

NJ Department of Environmental Protection



Consistency Review and Comments On the Petition for Initial Plan Endorsement

**Submitted by the
Township of Upper**

March 7, 2006

Petition for Initial Plan Endorsement Submitted by the Township of Upper

NJ DEP Consistency Review and Comments

Introduction

The Township of Upper submitted a petition for Initial Plan Endorsement to the Office of Smart Growth on December 21, 2005. As part of the process established in the State Planning Commission's Plan Endorsement Guidelines, the Department (DEP) reviewed the petition and supporting materials submitted by the Township for completeness and found the petition to be incomplete. In addition to the Commission's Plan Endorsement Guidelines, the Department has developed its own guidelines and review criteria (*NJDEP Initial Plan Endorsement Program and Process Guide*) to assist municipalities in the Plan Endorsement process, and to assist in determining consistency with both the State Development and Redevelopment Plan and Department-related plans and programs.

The Department notified the Office of Smart Growth (OSG) that the petition did not include all of the required items and materials related to the Department's programs and regulations as prescribed in the Plan Endorsement Guidelines and the Department's Initial Plan Endorsement Program and Process Guide. Without this information the Department felt that it did not have a complete picture of current conditions and future activities in the Township. The items the Department cited as missing were:

- **Natural Resource Inventory:** The petition did not include a separate inventory. The petition cited the Conservation element of the 1994 Master Plan, and included an abbreviated summary of resources in the Township in the Existing Conditions Inventory (the Inventory lacked data on other features such as water resources, vegetation, open space, historic sites, etc.). The Department does not believe that this meets the intent of the Plan Endorsement Guidelines, or the purpose of a resource inventory.
- **Capital Improvement Plan:** The petition did not include a Capital Improvement Plan.
- **Infrastructure Information:** The Infrastructure section of the Existing Conditions Inventory required clarification and additional information.

In a memorandum to OSG, DEP noted that the Township was seeking the designation of four centers, and that although the Department had worked with Upper Township and OSG in identifying natural resources and sensitive areas, DEP had not agreed to the center boundaries included in the petition, and continued to have concerns over some of the areas that are included within them.

The Department also recommended that the Draft Planning and Implementation Agreement include additional environmental protection measures. These measures are listed in the Critical Issues and Recommendations section of this review.

Despite the Department's comments that the petition was incomplete, the Office of Smart Growth determined the petition complete for review.

Overview

In 2000, the Department made substantive revisions to the Coastal Zone Management Rules (NJAC 7:7E) to change the way development intensity is determined in the CAFRA area, replacing the more complex site-by-site analyses with a regional system that defines CAFRA planning areas. The regulations encourage development in compact centers, which are located in all CAFRA planning area. Large-scale development is discouraged outside of centers in rural and environmentally sensitive planning areas. The Department examined the State Plan Policy Map, the purposes for which it was established, and the factors that determined the delineation of the planning areas in order to determine whether the Department could use the boundaries for the purposes of implementing the Coastal Area Facilities Review Act (CAFRA,

N.J.S.A. 13:19)). The Department determined that the boundaries delineated in the CAFRA area were established and drawn to serve the same purposes as the Department's boundaries under the Coastal Zone Management (CZM) rules for the CAFRA area. The Department further determined that the State Plan Policy Map boundaries are in keeping with the purposes of the CAFRA statute, which include the "encourage[ment of] the development of compatible land uses in order to improve the overall economic position of the inhabitants of [the CAFRA] area within the framework of a comprehensive environmental design strategy which preserves the most ecologically sensitive and fragile area from inappropriate development and provides adequate environmental safeguards for the construction of any developments in the [CAFRA] area.". Thus the Department determined to use the State Plan structure of Planning Areas and centers as the basis for its own CAFRA Planning Map.

The Department reviewed the materials submitted by the Township to determine if the Upper Township planning portfolio and development/redevelopment objectives are generally consistent with DEP policies and programs, particularly the Coastal Zone Management Rules and the CAFRA statute, and the environmental and natural resource policies in the State Plan.

Consistency Review

It is the Department's intent to review the information submitted by an applicant for consistency with the plans and programs of the Department, and provisions of the State Development and Redevelopment Plan, primarily those related to resource protection. To do this, the Department uses the applicable State Plan Planning Areas and their Policy Objectives as benchmarks for determining consistency. As the State Plan's key concepts, the Statewide Policies are applied to the natural and built resources of the state through the designation of the five Planning Areas. The Planning Areas reflect distinct geographic units within the state and serve as the organizing framework for application of the Statewide Policies. Because the Township is within the Coastal Zone, the Department will primarily consider consistency with the applicable coastal planning areas and centers as established in the Coastal Zone Management Rules. The coastal planning areas established in the Rules are consistent with the State Plan planning areas and centers. It should be noted that a substantial land area of the Township is within the Pinelands Protection Area and not a part of this review.

Coastal Zone Management Rules - N.J.A.C. 7:7E

Coastal Planning Areas and centers are established at NJAC 7:7E-5B.

Coastal Suburban Planning Area Policy Objectives

The Coastal Suburban Planning Area is generally located adjacent to the more densely developed Coastal Metropolitan Planning Area, but can be distinguished by a lack of high intensity centers and by a more dispersed and fragmented pattern of development. The existing inventory of undeveloped and underdeveloped land in this Coastal Planning Area should be sufficient to accommodate much of the market demand for future growth and development in the CAFRA area. Internally oriented, mixed-use centers should be encouraged in the Coastal Suburban Planning Area. While development patterns are well established here, development intensities should be highest within CAFRA centers to concentrate development and take advantage of infrastructure efficiencies. Development in the Coastal Suburban Planning Area outside of centers should be less intense than in centers and less intense than in the Coastal Metropolitan Planning Area. Development in areas not in centers and not in or adjacent to an existing sewer service area should be less intense than in other parts of the Coastal Suburban Planning Area. The policy objectives for the Coastal Suburban Planning Area are as follows:

Encourage mixed-use development and redevelopment in compact centers.

- The Upper Township Master Plan encourages mixed use development and redevelopment in centers, identifying the existing developed areas as the basis for the four centers proposed in the petition (Seaville, Marmora, Tuckahoe and Petersburg). The Township is proposing ordinance changes that would encourage denser mixed uses in the Seaville and Marmora centers. There is no public wastewater infrastructure in Upper Township, therefore new development density is necessarily limited, however, more compact developments on community wastewater systems are encouraged.

Guide opportunities for economic development and employment in centers, and promote seasonal and year-round travel and tourism activities in the coastal resort areas.

- The Upper Township Master Plan supports economic development and employment in centers, and the petition proposes center boundaries where that development will be encouraged. The Marmora center serves as a gateway to Ocean City, and both Marmora and Seaville serve the retail and commercial needs of seasonal visitors to the barrier island and mainland communities. The four major roadways in the Township (Garden State Parkway, Route 9, Route 49 and Route 50) are state roads that provide the major access routes to seasonal visitors. The Township circulation element acknowledges this and the Planning and Implementation Agreement (PIA) proposes several measures to alleviate problems related to seasonal traffic.

Encourage links from coastal suburban areas to employment centers with public transit, and promote transportation systems that address the special seasonal demands of travel and tourism along the coast.

- The PIA recommends expanding bus transit opportunities to access the region, and recommends exploring restoration of rail service.

Ensure adequate wastewater treatment capacity, and minimize off-site stormwater runoff by encouraging the use of best management practices that protect the character of natural drainage systems.

- As mentioned, there is no public wastewater infrastructure in Upper Township. Where higher density development occurs, the master plan recommends that wastewater treatment be provided by community treatment systems. These treatment systems must be permitted by the Department, which will ensure adequate treatment. The Township has prepared a municipal stormwater plan and ordinance as required by Department rules (NJAC 7:8-1), and will be adopting them soon to ensure proper stormwater management. The Department will monitor the plan and adoption to ensure compliance.

Coastal Rural Planning Area Policy Objectives

The Coastal Rural Planning Area generally contains most of the CAFRA area's remaining prime agricultural land, as well as large contiguous tracts of forested areas and other open lands. It is interspersed with centers and with scattered commercial, industrial and low-density residential development. It is served by rural road networks and on-site wastewater and water supply systems. The Coastal Rural Planning Area also supports rural economic activities such as recreation related business. The policy objectives for the Coastal Rural Planning Area are as follows:

Protect and enhance the rural character and agricultural viability of the Coastal Rural Planning Area by guiding growth into centers, maintain existing low-density and low-intensity development patterns that are supporting rather than conflicting with the rural landscape, encourage creative land use techniques to minimize the impact of new development on rural features, and ensure that development does not exceed the capacity of natural and built systems

- A stated objective of the Township Master Plan is to maintain rural character and continue the scenic and low-density nature of the Township. However, most upland areas in the Coastal Rural Planning Area are zoned for residential use with lots as small as 40,000 square feet. The petition notes that there are about 1,400 acres of agricultural land in the Township, but only one farm that has been preserved. The petition discusses a variety of land use techniques and a proposed environmental review ordinance that can help to maintain low-density and low-intensity development patterns and protect resources, but they are not now being implemented. The Department will review the proposed ordinance to ensure that it will also offer protection to resources beyond an assessment of their presence in an area.
- The Township is seeking the designation of two historic villages in the Coastal Rural Planning Area, Petersburg and Tuckahoe, where growth will be promoted.

Encourage economic activities in centers that complement and support rural and agricultural communities and that provide diversity in the rural economy, accommodate economic activities outside of centers in ways that maintain or enhance the rural environment, have minimal impact on agricultural resources, and minimize the need for infrastructure improvement

- The Township is seeking the designation of two historic villages in the Coastal Rural Planning Area, Petersburg and Tuckahoe, where growth will be promoted. The petition proposes a workshop to explore what development types are most appropriate in Tuckahoe and Petersburg that can build off of historic resources existing there and seasonal traffic that goes through the centers. Community facilities such as schools, community center, library, fire and rescue squads and a post office are located in these centers. The Department supports the idea of workshops to determine community preferences, and recommends that natural resource issues such as habitat protection and stream corridor and wellhead protection be included.

Protect and preserve large contiguous areas of farmland and open space, and protect the critical resources and environmentally sensitive features of the coastal ecosystem, including water resources and wildlife habitat, by maintaining development outside of centers at low densities, and minimize conflicts between development, agricultural practices, resource based activities, and sensitive coastal resources.

- Within Upper Township, there are more than 12,400 acres of land preserved by federal, state and county government, including Cape May National Wildlife Refuge, Belleplain State Forest, Great Cedar Swamp Wildlife Refuge and the Tuckahoe Wildlife Management Area. The Township land use plan and zoning ordinance designate a substantial portion of the Township outside of the centers for conservation. These lands are zoned for residential uses at one unit per 10 acres. The Township has adopted an Open Space and Recreation master plan. The plan appears to focus on park and recreation facilities in the centers and Coastal Suburban Planning Area, likely due to the large amount of land already in preservation by other levels of government.
- As mentioned previously, there are about 1,400 acres of agricultural land in the Township, but only one farm that has been preserved.

Coastal Environmentally Sensitive Planning Area Policy Objectives

The Coastal Environmentally Sensitive Planning Area generally has large contiguous land and water areas with critical coastal ecosystems, wildlife habitats, geological features, and other valuable coastal resources. Some of these lands have remained rural and relatively undeveloped, while others have been dominated by development for many years, such as the coastal barrier islands and spits. The barrier islands represent a major public investment in infrastructure systems that should be maintained while protecting the economic and ecological value of adjacent coastal resources. Centers on the barrier islands are almost all served by public wastewater facilities whereas centers in other environmentally sensitive areas are often not. Centers are usually linked by rural roads and separated by open spaces, or linked to the mainland by State highways crossing coastal wetlands and waterways. Areas outside of centers in the Coastal Environmentally Sensitive Planning Area are by definition more vulnerable to disturbance from new development. Damage may include fragmentation of landscapes, degradation of aquifers and potable water supplies, habitat destruction, extinction of plant and animal species, and destruction of other irreplaceable resources that are vital to the preservation of the ecological integrity of the coastal area. The Coastal Environmentally Sensitive Planning Area also supports recreation and tourism industries, and resource based industries such as mining and forestry. The policy objectives for the Coastal Environmentally Sensitive Planning Area are as follows:

Protect environmentally sensitive features by guiding development into centers and maintaining low intensity development patterns elsewhere, carefully link the location, character and magnitude of development to the capacity of natural and built environments to support new growth, accommodate development at higher intensities in the Coastal Environmentally Sensitive Planning Area barrier island centers, compatible with development patterns in existing centers, and discourage the development of public infrastructure facilities outside of centers.

- The Township is seeking the designation of two historic villages in the Coastal Rural Planning Area, Petersburg and Tuckahoe, where growth will be promoted. The village of Tuckahoe is on the Tuckahoe River, of which portions are designated as both scenic and recreational river, as part of the National Wild and Scenic River System authorized by Congress in 1992. The Township has adopted the Tuckahoe Riverfront District to ensure compatible development along the river. No public infrastructure outside of these centers is planned.
- The Strathmere section of the Township is at the tip of a barrier island. Strathmere is one of the few developed areas of a barrier island that are not served by a public wastewater treatment system. As a result, development intensity remains relatively low. Strathmere is largely seasonal housing, with several businesses that serve the tourism industry.

Locate economic development opportunities in centers that serve the surrounding region and the travel and tourism industry and accommodate in other areas appropriate seasonal, recreational, and natural resource based-activities that have a minimal impact on environmental resources; and

- The petition proposes a workshop to explore what development types are most appropriate in Tuckahoe and Petersburg that can build off of historic resources existing there and seasonal traffic that goes through the centers.
- There are several recreational campgrounds in the Township that serve seasonal visitors. Located in the Coastal Environmentally Sensitive Planning Area (and Coastal Rural Planning Area), these facilities are served by their own on-site wastewater treatment facilities.

Protect sensitive natural resources critical to the maintenance of coastal ecosystems by maintaining large contiguous areas of undisturbed habitat, open space and undeveloped land, maintain the balance of ecological systems and growth, and protect the areas outside of centers from the effects of development by maintaining it as open space.

- Within Upper Township, there are more than 12,400 acres of land preserved by federal, state and county government, including Cape May National Wildlife Refuge, Belleplain State Forest, Great Cedar Swamp Wildlife Refuge and the Tuckahoe Wildlife Management Area. The Township land use plan and zoning ordinance designate a substantial portion of the Township outside of the centers for conservation. On much of this area, development opportunities are severely constrained by extensive wetlands. These lands are zoned for residential uses at one unit per 10 acres.

Critical Issues and Recommendations

Water Supply

The Department, with the U.S. Geological Survey, is currently conducting an intensive study of the Cohansey Aquifer water resources in Southern Cape May County. This study will determine the present and future water supply needs of the southern part of the County, primarily for Lower and Wildwood, while "minimizing adverse ground water or ecological impacts on the area". Extensive previous analyses have revealed that water for future demand in the county can come from the following sources:

- pumpage of fresh ground water from wells that are not vulnerable to saltwater intrusion,
- desalination of salty ground water,
- water reuse,
- and, indirectly, by a reduction of demand through conservation.

The extent to which additional groundwater can be pumped is a primary focus of the study.

Now entering its final phase, the study has developed preliminary water supply scenarios with respect to projected water demand, hydrology, ecology, regulatory policy; assessed preliminary water-supply

scenarios for impacts on saltwater intrusion, streamflow depletion, and ecosystem impacts; and determined ecological sensitivities to hydrologic changes implicit with the best scenario(s).

The final phase will perform a cost effectiveness/feasibility analysis to determine best scenario(s). The final best scenario will be selected from the list of best scenarios based upon cost effectiveness and feasibility. These tasks will be completed by the Department and stakeholders, including Upper Township officials and residents.

A second investigation, the Southeastern New Jersey Alternative Water Supply Feasibility Study, is about to be initiated. This project will focus on the remaining areas of Cape May County, the Great Egg Harbor River, Mullica River, and Southern Barnegat Bay watersheds. It will be evaluated similar to the approach employed in Southern Cape May County and be completed in about three years.

Proposed Centers and Planning Areas

The Township has proposed four centers: Tuckahoe, Petersburg, Seaville, and Marmora/Beesley's Point. These centers were previously adopted as coastal centers in the CZM Rules, and have been re-established as of February 6, 2006. The Department is in general agreement with the location and size of the centers. Department staff met on several occasions with Township officials to discuss the center boundaries proposed by the Township, and Department natural resource issues. However, the Department has not agreed on the proposed center boundaries, as resource issues have not been resolved. The issues are largely over the inclusion of sensitive lands (wetlands, habitat of endangered and threatened species) within the proposed center boundaries. The Township has argued to keep these areas within the centers, and has proposed to develop and implement an ordinance that would require persons who seek to develop properties to identify sensitive resources. The Department agrees that such an ordinance could help to identify and protect sensitive resources, but has questions about how the ordinance will be implemented and coordinated with the CZM Rules. The Department continues to seek the exclusion of sensitive lands from these centers, including the riverfront area in the Tuckahoe village center (see comments below).

The Department is also seeking to revise the boundary of the Coastal Suburban Planning Area in the Greenfield section of the Township. This area, the western edge of the Coastal Suburban Planning Area, is relatively undeveloped, mostly wooded, and has high-quality habitat of endangered and threatened species.

The Department wishes to continue discussions with the Township to delineate centers that accommodate the needs of the Township, and refine the boundaries of the planning areas, consistent with their plans and ordinances.

Environs Protection

Outside of the urban growth boundaries established by the Coastal Suburban Planning Area and the proposed centers, Upper Township is largely rural and environmentally sensitive. There are more than 12,000 acres of land preserved by county, state and federal agencies. In the Pinelands area of the Township, sensitive lands are zoned at 25 acres per residential unit. Much of the adjacent land to the west of the Coastal Suburban Planning Area and in the Coastal Environmentally Sensitive Planning Area is zoned at 10 acres per residential unit. While this combination of land preservation and zoning will help maintain rural character and continue the scenic and low-density nature of the Township (which is a key objective stated in the master plan), most upland areas in the Coastal Rural Planning Area are zoned for residential use with lots as small as 40,000 square feet, and these areas are generally the most visible to residents, being along Township roadways. The petition notes that there are about 1,400 acres of agricultural land in the Township, but only one farm that has been preserved. The petition also discusses a variety of land use techniques such as clustering and open space/conservation subdivision design that can help to maintain low-density and low-intensity development patterns and protect resources, but the Township does not have these tools. The Department recommends that Upper Township consider a variety of land use and zoning tools to preserve land and protect sensitive resources in the Coastal Rural planning Area. These land use and zoning tools need to be adopted prior to endorsement of the Township's petition.

Wild and Scenic River Designation

Upper Township is bordered on the north by the Tuckahoe River, of which portions are designated as both scenic and recreational river, as part of the National Wild and Scenic River System authorized by Congress

in 1992. The Department has received comments from the Pinelands Preservation Alliance and the Great Egg Harbor Watershed Association regarding the boundary of the proposed Tuckahoe Village along the river, and whether it is appropriate to include the section within the Tuckahoe village center. Upper Township has zoning controls along the river (Tuckahoe Riverfront District) that limits residential development to one unit per 2 acres, with buffering requirements along the river. There is also a maximum 30% impervious cover for residential development, far below the 60% allowed in a CAFRA village. The Department has examined the area along the Tuckahoe River, and believes that this area should not be part of the Tuckahoe village. The Tuckahoe Riverfront District's objective is to "permit residential opportunities at a density that promotes the water quality of the Tuckahoe River and restricts encroachment in the wetlands and floodplains", and is at a far lower density than is allowed in the village. The Tuckahoe River is also a Category One waterway. The DEP has designated a special level of protection for these waterways in New Jersey. This protection, known as Category One, targets waterbodies that provide drinking water, habitat for Endangered and Threatened species, and popular recreational and/or commercial species, such as trout or shellfish. The Category One designation provides additional protections to waterbodies that help prevent water quality degradation and discourage development where it would impair or destroy natural resources and environmental quality.

Wellhead Protection

There are several public water supply wells within the proposed centers along the Route 9 corridor. Because they are within areas where denser development and multiple land uses are encouraged, it is recommended that the Township work with Cape May County to develop and implement wellhead protection plan and ordinance to protect these public wells. Cape May County has initiated a wellhead protection program and Upper Township should follow through with a plan and ordinance.

Stormwater Management

Protection of water quality should be a key element of local plans and ordinances. As a result of the U.S. EPA's Phase II stormwater rules published in December 1999, the Department has developed the Municipal Stormwater Regulation Program and new rules to facilitate the implementation of the program. This program addresses pollutants entering our waters from many storm drainage systems owned or operated by local, State, interstate or Federal government agencies. Municipalities must obtain a NJPDES general permit. The permits address stormwater quality related issues to new and existing development and redevelopment by requiring the preparation of a stormwater program and implementation of specific permit requirements referred to as Statewide Basic Requirements.

The petition indicates the Upper Township is currently in the process of developing its program and implementation measures. In developing an effective plan, the Department recommends that the Township incorporate stormwater source control measures that go beyond the basic requirements. These measures include:

- Fertilizer and pesticide management ordinances
- Retrofitting of existing stormwater facilities
- Planting of native vegetation in existing landscapes
- Road de-icing
- Wildlife management

The Department will seek documentation in order to monitor and provide assistance to Upper Township in their compliance with the Municipal Stormwater Regulation program including Municipal Stormwater Permit and Stormwater Management requirements.

Environmental Justice/Contaminated Sites/Hazardous Waste Generators

As part of the Plan Endorsement process and in accordance with Executive Order 96, effective February 19, 2004, the Department provided Upper Township with an Environmental Justice Inventory. The State's Environmental Justice Policy Executive Order seeks to address the disproportionate impacts that environmental degradation presents to low income and minority communities throughout the State by encouraging community involvement in decisions that will impact local environmental quality.

The Department provides an Environmental Justice Inventory to all municipalities that initiate the Plan Endorsement process, regardless of the racial, ethnic and income characteristics of a community. The inventory provides detailed information that can be used to indicate the extent to which low-income communities and communities of color might be located in close proximity to regulated sites or other negative environmental conditions. The Department strongly urges municipalities to pro-actively address Environmental Justice issues in their Master Plans. Environmental Justice Inventory information can ensure that land use planning does not create or perpetuate situations that disproportionately expose citizens to environmental hazards. While the information included in the inventory is not exhaustive, it provides a starting point for Upper Township to consider Environmental Justice issues for on-going planning efforts.

There are a number of possible policy actions available to Upper Township to address an existing or potential Environmental Justice situation, should the information provided raise concerns. These include, but are not limited to:

- Meet with community stakeholders to inform them of planning initiatives and their impact on community environmental assets and liabilities.
- Disseminate planning, environmental, and public health information in languages other than English according to community demographics.
- Eliminate existing permitted land uses that create conditions whereby existing or proposed residential uses are in proximity to present public health and environmental hazards, and adopt flexible zoning techniques to better prevent these use conflicts.
- Establish overlay zones that impose additional requirements for environmental protection for hazardous uses or restrict residential uses in proximity to existing pollutant dischargers.
- Improve controls on existing industrial facilities, including zoning regulations, hours of operation, truck routes, noise control, hazardous and noxious materials storage, onsite waste storage and timely collection of residual wastes. Planners should recognize the significant health implications of fine particulate air emissions and work to reduce impacts from these sources.
- Collect and analyze data on community health issues.
- Designate a municipal Single Point of Contact for residents concerned about environmental health issues arising from local conditions and train municipal staff on environmental justice concerns. This designee should be advertised with the community.
- Assess the distribution of open and natural spaces as they relate to housing demographics.

Please note that members of low-income and ethnic and minority community members can file a petition with the Environmental Justice Task Force if they feel that there are pertinent environmental justice concerns in Upper Township. More information about this process can be found at <http://www.nj.gov/ejtaskforce/> and at <http://www.state.nj.us/dep/ej/index.html>. To date, no petitions have been filed with the Environmental Justice Task Force due to issues within Upper Township.

Planning and Implementation Agreement

The Department recommends that Upper Township undertake the following actions, to be added to the Planning and Implementation Agreement:

- ❑ Ensure water supply capacity. The Township will work with DEP to complete the County water supply study, and NJ American Water Company to ensure adequate water supply for current and anticipated growth. The Township should develop and adopt land use and resource policies and ordinances that support the results of the water resources study, including water conservation measures.

- ❑ Update and revise wastewater management plan. The Cape May County Wastewater Management Plan will expire in the near future. The Township will work with Cape May County to revise the Upper Township portion of the Plan.
- ❑ Develop stream corridor protection plan and ordinances for waterways in the Township.
- ❑ Wellhead protection: Identify public water supply wells, amend and adopt local ordinances to protect public water supply wells.
- ❑ Work with the Department on protecting habitat of threatened and endangered species, including modification of center boundaries and planning areas to exclude habitat areas.

Staff Recommendation

The Office of Policy, Planning and Science believes that portions of the Upper Township Master Plan and supporting elements are compatible with Coastal Zone Management Rules, mainly some of the more general coastal planning area policy objectives. However, because there are significant gaps in Township policies and practices, we feel that the Upper Township Petition for Initial Plan Endorsement is inconsistent with the State Development and Redevelopment Plan and DEP policies and programs. The petition and planning documents would not form the basis of a positive recommendation to amend the Coastal Zone Management Rules.

The Upper Township Master Plan currently in use by the Township was prepared in 1992. While the plan includes objectives that remain relevant, particularly encouraging growth in existing locations that form the basis for the proposed centers, and maintaining rural character, it is outdated, as are many of the plan's underlying assumptions. The Land Use element and the Conservation element provide little guidance for future growth and conservation efforts beyond outdated inventories.

Although the Petition document articulates a vision for the Township, the outdated master plan and a lack of implementation tools ensure that it cannot be achieved. Finally, the centers, as proposed, and the Coastal Suburban Planning Area, include substantial acres of wetlands and habitat of endangered and threatened species that should be excluded.

We recommend that the Township take the following actions prior to plan endorsement, so that the Department can make a determination that their planning portfolio is consistent with the purposes of the Coastal Area Facility Review Act, N.J.S.A. 13:19-1 et seq., and the Coastal Zone Management Rules:

- Prepare comprehensive natural resource inventory.
- Revise center boundaries to exclude sensitive lands.
- Prepare new master plan and associated elements.
- Incorporate Tuckahoe Riverfront District into master plan.
- Adopt a variety of land use and zoning measures to ensure maintain the rural nature of the Township.