	1/20/2010	Funding
Historic and Cultural Resources	L5	Design Guidelines	Promote awareness of historic resources of Township through design guidelines to encourage preservation and appropriate rehabilitation of properties and compatible infill. Develop design guidelines in coordination with Historic Preservation Society and as part of the proposed planning charrettes for the Tuckahoe and Petersburg villages. Adopt guidelines as part of LDO.	OSG (subject to funding)	1/20/2010	Funding

* When requested, NJDOT will give priority consideration to providing technical assistance consistent with program requirements and subject to the availability of state resources.