



State of New Jersey
DEPARTMENT OF STATE
OFFICE FOR PLANNING ADVOCACY
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Governor

GERRY SCHARFENBERGER, Ph.D.
Director

KIM GUADAGNO
Lieutenant Governor

November 16, 2011

The Honorable Edward J. Mahaney, Jr.
Mayor, City of Cape May
643 Washington Street
Cape May, NJ 08204

Re: City of Cape May Consistency Report & Action Plan

Dear Mayor Mahaney:

The Office for Planning Advocacy (OPA) and our state agency partners have substantively reviewed the petition submitted by the City of Cape May for Plan Endorsement and would like to commend the City for active participation and dedication to the Plan Endorsement process. However, consistency issues remain that need to be resolved prior to endorsement. OPA and our state agency partners are committed to working with the City to establish a timeline to address the consistency issues outlined in this report in order for Cape May City to receive Plan Endorsement from the State Planning Commission and to achieve Center designation.

CONSISTENCY REVIEW AND ACTION PLAN

Accompanying the enclosed Consistency Report is a Draft Action Plan. We ask that you review the Action Plan and add the appropriate completion dates to the timelines. The Action Plan is subject to agreement between the petitioning municipality and OPA. Once agreement is reached regarding the timelines within the Action Plan, and the MOU is authorized by the petitioning municipality's governing body, the timelines within the Action Plan will be binding and non-negotiable. In the event that the City fails to meet the timelines agreed to in the Action Plan, the petitioning municipality will be deemed to have defaulted in its obligations and the petition may be withdrawn. Once the tasks on the Action Plan are complete, the State Planning Commission will consider the City's petition for endorsement.

CENTER BOUNDARY REVIEW

The City has not submitted revisions to the center boundary but has indicated that the center may need to be expanded to accommodate the Sewell tract per a settlement with the NJDEP. OPA staff will be emailing a draft center boundary for your review. Any proposed changes will be discussed at length with the City.

COASTAL CONSISTENCY STATEMENT

The City of Cape May shall develop and submit a Coastal Consistency Statement in compliance with CAFRA center designation guidelines. Examples and information are available upon request.

WASTEWATER MANAGEMENT PLAN

The City must comply with the "Responsibility of Municipalities" obligations listed in section N.J.A.C. 7:15-5.8 of the Water Quality Management Rules. The Wastewater Management Plan must be up-to-date and consistent with the Master Plan and petition. Proposed wastewater service must be pulled back from areas not proposed for growth. Municipalities must provide documentation that water supply capacity exists for the amount of growth detailed in the Master Plan. This documentation must identify existing and proposed water supply sources. For existing public water sources, identify the available approved allocations and firm capacity. In addition, municipalities must identify local water conservation measures required to ensure efficient use of available resources and methods to be used to promote wastewater reuse. Stream corridor protection ordinances must be in place.

SUSTAINABILITY STATEMENT UPDATE

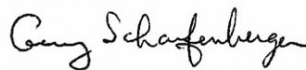
The City must enhance the Sustainability Statement narrative to include information regarding the City's sustainable efforts. The narrative should address energy, mixed-use development, reducing Green House Gasses, and Sustainable Jersey actions that the City is planning or has already implemented.

CONCLUSION

Pursuant to N.J.A.C. 5:85-7.5 (f), the City must submit the additional information requested above in order for the plan to be evaluated for consistency with the goals, policies and strategies of the State Plan. OPA and our state agency partners will work with the City to revise the petition to include the items identified within this letter and to help the City achieve Plan Endorsement. Again, we look forward to meeting with you to discuss the next steps.

Thank you again for your commitment to the Plan Endorsement process. If you have any questions or concerns, please feel free to contact Kate Meade, OPA Planner for Cape May County, at (609) 633-8573 or via email at katherine.meade@sos.state.nj.us.

Sincerely,



Gerry Scharfenberger
Director

GS:km

c: Bruce MacLeod, City Manager (via brucem@capemaycity.com)
Craig R. Hurless, PE, PP, CME, Polistina & Associates, LLC (via c.hurless@comcast.net)
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Leslie Gimeno, Cape May County Planning Director, (via lgimeno@co.cape-may.nj.us)
State Agency Partners (via email)
Cape May City Plan Endorsement File