



State of New Jersey  
DEPARTMENT OF STATE  
OFFICE FOR PLANNING ADVOCACY  
P.O. Box 820  
TRENTON, NJ 08625-0204

CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Lieutenant Governor*

GERRY SCHARFENBERGER, PH.D.  
*Director*

**MEMORANDUM**

**To:** State Planning Commission, Planning Implementation Committee (PIC)  
**From:** Gerry Scharfenberger, Ph.D. Executive Director  
**Date:** December 2, 2015  
**Re:** Middle Township, Cape May Biennial Monitoring Report

---

On September 28, 2011, the State Planning Commission (SPC) approved the Plan Endorsement petition submitted by Middle Township in Cape May County. As required by N.J.A.C 5:85-7.12 et seq. and the municipality's Planning Implementation Agreement (PIA), on May 14, 2014, the Municipality submitted its second biennial report (distributed previously and posted online) detailing the status of its PIA efforts and requests for Center boundary changes. On November 23, 2015, the Planning Implementation Committee (PIC) recommended that the properties be moved the full Commission with amendments to the Burke Motors proposed boundary as described below.

**PIA Changes**

During this Biennial Review, a few PIA changes and clarifications were requested and are outlined in **Appendix A: Status of PIA Activities**. The Office for Planning Advocacy (OPA) is comfortable with the progress being made by the municipality on PIA items, accepts the requested changes and will encourage state agencies involved to fulfill their agreements. As seen in **Appendix B: List of Biennial Report Exhibits**, the municipality has continued not just to do great planning but implement it as well.

**Center Amendment**

The Biennial Review also requested the addition of eight parcels to the Center. While the total acreage of those parcels is approximately 280 acres, only portions of most of those parcels are included in the request. Given the higher environmental bar for the addition of land to the Center, OPA and DEP have not yet collected sufficient documentation to determine whether most of the parcels are suitable for addition to the Center. Only one property consisting of two parcels had sufficient documentation for presentation to the SPC.

## **Burke Motors**

Burke Motors, Block 132.01, Lot 28: 516 Stone Harbor Boulevard [CR 657], seen in **Appendix C: Burke Motors**, is interested in expanding the footprint of the business for sales and service. Facts surround the property include:

- Property owners have received a Letter of Interpretation
- Submitted a Habitat Suitability Determination (HSD)
- Received a determination that the area proposed for addition to the Center is not a Special Water Resource Protection Area (SWRPA)

All newly added lands to the proposed new Center boundary, which total approximately two acres, fall within the Letter of Interpretation (LOI) line, avoids critical habitat, and does not encroach on any other significant environmental resource.

The original OPA and state agency recommendation was modified at the Planning Implementation Committee (PIC) meeting on November 23, 2015; the shift primarily represented a shift of the boundary westward, avoiding a large wetland complex.

## **Kindle Ford**

Block 321.01, Lots 2 & 3 at 521 Stone Harbor Boulevard [CR 657], seen in **Appendix D: Kindle Motors**, is interested in expanding the footprint of the business for sales and service. The facts and conditions surrounding this property are atypical in that the development envelope was negotiated as a settlement with the DEP. Thus, many of the typical “check-boxes” do not apply in the same way since boundaries, wetlands avoidance, etc. have been negotiated within the confines of the official settlement agreement. DEP has assured us that Freshwater Wetlands permits and a Coastal Areas Facility Review Act (CAFRA) permit were issued for the site and that no additional issues exist for the addition of the site to the Center and thus development.








































OPA recommends that portions of both lots, as they appear in the attached maps, be added to the Middle Township Center boundary file. These lines may be subject to local regulations, infrastructure negotiations and additional measures associated with the settlement agreement.

**MIDDLE TOWNSHIP PIA: Adopted by the SPC on 9/28/2011; Updated October 2015 for Biennial Review**

Item No.	Activity	Responsible Party	Deadline	Old Date (reset during last Biennial where applicable)	New Date	Middle Township Status Notes
<b>TRANSIT AND TRANSPORTATION</b>						
NJT1	Explore the feasibility of different seasonal transportation options in order to reduce seasonal traffic congestion.	SJTPO, County, Middle Township in consultation with NJDOT and NJ TRANSIT	Medium	10/1/2014	10/1/2017	The Cape May County Engineer reports that these initiatives are ongoing.
NJT2	Explore vehicular at grade crossings across the existing rail ROW that coordinate directly with the Township's Transportation Analysis in order to provide more efficient local circulation and alternatives to Rt 9.	Middle Township in consultation with the County, NJDOT and NJ TRANSIT	Short	10/1/2012	10/1/2017	The Cape May County Engineer reports that these initiatives are ongoing.
NJT3	Pursue improved bus transit facilities to increase route headways, increase bus pickup locations, develop central transit locations coordinated with parking.	Middle Township and County to coordinate with NJT.	Short	10/1/2012	Ongoing	Township routinely coordinates efforts with NJDOT to optimize bus stop locations. (Exhibit CC)
NJT4	Determine feasibility of private east-west shuttle service in coordination with the mainland and barrier island municipalities. The goal of this regional service would be to enhance transit service between campgrounds, mainland attractions and barrier island destinations.	The County will assist in an effort to determine feasibility of private east-west shuttle service in coordination with the mainland municipalities.	Medium	10/1/2014	10/1/2017	The Cape May County Engineer reports that these initiatives are ongoing.
NJDOT1	Construct key paper streets Improvements listed in the Transportation Improvement Study	Middle Township	Long	10/1/2017	10/1/2017	Under Evaluation
NJDOT2	Develop western alternative roadway to Route 9	Middle Township, coordinating with landowners	Long	10/1/2017	10/1/2017	Under Evaluation
NJDOT3	Develop new roadway of Honeysuckle Lane extension	Middle Township	Long	10/1/2017	10/1/2017	Under Evaluation
NJDOT4	Develop new roadway of Shunpike Road extension	Cape May County or Middle Township	Long	10/1/2017	10/1/2017	The Cape May County Engineer reports that the County will participate in Township-led efforts. Under evaluation by Township
NJDOT5	Plan for other roadway connections in general locations	Middle Township, coordinating with landowners	Long	10/1/2017	10/1/2017	The Cape May County Engineer reports that the County will participate in Township-led efforts. Under evaluation by Township
NJDOT6	Coordinate with K-Mart Plaza landowners to plan alternative access	Middle Township; NJDOT	Long	10/1/2017	10/1/2017	Under Evaluation
NJDOT7	Explore installation of new median on Route 47 in coordination with prospective developers and other agencies	NJDOT	Long	10/1/2017	10/1/2017	Municipality met with NJDOT regarding median; NJDOT expressed a high unlikelyhood of it being built
NJDOT8	Install signage directing motorists to Rio Grande Avenue	NJDOT (formerly Cape May County)	Short	10/1/2012	10/1/2017	Middle and NJDOT have had met and NJDOT will be reviewing Middle's submitted request
NJDOT9	Pursue addition of southbound left turn lane, modify signal timing at Route 9 and Route 47	NJDOT, and coordination with Wal-Mart developers	Medium	10/1/2014	10/1/2017	Middle has drafted a request for the additional left hand turn lane at the intersection of RT 47 and RT 9; NJDOT says they will assess
NJDOT10	Investigate modification of signal timing at Route 9 and Stone Harbor Boulevard	Middle Township, in coordination with NJDOT	Short	10/1/2012	10/1/2017	In Progress
NJDOT11	Evaluate one-way treatment for Mechanic Street and Hand Avenue	Cape May County; Middle Township	Short	10/1/2012	n/a	Cape May County Engineer reports that Township has placed this initiative on hold
NJDOT12	Pursue installation of bulb-outs or median islands on Route 9 in Cape May Court House, and stripe parking spaces through state and federal funding sources	Middle Township, in coordination with NJDOT	Short	10/1/2012	10/1/2017	This item was also discussed with Evans Marcellus of DOT. This area of RT 9 is currently under construction by DOT. There is no plan to include bump outs. The township will not be requesting an additional traffic study.
NJDOT13	Install parking lot signage to County Lot	NJDOT (formerly Cape May County)	Short	10/1/2012	10/1/2017	The RT 9 project is currently underway with some signage already installed and additional signage has been requested.
NJDOT14	Adopt Complete Streets policy	Middle Township	Short	10/1/2012	10/1/2012	Adopted via Township Resolution No. 509-12 on 10/15/12 (Exhibit T)
NJDOT15	Adopt access management ordinance	Middle Township	Short	10/1/2012	10/1/2012	In Progress
NJDOT16	Adopt shared parking ordinance	Middle Township	Short	10/1/2012	10/1/2012	Proposed Ordinance Drafted (Exhibit Y)
NJDOT17	Adopt street connectivity ordinance	Middle Township	Short	10/1/2012	10/1/2012	In Progress
NJDOT18	Investigate development of bicycle network; phasing in physical improvements	NJDOT; Cape May County; Middle Township	Long	10/1/2017	10/1/2017	Township is currently in discussions with Lower Township to establish a bicycle path connecting the Cape May Lewis Ferry terminal to the Cape May County Zoo. Application has been made for funding (Exhibit Z).
NJDOT19	Pursue installation of sidewalks on priority roadways	NJDOT; Cape May County; Middle Township	Long	10/1/2017	10/1/2017	The Cape May County Engineer reports that County effort is ongoing for County roadways via the Subdivision / Site Plan Review process.
NJDOT20	Investigate signal optimization along Route 9 on summer weekends	Middle Township, in coordination with NJDOT	Short	10/1/2012	10/1/2017	In Progress
NJDOT21	Modify the Transportation Improvement Analysis by adding the MLUL requirements for a circulation element. Adopt the circulation element.	Middle Township	Short	10/1/2012	10/1/2017	In Progress
NJDOT22	Strongly request that New Jersey Highway Authority proceed with the planned grade separated interchange at Crest Haven Boulevard, Stone Harbor Boulevard and Shell Bay Avenue along with the elimination of other at-grade intersections.	SJTPO Regional Transportation Plan (RTP) - NJTPK Authority	Long	10/1/2017	10/1/2017	The Cape May County Engineer reports that this initiative is under construction
NJDOT23	Extend Mechanic Street eastwardly to Bayberry Drive to provide secondary ingress/egress to schools and assess related access roads improvements.	NJ Turnpike Authority and County of Cape May	Long	10/1/2017	10/1/2017	The Cape May County Engineer reports that this initiative is no longer viable due to the Garden State Parkway overpass project. The Township requests that this initiative be removed from the PIA.
NJDOT24	Provide southbound on/off ramps at Shell Bay Avenue to reduce traffic through the Cape May Court House area.	SJTPO Regional Transportation Plan (RTP) - NJTPK Authority	Long	10/1/2017	10/1/2017	The Cape May County Engineer reports that this initiative is under construction.

MIDDLE TOWNSHIP PIA: Adopted by the SPC on 9/28/2011; Updated October 2015 for Biennial Review						
Item No.	Activity	Responsible Party	Deadline	Old Date (reset during last Biennial where applicable)	New Date	Middle Township Status Notes
NJDOT25	Revise the Township's LDO to comply with the MLUL requirement that municipal zoning conform with the State Highway Access Management Code. The Township can address this issue 4 different ways: Wait for main street designation in the access management code, create an access management plan, with NJDOT to make a DTS change or wait for NJDOT to create an access management guide.	Middle Township, in coordination with NJDOT	Medium	10/1/2014	10/1/2017	In Progress
NJDOT26	Prepare and implement Route 9 Cape May County Access Management Plan with other Mainland Route 9 communities to reduce congestion along corridor.	County to coordinate regional access plan with Cape May mainland municipalities.	Medium	10/1/2014	10/1/2017	The Cape May County Engineer reports that the County will be updating the Transportation Element of the County Comprehensive Plan and will seek to improve regional coordination where possible.
INFRASTRUCTURE						
CMC1	Prior to CAFRA center designation, the County shall prepare and submit a Wastewater Management Plan for the Township that implements the 2011 Master Plan and that is in compliance with the NJDEP WQMP rules. Service areas will include all lands within planned Centers except Goshen Hamlet and the Mattera Farm in Rio Grande.	Township and Cape May County; DEP technical assistance	Very Short	12/15/2011	Ongoing	The Cape May County Engineer reports that the County's Planning Department has been working with the municipalities for several years to develop a new Water Quality Management Plan. Maps went through public hearing process in February 2013 and are now awaiting NJDEP adoption. Once adopted, the County will complete the WQMP and hold public hearings
CMC2	Prior to CAFRA center designation, the County, NJDEP and the Township shall identify existing and proposed water supply sources and strategies that document how water supply capacity will exist for the amount of growth detailed in the Endorsed Master Plan. The USGS recently published its study, Future Water-Supply Scenarios, Cape May County, New Jersey, 2003-2050. The County should refer to this study and 7:15-5.25(f) for guidance on the necessary submittals.	Township and Cape May County; DEP technical assistance	Very Short	12/15/2011	Ongoing	Reports that the Water Supply Plan is the responsibility of NJDEP and that they have been waiting for additional information, including cost estimates since 2010. The Township requests that the PIA be amended to reflect this responsibility.
CONSERVATION						
DEP4	Open Space and Recreation Plan: Prepare Recreation and Open Space Inventory (ROSI) as an updated Master Plan element. Use Plan to prioritize open space and farmland preservation acquisition efforts. Coordinate efforts with County Farmland Preservation plan and County Open Space and Recreation Plan and other planning efforts including Priority Aquifer Recharge sites. Prioritize acquisition of open space in coordination with State and Federal agencies and not-for-profit groups. Prepare ROSI and submit to NJDEP to enable funding.	Middle Township	Short	10/1/2012	Completed	ROSI prepared as part of Township's Open Space & Recreation Plan, adopted by the Planning Board on 4/25/13 (Exhibit X); Prioritize OS Acq. - Under Evaluation; Submit ROSI - Last ROSI filed with NJDEP is dated 3/13/04 (Exhibit C). Aforementioned will be filed in the near future.
DEP5	Outline a strategy that allows developers in the center to share centralized stormwater collection basins that serve as pleasant water features for citizens to enjoy. These larger, shared water features will maximize efficiency by preventing unsightly retention basins in each development.	NJDEP technical assistance.	Short	10/1/2012	Ongoing	In Progress
HOUSING						
DCA 1	Continue to provide for the rehabilitation of affordable housing units through State and Federal grants	Township Committee will seek funding for rehabilitation grants for this area to support low/moderate income families.	Medium	10/1/2014	Ongoing	\$200,000 CDBG Home Rehabilitation Grant secured for 2013 - 2014 funding round. (Exhibit V). Status: Ongoing (via annual Township funding request.)
DCA2	Continue to foster innovative policies that enhance the diversity of housing products available in Middle Township, ensuring that Middle Township remains an attractive place for all people in all stages of life.	Middle Township	Medium	10/1/2014	Ongoing	Housing Element & Fair Share Plan adopted 12/9/08 (Exhibit F). Ordinance 1428-12 (adopted 10/15/12) Creating an Affordable Housing Multi-Family Overlay and a Single & Two-Family Overlay (Exhibit U)

## Appendix B: List of Biennial Report Exhibits

 221-14 Reso Approving Bienial Report.pdf	4/10/2014 1:36 PM	Adobe Acrobat D...	142 KB
 Biennial Report & Boundary Amendment Petition - As APPROVED BY TWP.pdf	4/9/2014 12:08 PM	Adobe Acrobat D...	6,681 KB
 Exhibit A (1)- C2_Stormwater Control.pdf	12/27/2013 10:30 ...	Adobe Acrobat D...	1,573 KB
 Exhibit A (2) - B2_Supplement Checklist for Environmental Assessment Reports.pdf	10/14/2013 3:02 PM	Adobe Acrobat D...	18 KB
 Exhibit AA (1) LOI - LV.pdf	12/27/2013 10:09 ...	Adobe Acrobat D...	603 KB
 Exhibit AA (2) Revised LOI.pdf	12/27/2013 10:10 ...	Adobe Acrobat D...	597 KB
 Exhibit AA (3) Approved_LOI_Plan_(September_2011).pdf	12/27/2013 10:07 ...	Adobe Acrobat D...	2,817 KB
 Exhibit B (1) F2_Emergency Operations Plan.pdf	12/27/2013 10:40 ...	Adobe Acrobat D...	78 KB
 Exhibit B (2) OEM Update email.pdf	12/27/2013 10:44 ...	Adobe Acrobat D...	48 KB
 Exhibit BB (1) Kindell Ford CAFRA Settlement.pdf	12/27/2013 10:17 ...	Adobe Acrobat D...	602 KB
 Exhibit BB (2) Kindell Ford CAFRA Settlement Plan.pdf	12/27/2013 10:19 ...	Adobe Acrobat D...	2,938 KB
 Exhibit C - ROSI.pdf	12/27/2013 10:51 ...	Adobe Acrobat D...	3,858 KB
 Exhibit CC (1) NJDOT Bus Stop elimination report.pdf	12/12/2013 11:25 ...	Adobe Acrobat D...	163 KB
 Exhibit CC (2) Krauss Bus Stop Memo.pdf	12/12/2013 11:31 ...	Adobe Acrobat D...	7 KB
 Exhibit D - C3_Part 1_Draft Wastewater Study Report.pdf	10/14/2013 3:02 PM	Adobe Acrobat D...	4,113 KB
 Exhibit DD - County Planning Support Letter.pdf	2/21/2014 10:15 AM	Adobe Acrobat D...	469 KB
 Exhibit E - D3_ZONING.pdf	10/14/2013 3:02 PM	Adobe Acrobat D...	1,261 KB
 Exhibit F - E1_Housing Element and Fair Share Plan_20080902.pdf	10/14/2013 3:02 PM	Adobe Acrobat D...	18,436 KB
 Exhibit G - G2_Villages Visioning Minutes.pdf	10/14/2013 3:02 PM	Adobe Acrobat D...	4,773 KB
 Exhibit H - G2_Cape May Court House Visioning Minutes.pdf	10/14/2013 3:02 PM	Adobe Acrobat D...	194 KB
 Exhibit I - G2_Rio Grande Visioning Minutes.pdf	10/14/2013 3:02 PM	Adobe Acrobat D...	215 KB
 Exhibit J - G2_Whitesboro Burliegh Visioning Minutes.pdf	10/14/2013 3:02 PM	Adobe Acrobat D...	306 KB
 Exhibit K - H2_Future Buildout of Sewered Areas.pdf	10/14/2013 3:02 PM	Adobe Acrobat D...	5,429 KB
 Exhibit L - C5_Budget_Capital Improvement Plan_2010.pdf	10/14/2013 3:02 PM	Adobe Acrobat D...	185 KB
 Exhibit M - D1A_ReexaminationReport.pdf	10/14/2013 3:02 PM	Adobe Acrobat D...	995 KB
 Exhibit N - D1B_Land Use Element.pdf	10/14/2013 3:02 PM	Adobe Acrobat D...	14,545 KB
 Exhibit O - A1_A2_NRI.pdf	10/14/2013 3:02 PM	Adobe Acrobat D...	8,521 KB
 Exhibit P - D2A_Zoning_Noncontig PC, Open Space Clustering, and Overlay Zones.pdf	10/14/2013 3:02 PM	Adobe Acrobat D...	301 KB
 Exhibit Q - Middle Transportation Study.pdf	10/14/2013 1:45 PM	Adobe Acrobat D...	9,372 KB
 Exhibit R - Coastal Consistency Statement.pdf	12/27/2013 11:42 ...	Adobe Acrobat D...	203 KB
 Exhibit S.pdf	3/4/2014 2:28 PM	Adobe Acrobat D...	110 KB
 Exhibit T - 509-12 Complete Streets Policy.pdf	10/23/2013 2:05 PM	Adobe Acrobat D...	108 KB
 Exhibit U - 2011 Zoning Change - Affordable Housing Overlay.pdf	10/23/2013 1:55 PM	Adobe Acrobat D...	90 KB
 Exhibit V - SAGE Resid Rehab Grant Confirmation.pdf	10/23/2013 1:55 PM	Adobe Acrobat D...	1,223 KB
 Exhibit W - G3_INTERLOCAL AGREEMENTS.pdf	10/14/2013 3:02 PM	Adobe Acrobat D...	24 KB
 Exhibit X - Open Space & Recreation Plan.pdf	10/3/2013 8:21 AM	Adobe Acrobat D...	16,558 KB
 Exhibit Y - Shared Parking Revisions.pdf	12/27/2013 11:59 ...	Adobe Acrobat D...	100 KB
 Exhibit Z Press Bikepath Article - 1.pdf	12/3/2013 10:02 AM	Adobe Acrobat D...	22 KB
 Exhibit Z Press Bikepath Article - 2.pdf	12/23/2013 8:19 AM	Adobe Acrobat D...	24 KB



# Middle Twp. Center Burke Revision

- County Routes
- Center Expansion
- Existing Center Boundary



Source: NJ Dept. of State, Business Action Center, Office for Planning Advocacy. October 15, 2015.



# Middle Twp. Center Kindle Revision

DR  
Cape May  
Court  
House

Bayberry Dr

MIDDLE  
TWP

- County Routes
- Existing Center Boundary
- Potenital Center Expansion



Source: NJ Dept. of State, Business Action Center, Office for Planning Advocacy, October 15, 2015.