



CAPE MAY CITY



Cape May County

State Agency Opportunities & Constraints Analysis



DEPARTMENT OF STATE
BUSINESS ACTION CENTER
OFFICE FOR PLANNING ADVOCACY

January 10, 2011
Office for Planning Advocacy
Department of State
State of New Jersey



State of New Jersey
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January 7, 2011

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

**RE: City of Cape May Plan Endorsement
State Agency Opportunities and Constraints Analysis**

Dear Mayor Mahaney:

The Office for Planning Advocacy (OPA) and our State agency partners have reviewed the Municipal Self Assessment Report submitted by the City of Cape May and would like to commend the City for its active participation and dedication to the Plan Endorsement process. Please find enclosed the State Agency Opportunities and Constraints Analysis. This analysis is intended to guide the City's community visioning process and to provide the City with preliminary consistency issues with the State Plan and relevant State regulations. This document can be found on the OSG website at the following link: <http://nj.gov/dca/divisions/osg/plan/pe.html>.

The Office of Smart Growth and its State agency partners remain committed to working with the City of Cape May. Should you have any questions regarding the Plan Endorsement process or the enclosed Opportunities and Constraints Analysis, please feel free to contact Kate Meade, OSG Planner for Sussex County at (609) 633-8573 or via email at kmeade@dca.state.nj.us.

Sincerely,

Gerry Scharfenberger
Director

GS/km

- c: Diane Weldon, Cape May City Clerk (*via mail*)
Craig R. Hurlless, PE, PP, (*via email*)
Leslie Gimeno, Planning Director, Cape May County Planning Department (*via email*)
Alan Miller, Plan Endorsement Coordinator, OSG (*via email*)
Karl Hartkopf, PP/AICP, Planning Director, OSG (*via email*)
State Agency Interagency Team (*via email*)
Cape May City Plan Endorsement File

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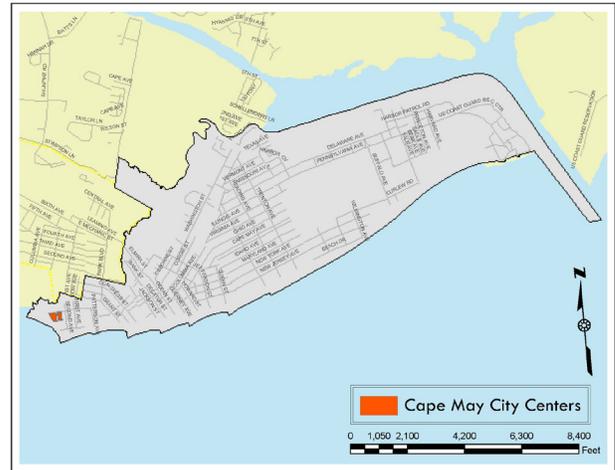
Introduction

The Office for Planning Advocacy (OPA) and our State Agency partners have preliminarily assessed local opportunities and constraints relating to existing development, current zoning regulations, infrastructure and natural resources. This report provides for a comparison of information within the Municipal Self-Assessment Report with the most up-to-date regional and statewide data to determine whether trend growth, or the continuance of existing development patterns, is sustainable and viable based on the information provided. trend growth can then be compared to plan growth, or that which is aligned with the New Jersey State Development and Redevelopment Plan (State Plan) and is based on the principles of smart growth. This information is intended to guide and direct the community visioning process such that residents and other stakeholders can develop a vision for the future with a twenty-year planning horizon based on an understanding of how current land use regulations and policies will result within the context of existing infrastructure and environmental resources. The vision shall provide for sustainable growth, recognize fiscal constraints, plan for housing needs, and call for the preservation of natural, historic and agricultural resources. By taking into consideration the findings of the Municipal Self-Assessment Report and the Opportunities and Constraints Analysis, communities can envision a both desirable and realizable future.

History

On October 27, 1999 the entire City of Cape May was designated a town center by the State Planning Commission. This designation expired on January 7, 2008.

A portion of the center was reestablished by legislative acts know as the Permit Extension Act of 2008 (P.L. 2008, c.78) and the subsequent amendment to the act, signed into law by then-Governor Jon S. Corzine on January 18, 2010 (P.L. 2009, c.336). These actions have now extended portions of the center until June 30, 2013. The center designation will extend past the 2013 expiration date upon receipt of Plan Endorsement from the State Planning Commission. Presently, Cape May's Town Center consists of two small sections of park. The center was extended in this area because these parks did not contain critical environmental sites. The remaining portion of the center



consists of two sections of State Park located North of West Beach Street, South of Mt. Vernon Street, East of the Atlantic Ocean and West of 2nd avenue.

The City of Cape May initiated the Plan Endorsement process by attending a pre-petition meeting with OPA and our partner State agencies on August 7, 2008. On July 6, 2010, the City of Cape May passed a resolution authorizing the creation of their Plan Endorsement Advisory Committee (PEAC), in which seven members were designated.

The City submitted their Municipal Self Assessment Report to OPA for review in October 2010. This State Agency Opportunities and Constraints (O&C) Report is being provided to the City December 20, 2010 pursuant to the Plan Endorsement rule, N.J.A.C. 5:85-7.10.

Status of Planning Areas and Cross Acceptance

The State Plan Policy Map categorizes each area in the State into a specific Planning Area based on its suitability for growth and development. The current State Plan Policy Map, adopted in 2001, maps the City as an Environmentally Sensitive Planning Area, (Planning Area 5) and parkland. Specifically the current State Plan maps 1,184 acres as environmentally sensitive and 312 acres as park.

Cross Acceptance III

This process is meant to ensure that all New Jersey residents and levels of government have the opportunity to participate and shape the goals, strategies and policies of the State Plan. Through Cross-acceptance, negotiating entities work with local govern-

ments and residents to compare their local master plans with the State Plan and to identify potential changes that could be made to achieve a greater level of consistency with statewide planning policy.

On April 28, 2004, the New Jersey State Planning Commission approved the release of the Preliminary State Development and Redevelopment Plan (State Plan) and the Preliminary State Plan Policy Map. This action launched the third round of Cross-acceptance. Cross-acceptance is a bottom-up approach to planning, designed to encourage consistency between municipal, county, regional, and state plans to create a meaningful, up-to-date and viable State Plan (N.J.S.A. 52:18A-202.b.). The State Planning Commission will make the final determination on all amendments to the State Plan Policy Map. Additional changes proposed beyond those indicated on the Preliminary Policy Map, such as the re-designation of all SPC designated centers beyond existing expiration dates, shall occur through the Plan Endorsement process.

Within the draft final State Plan, the forthcoming 2010 State Plan (based on the 2004 Preliminary State Plan Policy Map) contains minimal proposals regarding Cape May's Planning Areas; the only exception is that new parkland has been updated to reflect the parkland designation. As such, the City of Cape May will be mapped as 1,123 acres of Planning Area Five and 374 acres of parkland. The change is a result of 61 acres being turned into parks.

The City of Cape May provided one comment to Cape May County—the Negotiating Entity for Cape May County municipalities—for negotiation with OPA and the SPC as it relates to policy issues (Item No. 221). The City believes that it is critical to have existing historical sites protected/restored when considering the future landscape of the City and suggested that National Historic Districts should be recognized as a cultural or historical site under the State Plan.

Relation to the State Development & Redevelopment Plan (State Plan)

The State Plan's criteria for parks, Planning Area Five, and policies for revitalizing the state's towns are all relevant to Cape May City. As the State Plan notes, Town Centers are traditional hubs of commerce or government throughout New Jersey, with diverse residential neighborhoods served by a mixed-use Core offering

locally oriented goods and services. Existing Centers within the Environmentally Sensitive Planning Area have been, and often remain, the focus of residential and commercial growth and public facilities and services for their region, as well as supporting the recreation and tourism industries. Land use and development issues facing many town centers are focused on redevelopment and revitalization rather than growth management to counteract the potential for sprawl. In addition to its detailed redevelopment plans, Cape May has capitalized on such assets as the historic value, its "classic" downtown area, and the strong residential neighborhoods.

Environmentally Sensitive Planning Areas

In the Environmentally Sensitive Planning Area, the State Plan provides for the protection of critical natural resources and for the maintenance of the balance between ecological systems and beneficial growth. The ecological systems of the Environmentally Sensitive Planning Area should be protected by carefully linking the location, character and magnitude of development to the capacity of the natural and built environment to support new growth and development on a long-term, sustainable resource basis.

Parks and Natural Areas

The mapping and delineation of Parks and Natural Areas is not intended to adversely affect funding and acquisition strategies, existing management plans or regulatory programs. Rather, the Statewide Policies should be applied within the context of the public purpose and management plans for these areas, to guide management and acquisition to accomplish the intents mentioned above: the protection of critical habitats and resources, the provision of recreational opportunities, and the creation of a connected system of open lands for posterity.

Trend Analysis

The trend analysis performed by OPA was based on Cape May's existing zoning regulations. OPA took into account known environmental constraints and other impediments to development. These constraints included identified State Plan parkland, wetlands (with a 25-foot buffer), presence of Category One (C1) streams, existing developed land including infrastructure, and identified surface water. Our trend analysis indicates that there are only eight developable acres remaining

Summary Table		
category		totals**
land consumption		
	total acreage	1,475
	currently developed or constrained	1,466
	acres to be developed	8
buildings		
	current housing units (2000)	4,127
	residential units to be developed	NA
	total residential at buildout	NA
	current commercial sq ft	NA
	commercial sq ft to be developed	NA
	commercial at buildout	NA
people		
	current residents (2000)	3,731
	additional residents at buildout	3,785-4,062
	total residents at buildout	3,785-4,062
	current jobs	5,645
	additional jobs at buildout	NA
	total jobs at buildout	6,851
* formulas total all commercial worksheets on the basis that only one would be selected and the other two would remain zero		
** per the NOTE above, the petitioner should make sure that they are not double-counting acreage for a mixed use zone		

in Cape May City. In light of the limited available land, OPA's trend analysis seems fruitless. The City's zoning is very complex. There are a myriad of options in every zone. OPA will produce materials to inform the community visioning process. OPA has produced a narrative describing each zone which will include the amount of environmentally constrained land and the amount of vacant developable land in each zone.

		Available	Constrained	Developed	Grand Total
RESIDENTIAL	R-3 (PW)	4	32	4	40
	R-1	0	12	63	75
	R-1 (PW)	0	32	34	66
	R-2		34	217	251
	R-2 (PW)		34	0	34
	R-3	2	43	67	112
	R-3A			30	30
	R-4			88	88
	R-5		6	7	13
	R-C		114	1	114
	R-S		0	98	98
		6	306	611	923

OPA used the most recent U.S. Census Bureau data to determine Cape May's average household size, which was identified as 2.02 persons per household (U.S. Census Bureau, 2000). Tables used in calculating the results of the trend Analysis are below; Table 1 provides a sum-



mary of the findings. At the end of the report, the Appendix includes the results of the trend analysis as a map.

Assumptions

The preliminary stages of the analysis determined that the C1, C2, C3, C6, NC, R-1 Wetlands, R2, R2 Wetlands, R-3a, R4, R5, RC and RS zones have no remaining developable land. In addition, G1, G1 Wetlands, R1, S1 and S2 wetlands contain less than one acre of developable land. Accordingly, the remaining developable land is contained in the C5, R3, and R3 Wetlands zones.

Residential Zone Analysis

According to the U.S. Census Bureau's 2005-2009 American Community Survey, Cape May has 3,731 citizens residing in 4,127 dwelling units. The draft Impact Assessment of the New Jersey State Development and Redevelopment Plan projects that 3,785 people will be residing in Cape May City by 2028. It is worth noting that this estimate is lower than that of the South Jersey Transportation Planning Authority, which projected Cape May's population to be 4,062 in 2030. OPA also understands that Cape May's population fluctuates on a seasonal basis with increases due to the presence of summer shore visitors.



R2 is comprised of 250 acres. 217 acres are developed and 33 acres are environmentally constrained. There is no vacant developable land in the R2 zone. Land is zoned R2 in 4 noncontiguous areas.

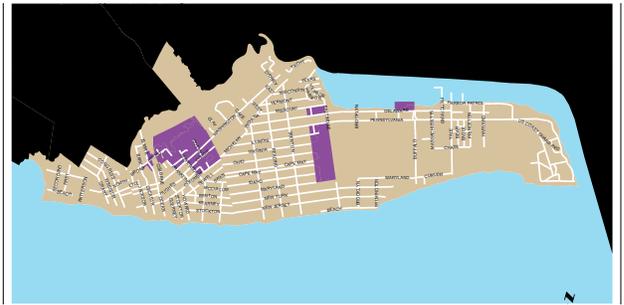


• R2 PW

The R2 PW zone is comprised of 66 acres. The entire zone is environmentally constrained. Aerial photos show that there are no homes in the R2 zone.

• R1 LOW DENSITY RESIDENTIAL

The R1 zone is comprised of 75 acres. 63 acres are developed, 12 acres are environmentally constrained and less than one acre is available for development. There are two noncontiguous areas zoned R1.



• R3 MEDIUM DENSITY RESIDENTIAL

R3 is comprised of 112 acres. 67 acres are developed, 43 acres are environmentally constrained and there are two developable acres remaining. Land is zoned R3 in five noncontiguous areas. One noncontiguous area is the Corinthian Yacht Club. There is a section of C1 surrounded by R3.

• R1A LOW DENSITY RESIDENTIAL

The R1A zone is comprised of 66 acres. 34 acres are developed and 31 acres are environmentally constrained. There is no vacant developable land in the R1A zone. Land zoned R1 preserved wetlands in one contiguous area.



• R3 PRESERVED WETLANDS

The R3 PW district is comprised of 40 acres. Four acres are developed, 32 acres are environmentally constrained and four vacant, developable acres remain.

• R2 LOW/MEDIUM DENSITY RESIDENTIAL



• R4 MODIFIED MEDIUM DENSITY RESIDENTIAL

The R4 is comprised of 88 acres. All 88 acres are developed.



• R5 MEDIUM HIGH DENSITY RESIDENTIAL DISTRICT

R5 is comprised of 13 acres. Seven acres are developed and five acres are environmentally constrained. There is no vacant developable land in the R5 zone. The R5 zone consists of a marina.



• RS RESIDENTIAL SEASONAL

The RS zone is comprised of 98 acres. All 98 acres are developed. Land is zoned RS in three non contiguous acres.



• RC RESIDENTIAL CLUSTER DISTRICT

The RC cluster district is comprised of 114 acres. A half acre is developed. 113 acres are environmentally constrained. Land is zoned residential cluster in one contiguous area.

Commercial Buildout

Employment opportunities of varying types should be available to Cape May residents within mixed-use areas that encourage City residents to live within close proximity to where they work and shop in order to minimize automobile use, reduce traffic congestion, and enhance pedestrian mobility.

The draft Impact Assessment of the New Jersey State Development and Redevelopment Plan estimates that there are presently 5,645 jobs within the City of Cape May (lower than SJTPO’s 2005 projection of 5,851, likely do to its accounting for the current economic recession). The draft Impact Assessment of the New Jersey State Development and Redevelopment Plan projects that there will be 6,851 jobs by the year 2028.

		Available	Constrained	Developed	Grand Total
COMMERCIAL AND MIXED USE	C-1		1	32	33
	C-2			14	14
	C-3	0	0	43	43
	C-5	2	42	17	60
	C-6		10	6	17
	G-1	0	8	32	41
	G-1(PW)	0	308	0	309
	NC		0	4	4
	S-1	0	7	16	23
	S-2 (PW)	0	8		9
		2	385	165	552

Commercial Zone Analysis



• C1 PRIMARY BUSINESS DISTRICT

The C1 zone is comprised of 33 acres. 32 acres are developed and one acre is constrained.



• C2 BEACH BUSINESS DISTRICT

The C2 zone is comprised of 14 acres. All 14 acres are developed.



• C3 HOTEL MOTEL DISTRICT

The C3 zone is comprised of 43 acres. All 43 acres are developed.



• NC NEIGHBORHOOD COMMERCIAL DISTRICT

The NC zone is comprised of three and one half acres. The entire zone is developed.



• C5 SERVICE BUSINESS LIGHT INDUSTRIAL DISTRICT

The C5 zone is comprised of 60 acres. 17 acres are developed, 41 acres are environmentally constrained and one and a half acres are vacant and available for development.



• C6 MARINA DISTRICT

The C6 zone is comprised of 17 acres. Seven acres are developed and 10 acres are environmentally constrained. There is no vacant developable land in the C6 zone.



• G1 GOVERNMENT DISTRICT

The G1 zone is comprised of 41 acres. 32 acres are developed and eight acres are constrained. There is less than one acre of vacant land available for development.

- S1 BEACH STRAND DISTRICT

The S1 zone is comprised of 23.5 acres. 16 acres are developed and seven are constrained. There is less than one acre of vacant land available for development.

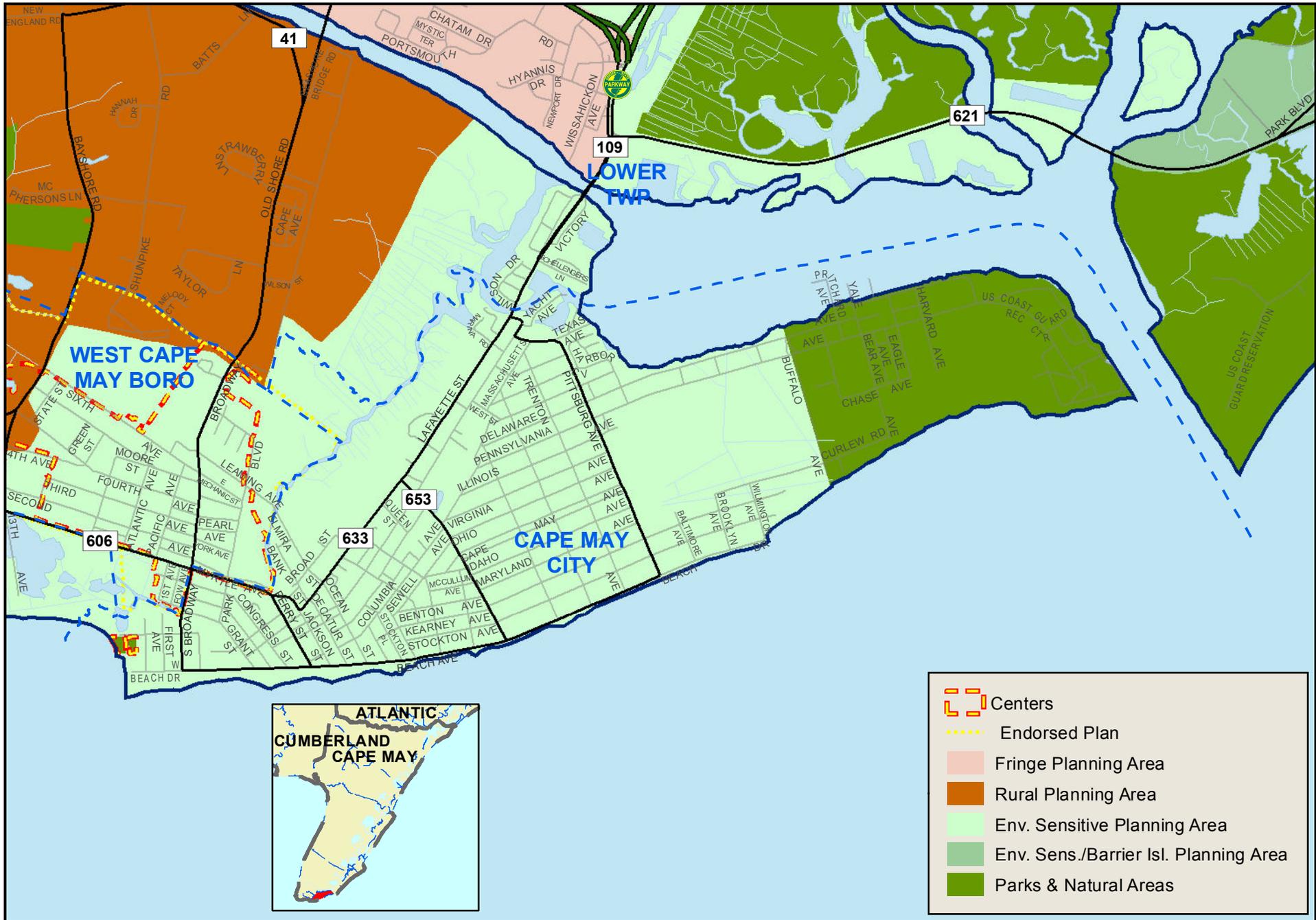


- S2 DUNE STABILIZATION DISTRICT

The S2 zone is comprised of nine acres. All nine acres are constrained.



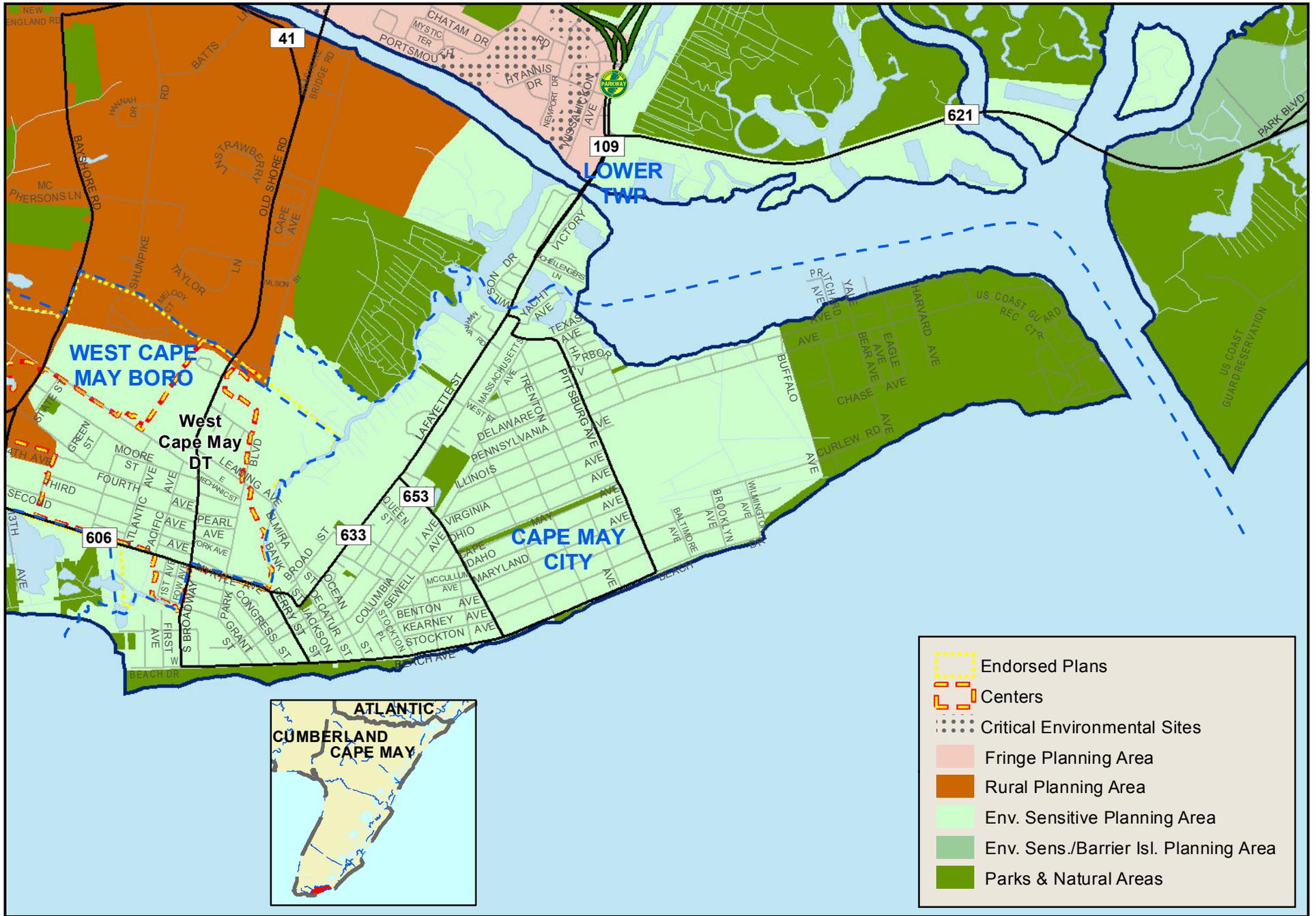
This is a map of all the Zones that are considered “wetlands” zones per Cape May City’s Zoning.



1 inch = 2,349 feet

Cape May City 2001 State Plan Policy Map





1 inch = 2,349 feet

Cape May City Preliminary Plan Map



NJ Department of Environmental Protection



State Development & Redevelopment Plan Plan Endorsement Opportunities & Constraints Analysis

for:

City of Cape May, Cape May County

December 10, 2010

This document constitutes the Department of Environmental Protection's component of the State Opportunity and Constraints Analysis conducted as part of the Plan Endorsement process. This document should serve as a baseline to inform the rest of the Plan Endorsement process. This document provides a general overview of the Department's regulatory and policy concerns within Cape May City. While all efforts have been made to address all major issues, the ever evolving nature of regulatory programs and natural conditions dictates that the information contained within this document will need to be updated on a regular basis. No portion of this document shall be interpreted as granting any specific regulatory or planning approvals by the Department. This document is to be used solely as guidance for municipal planning purposes.

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Water & Wastewater Analysis

Sufficient water supply and the ability to treat wastewater are essential to any community. The following information on Water Availability and Wastewater Treatment should be used by the community to evaluate its ability to meet current and future demand for water and wastewater treatment. Using this information to plan for future development allows a municipality to estimate the number of people the current (and/or future systems) can sustain. It also provides a way for a municipality to determine where growth is most appropriate, taking into account where water can be treated and supplied.

Water Availability

The following information on Water Availability in Cape May is based upon the best data readily available to DEP at the time of this analysis. This data should be used by the City to inform its community vision and planning processes.

All of Cape May receives its potable water supply from the municipal Cape May Water and Sewer Utility. The Deficit/Surplus tables, and a map showing the systems locations within the municipality, are provided with this report.

PWSID	WATER SYSTEM NAME	POPULATION SERVED	WATER SYSTEM TYPE
NJ0502001	CAPE MAY WATER & SEWER UTILITY	32,349	Public

Contact: Carl Behrens, 643 Washington Street, Cape May NJ 08204

Phone: (609) 884-9576

The Deficit/Surplus table for the New Jersey American Water Company – Monmouth System shows available capacity for this system to be approximately 0.039 MGD.

The Deficit/Surplus tables for Public Water Systems may be found on the Department of Environmental Protection, Division of Water Supply website at <http://www.nj.gov/dep/watersupply/pws.htm>. Not all Public Water Supply Systems will have associated Deficit/Surplus tables available on the Department's website. The website currently contains public water systems that have a demand greater than 100,000 gallons of water per day and have had some water main extension activity since January 1, 2002. For safe demand and firm capacity information not available on this web site please contact the Bureau of Water System and Well Permitting at 609-984-6831 or for water allocation information please contact the Bureau of Water Allocation at 609-292-2957.

Refer to [Firm Capacity and Water Allocation Analysis](#) document for a detailed description of the methodology used to calculate capacity limitations.

Attachments:

- Deficit/Surplus table – New Jersey American Water Company – Monmouth System
<http://www.nj.gov/cgi-bin/dep/watersupply/pwsdetail.pl?id=1345001>

Wastewater Treatment

The following information on Wastewater Treatment in Cape May City is based upon the best data readily available to DEP at the time of this analysis. This data should be used by Cape May to inform its community vision and planning processes.

There is one DEP-regulated wastewater facility serving all of Cape May City.

- Cape May Regional WTP - NJPDES permit number NJ0020371. The permitted flow for this facility is 3.0 MGD. The annual average flow for this facility in 2009 was 1.41 MGD. Based on this information there is a remaining capacity of 1.59 MGD remaining for the municipalities served by the Cape May Regional WTP.

Water Quality Management Plan

The Department is currently working with the County of Cape May to develop the county-wide Wastewater Management Plan based upon the revised Water Quality Management Planning rules. The entire developed area of the City, minus environmentally sensitive areas, is within a wastewater service area.

Attachments:

- Public Water System Deficit/Surplus Table

Environmental Constraints Analysis

The following section identifies those environmental constraints that should be considered by Cape May City in its planning efforts. These environmental constraints are divided into 3 sections - Regulated Constraints, Constraints to Avoid, and Constraints to Consider.

Regulated Environmental Constraints

Wetlands, Category One Waters and Total Maximum Daily Loads (TMDL) are environmental constraints currently regulated by DEP. Cape May City should recognize these environmental constraints in its visioning and planning processes.

- Wetlands

Freshwater wetlands and transition areas (buffers) are regulated by the Freshwater Wetlands Protection Act rules (NJAC 7:7A). Wetlands are commonly referred to as swamps, marshes, or bogs. However, many wetlands in New Jersey are forested and do not fit the classic picture of a swamp or marsh. Previously misunderstood as wastelands, wetlands are now recognized for their vital ecological and socioeconomic contributions. Wetlands contribute to the social, economic, and environmental health of our state in many ways:

- Wetlands protect drinking water by filtering out chemicals, pollutants, and sediments that would otherwise clog and contaminate our waters.
- Wetlands soak up runoff from heavy rains and snow melts, providing natural flood control.
- Wetlands release stored flood waters during droughts.
- Wetlands provide critical habitats for a major portion of the state's fish and wildlife, including endangered, commercial and recreational species.
- Wetlands provide high quality open space for recreation and tourism.

There are on-site activity limits on lands identified as wetlands. The NJ Freshwater Wetlands Protection Act requires DEP to regulate virtually all activities proposed in the wetland, including cutting of vegetation, dredging, excavation or removal of soil, drainage or disturbance of the water level, filling or discharge of any materials, driving of pilings, and placing of obstructions. The Department may also regulate activities within 150 feet of a wetland - called the transition area or buffer.

Land Use/Land Cover data based on 2002 aerial photography identifies approximately 508.26 acres of wetlands in Cape May City. It should be noted that these wetlands are based on aerial photo interpretation and are **not** appropriate for use in determining the true extent of wetlands on a specific site.

- Flood-prone areas

Flood Hazard Areas - The recently adopted Flood Hazard Area Control Act rule (NJAC 7:13) regulates development within the floodplain and the Riparian Zone (50 - 300 feet adjacent to the water). Under this rule all projects that are adjacent to a “regulated water” that is designated C1 or is upstream within the HUC 14 of a “regulated water”, regardless of whether they are mapped, require a Flood Hazard Area Control Act permit. Cape May City should take the Flood Hazard Area Control Act and associated buffers into consideration when performing visioning requirements of Plan

Endorsement. Additionally, Cape May City should update land-use ordinances accordingly to match the requirements of the Flood Hazard Area Control Act.

The map provided shows the FEMA flood map zones. The Federal Emergency Management Agency continually updates these maps, and Cape May City and its residents should refer to their website for current information. Additional information regarding FEMA's Flood Insurance Rate Map (FIRM) follows the map provided. Please note that the area regulated by the Flood Hazard Area Control Act rule do not necessarily align with the FEMA flood map zones.

- Total Maximum Daily Loads (TMDL's)

The DEP will provide Cape May City with additional information regarding any TMDLs that are within the City.

Attachments:

- Land Use/Land Cover- Map
- Flood Prone Areas, TMDL's- Map

Environmental Constraints to Avoid

Threatened and Endangered Species Habitat and Natural Heritage Priority Sites are geographically-identified environmental constraints prioritized for protection by DEP's mandate to protect the ecological integrity and natural resources of New Jersey. DEP recommends avoidance of these areas, to the extent possible, in order to protect these ecosystems from degradation and destruction.

While Threatened and Endangered Species Habitat and Natural Heritage Priority Sites are not specifically regulated as such, the species and sites that are the basis for this information are considered in several DEP regulatory and planning programs - such as the Freshwater Wetlands Program, Water Quality Management Planning, and the Flood Hazard Area Control Act rule.

- **Threatened & Endangered Species Habitat**

The New Jersey Endangered Species Conservation Act was passed in 1973 and directed the New Jersey Department of Environmental Protection (DEP) to protect, manage and restore the state's endangered and threatened species. The DEP Endangered and Nongame Species Program (ENSP) has since become the voice for more than 400 species of wildlife in New Jersey, with success stories related to the Bald Eagle, the Peregrine Falcon, the Pine Barrens Tree frog, the Osprey, and others. There are currently 73 endangered and threatened wildlife species in New Jersey. Wildlife professionals within DEP's Endangered and Nongame Species Program oversee research, conservation and protection of rare wildlife species such as the bog turtle, great blue heron, piping plover, bobcat, and other animals that are struggling to survive here in New Jersey.

ENSP has developed the Landscape Project to identify and systemically map the habitat most critical for New Jersey's fish and wildlife populations. This tool is being used to gauge healthy ecosystems and help identify areas appropriate for protection while giving citizens and local government officials valuable scientific information about their municipalities.

There are several areas within Cape May City that are mapped by the DEP's landscape project as Rank 4 and 5, indicating that there are State and Federally listed Threatened and Endangered Species. While not all of the species indicated by the mapping project are Rank 4 or 5, they are within the habitat type of another Rank 4 or 5 species. It is also likely that there are many more species not listed under the landscape project for Cape May City. Species listed for Cape May City include: Migratory Raptor Concentration Site, Yellow Crowned Night Heron, Little Blue Heron, Black Crowned Night Heron, Black Skinner, Snowy Egret, Least Tern, Common Tern, Cattle Egret, Tricolored Heron, Glossy Ibis, Piping Plover, Osprey, Cope's Gray Treefrog, American Oystercatcher, Fowler's Toad, and Northern Diamondback Terrapin.

- **Natural Heritage Priority Sites**

Through its Natural Heritage Database, the DEP Office of Natural Lands Management (ONLM) identifies critically important areas to conserve New Jersey's biological diversity, with particular emphasis on rare plant species and ecological communities. The database provides detailed information on rare species and ecological communities to planners, developers, and conservation agencies for use in resource management, environmental impact assessment, and both public and private land protection efforts. Using the database, ONLM has identified 343 Natural Heritage Priority Sites (NHPS), representing some of the best remaining habitat for rare species and rare ecological communities in the state. In addition, each NHPS includes a Biodiversity Rank according to its significance for biological diversity using a scale developed by The Nature Conservancy, the network of Natural Heritage Programs and the New Jersey Natural Heritage Program. The global

biodiversity significance ranks range from B1 to B5. The specific definitions for each rank for NHPS in Cape May City are as follows:

B2- Very high significance on a global level, such as the most outstanding occurrence of any ecological community. Also includes areas containing other occurrences of elements that are critically imperiled globally, a good or excellent occurrence of an element that is imperiled globally, an excellent occurrence of an element that is rare globally, or a concentration (4+) of good occurrences of globally rare elements or viable occurrences of globally imperiled elements.

B3 - High significance on a global level, such as any other viable occurrence of an element that is globally imperiled, a good occurrence of a globally rare element, an excellent occurrence of any ecological community, or a concentration (4+) of good or excellent occurrences of elements that are critically imperiled in the State.

There are two (2) NHPS located within Cape May City, as follows:

Contains good and excellent populations of a globally rare State Endangered bird species, and additional occurrences of State Endangered and Threatened birds. Contains fair to good (but small) examples of rare coastal dune grass, coastal dune shrubland.

SITE NAME	DESCRIPTION	BIODIVRANK	BIODIVCOMM
Two Mile Beach	This site is on parts of two adjacent barrier islands (Cape May and Wildwood) on the Atlantic Ocean side of Cape May peninsula. Communities include marine intertidal sand beach, coastal dune grass, coastal dune shrubland, coastal dune forest, and salt marsh.	B2	Contains good and excellent populations of a globally rare State Endangered bird species, and additional occurrences of State Endangered and Threatened birds. Contains fair to good (but small) examples of rare coastal dune grass, coastal dune shrubland.
Cape May Migratory Bird Refuge Site	The site is on the outer coastal plain and occupies the SW tip of Cape May peninsula. There is a mosaic of upland forest and shrubland communities (including coastal dune shrubland and forest), active and abandoned agricultural fields, salt marsh-phragmi....	B3	High concentration of migratory birds, including neotropical migrants, and numerous state imperiled plant and animal species. Also, several globally imperiled animal species. Good quality coastal dune shrubland and coastal dune woodland communities....

Attachments:

- Map- Habitat Rank 4 and 5 and Natural Heritage Priority Sites

Environmental Constraints to Consider

Groundwater Recharge Areas, Wellhead Protection Areas, and Priority Species Habitat are geographically-identified environmental constraints recognized as important for the protection of water quality and biodiversity of New Jersey. DEP recommends avoidance of these areas, to the extent possible, in order to minimize the impact to water quality and species habitat.

There are no Groundwater Recharge Areas, Wellhead Protection Areas or Priority Species Habitat mapped by DEP. The City is welcome to use more detailed data that it has collected regarding any of these environmental constraints.

Attachments:

None

Contaminated Areas Considerations

All New Jersey municipalities can be home to contaminated sites, whether the contamination comes from industrial, agricultural, retail, or even residential sources. The information provided in this section is intended to help municipal officials identify known contaminated areas and incorporate consideration of these areas into planning efforts. The existence of a contaminated area does not necessarily mean that it is inappropriate for development or redevelopment. Nonetheless, the severity of the contamination, the potential for remediation, and the potential impact on human health must be considered before development or redevelopment plans are underway.

Known Contaminated Sites List

The Known Contaminated Sites List for New Jersey 2005 includes those sites and properties within the state where contamination of soil or ground water has been identified, or where there has been, or there is suspected to have been, a discharge of contamination. This list of Known Contaminated Sites may include sites where remediation is either currently under way, required but not yet initiated or has been completed. The data included here dates from 2001. Additionally, new contaminated sites have been identified since the creation of this list and are not included here. For further information contact NJDEP's Site Remediation Program and Waste Management (SRWM) lead program, which are identified with each site listed in this data base. Contact information for SRWMs lead program can be acquired at <http://www.state.nj.us/dep/srp/kcs-nj/>.

There are 12 known contaminated sites in Cape May City. The Known Contaminated Sites in New Jersey report (<http://www.nj.gov/dep/srp/kcs-nj/>) is produced by NJDEP in response to N.J.S.A. 58:10-23.16-17 that requires preparation of a list of sites affected by hazardous substances. It also satisfies the Site Remediation Program's obligations under the New Jersey New Residential Construction Off-Site Conditions Disclosure Act (N.J.S.A 46:3C1 et seq.).

Active Sites With Confirmed Contamination 08/25/2010

ID	Site	PI Number	PI Name	Line1 Address
15447		008682	CAPE MAY RIGGINS NORTH	1149 RT 9
26524		009850	CAPE MAY GULF	1381 WASHINGTON ST
231065		332585	COACHMANS MOTOR INN (SEA SIDE RESORT MOTEL)	205 BEACH AVE
9659		009842	MOSSBROOK'S GULF	216 220 N MAIN ST
99124		165760	WAWA STORE #954	3200 NEW JERSEY AVE
365863		452258	349 CONGRESS STREET	349 CONGRESS ST
420844		526497	PETERSON LITTLE VFW POST 386	419 CONGRESS ST
55596		026549	FILLING STATION	615 LAFAYETTE ST
17783		033607	CAPE MAY WATER & SEWER FACILITY	830 CANNING HOUSE LN
59529		90878	PNC BANK	930 WASHINGTON ST
63908		G000005363	CAPE MAY COAL GAS JCP&L	LAFAYETTE ST & ST JOHN ST

46754	009857	COURT HOUSE RIGGINS	N MAIN ST
405317	507250	22 CONGRESS STREET	22 CONGRESS ST

**Pending Sites With Confirmed Contamination
08/25/2010**

Site ID	PI Number	PI Name	Line 1 Address
41497	000335	MCMANUS AUTO SERVICE INC	701 WASHINGTON ST

**Closed Sites with Remediated Contamination
08/25/2010**

Site ID	PI Number	PI Name	Line1 Address
65527	G000030214	CAPRI MOTOR LODGE	1033 BEACH AVE
73871	G000036310	1101 WASHINGTON ST	1101 WASHINGTON ST
74515	G000039642	1134 LAFAYATTE ST	1134 LAFAYETTE ST
38305	010124	CAPE MAY MARINE	1263 LAFAYETTE ST
71944	G000019949	FLEMING REAL ESTATE	1488 WASHINGTON ST
54581	023976	ALBERT E MORELLI	1 ENTERPRISE DR
14602	032798	USCG TRAINING CENTER CAPE MAY	1 MUNRO AVE
176949	231882	GAS STATION FORMER	3000 BAYSHORE RD
65128	G000026971	306 CONGRESS AVENUE	306 CONGRESS AVE
195645	256898	MCPHERSON FUEL SERVICE	458 PERRY ST
54108	022958	GEORGE W FEITZ	555 ELMIRA ST
41913	001314	ROSEMANS BOATYARD	5 ROSEMANS ST
73380	G000033837	609 HUGHES STREET	609 HUGHES ST
52287	018932	CAPE MAY CITY	643 WASHINGTON ST
9678	015186	CAPE PORT STATION INC	795 RT 109
216688	283035	817 COLUMBIA AVENUE	817 COLUMBIA AVE
9684	000515	HARBORTOWN RESORT MARINA T/A CANYON CLUB	900 OCEAN DR
75287	G000043278	926 CORGIE ST	926 CORGIE ST
9715	025957	QUINNS CAPE ISLAND REPAIRS INC	936 LAFAYETTE ST
9683	018234	LUND'S FISHERIES INC	997 OCEAN DR

9714	008118	CLAGHORN PLACE PUMP STATION	CLAGHORN PL
9708	008117	MADISON AVE PUMP STATION	MADISON AVE & MICHIGAN AVE
71170	G000010540	VICTORIAN VILLAGE PLAZA	WASHINGTON ST
95895	134935	1015 BEACH DRIVE	1015 BEACH AVE
129679	172254	119 STOCKTON PLACE	119 STOCKTON PL
214046	279434	501 LAFAYETTE AVENUE	501 LAFAYETTE ST
89863	127644	965 SEASHORE RD	965 SEASHORE RD

Known Contaminated Sites - Classification Exception Areas (CEA)

Classification Exception Areas are DEP designated areas of groundwater contamination meeting certain criteria and associated with Known Contaminated Sites or sites on the Site Remediation Program (SRP) Comprehensive Site List. CEAs are institutional controls in geographically defined areas within which the New Jersey Ground Water Quality Standards (NJGWQS) for specific contaminants have been exceeded. When a CEA is designated for an area, the constituent standards and designated aquifer uses are suspended for the term of the CEA. A public understanding of where groundwater is known to be contaminated can help prevent inappropriate well placement, preventing potential health risks and can minimize unintended contaminant plume migration. Contaminants of concern within a CEA record are described in one of two ways, either in a field named for the contaminant, e.g., benzene; or listed in a general contaminant field, e.g., VO.

The Department currently identifies four CEAs within Cape May City:

- Riggins Oil Cape May Gulf- Yacht and Washington Avenues
- PNC Bank (CEA_VO)- 940 Washington Street
- McManus Auto Service Station (CEA_VO)- 701 Washington Street
- Filling Station- 615 Lafayette Avenue

For further information about Classification Exception Areas:

http://www.state.nj.us/dep/srp/guidance/cea/cea_guide.htm

Attachments:

- Known Contaminated Sites - Map (Note: This map does not show the extent of contamination.)

Preserved Lands and Historic Resources

Open space preservation helps to protect New Jersey's rich natural, historic, and cultural heritage. It ensures that animal and plant habitats are protected and that areas of scenic beauty and agricultural importance are preserved. It safeguards streams and water supplies and provides opportunities to enjoy the outdoors. Open space preservation lies at the core of the quality of life of New Jersey's communities - from the most urbanized cities to the most remote rural areas of the state. Besides enhancing the quality of life, protecting open space can provide economic benefits. It can help a community avoid the costly mistakes of misusing available resources. Protected open space usually raises the taxable value of adjacent properties and is less costly to maintain than the infrastructure and services required by residential development. Even taking into account the increased tax base that results from development, open space usually proves easier on the municipal budget in the long-run.

Historic preservation is the identification, evaluation, and protection of historic and archaeological resources so that they continue to play an integral, vibrant role in their communities. New Jersey's historic properties and the environment in which they exist are irreplaceable assets that contribute to the quality of life that residents enjoy and expect. Historic properties are the physical links to our past, providing meaning to the present and continuity with the future. They are the physical records of the events and people that shaped New Jersey's history. Historic properties add visual and intellectual spirit to the physical environment that New Jersey residents experience daily.

Preserved Lands

A map showing the known open space areas that have been preserved has been included in this report. If the City has additional information to add to this map, please provide this information.

Historic Resources

The following is a list of historic properties within the City of Cape May.

Atlantic City Railroad - Cape May Division Historic District (ID#4758)

Railroad right-of-way from Winslow Junction to Cape May Point, Sea Isle City & Ocean City

SHPO Opinion: 7/2/2004

DOE: 6/23/2005

Atlantic City Railroad - Cape May Division Historic District (ID#4758)

Also located in: Ocean City; Sea Isle City; Stone Harbor Borough; West Wildwood Borough; Wildwood City; Wildwood Crest Borough

Bank (ID#4519)

526 Washington Street Mall

COE: 8/26/2005

1123 Beach Avenue (ID#4504)

1123 Beach Avenue

COE: 8/26/2005

1301 Beach Avenue (ID#4480)

1301 Beach Avenue

COE: 8/26/2005

1501 Beach Avenue (ID#4481)

1501 Beach Avenue
COE: 8/26/2005

1601 Beach Avenue (ID#4482)

1601 Beach Avenue
COE: 8/26/2005

Cape May Baptist Church (ID#4503)

115 Gurney Street
COE: 8/26/2005

Cape May Historic District (NHL, ID#3042)

SR: 12/10/1970

NR: 12/29/1970 (NR Reference #: 70000383)

(National Historic Landmark [Cape May City only]; the National Register historic district includes part of West Cape May Borough)

The Chalfonte Hotel (ID#4505)

301-309 Howard Street
COE: 8/26/2005

601 Columbia Avenue (ID#4483)

601 Columbia Avenue
COE: 8/26/2005

606 Columbia Avenue (ID#4484)

606 Columbia Avenue
SHPO Opinion: 8/26/2005

635 Columbia Avenue (ID#4486)

635 Columbia Avenue
COE: 8/26/2005

Congress Hall (ID#4478)

251 Beach Avenue
COE: 8/26/2005

203 Congress Place (ID#4487)

203 Congress Place
COE: 8/26/2005

207 Congress Place (ID#4488)

207 Congress Place
COE: 8/26/2005

200 Congress Street (ID#4491)

200 Congress Street
COE: 8/26/2005

24 Congress Street (ID#4489)

24 Congress Street
COE: 8/26/2005

28-30 Congress Street (ID#4490)

28-30 Congress Street

COE: 8/26/2005

Franklin Street United Methodist Church (ID#4492)

729 Franklin Street

COE: 8/26/2005

Franklin Street School (ID#2789)

Franklin Street, between Washington and Lafayette streets

COE: 11/21/1995

107 Grant Street (ID#4493)

107 Grant Street

COE: 8/26/2005

16 Gurney Street (ID#4494)

16 Gurney Street

COE: 8/26/2005

18 Gurney Street (ID#4495)

18 Gurney Street

COE: 8/26/2005

20 Gurney Street (ID#4496)

20 Gurney Street

COE: 8/26/2005

22 Gurney Street (ID#4497)

22 Gurney Street

COE: 8/26/2005

24 Gurney Street (ID#4498)

24 Gurney Street

COE: 8/26/2005

26 Gurney Street (ID#4499)

26 Gurney Street

COE: 8/26/2005

28 Gurney Street (ID#4500)

28 Gurney Street

COE: 8/26/2005

30 Gurney Street (ID#4501)

30 Gurney Street

COE: 8/26/2005

34 Gurney Street (ID#4502)

34 Gurney Street

COE: 8/26/2005

Hornbeam (WLB 394) (ID#150)

SHPO Opinion: 3/17/1999

Hotel Macomber (ID#4479)

727 Beach Avenue

COE: 8/26/2005

609 Hughes Street (ID#4506)

609 Hughes Street

COE: 8/26/2005

637 Hughes Street (ID#4507)

637 Hughes Street

COE: 8/26/2005

645 Hughes Street (ID#4508)

645 Hughes Street

COE: 8/26/2005

15 Jackson Street (ID#4509)

15 Jackson Street

COE: 8/26/2005

17 Jackson Street (ID#4510)

17 Jackson Street

COE: 8/26/2005

19 Jackson Street (ID#4511)

19 Jackson Street

COE: 8/26/2005

45 Jackson Street (ID#4512)

45 Jackson Street

COE: 8/26/2005

1037 Lafayette Street (ID#4514)

1037 Lafayette Street

COE: 8/26/2005

1386 Lafayette Street (ID#4515)

1386 Lafayette Street

COE: 8/26/2005

405 Lafayette Street (ID#4513)

405 Lafayette Street

COE: 8/26/2005

7 Ocean Avenue (ID#4516)

7 Ocean Avenue

COE: 8/26/2005

Old Cape May High School (ID#4525)

643 Washington Street

COE: 8/26/2005

Emlen Physick Estate (ID#4521)

1048 Washington Street

COE: 8/26/2005

Pink House (ID#4517)

33 Perry Street

COE: 8/26/2005

212 Stockton Place (ID#4518)

212 Stockton Place

COE: 8/26/2005

1129 Washington Street (ID#4522)

1129 Washington Street

COE: 8/26/2005

720 Washington Street (ID#4520)

720 Washington Street

COE: 8/26/2005

Attachments:

- Map- Preserved Open Space

Coastal Area Facilities Review Act

As updated and amended in 1993, the Coastal Area Facility Review Act seeks to protect the coastal areas in New Jersey by regulating projects near coastal waters and environmentally sensitive lands in the southern part of the State. The CAFRA law regulates almost all development activities involved in residential, commercial, or industrial development, including construction, relocation, and enlargement of buildings or structures; and all related work, such as excavation, grading, shore protection structures, and site preparation. The Department of Environmental Protection carries out CAFRA through Coastal Zone Management Rules and the CAFRA planning map identifies the boundaries of CAFRA centers, cores, and nodes, Coastal Planning Areas and coastal centers. The CAFRA area begins where the Cheesequake Creek enters Raritan Bay in Old Bridge, Middlesex County. It extends south along the coast around Cape May, and then north along the Delaware Bay ending at the Kilcohook National Wildlife Refuge in Salem County. The inland limit of the CAFRA area follows an irregular line drawn along public roads, railroad tracks, and other features.

New Jersey's coastline greatly contributes to New Jersey's economy, including tourism and recreational opportunities, and coastal areas provide crucial habitat for a wealth of wildlife, including migratory birds, commercially valuable fish and shellfish, and sporting and recreational species. Regulation is necessary to prevent pollution, destruction of vital wildlife habitat, increases in rainwater runoff, and destruction of the natural beauty that attracts visitors. Regulation of coastal activities is also necessary in some cases to prevent loss of life and property from coastal storms, erosion, and flooding. The CAFRA law was amended in 1993 to address these issues as well as require that the rules implementing the amendments be closely coordinated with the State Plan. In response to those statutory amendments, the Department in February 2000 adopted new rules for determining impervious cover limits and vegetative cover percentages for developments requiring a CAFRA permit based on the proposed development's location in a CAFRA center, CAFRA core, CAFRA node, Coastal Planning Area or coastal center.

The Department's CZM rules set forth general conditions under which the Department may accept, reject, or reject and revise boundaries of center and planning areas approved by the State Planning Commission as CAFRA centers and Coastal Planning Areas.

Cape May City is entirely within the CAFRA regulated area.

Cape May City was designated a CAFRA Town in 1996. The Regional Center status has been extended under the Permit Extension Act until June 2013. However, under the terms of the Act, only several small parcels of public land in the southwest portion of the City remain as the CAFRA Town Center. The City's Self-Assessment Report states that the City will seek to be re-designated as a CAFRA Town Center. In 2004, the State Planning Commission adopted rules that set expiration dates for certain State Planning Commission designated centers and cores that were not approved through the plan endorsement process. The expiration dates of these designated centers and cores were modified by operation of law by enactment of the Permit Extension Act of 2008. As a result, certain State Planning Commission designated centers and cores that consisted entirely of environmentally sensitive areas expired in their entirety. Environmentally sensitive portions of other designated centers and cores also expired. In response to the expiration of all or portions of these State Planning Commission designated centers the Department repealed all or portions of the CAFRA centers that correspond to these expired State Planning Commission centers. These areas reverted to the Coastal Planning Area that corresponds to the underlying State Plan Planning Area. This is

the case in Cape May. The majority of the land comprising the Cape May CAFRA Town Center was repealed, reverting back to the Environmentally Sensitive Planning Area.

Permit Extension Act

On September 6, 2008 Governor Jon S. Corzine signed the Permit Extension Act of 2008 (P.L. 2008, Chapter 78). For your information and convenience, DEP provides information at <http://www.nj.gov/dep/opppc/extension.htm>. If the Department's Permit Extension Act website does not address the particular circumstances of a permit holder or applicant, questions may be submitted in writing to NJ Department of Environmental Protection, Office of Permit Coordination and Environmental Review, P.O. Box 423, Trenton, New Jersey 08625-0423, by phone at (609) 292-3600, or at <http://www.nj.gov/dep/opppc/permitcoor.htm>.

Notice of Permit Extension Act Provisions

Take notice that, pursuant to the “Permit Extension Act of 2008” (Act), P.L. 2008, c. 78, approvals, as defined in section 3 of the Act, including any Department authorization in the form of a permit, approval, license, certification, waiver, letter of interpretation, agreement, center designation, or any other executive or administrative decision, except for administrative consent orders, which expire during the period of January 1, 2007 through July 1, 2010, are hereby extended through July 1, 2010. This Act automatically extends any approvals granted by the Department of Environmental Protection, including, but not limited to, those issued under the authority of the following statutes:

- (A) Waterfront Development Law, N.J.S.A. 12:5-1 et seq.
- (B) Wetlands Act of 1970, N.J.S.A. 13:9A-10 et seq.
- (C) Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq.
- (D) Coastal Area Facility Review Act, N.J.S.A. 13:19-1 et seq.
- (E) Water Supply Management Act, N.J.S.A. 58:1A-1 et seq.
- (F) Well Drilling Permits, N.J.S.A. 58:4A-5 et seq.
- (G) Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.
- (H) The Realty Improvement Sewerage and Facilities Act (1954), N.J.S.A. 58:11-23 et seq.; and N.J.S.A. 58:11-25.1 et seq.
- (I) Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq.
- (J) Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq.
- (K) Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq.

Nothing in the Act shall have the effect of extending:

1. any permit or approval issued within an environmentally sensitive area as defined in the Act;
2. any permit or approval within an environmentally sensitive area issued pursuant to the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 et seq.;
3. any permit or approval issued pursuant to the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq., except where work has commenced, in any phase or section of the development, on any site improvement, as defined in paragraph (1) of subsection a. of section 41 of the Municipal Land Use Law, N.J.S.A. 40:55D-53 or on any buildings or structures; or

4. any coastal center designated pursuant to the Coastal Area Facility Review Act, N.J.S.A. 13:19-1 et seq., that as of March 15, 2007:

(a) had not submitted an application for plan endorsement to the State Planning Commission, and

(b) was not in compliance with the provisions of the Coastal Zone Management rules at N.J.A.C. 7:7E-5B.6;

5. any permit or approval issued pursuant to federal assumption or delegation. The Act shall not affect any administrative consent order issued by the Department in effect or issued during the extension period, nor shall it be construed to extend any approval in connection with a resource recovery facility as defined in N.J.S.A. 13:1E-137.

Nothing in the Act shall affect the ability of the Commissioner of the Department to revoke or modify a specific permit or approval, or extension thereof pursuant to the Act, when that specific permit or approval contains language authorizing the modification or revocation of the permit or approval by the Department.

In the event that any approval tolled pursuant to the Act is based upon connection to a sanitary sewer system, the approval's extension shall be contingent upon the availability of sufficient capacity, on the part of the treatment facility, to accommodate the development whose approval has been extended. If sufficient capacity is not available, those permit holders whose approvals have been extended shall have priority with regard to the further allocation of gallonage over those approval holders who have not received approval of a hookup prior to the date of enactment of the Act. Priority regarding the distribution of further gallonage to any permit holder who has received the extension of an approval pursuant to the Act shall be allocated in order of the granting of the original approval of the connection. Further, nothing in the Act shall be deemed to extend the obligation of any wastewater management planning agency to submit a wastewater management plan or plan update, or the obligation of a municipality to submit a wastewater management plan or plan update, pursuant to the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq. and the Water Quality Management Planning rules, N.J.A.C. 7:15, adopted by the Department effective July 7, 2008. Nothing in the Act shall be construed or implemented in such a way as to modify any requirement of law that is necessary to retain federal delegation to, or assumption by, the State of any authority to implement a federal law or program.

Finally, nothing in the Act shall be deemed to extend or purport to extend any permit or approval issued by the government of the United States or any agency or instrumentality thereof, or to any permit or approval by whatever authority issued of which the duration or effect or the date or terms of its expiration are specified or determined by or pursuant to law or regulation of the federal government or any of its agencies or instrumentalities.

Summary of Major Issues

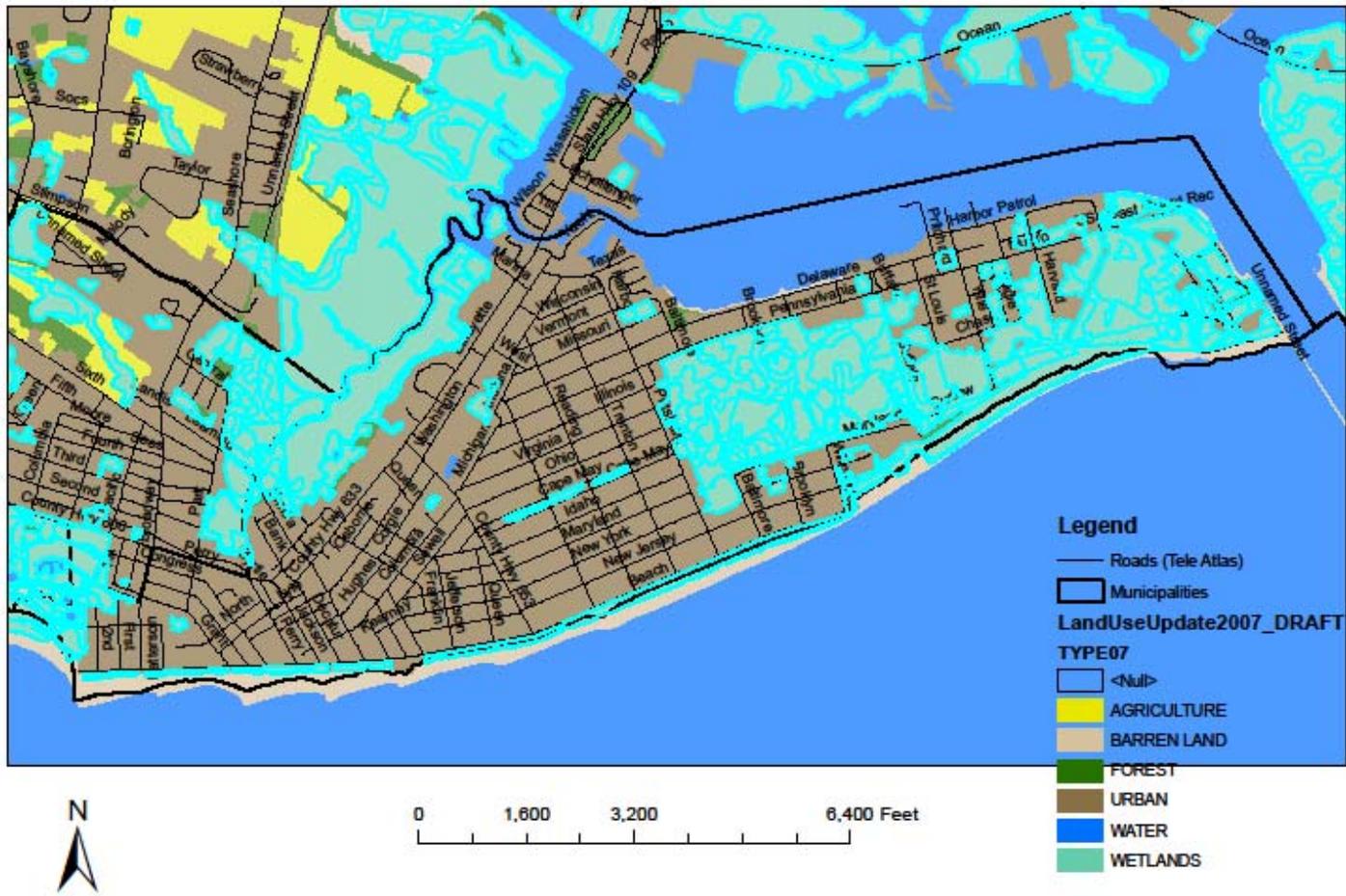
Summary of Major Issues

1. The City's wastewater service agreements should be consistent with the City's vision, petition for Plan Endorsement, planning documents, and land-use regulations. Additionally, the City should be included in a County-wide Wastewater Management Plan in accordance with the Water Quality Management Planning (WQMP) rules (NJAC 7:15). The City should actively participate with Cape May County to determine where areas of existing sewer service (SSA), if applicable, are inconsistent with the WQMP rules. For areas outside the SSA, the City will need to show consistency with the groundwater quality protection standard of 2 mg/L (or parts per million, or ppm) nitrate level requirement as prescribed by N.J.A.C. 7:9C for areas outside of the sewer service area.
2. The City should take into account this OCA report during the development of their Wastewater Management Plan and Water Supply Plans.
3. The City has proposed a revised Community Development Boundary for the center that more accurately defines some areas of the City, including the East Cape May-Sewell tract that was the subject of a settlement. While these appear to be acceptable (pending review of GIS mapping), the proposed boundary includes other sensitive areas such as beaches, dunes along the oceanfront, and wetlands on the western boundary. DEP will work with the City to define a boundary acceptable to the City and DEP.
4. The City will need to demonstrate consistency with CAFRA and the Coastal Zone management Rules.
5. The City and Environmental Commission have considered both purchasing wetlands in the City and establishing a 300 foot buffer around wetlands. The City should work closely with DEP in proceeding with these.
6. Even though the City has a significant level of developed areas, there still exist specific areas of threatened and endangered species habitat. The City should identify measures currently in place and identify additional steps that it could take to further protect these habitats.
7. The City should continue to work with DEP and the Army Corps of Engineers to implement the joint 50 year Beach Replenishment Project, including habitat restoration and protection, and dune stabilization, and the City's Beach Management Plan
8. Sustainability Statement (Municipal Self Assessment Report) - The City should expand this further to include water conservation, habitat restoration and protection, green buildings, recycling, public outreach and consider the addition of other "Green" initiatives such as an 'Energy Audit' of all municipal buildings, and activities that promote green house gas reduction and energy efficiency.
9. The City should consider the inclusion of Greenhouse Gas reduction goals and Global Warming and Sea Level Rise goals within their Master Plan.

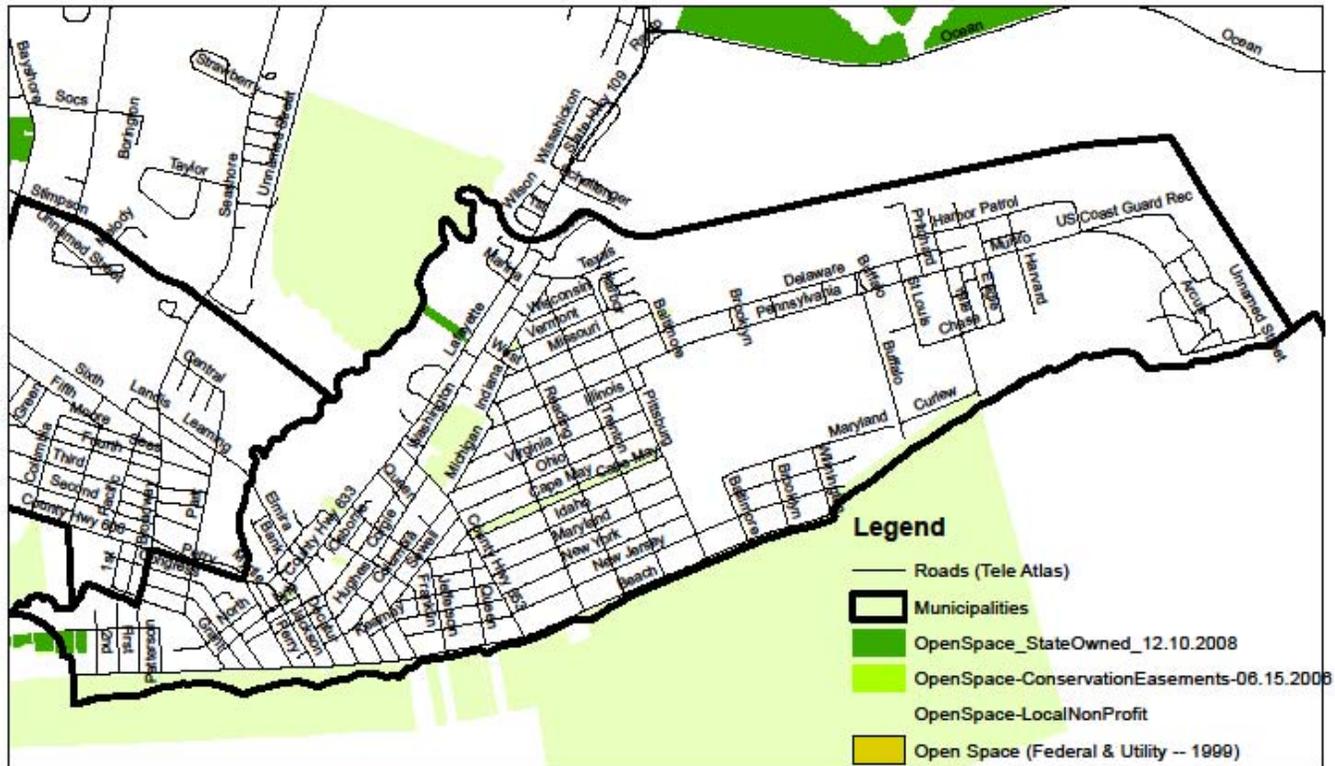
10. The City should consider participation in the Sustainable Jersey certification program. Sustainable Jersey is a certification program for municipalities in New Jersey that want to go green, control costs and save money, and take steps to sustain their Quality of life over the long term.
11. The City should ensure that all current and planned development within the CAFRA, as well as all applicable ordinances and site planning documents are consistent with Department policies as well as the Coastal Zone Management Rules.
12. The City should work closely with the Department to achieve their stated open space acquisitions and goals.

Maps

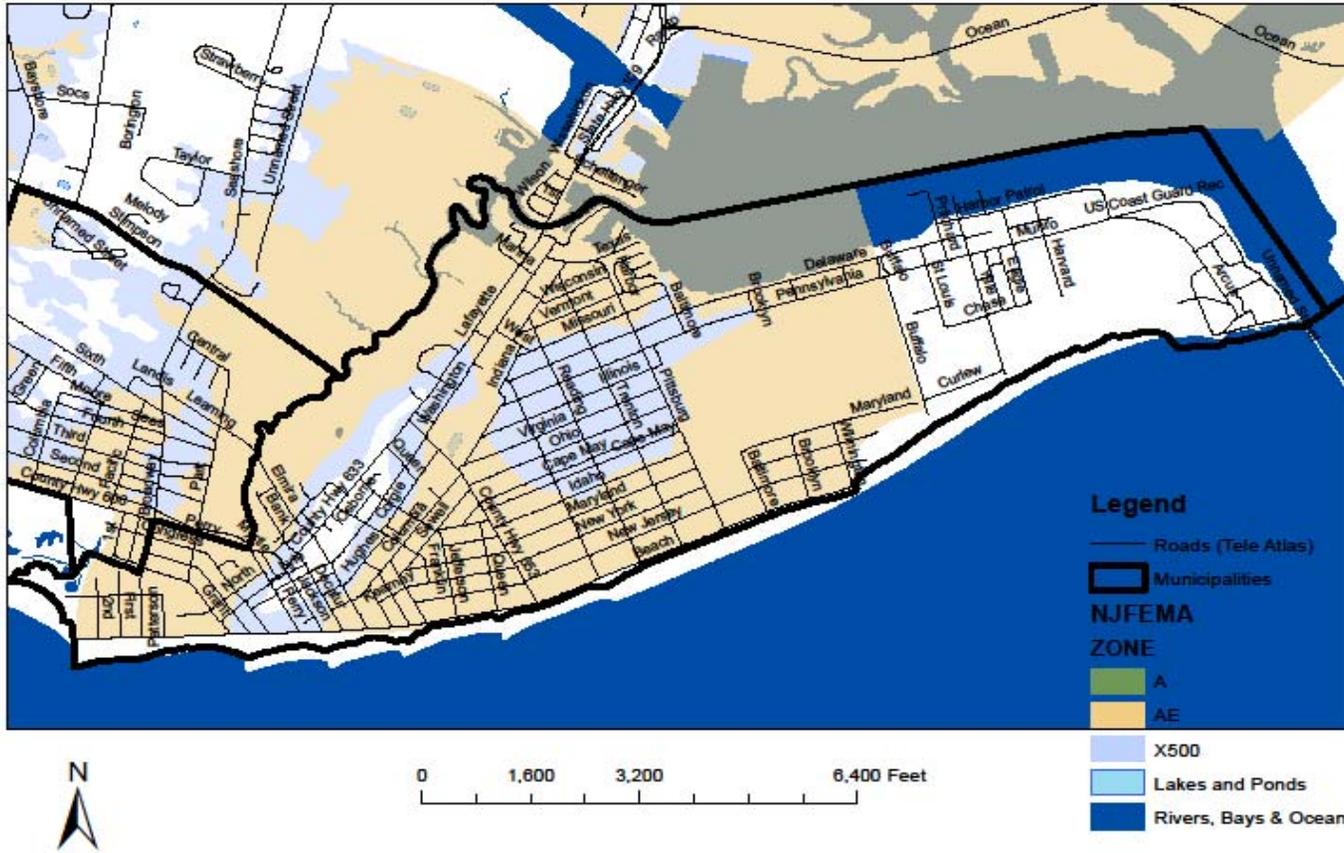
Cape May City, Cape May County Opportunities and Constraints Assessment Land Use/Land Cover



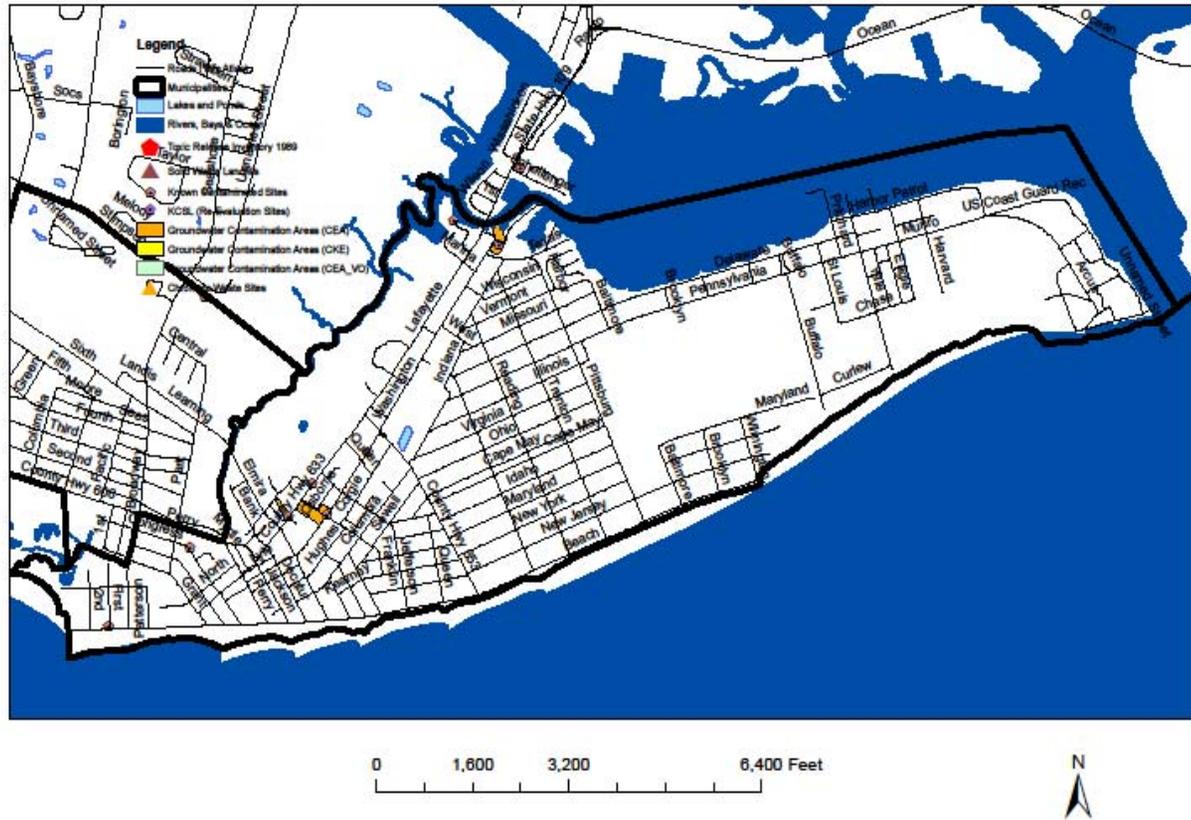
Cape May City, Cape May County Opportunities and Constraints Assessment Open Space



Cape May City, Cape May County Opportunities and Constraints Assessment Flood Prone Areas



Cape May City, Cape May County Opportunities and Constraints Assessment Known Contaminated Sites



Additional Attachments

Public Water System Deficit/Surplus

CAPE MAY WATER & SEWER

PWSID: 0502001
County: Cape May

Last Updated: 01/30/2008

► [Glossary of Terms Listed Below](#)

Water Supply Firm Capacity: 3.008 MGD

Available Water Supply Limits

	Allocation	Contract	Total
Monthly Limit	115.000 MGM	N/A MGM	115.000 MGM
Yearly Limit	838.000 MGY	N/A MGY	838.000 MGY

Water Demand

	Current Peak	Date	Committed Peak	Total Peak
Daily Demand	2.924 MGD	07/2007	0.045 MGD	2.969 MGD
Monthly Demand	90.641 MGM	07/2007	0.698 MGM	91.339 MGM
Yearly Demand	573.105 MGY	2007	5.475 MGY	578.580 MGY

Water Supply Deficit or Surplus

Firm Capacity	Water Allocation Permit
0.039 MGD	23.661 MGM
	259.420 MGY

Note: Negative values (a deficit) indicate a shortfall in firm capacity and/or diversion privileges or available supplies through bulk purchase agreements.

Bureau of Water System and Well Permitting Comments:

no comments provided

Bureau of Water Allocation Comments:

no comments provided

For more information concerning water supply deficit and surplus, please refer to:

► [Firm Capacity and Water Allocation Analysis](#) (Pdf Format)

► [Currently Effective Water Allocation Permits by County](#)

This report displays all effective water allocation permits issued by the department.

► [Pending Water Allocation Permits with Requests for a Hearing](#)

All pending water allocation permits with public hearing requests.

► [Water Allocation Permits Made Effective within a Selected Timeframe](#)

This report displays water allocation permits based on a specified date range.

Questions regarding safe demands and firm capacity please contact the Bureau of Water System and Well Permitting at 609-984-6831 or for questions concerning water allocation and status please contact the Bureau of Water Allocation at 609-292-2957.

Questions may also be sent to the [Division of Water Supply](#)

NJDEP Office of Planning

The Office of Planning was formed to facilitate the Department's move toward a proactive planning approach based on principles of sustainability and environmental capacity-based planning.

Mission

To coordinate the [sustainable development](#) and [environmental capacity-based planning](#) policies of the Department and proactively work with other state agencies, regional entities, local governments and other groups to incorporate these policies into all levels of land use and environmental planning.

Background

In January, 2007, the Department of Environmental Protection (DEP) adopted its [Policy Priorities and Action Plan](#) which outlines the strategic direction of the agency over the next three years. The Plan identifies eight broad goal areas and underlying objectives.

One of the eight goal areas is Sustainable Growth:

Maximize use of department resources to encourage sustainable growth and livable communities by incorporating consistent criteria for the protection of natural resources and development of smart growth and green design principles into DEP rulemaking, priority setting and planning efforts, other state smart and economic growth priorities, and in regional and local planning efforts.

The first objective of this goal is:

“Incorporate sustainable growth and environmental protection criteria into state, regional and local planning.”

At the core of this goal is a recognized need for more progressive statewide environmental planning by the Department to help inform the local land use development and redevelopment process. Historically, the Department has engaged primarily in environmental planning in targeted areas based on statutory direction. Critically important work has been done in such areas as water quality management planning, water supply master planning, habitat protection planning (Landscape Project) and county/state solid waste planning. DEP is now committed to ensuring that these various planning programs are integrated and coordinated so that our guidance to regional and local planning agencies is consistent, comprehensive and supportive of both local and state priorities.

In a significant business practice improvement, DEP is also committed to implementing the Sustainable Growth goal by broadening the scope of its major project review process by requiring consideration and rewarding incorporating of green design the principles and practices.

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NJ DEPARTMENT OF TRANSPORTATION

**State Development and Redevelopment Plan
Plan Endorsement
Opportunities and Constraints Analysis**

For:

City of Cape May, Cape May County

December 5, 2010

This document constitutes the New Jersey Department of Transportation's component of the State Opportunities and Constraints Analysis conducted as part of the Plan Endorsement process. This document provides a collection of the most recent data and information that exists in the Department pertaining to transportation features, studies, projects, grants, designations and other significant issues as applicable. The document should serve as a baseline to inform the remainder of the Plan Endorsement process. It should be understood that this assessment reflects conditions as they presently exist, and that changes may occur at any time during the Plan Endorsement process.

NJDOT has examined the following categories for pertinent data:

State Highways

Note: Route 109, milepost 0.00 – 1.35 is under Cape May County jurisdiction.

Straight Line Diagram sheet is attached.

State Highway Access Management Code – Access Levels and Desirable Typical Sections

Not Applicable – see above.

Congestion Management System

According to the attached chart, this section of Route 109 is classified as “Very Congested” during the summer.

Major Capital Projects/Initiatives and Mitigation Projects

The FY 2010-11 Study and Development Program contains the Route 109/Garden State Parkway intersection in neighboring Lower Township. A Problem Statement was submitted indicating the numerous motor vehicle crashes have occurred at the intersection of Route 109 and the Garden State Parkway due to extremely high seasonal traffic volumes, limited sight distance, inadequate storage and other factors. It also was noted that queuing often blocks the Route 109 to Garden State Parkway northbound movement and U-turns as well as movements at Ninth Avenue.

Designated Transit Villages

Not Applicable

Designated Scenic Byways

The Bayshore Heritage Byway, approximately 122 miles long, is located Salem, Cumberland and Cape May Counties. The Department has obtained consultant assistance to prepare a Corridor Management Plan, which will be used as guidance to preserve, protect, interpret and enhance the historical, natural, scenic, recreational and cultural characteristics of the byway. Funds for this project come from a 2009 National Scenic Byway Grant. The total cost of the project is \$289,400.

Open Local Aid Grant Projects

Not Applicable

Corridor Studies

Not Applicable

Local Planning Assistance Projects

Not Applicable.

Bicycle and Pedestrian Local Planning Assistance Projects

Not Applicable. However, the Office of Bicycle and Pedestrian Programs does have a High Point to Cape May multi-use trail guide.

Public Use/General Aviation Airports

Not Applicable.

Rail Freight Lines

Not Applicable

Traffic Engineering and Safety Initiatives

The Bureau of Traffic Engineering and Investigations within the Division of Traffic Engineering and Safety has no current projects or studies within the City of Cape May at this time.

Existing and Planned Park-and-Rides

The Department has no plans for a park-and-ride facility within Cape May City. Two park-and-rides are located in Cape May County, one in Upper Township with 49 commuter parking spaces and one in Dennis Township, with 27 commuter parking spaces.

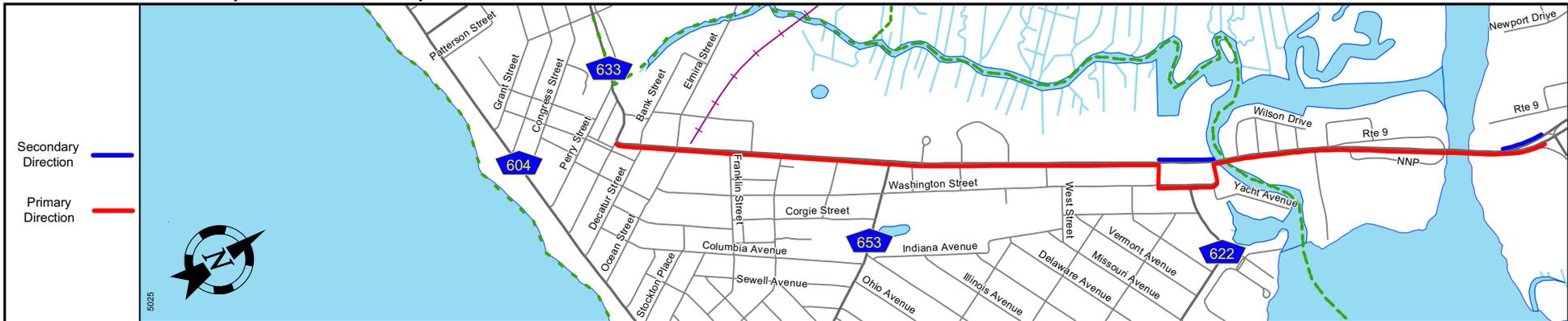
Other Significant Issues

None at this time.

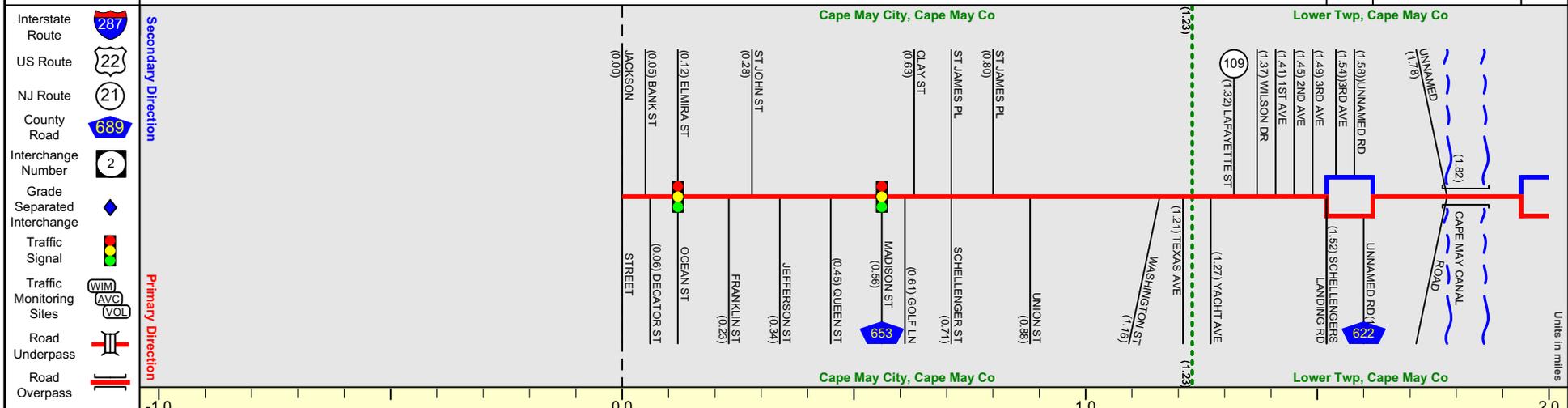
ATTACHMENTS

**Straight Line Diagram Sheet
Congestion Management System Chart**

NOTE: GIS data layers have been provided to the OSG GIS unit by the NJDOT GIS unit.



Pavement	24	26
Shoulder	0	0
Number of Lanes	2	2
Speed Limit	45	45
Street Name	-NJ 109	-NJ 109



Street Name	Lafayette Street		Washington Avenue		NJ 109	
Jurisdiction	County				N.J.D.O.T.	
Functional Class	Urban Minor Arterial					
Federal Aid - NHS Sy	STP					
Control Section	0500				0501	
Speed Limit	25		30		45	
Number of Lanes	2				4	
Med. Type	None				Curbed	
Med. Width	0				VAR	
Pavement	26	30	26	40	24	40
Shoulder	0		0	5	0	
Traffic Volume			8,298 (2005) 9,186 (2008)		15,370 (2005)	
Traffic Sta. ID			8-4-320 8-4-325		8-4-321	
Structure No.					N/A	
Enlarged Views					0501150	



New Jersey Department of Transportation

Bureau of Systems Planning

CMS Priority Ranking

NJ 109 (MP 0.00 - 1.23) Cape May City, Cape May County

CMS Link Number	Route	Begin Milepost	End Milepost	One-Way ADT (2006) (Veh./Day)	No. of Lanes (NB/EB)	No. of Lanes (SB/WB)	Summer V/C	Overall Score	Priority Rating	System Top Percentile	County	County Top Percentile	MPO	MPO Top Percentile
170	109	0.00	1.09	5072	1	1	1.02	5.95	Medium	37	Cape May	24	SJTPO	21
171	109	1.09	1.18	5272	2	2	0.48	2.91	Low	86	Cape May	84	SJTPO	76
172	109	1.18	1.37	6319	1	1	0.88	6.08	Medium	35	Cape May	20	SJTPO	19

This section of roadway gets "Very Congested" in the Summer.

 - Highest Score in this section

The Overall Score shown above considers V/C ratio and ADT per lane. Each factor is weighted 50%. Priority Ratings are based on the Overall Score of 0 to 10, as follows:

HIGH = 7.00+

MEDIUM = 5.00 - 6.99

LOW < 5.00

The summer V/C was developed by applying an adjustment to the average weekday V/C. The actual summer V/C at this location should be higher, especially for summer weekends.