



UPPER TOWNSHIP MASTER PLAN REEXAMINATION REPORT AND LAND USE PLAN AMENDMENT

NOVEMBER 2006

ADOPTED BY THE TOWNSHIP OF UPPER PLANNING BOARD ON

_____.

**PREPARED FOR THE
TOWNSHIP OF UPPER PLANNING BOARD
CAPE MAY COUNTY, NEW JERSEY**

PREPARED BY



MARCIA R. SHIFFMAN, AICP, PP, CLA
NEW JERSEY PROFESSIONAL PLANNERS LICENSE NO. 2428



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2006 MASTER PLAN REEXAMINATION REPORT

INTRODUCTION

This report is prepared as a reexamination of the 2001 *Master Plan Reexamination Report*. A *Master Plan update with amendments* addressing the *Land Use Plan*, the *Housing Element and Fair Share Plan* ("HEFSP"), and the *Storm Water Management Plan* has also been prepared together with a *Natural Resources Inventory*. These documents will be adopted as an Amendment to the Township's Master Plan together with the 2006 Master Plan Reexamination Report.

Upper Township adopted their first Master Plan in 1975. The last *1993 Upper Township Master Plan* was adopted on July 21, 1994. On November 16, 1989, the Township adopted the *Housing and Fair Share Plan* which was submitted to the New Jersey Council on Affordable Housing for substantive certification, but later withdrawn due to lack of funds to address the 105 rehabilitation component required. A *Master Plan Reexamination Report and Master Plan Amendment* was adopted on July 19, 2001. Subsequently on June 20, 2001, a *Master Plan Reexamination of the Land Use Plan Element* was adopted which addressed specific land use recommendation of the 2001 Reexamination Report.

The *1993 Master Plan* was prepared to address growing residential development and the few larger scale commercial developments along Route 9 which had significant impacts on the Township "some of which have been adverse, affecting the community's natural environment, its traffic circulation system and its public facilities and services. An update of the Township's Master Plan was determined to be necessary to respond to the changing conditions of the social, physical, economical and environmental fabric of the community."¹ The *1993 Master Plan* included a comprehensive review through Land Use Plan, Housing Plan, Circulation Plan, Utility Service Plan, Community Facilities Plan, Recreation Plan, Historic Conservation Plan, Economic Plan and Recycling Plan in addition to the Assumptions that formed the basis of the Plan and Goals and Policy Objectives as require by the MLUL.

Since the *1993 Master Plan*, a number of planning efforts have been underway in the Township. In November 2002 the Strathmere Beach Management Plan was prepared. In 2004, a Draft *Housing Element and Fair Share Plan* ("HEFSP") was prepared; however, this Housing Plan was not adopted since it was predicated on confirmation of the Township Centers which was on placed on hold by the New Jersey Office of Smart Growth ("NJOSG"). In 2005, the Township prepared a *Storm Water Management Plan* and proposed regulations. This plan has been updated to reflect Pinelands Storm Water Management regulations and will be adopted as part of this Reexamination and Master Plan Update. In September 2005, the Township adopted an *Area in Need of Redevelopment Study for Beesley's Point*. In August 2006, a *Natural Resources Inventory* was prepared as an adjunct to this Reexamination Report and Master Plan Update. It will be adopted as an Appendix to the Master Plan.

¹ 1993 Master Plan, Upper Township, page 5.

Since 1999, the Township has attempted to address the State Development and Redevelopment Plan through designation of the Township's Centers. Plans were prepared in 1999 as part of a Centers Designation Petition which was not acted upon by the State. Since 2004, the Township has attempted to address its Centers through the Plan Endorsement Process. This Reexamination Report and Master Plan Amendments will update that Township's planning process to be consistent with State policies and regulations and to permit designation of the Township's Centers.

REEXAMINATION REPORT REQUIREMENTS

The Municipal Land Use Law ("MLUL") requires a periodic reexamination of the Master Plan (NJSO 40:55D-89) at least once every six years.

The MLUL (C.40:55D-89) provides that the reexamination report consider five area which includes:

- a. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.*
- b. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.*
- c. The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and change in State, county and municipal policies and objectives.*
- d. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.*
- e. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Plan," P.L. 1992, c. 79 (C.40A:12A-1 et al.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.*

The following sections discuss each of these five areas since the prior 2001 Master Plan Reexamination Report was prepared. This Reexamination Report refers to the 1993 Master Plan Elements which is the approach used in the 2001 Reexamination Report.

EVALUATION OF CONDITIONS SINCE THE 2001 MASTER PLAN

Land Use

At the time of the adoption of the 2001, problems affecting land use including need to obtain Centers Designation from NJOSG. The Township also needed to address the February 7, 2001

NJDEP adoption of revisions to the Coastal Permit Program rules for Coastal Zone Management, known as CAFRA II Interim Centers was identified. These rules limited the development potential outside of the five township interim CAFRA designated centers. The 2001 Plan indicated that these rules would be considered as part of the Plan Endorsement Process. The CAFRA Interim Centers expired in February 7, 2005; since the Township was engaged in the Plan Endorsement Process with the NJOSG, the Township's interim centers were continued until March 2007.

The Township originally submitted a Centers Designation petition to the NJOSG in 1999. It was not acted upon. The NJOSG had established the Plan Endorsement Process in 2004 which folded in the Centers designation into a broader evaluation of the municipality not just the centers. For the Township, this process also included required approvals of these Centers by the NJDEP which would terminate the interim CAFRA centers and establish adopted Centers.

In 2004, the Township received a smart growth grant to prepare a Plan Endorsement Petition as part of a "Smart Growth Study for the Route 9 Corridor in Dennis, Middle and Upper Townships". Upper prepared their *Initial Plan Endorsement Petition* and filed it with NJOSG in September 2005. The Township has had meeting with NJOSG and the State Agencies to refine the Centers boundaries for the four proposed Township centers: Marmora Palermo and Beesley's Pont Town Center, Seaville Town Center, Petersburg Village Center and Tuckahoe Village Center.

On January 20, 2006 the Township's petition was declared complete. In April 2006, the NJOSG adopted additional consistency threshold requirements as part of the Plan Endorsement Guidelines. In addition, in April 2006, the NJDEP refined their consistency requirements. This was especially critical for the Township where the Township Centers were required to have both State Planning Commission approval and the subsequent approval of the NJDEP confirming the centers in CAFRA areas. On April 21, 2006, the NJOSG declared the Petition was inconsistent with the State Plan policies.

For the Township to maintain their interim centers, a number of actions needed to be addressed prior to March 2007 for the interim centers to continue. The Township entered into a Memorandum of Understanding with the NJOSG detailing an Action Plan to meet the timetable to gain Plan Endorsement for the Township and subsequently to address NJDEP requirements. As part of this MOU, the Township agreed to prepare a Natural Resources Inventory, update their Land Use Plan, prepare and adopt a Housing Element and Fair Share Plan and prepare and adopt zoning amendments to implement the Land Use Plan recommendations. The goals of this effort were to ensure that Upper Township's regulations were consistent with the policies and objectives of the State Development and Redevelopment Plan.

The 2001 Reexamination Report indicated that the Land Use Plan was amended to show the new Tuckahoe Village Zoning District as well as other proposed zoning changes including those in the Pinelands. The Pinelands zoning amendments were subsequently addressed in the 2002 Master Plan Amendment and on March 16, 2004, the Pinelands Commission certified revised these changes. The Pinelands Management Plan includes two Pinelands Villages including Tuckahoe

and Petersburg. The Tuckahoe and Petersburg Villages are part of a larger village area including the CAFRA Centers.

Assumptions regarding population and land use have generally followed expected historic trends as identified in the 2001 Plan. There has been continued commercial growth in Marmora included the Super Wawa, mini-storage facilities, bank, new car dealerships, a proposed 100,000 square foot Shop Rite Shopping Center and in Seaville a new CVS store, Yamaha dealerships, preschool facility and wicker retail store. Also renovation of the older Tuckahoe Center has been proceeding.

Residential development has continued since 2001 with 331 certificates of occupancy issues for new housing units during this 5 year period. These housing units are typically single family residential lots on a minimum 40,000 square foot property since there are no public sewers in the Township. In 1994, Osprey Point a 149 unit active adult community located along Route 9 in Seaville was an exception. This development was constructed at a density of over 3 du/acre and included a community package wastewater treatment plant which permitted higher density uses.

Development in Tuckahoe Village has resulted in formation of a Greater Area Tuckahoe Management Association to promote economic development in the Village. Renovation of the train station has been completed. An excursion train was activated in 2005 between Tuckahoe and Richland in Atlantic County. Planned extension of the Cape May Seashore line to Cape May Courthouse is under discussion and waiting funding for repair to the existing rail infrastructure.

Recommended land use and zoning changes are addressed in the Land Use Plan which is being adopted concurrently with this Reexamination Report. These changes include the establishment of the four Township Centers - Marmora, Palermo and Beesley's Point Town Center, Seaville Town Center, Petersburg Village Center and Tuckahoe Village Center. Land use in areas outside of the Centers and Suburban Planning Areas is proposed for low density development and is generally compatible with CAFRA policies to limit impervious coverage and vegetative removal and protection of critical environmental habitat.

No changes are proposed for the Pinelands area including the two Pinelands Villages except for the recommendation to permit a residential cluster option and to rezone a limited area in Pinelands along Rt-50 in Petersburg from CM Commercial to PV Pinelands Village & RPPV Recreation Park Pinelands. Which reflects dedicated parklands and the PV designation is more compatible with surrounding uses.

In 2005, the Township identified the Beesley's Point area as being a potential candidate for redevelopment. The Atlantic City Electric ("ACE") Company which owned the B. L. England Power Plant planned to sell the facility. The plant was in the process of environmental cleanup with NJDEP oversight. In September 2005, the Township adopted a *Determination of an Area In Need of Redevelopment Study* for the ACE property and surrounding lands in Beesley's Point. As of September 2006, the ACE announced that the B.L. England facility was being sold to Rockland Capital Energy Investments who plan to upgrade the plant to meet NJDEP requirements and who will operate the facility. A Redevelopment Plan was not proposed for the study area at the date of

the writing of this Reexamination Report. No other areas for possible redevelopment have been identified at this time.

In November 2004, the Smith Airport on Route 9 in Seaville was abandoned and the property has been subdivided and developed for housing. Therefore no airport hazard zone is now required for this property. The Woodbine Airport hazard zone does not affect Upper Township.

Housing

The need to address a full range of housing options was identified in the Plan. The 1993 Master Plan included a Housing Plan. In 1989, the Upper Township Planning Board adopted a Housing and Fair Share Plan and filed a petition for Substantive Certification with the New Jersey Council on Affordable Housing ("COAH"). However, on October 28, 1991, the Township Committee adopted a Resolution withdrawing its petition from COAH due to a lack of resources to fund the required rehabilitation of 105 indigenous housing units.

In 2001, the Township indicated in the Reexamination Report that they were now pursuing certification from the Council on Affordable Housing. In 2004, a *Draft HEFSP* was prepared but not adopted by Township since it was directly tied to the designation of the Township's centers which were on hold by the NJOSG.

In December 2004, COAH adopted new rules ("Third Round Plan") which established a precertified affordable housing obligation of 341 new construction units and 0 rehabilitation units to meet the 1987 to 1999 affordable housing ("Prior Rounds") obligation. The Third Round Plan also forecasts future growth between 2004 to 2014 as part of the Growth Share obligation based upon actual housing and non-residential development to be constructed during this time frame.

The Township will adopt a Housing Element and Fair Share Plan to address its Third Round obligation as part of the *2006 Master Plan*.

Circulation Plan

Most of the transportation improvements recommended in the 1993 Master Plan have been completed by 2001. The only recommended 1993 Plan improvements not completed by 2001 were the installation of a signalized intersection at State Routes 50 and 49 in Tuckahoe and the replacement of the Route 50 Tuckahoe River Bridge. The signalized intersection has since been completed replacing the flashing lights; the NJDOT is scheduled to replace the Route 50 Bridge over the Tuckahoe River and make roadway improvements through Tuckahoe to Marshall Avenue in 2008.

The Township currently maintains 71 miles of local roads which represents an increase of 3 road miles since 2001.

As identified in the 2001 Reexamination Report: "In the past, the Township has allowed the improvement of a number of older right-of-ways with gravel surfaces. Because of the problems

associated with the maintenance of these roads and problems caused by the tracking of dirt onto adjoining roads, the Township should avoid allowing this practice in the future." This road improvement standard should still be addressed in the Township's road design regulations.

The Beesley's Point Bridge (US Route 9) over the Great Egg Harbor Bay was closed in June 2004. The status of this bridge and whether and when it will be repaired is an important transportation circulation issue that needs to be addressed.

The Garden State Parkway ("GSP") is a major statewide north-south roadway. Upper Township is the northern most exit in Cape May County on the GSP. In May 2006, the exit ramp at Exit 25 in Marmora was widened to improve service.

As required by the NJDOT and as stated in the Township's September 2005 *Petition for Plan Endorsement* Planning and Implementation Agenda and in the Memorandum of Understanding, the Township will review and amend their regulations to be compatible with the access management regulations on State highways.

The Township is interested in pursuing pedestrian and bicycle improvements that will connect community activity areas with residential areas. This would be especially important to connect Amanda's Field in Petersburg with the Woodbine bike path. The Township should also work with the County to develop an Upper Township component of the larger County bike path system. Bicycle facilities should be planned as part of any new major subdivision or site plan improvements. Within the Township centers, providing pedestrian improvements are important to provide connections and to create a walkable environment.

Other proposed improvements include the following:

- The NJDOT is scheduled to replace the Route 49 Bridge over the Conrail Railroad in Tuckahoe in 2007.
- Cape May County is scheduled to replace the Tuckahoe Road Bridge over Cedar Swamp Creek and raise the roadway to flood elevation in 2009.
- The NJDOT and Cape May County are proposing to install traffic signals at Route 50 and Hope Corson Road in Seaville and Tuckahoe Road and Old Tuckahoe Road in Marmora.
- The Township has requested and *the* New Jersey Highway Authority is evaluating constructing a southbound exit on the GSP at Milepost 20 in Seaville. The Township had requested a full interchange.
- Cape May County is planning to replace the currently closed bridge on Marshallville Road over Mill Creek.

Utility Service Plan

The 2001 Reexamination Report stated that water service was installed in Marmora and Beesley's Point to address contaminated ground water contamination issues in this area. As of this date, water mains have been extended south down Stagecoach Road across Church Road and Butter Road to Evergreen Drive; down Evergreen Drive to US Route 9; extending south down US Route 9 to the Osprey Point Active Adult Community in Marmora. Water service is provided through New Jersey American Water. Public water services also assist firefighting capabilities in these areas.

The 2001 Reexamination Report identified potential wastewater treatment facilities for Strathmere. At this date, there is no impetus to provide public sewer to Strathmere. Because the island is not at this time proposed to be designated as a Center, the likelihood of public sewer as part of an amended Wastewater Treatment Plan is remote.

The Township should update its Wastewater Management Plan to allow for on-site sewage disposal systems with flows greater than 2,000 gallons per day to accommodate commercial and mixed use growth in the proposed Centers.

Community Facilities Plan

As identified in the 2001 Report, the State Police operated a temporary "substation" in the Township Hall to address heavy summer visitors. This temporary substation has been discontinued from Township Hall. The Township operated a local government/education television station UTTV2 to provide information to the residential of the Township. The Township has also constructed an addition at Township Hall to provide a more effective Emergency Management Headquarters.

The Township has prepared an Emergency Management Plan dated July 22, 2004, which was submitted and approved by the New Jersey State Police.

Since 2001, an addition to the Middle School has been completed. The 2001 Reexamination Report identified a possible site for a High School next to the Middle School on Tuckahoe Road; however, the Township joined with Ocean City to construct a new High School in Ocean City. Currently about 65% of the students at the High School are from Upper Township.

Recreation Plan

The 2001 Reexamination Report states alternative approach to focus recreational facilities on larger recreational sites as opposed to smaller neighborhood fields.

Since 2001, the Township has begun construction at the recreation complex, Amanda's Field, located on Route 50 in Petersburg. There are a variety of recreational facilities including a 1.3 mile bicycle/ jogging path, a skate park, soccer fields, an indoor batting cage facility, a playground and swings, a concession stand with restrooms, a maintenance building and an in-line hockey rink.

Historic Preservation Plan

In consultation with the Upper Township Historical Preservation Society, Inc. several historical buildings has been added to the historic buildings list. This information is presented in the Natural Resource Inventory which is being adopted as an Appendix to the *2006 Master Plan Update*.

Conservation Plan

In 2006, the Township has prepared a *Natural Resources Inventory* which is being adopted as part of the *2006 Master Plan Update*. Although the Township has a number of environmental maps included as part of the 1993 Master Plan and additional environmental maps were prepared as part of the *Initial Plan Endorsement Petition*, the *2006 Natural Resources Inventory* will serve as a useful tool for planning and development activities in the Township.

The Township should also amend their zoning to provide regulatory tools to allow for identification and protection of natural and cultural resources. This is required to complete the NJDEP requirements to adopt the Township Centers. The Township has prepared an Environmental Assessment Checklist and related ordinances to protect these resources and these are recommended for adoption.

The Township's regulations and Master Plan has been certified by the Pinelands Commission most recently on March 16, 2004 and these regulations provide for protection of the critical pinelands resources.

The Tuckahoe River Management Plan has been implemented through the adoption of the Tuckahoe Riverfront District. This protected area is further recommended for expansion under the proposed zoning recommendation as part of the refinement of the Tuckahoe Village Center planning area proposed as part of the Land Use Plan Update and in coordination with recommendation of the NJDEP and NJOSG.

RECOMMENDED CHANGES TO MASTER PLAN AND REGULATIONS

40:55D-89d. *The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared*

The updated *2006 Master Plan* elements – *Land Use Plan, Housing Element and Fair Share Plan* and *Storm Water Management Plan* provide for land use changes and zoning amendments to address these changes. These documents are being adopted in concert with the *2006 Master Plan Reexamination Report*.

In addition, the *2006 Natural Resources Inventory* provides detailed information on environmental and cultural resources. It will be adopted as part of the 2006 Master Plan documents and will also serve to strength the *Conservation Plan* and the *Historic Preservation Plan*.

Regarding whether other non-required elements of the Master Plan should be prepared, the Township should consider updating the following sections of the Master Plan as follows:

1. The Circulation Plan should be updated to address multimodal improvements including planning for bicycle and pedestrian improvements. This planning should be coordinated with the County bicycle planning efforts.
2. The Township should consider updating the *1994 Recreation Facilities Plan* to prepare a *Recreation and Open Space Plan* which can be submitted to NJDEP Green Acres to facilitate funding of acquisition and construction of parks and open space areas.
3. A *Farmland Preservation Plan* should be considered to inventory and prioritize the estimated 115 farmland parcels for acquisition and preservation.
4. An updated *Historic Preservation Plan* can also provide useful recommendations for renovations of historic properties and new construction within historic areas.
5. A *Wastewater Management Plan Amendment* should be prepared by the Township and filed with NJDEP to support planned centers development.
6. The Township should evaluate the use of Transfer of Development Rights to better preserve and protect natural and historic resources. This can be coordinated with the County sponsored TDR Feasibility Study which is currently in a preliminary phase.
7. A Tuckahoe Village Plan should be prepared to comprehensively address streetscape improvements, architectural design, signage, lighting and other improvements. This effort should be coordinated with the Greater Area Tuckahoe Management Committee and the NJDOT.
8. Detailed plans should be prepared for the Marmora Palermo Beesley's Point and Seaville Town Centers to comprehensively address area improvements.

Summary Recommendations

Changes to the land use, zoning and development regulations are summarized below.

The 2006 Land Use Plan Update, provides for changes in the proposed Centers, especially Marmora Palermo Beesley's Point Town Center and the Seaville Town Center to accommodate mixed use development with higher density development in the core areas. The plan provides for greater protection of the Environs through adoption of environmental performance standards and limited development intensity and impervious coverage for lands outside of the Centers. Development tools including conservation residential cluster subdivision regulations to protect constrained lands and Density Transfer provisions into the proposed Town Center zones are recommended. Within the Marmora Palermo Beesley's Point and Seaville Town Centers, certain

areas are defined for on-site wastewater treatment to accommodate higher density housing and mixed use development. This will require an amendment to the Wastewater Management Plan.

The Housing Element and Fair Share Plan also proposed changes in zoning to accommodate inclusionary development sites to meet the Township's Fair Share Housing Obligation.

Proposed Zoning Amendments are listed below:

1. Create new TCC Town Center Core and TC Town Center zones in the core areas of the Marmora Palermo Beesley's Point and Seaville Town Centers to accommodate higher density mixed use development and to provide opportunity for density transfer from the Environs.
2. Amend AR and C zones to provide conservation residential cluster development regulations to better protect open space and to provide for non-contiguous parcel density transfer to the TCC and TC zones.
3. Rezone areas in PA5 that are "R" & "AR" to "C" Conservation.
4. Rezone areas in PA4 that are "R" to "AR" Agriculture & Rural Residential.
5. Amend and extend the TR Tuckahoe Riverfront District to incorporate lands outside the proposed Tuckahoe Center boundary along the Tuckahoe River in the CAFRA zone.
6. Amend Residential District Requirements to provide specific impervious coverage and vegetative removal requirements generally compatible with CAFRA coastal regulations appropriate to the underlying planning areas.
 - a. Rezone residential areas in the Marmora Palermo Beesley's Point Town Center, Seaville Town Center and Petersburg Village Center to R Residential Town Center.
 - b. Rezone residential areas outside of the Town Center but within the PA2 Suburban Planning Area to R2.
7. Amend CM Community Commercial zone requirements to provide specific impervious coverage and vegetative removal requirements generally compatible with CAFRA coastal regulations appropriate to the underlying planning areas.
8. Adopt Environmental Assessment Ordinance with specific environmental performance standards and a related Environmental Assessment Checklist to protect critical natural resources.
9. Adopt Affordable Housing Inclusionary Zoning regulations as specified in the Housing Element and Fair Share Plan including
 - a. MH Zone – Affordable Mobile Home Zone

- b. AH1 Affordable Housing Zone 100% Affordable Housing
 - c. AH2 Affordable Housing Zone – 100% Senior Housing
 - d. Assisted Living Facilities
 - e. Age restricted housing
 - f. Accessory Apartments
10. Rezone area in Pinelands along Rt-50 in Petersburg from CM to PV & RPPV to reflect existing park and character of adjoining uses. .
11. Amend Pinelands Residential zones to permit conservation residential and density transfer cluster in accordance with Pinelands Commission recommendations.
12. Accessory Uses should be evaluated and regulations amended to address on-going zoning issues identified for these accessory uses.
- a. Pole Barns (size and height requirement) for all residential zones
 - b. Sheds in the "C" Zone
 - c. Pools in the "RR" Zone
 - d. Gazebos (size and height requirement) for all residential zones
 - e. Tents (height, size and number requirements) for all residential zones
 - f. Detached garages (size and eight requirements) in "PV" zone
 - g. Height requirement for garages in "TR" Zone
13. Junk Yards should be specifically not permitted as either principal or accessory uses in all residential zones. Amend regulations to require permit for existing non-conforming junk yard uses.
14. Signage Regulations should be assessed and amended to:
- a. Provide signage standards for Town Center districts
 - b. Review requirements for flashing message board signs (timing & scrolling criteria)
 - c. Review and modify signage ordinances to include specific provisions for window signs in commercial zones.
15. Clarify or provide requirements for lot mergers,

REDEVELOPMENT PLANS

40:55D-89e. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Plan," P.L. 1992, c.79 (C.40A:12A-1 et al.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

The Township has no adopted redevelopment plans. A *Determination of Needs Study for the Beesley's Point Area* was adopted in September 2005. This study was submitted and approved by the New Jersey Department of Community Affairs on May 9, 2006. However, at the time of the writing of this Master Plan Reexamination, the Township has not taken action to prepare a redevelopment plan for this area.

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UPPER TOWNSHIP 2006 MASTER PLAN LAND USE PLAN AMENDMENT

NOVEMBER 2006

ADOPTED BY THE TOWNSHIP OF UPPER PLANNING BOARD ON

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PREPARED BY



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LAND USE PLAN – STATUTORY AUTHORIZATION

The statutory authority of adoption of the Master Plan is under NJSA 40:55D-28. As stated, the purpose of a master plan is *“to guide the use of lands within the municipality in a manner which protects public health and safety and promotes the general welfare.”*

In accordance with the Municipal Land Use Law (“MLUL”), the land use plan element must take into account the underlying objectives, principals, assumptions, policies and standards which the plan is based. It must also consider other master plan elements and natural conditions. The land use plan must show the existing and proposed location, extent and intensity of development of land to be used in the future for varying uses and state the relationship to the existing and any proposed zone plan and zoning ordinance. The land use plan must also include a statement of the standards of population density and development intensity recommended for the municipality.

The master plan must also include a specific policy statement indicating the relationship of the proposed development in the municipality to other affected jurisdictions.

STATEMENT OF ASSUMPTIONS

N.J.S.A. 40:55D-28b. (1) requires a statement of the assumptions, policies and standards upon which the constituent proposals for the physical, economic and social development of the municipality are based. These assumptions are based upon a review of development trends, an assessment of land use and development activities, regulatory agencies standards, and current land use conditions.

Assumptions

1. Development will continue to proceed but at a slower pace than that which occurred between 1970 and 1990 which were the period of highest growth in the Township. This is due to the following reasons:
 - a. Regulatory jurisdiction by the Pinelands Management Plan and the New Jersey Department of Environmental Protection (“NJDEP”) through Coastal Area Facilities Review Act (“CAFRA”) limits future development within the two Pinelands villages of Petersburg and Tuckahoe to minimum 1 acre lot residential or commercial at a scale compatible with on-lot septic system requirements. Limited uplands are available for development within these Pinelands Village areas. Outside of the Pinelands Villages, development will be limited given the extent of low density forest area conservation zoning which affects a majority of the Pinelands Management Area outside of the Pinelands Villages.
 - b. NJDEP regulatory jurisdiction under CAFRA currently limits development outside of the proposed Township Centers to low density uses. To effectuate the Township’s CAFRA Centers, lands outside of the Centers will be revised to further protect and preserve the critical environmental resources within these areas.
 - c. The supply of developable vacant lands and farmlands is becoming more limited and remaining lands have regulatory and development constraints which affect the ultimate buildout. There is

approximately 8,600 acres of vacant lands and farmlands within the Township with about 3,254 acres or 38% estimated within upland areas. About 1,019 acres or 30% of the uplands are within the F25 Forest Conservation (25 acres/lot) and C Conservation (10 acres/lot) Districts.

- d. Prioritization and preservation of prime farmlands and vacant lands for open space will further reduce large available properties for large scale development.
 - e. The proposed Environmental Assessment regulations to be adopted by the Township will further limit development on environmentally sensitive lands.
2. Development will be focused on the Township Centers
- a. Private redevelopment and revitalization activities will likely expand, especially within the proposed Township Centers where higher intensity uses will be encouraged and improvement monies from State sources can be focused.
 - b. Affordable housing will be provided to address the Township's affordable housing obligation. Providing affordable housing may cause a spike in development activity and may promote positive secondary impacts for services and jobs needed by the new residents.
 - c. Revitalization of train service from Cape May Courthouse through and beyond Tuckahoe will encourage economic revitalization opportunities in Tuckahoe.
3. Upper Township will continue to be a desirable location to live, work and visit.
- a. Its unique protected ecological features including pristine waters, state and federal parks and its location along the Jersey shore with the expected increase in tourist traffic will continue to support the Township's position as a desirable community.
 - b. Due to the dwindling supply of available lands for development, lands in Upper Township will continue to accrue in value. Being within 30 miles of Atlantic City makes Upper Township a prime residential location for workers in the casino industry.

MASTER PLAN GOALS AND OBJECTIVES

The following are the policy goals and objectives which support the Master Plan efforts. These goals and objectives refine and build on prior Township Master Plan goals. They are updated to reflect the new direction towards Centers based development and to further protect the Township Environs.

Goal # 1 Improve the quality of life in Upper Township through sound land use planning.

Goal #2 Guide mixed use development and redevelopment into compact Centers

- Encourage higher density residential development within Township Centers to concentrate development into walkable pedestrian friendly Centers.

- Encourage mixed use development including residential and commercial uses within the Center core areas.
- Encourage creative development techniques to maintain the Township's rural character by guiding development to the Township Centers and limiting development in the Environs.
- Encourage creative land use techniques to minimize the impact of new development and to minimize conflicts between land use activities.
- Allow residential development outside of the Centers, but at a lower density through conservation residential cluster and density transfer of non-contiguous parcels and transfer of development rights to protect and preserve farmlands and open space.
- Maintain the existing residential character and scale of established residential neighborhoods including but not limited to the Strathmere community by requiring sufficient side, front and rear yards and providing that development will be in scale with surrounding uses.

Goal #3 Preserve the Township's natural resources which contribute to both the positive image and overall strength of the Township

- Continue to provide for the preservation of open space by protecting woodlands, open fields, stream corridors, tidal marsh, wetlands, floodplains, and bodies of water.
- Establish controls on the permitted disturbance of critical resources during land development.
- Retain natural vegetation in new construction to position new development into the landscape. Outside of the Centers, retain a scenic landscape edge along all roads to buffer and to maintain the unique scenic attributes of the Township's environment.

Goal #4 Preserve the Township's cultural resources to provide historical continuity and contribute to the unique vision of the Township.

- Promote development that is compatible with the historic nature of the Township especially within adopted Historic Districts and adjacent to listed national and state register historic structures.
- Preserve the Township's historic resources through the creation of historic districts, establishment of a Historical Commission, and implementation of a Historic Preservation Resource Ordinance.

Goal #5 Encourage creative land use techniques to minimize the impact of new development and to minimize conflicts between land use activities.

- Limit the encroachment of non-compatible uses into established residential neighborhoods, such as sand extraction operations and heavy industrial type uses.

Goal # 6 Assure decent homes to all present and future residents of the Township without regard to their economic status by providing for a full range of housing choices for all household income levels.

- Provide for affordable housing to meet the Township's obligation directing this housing into the Centers or as scattered infill housing units.
- Encourage variety in the type, design, and size of housing constructed.
- Provide for an attractive and ecological setting for residences while retaining and augmenting existing vegetation.

Goal #7 Provide diversity and strength to the local tax base.

- Foster a well integrated and balanced community with a mix of residential, commercial, agricultural, and other types of land uses and guide economic activities into compact Centers.
- Provide for a range of commercial activities in the Township Centers where the circulation, utility, and community service systems are best suited to handle the resulting volumes.
- Provide appropriate design controls for commercial development to minimize hazardous conditions and encourage good design and to ensure an attractive compatible appearance with the Township's vision and historic character.
- Promote the development of attractive and safe neighborhood commercial Centers through the use of site and building design guidelines.
- Provide on-premise sign regulations which promote safety and prevent sign proliferation.
- Strengthen performance and design standards to ensure that all industrial development provides adequate safeguards to protect the environment and to guard against incompatible adjacent uses.
- Discourage commercial development outside of the Centers with the exception of marine related activities and existing mining operations.
- Provide that mining establishments adopt long term reclamation plans to guide land use and future site configurations.

Goal # 8 Establish and maintain the level of community facilities and public services required to satisfy the needs of present and future residents of Upper Township.

- Allow for the well planned expansion of public facilities and services that does not exceed the carrying capacity of the land and the built systems.
- Provide for streets, utilities, schools, parks, police and fire protection, and other services sufficient to meet the needs of the community.
- Ensure adequate wastewater treatment capacity by encouraging the use of best management practices.
- Minimize off-site storm water runoff by encouraging the use of best management practices, which protect the character of the natural drainage systems.
- In the Town Centers, provide the opportunity for community wastewater treatment facilities to accommodate higher density housing and commercial development. Amend Wastewater Management plan to support this infrastructure within the Centers.
- Promote the extension of public water within the Township Centers and encourage existing properties to tie into new utility extensions. In general, provide for such utilities (especially public water) where new development can afford the costs of extending these services and where such extensions promote the logical and orderly extension of development adjacent to existing development.
- Encourage the maximum recycling effort from all Township residents as well as from all businesses in the Township.

Goal #9 Provide recreational facilities that meet the needs of current and future Township residents.

- Continue to support the Open Space/Recreation Fund to be used to purchase, construct, and maintain central, more extensive recreational lands and facilities.
- Develop a few larger concentrated municipal recreation areas for the establishment of sufficient athletic fields and recreation facilities to serve both existing and future residents.
- Maintain existing neighborhood park sites to serve the recreational needs of the community.

- Support the expansion of the Cape May National Wildlife Refuge by encouraging the private sale of tracts under consideration by the Federal government.

Goal #10 Provide a transportation network that supports existing and planned development compatible with the carrying capacity of the land and the built environment.

- Provide a road network which separates through traffic from local traffic and directs through traffic to the regional roadway network.
- Prevent the transformation and disruption of the Township's residential and historic Centers by providing for alternative routes for through traffic.
- Provide for the connection of new subdivisions by the extension of collector streets, sidewalks, and local roadways to promote the development of neighborhoods and to promote social interaction with the Township.
- Prevent hazardous traffic patterns and high congestion by limiting roadway connections and driveways accessing onto State and County roadways.
- Require street trees and open space buffers to enhance visual quality and to protect adjacent land uses from the noise, dirt and glare of traffic along all roads.
- Provide for the development of a walkway and/or bikeway system that will provide connections throughout residential neighborhoods of the Township by utilizing separated pedestrian walkways and bike paths along primary roadways and along the stream corridors, greenways and open space areas where possible.
- Encourage the campground operations to work with the Township and the County of Cape May to develop alternative transportation programs such as shuttle operations to serve campground visitors and to reduce summer vehicular traffic activity.

OTHER JURISDICTIONAL AUTHORITIES

The Land Use Plan must consider other agencies that have regulatory jurisdiction on development within the Township.

State Development and Redevelopment Plan

The New Jersey State Development and Redevelopment Plan ("SDRP") established eight policy planning goals to guide development activity in the State. Of these eight goals, a number of these goals are particularly relevant to the physical conditions of Upper Township and the Township's focus on Centers and protection of the Environs through 'smart growth' planning tools.

These specific policy goals with particular relevance to Upper Township can be summarized as follows:

- *Conserve the State's natural resources and systemsby promoting ecologically sound development and redevelopment and accommodating environmentally designed development and redevelopment in Centers in the Fringe, Rural and Environmentally Sensitive Planning Areas. Plan, design, invest in and manage the development and redevelopment of Centers and the use of land, water, soil, plant and animal resources to maintain biodiversity and the viability of ecological systems.*
- *Provide adequate public facilities and services at a reasonable cost.....purchasing land and easements to prevent development, to protect flood plains and sustain agriculture where appropriate.*

- *Provide adequate housing at a reasonable cost..... Create and maintain housing in the ...Suburban Planning areas and in Centers in the Fringe, Rural and Environmentally Sensitive Planning areas.....*
- *Preserve and enhance areas with historic, cultural, scenic, open space and recreational value...by comprehensive planning, design, investigation and management techniques,*

The SDRP established planning areas throughout the State that share common development and environmental characteristics. These planning areas serve as the framework for application of the policies of the State Plan. Each planning area has policy objectives that guide growth. These objectives are intended to guide local and regional planning, to establish a system of Centers, and to encourage livable neighborhoods with a variety of housing types, price ranges and multi-modal forms of transportation, while preserved green space. The five planning areas are as follows:

- ***Metropolitan Planning Area: PA1***
Provide for much of the state's future redevelopment; revitalize cities and towns; promote growth in compact forms; stabilize older suburbs; redesign areas of sprawl; and protect the character of existing stable communities.
- ***Suburban Planning Area: PA2***
Provide for much of the state's future development; promote growth in Centers and other compact forms; protect the character of existing stable communities; protect natural resources; redesign areas of sprawl; reverse the current trend toward further sprawl; and revitalize cities and towns.
- ***Fringe Planning Area: PA3***
Accommodate growth in Centers; protect the Environs primarily as open lands; revitalize cities and towns; protect the character of existing stable communities; protect natural resources; provide a buffer between more developed Metropolitan and Suburban Planning Areas and less developed Rural and Environmentally Sensitive Planning Areas; and confine programmed sewers and public water services to Centers.
- ***Rural Planning Area: PA4 and Rural/Environmentally Sensitive Planning Area: PA4B***
Maintain the Environs as large contiguous areas of farmland and other lands; revitalize cities and towns; accommodate growth in Centers; promote a viable agricultural industry; protect the character of existing stable communities; and confine programmed sewers and public water services to Centers.
- ***Environmentally Sensitive Planning Area: PA5 and Environmentally Sensitive/Barrier Islands Planning Area: PA5B***
Protect environmental resources through the protection of large contiguous areas of land; accommodate growth in Centers; protect the character of existing stable communities; confine programmed sewers and public water services to Centers; and revitalize cities and towns.

Like most of Cape May County, a large portion of Upper Township is designated as PA5 due to coastal wetlands and other environmentally constrained lands. The bulk of the Township development, which runs along the Route 9 Corridor, is designated as PA2. The western portion of the municipality has large isolated areas designated PA4. These areas are surrounded by environmentally sensitive lands and linked together by major roads such as Route 557, 631 and 49. (See Map 1, SDRP Policy Map for Upper Township.) The SDRP is currently undergoing the Cross Acceptance Process which began in 2004 and which will ultimately update the SDRP and the Policy Map. In addition, the Township's Plan Endorsement Petition will provide

for refined Centers and changes within the Planning Areas as is being discussed with the New Jersey Office of Smart Growth ("NJOSG") and the New Jersey Department of Environmental Protection ("NJDEP").

The State Plan guides development and economic expansion in each of the planning areas and encourages compact forms of development that consume less land, deplete fewer natural resources and are more efficient in the delivery of public services. These areas are known as Centers and are categorized as Regional Centers, Towns, Villages and Hamlets. The NJOSG classifies each of these Centers as Designated, Proposed or Identified. Designated Centers are formally adopted and are officially recognized by the NJOSG.

In 1999, the Township of Upper had submitted a petition in an attempt to qualify certain areas within the Township as Designated Centers. The goal was to formally adopt boundaries in suitable areas where future development and redevelopment activities could take place. These boundaries would represent the areas most compatible for growth, with minimal environmental constraints, existing public services. These areas were not officially designated by the Office of Smart Growth and have been classified as Identified Centers. These areas include Marmora/Beesley's Point/Palermo, Petersburg, Seaville, Strathmere and Tuckahoe. These identified Centers represent the existing areas of the Township with the largest concentration of population and development¹. The 2001 SDRP Policy Map shows identified Centers as of that date in Upper Township. It also has overlain the 2006 proposed Centers.

In 2004, the NJOSG established an alternative process for reviewing and adopting Centers through a review of not only the development Centers, but also through review of the entire municipality. This is called the "Plan Endorsement Process". Beginning in 2004, the Township, funded through a NJOSG Smart Growth Grant, prepared an Initial Plan Endorsement Petition to gain Plan Endorsement which would confirm the Township's Centers. The Township worked with NJOSG and New Jersey Department of Environmental Protection ("NJDEP") to identify and refine the Centers boundaries and to develop tools to protect the areas outside of the Township Centers or "Environs".

This 2006 Land Use Plan has been written to address the Upper Centers including updating the land use requirements to better direct growth into the Centers. Also this plan encourages development that will create walkable and diverse community Centers with mixed uses and multimodal transportation facilities (motor vehicles, bicycles, pedestrians, transit connections) to create attractive places to live and work.

The Land Use Plan also addressed the need to better protect the Township areas outside of the Centers in the Environs to provide natural buffers or green areas around the Centers and to reduce development within the Environs through various regulatory and zoning provisions.

Coastal Area Facilities Act (CAFRA) Zone

Approximately two-thirds of Upper Township is located within the CAFRA Zone, where the NJDEP regulates development. The CAFRA Zone is divided into different Centers and planning areas. CAFRA administers restrictions on the intensity of development in each of the various Planning Areas. Consistent with the State Plan, CAFRA regulations encourage growth within Centers and minimize development potential outside these Centers by requiring more stringent regulations.

As of February 2006, the CAFRA Centers were supposed to be eliminated and incorporated into the NJOSG Centers via the Plan Endorsement process. In 2006, municipalities who were in the NJOSG Plan

¹ *Centers Designation Petition for Upper Township, January 1999*

Endorsement Petition process were given an additional year until March 2007 to complete the Plan Endorsement Petition Process. Once the State Planning Commission has approved the Petition with the designated Centers, then the NJDEP reviews the Center for consistency with the NJDEP guidelines.

This Land Use Plan is being prepared to respond to NJOSG and NJDEP requirements to achieve Plan Endorsement. Once the Township has adopted the Land Use Plan Update, then any zoning amendments required to implement the land use plan within the Township must be adopted prior to NJDEP acting on and approving the Township's Centers.

Under the earlier CAFRA regulations, four interim CAFRA Centers were identified in the NJDEP regulations as follows²:

- Marmora-Palermo-Beesley's Point – Coastal Town
- Petersburg – Coastal Village
- Seaville – Coastal Hamlet
- Tuckahoe– Coastal Hamlet

This Land Use Plan has refined these Centers in coordination with NJDEP oversight. The future land use recommendations for the four Township Centers – Marmora-Palermo-Beesley's Point Town Center, Seaville Town Center, Petersburg Village and Tuckahoe Village are addressed in later sections of this Land Use Plan.

The following table provides CAFRA restrictions for impervious cover and tree preservation. Figure 1 illustrates the NJDEP CAFRA Centers and Proposed Coastal Centers in the Cape May County CAFRA Zone as of 2004. Marmora-Palermo-Beesley's Point and Seaville are located within the Coastal Suburban Planning Area. This area is generally located adjacent to the Coastal Metropolitan Planning Area, but can be distinguished by a lack of high-density development. The existing inventory of undeveloped and underdeveloped land should be enough to accommodate much of the future growth and development. Mixed-use Centers should be encouraged and development intensities should be highest in the Centers. Development in areas not in Centers and not in or adjacent to sewer service areas should not be encouraged. The policy objectives of the Coastal Suburban Planning Area are as follows³:

- 1) *Encourage mixed-use development and redevelopment in compact Centers.*
- 2) *Guide economic opportunities and employment in Centers.*
- 3) *Encourage links from coastal suburban areas to employment Centers with public transit.*
- 4) *Ensure adequate wastewater treatment capacity and minimize off-site storm water runoff by encouraging the use of best management practices, which protect the character of the planning area.*

Tuckahoe and Petersburg are located within the Coastal Rural Planning Area, which usually contain prime agriculture lands and large tracts of forested areas. It is usually served by rural road network and on-site well water and wastewater systems. The policy objectives of the Coastal Rural Planning Area are as follows⁴:

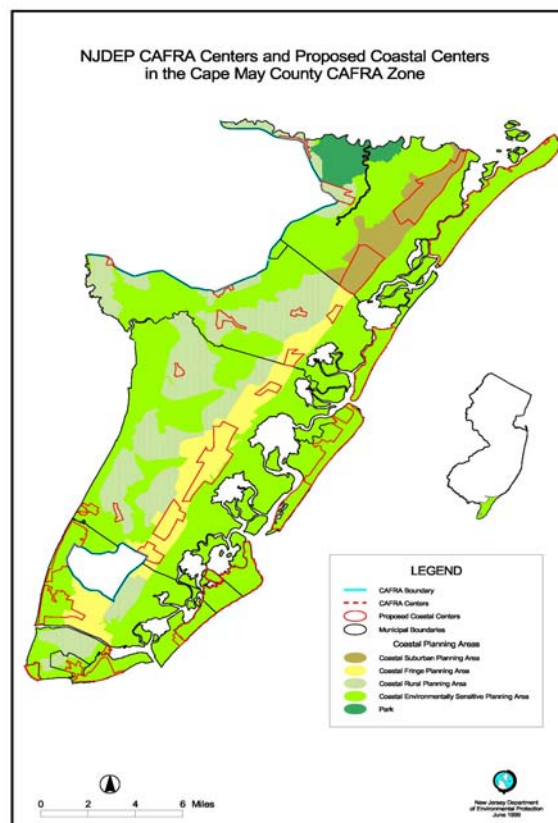
² Coastal Zone Management rules NJAC 7:7E, February 2, 2004

³ Ibid.

⁴ Ibid.

- 1) *Protect and enhance rural character and agricultural viability of the Coastal rural planning area by guiding growth to Centers. Maintain low-density development, encourage creative land use techniques to minimize the impact of new development, ensure development that does not exceed the carrying capacity of the natural and built systems of the community.*
- 2) *Encourage transportation network to accommodate agricultural and access to markets.*
- 3) *Encourage rural economic activities in Centers that support rural and agricultural communities, provide a rural economy which accommodates the economic activities outside the Centers and enhances the rural environment and has a minimal impact on agricultural resources and has a minimal need for infrastructure improvements.*
- 4) *Protect large areas of farmland and open space to preserve environmentally features and minimize conflict between development and agricultural practices.*

Figure 1 NJDEP CAFRA Centers and Proposed Coastal Centers



Source: New Jersey Department of Environmental Protection web site (<http://www.state.nj.us/dep>)

Table 1 CAFRA Land Use Regulation

Site Location	Impervious Coverage Percentage	Tree preservation for forested portion of site	planting for unforested portion of site
CAFRA Urban Center	90%	10%	0%
CAFRA Regional Center	80%	10%	0%
Coastal Regional Center	80%	10%	0%
CAFRA Core	80%	10%	0%
CAFRA Node	80%	10%	0%
CAFRA Town	70%	25%	5%
Coastal Town	70%	25%	5%
Military Installation	70%	10%	0%
CAFRA Village	60%	30%	5%
Coastal Village	60%	30%	5%
CAFRA Hamlet	50%	40%	5%
Coastal Hamlet	50%	40%	5%
Coastal Metropolitan Planning Area	80%	10%	0%
Coastal Suburban Planning Area within sewer service area	30%	35%	5%
Coastal Suburban Planning Area outside sewer service area	5%	70%	5%
Coastal Fringe Planning Area	5%	70%	5%
Coastal Rural Planning Area	3%	70%	5%
Coastal Environmentally Sensitive Planning Area	3%	70%	5%

Source: Coastal Zone Management rules NJAC 7:7E, February 2, 2004

Pinelands Management Area

The western portion of the Township outside the CAFRA Zone is part of the Pinelands Management Area. The Pinelands Management area represents a partnership between the State and Federal government to preserve, protect and enhance the natural and cultural resources of Pinelands. The Pinelands Comprehensive Management Plan protects the region in a manner that maintains its unique ecology while permitting compatible development. The communities within the Pinelands are designated as either Pinelands Villages or Towns and allow traditional development under certain rules. The Pinelands Protection Act established a requirement that county and municipal master plans and land use ordinances be brought into conformance with the Pinelands Comprehensive Management Plan. While some of the Plan's provisions are mandatory, such as the density limitations and the requirement that growth areas accept development credits, many other aspects are intended to give municipalities resource management

goals to work toward as they revise their land use regulations. The specific means chosen to meet those goals are open to negotiation between the Pinelands Commission and the local government. Upper Township's Master Plan and zoning regulations have been certified by the Pinelands Commission in March 2004.

The Pinelands Management Area encompasses 22.3 square miles or 32.9 percent of the land area of Upper Township. There are two Pinelands villages in Upper Township, Tuckahoe and Petersburg, which are adjacent to the proposed Petersburg and Tuckahoe Villages in the CAFRA zone.

Great Egg Harbor National Scenic and Recreational River

The Township of Upper has a partnership agreement with the National Park Service and the Great Egg Harbor River Council to protect the Tuckahoe River, which has been designated by the United States Congress as components of the National Wild and Scenic River System. With the passing of Public Law 203-536 in 1992, the Tuckahoe River from its confluence with the Great Egg Harbor River to the Route 40 Bridge, approximately nine miles, has been designated as a scenic river and the Tuckahoe River from the Route 50 Bridge to the Route 49 Bridge, approximately 7.3 miles, is designated as a recreational river.

The Township of Upper with its adopted zoning codes controls the River Management Area, which is the same as the Federal boundary along the Tuckahoe River. The zoning district is the TR-Tuckahoe Riverfront District, which has the following purpose: *"To permit residential opportunities at a density that promotes the water quality of the Tuckahoe River and restricts encroachment in the wetlands and floodplains."* This zone permits 1 dwelling unit/2 acres of land with a 25 foot buffer requirement and a maximum 30% impervious coverage requirement. Lands within the Tuckahoe Riverfront District are outside of the proposed Tuckahoe Village Center. Land uses include a marina and boat works operation, residences, farmlands, a municipal beach and boat launch, and vacant lands.

LAND USE PLAN OVERVIEW

This Land Use Plan has been carefully crafted considering existing development patterns, jurisdictional authorities and regulatory controls, the need to meet Township defined policy goals and objectives and those of the State regulatory authorities and to address the policies and planning goals of the SDRP.

The Land Use Plan utilizes the *2006 Natural Resources Inventory* as an updated source of information on the ecological and cultural resources in the Township. It considers and incorporates the results of the *Housing Element and Fair Share Plan ("HEFSP")* and the *Storm Water Management Plan* which are being adopted concurrently as part of this Master Plan Amendment.

Statement of Population Density and Development Intensity

NJSA 40:55D-28b. (2)(d) requires that the Land Use Plan provide a statement on the standards of population density and development intensity recommended for the municipality. Upper Township expects that the lands within the Township Centers will be developed at a scale and intensity that will encourage development in keeping with the established goals of protecting rural lands and concentrating development within compact Centers.

The lands in the Environs will be low density development ranging from 1 residential unit/3 acres to 1 residential unit/10 acres in the Conservation Zone which is primarily public lands and wetlands. The Pinelands Management Area will not be sewered and development will range from 1 acre lots in the

Pinelands Villages to 1 du/3.2 acres in the rural zones. The lands planned for forest area preservation range from F10 at 1 du/10 acres to F25 at 1 du/25 acres. Techniques such as density transfer between non-contiguous parcels and conservation residential cluster are recommended to better preserve open space in the Environs.

EXISTING LAND USE

Existing Land Use Patterns

The existing land use patterns within Upper Township are illustrated based on tax class parcel data. (See Map 2 Existing Land Use.) It is evident that the largest portion of the Township falls into the “public property” category, which is made up environmentally constrained land and wildlife management areas. The Township has approximately 24 percent of its total land mass covered by freshwater wetlands and another 24 percent constrained by tidal wetlands. There are large areas of land within the Township that are owned and managed by State and Federal agencies for the protection of threatened and endangered species and wildlife habitats. These areas represent a significant amount of undeveloped land consisting of the Tuckahoe Wildlife Management Area, Belleplain State Forest and the Cape May National Wildlife Refuge Great Cedar Swamp Division.

The most significant region of undevelopable land is located along the entire eastern portion of the municipality. This stretch of land is situated between the Garden State Parkway and the barrier islands and is constrained by tidal wetlands. There is limited development in these areas with small pockets of commercial development located along Roosevelt Boulevard (Route 623) leading to the barrier island communities of Ocean City and Strathmere.

Residential uses account for about 14 percent of the land within the Township. The existing residential development consists almost exclusively of single-family homes with the most concentrated areas located in the Centers of Seaville, Petersburg and Marmora-Palermo-Beesley's Point and Tuckahoe. In addition, the barrier island community of Strathmere represents the Township's highest density of residential development with an average lot size of 8,000 square feet.

It is no surprise that most of Upper Township's commercial developments are located along its major roadways. A considerable amount of retail, office and service related development is located along the Route 9 corridor. The larger shopping Centers and retail stores are located in Seaville and Marmora. In addition, there are commercial uses scattered along the major roads including within Tuckahoe Center along Route 50. There are also 12 mining operations (which are classified as commercial uses) located, primarily along Route 610 and Route 664 in the southern portion of the Township adjacent to Woodbine Borough.

Farmlands encompass about 2.8 percent of the Township. Many of the larger farms are located within the Pinelands Management Area or adjacent to public lands in the CAFRA area. The smaller farms along or adjacent to the Route 9 corridor are likely candidates for future development.

Table 2 represents the land use breakdown of the Township.

Table 2 Land Use by Parcel Tax Data - 2005

	Acreage	Percentage
1 - Vacant Lands	7,333.28	16.73%
2 - Residential	6,271.82	14.31%
3A - Farm (Regular)	1,235.56	2.82%
3B - Farm (Qualified)	1.96	0.00%
(Preserved Farmland)	77.12	0.18%
4A - Commercial	1,394.17	3.18%
4B - Industrial	297.84	0.68%
4C - Apartment	3.59	0.01%
5A - Railroad (Class I)	96.81	0.22%
15A & 15B - School	112.13	0.26%
15C - Public Property	20,353.60	46.44%
County Owned	154.86	0.35%
State Owned	14,582.42	33.27%
Township Owned	1,754.62	4.00%
Federally Owned	3,861.70	8.81%
15D - Church	47.63	0.11%
15E - Cemetary	43.27	0.10%
15F - Other Exempt	249.12	0.57%
Unclassified (No Data)	1,618.34	3.69%
Other (Road, Right-of-Way, Easement, etc.)	4,770.54	10.88%
Total	43,829.66	100.00%

SOURCE: Municipal Property Code Classification Information 2005

The land use breakdown above was calculated using property codes from the Upper Township tax assessment data.

- Public properties take up more land than any other use with 20,354 acres of land, which is nearly half (46.4 percent) of the entire Township. Of the public properties, the State is the most predominant land-owner with 14,582 acres of land or 33.3 percent of the Township.
- The next highest use type is vacant lands with only 7,333 acres of land (16.7 percent of the township). The large number of public and vacant properties is largely due to the environmental conditions that exist within the township. Much of the Township is occupied by wetlands and pinelands, which are regulated by government agencies for preservation.
- Residential uses cover about 6,272 acres of land or 14.3 percent.
- Commercial and industrial uses cover over 1,692 acres or 3.9 percent of the lands. Many of the larger tracts include mining operations.
- Lands that are not platted, such as roads, rights-of-way, water bodies and easements, are classified as other and cover 4,771 acres of land or 10.9 percent of the Township. This category is not classified in the parcel tax data and therefore was calculated by subtracting the sum of the tax parcel data from the total area of the Township.

This table has a 3.69 percent margin of error as the tax data is not completely compatible with the parcel data. This is shown in the table as "Unclassified (No Data)" and may be due to lot subdivisions or renumbering that is shown in one set of data and not the other.

Constrained Lands

The Constrained Lands map includes lands falling under defined environmental regulations which including wetlands, Category One ("C-1") waters which are considered pristine and as either trout production or trout management, and Federal Insurance Management Agency ("FEMA") designated floodplains. This map does not show wetlands buffer areas which may range from 0 feet to 300 feet within the Pinelands Management Area. A 300 foot wide buffer is also required along C-1 waters. Other environmentally sensitive lands are mapped and described in the *2006 Natural Resources Inventory*. The Township has approximately 24 percent of its total land mass covered by freshwater wetlands and another 24 percent constrained by tidal wetlands.

Map 4 illustrates both farmland assessed properties and vacant lands in the Township. An environmental constraint overlay layer is also shown on the map to identify possible constrained non-developable lands. This environmental constraint layer is taken from the NJDEP data including wetlands areas with 50 foot buffers; C-1 waters including 300 foot wide buffers and designated Federal Emergency Management Agency ("FEMA") designated floodplains.

Farmlands

According to the parcel tax data as shown on Table 3, 32 properties are assessed as farmlands in Upper Township with a total area of 1,237.5 acres. All lands except for 2 acres are taxed as regular farmlands. Over 900 acres are located within the Pinelands Management Area. The uplands acreage is an estimate and is subject to specific site evaluation. Approximately 75 percent of the assessed farmlands acreage is constrained, leaving only 393 acres of developable farmlands

Cape May County has established a trust fund to preserve open space and agricultural lands. The trust is funded by a County property tax of 1 cent per 100 dollars of assessed valuation and currently generates approximately \$1.3 million dollars a year. Since its inception, the program has preserved approximately 3,000 acres of open space and farmland (almost 5 square miles) in the County. There are currently 5 preserved farms totaling 77.12 acres in Upper Township.

Table 3 Assessed Farmland

Class	Zone	Total Acreage	Uplands Acreage
Regular Farm (3A)	Agriculture & Low Density Residential (AR)	14.57	2.09
Regular Farm (3A)	Low Density Forestry (F10)	555.16	10.75
Regular Farm (3A)	Commercial District (CM)	69.01	40.01
Regular Farm (3A)	Low Density Forestry (F25)	358.40	228.70
Regular Farm (3A)	Pinelands Village (PV)	18.08	7.90
Regular Farm (3A)	Residential (R)	106.29	69.99
Regular Farm (3A)	Rural Development (RD)	0.87	0.34
Regular Farm (3A)	Tuckahoe Riverfront (TR)	113.17	31.32
Qualified Farm (3B)	Low Density Forestry (F25)	1.96	1.96
Total		1237.52	393.05

SOURCE: Municipal Property Code Classification Information 2006

Vacant Properties

Map 4 also shows properties assessed as vacant according the parcel tax data. A total of 3,145 properties are assessed as vacant in Upper Township with a total area of 7,267 acres. The uplands acreage shown in Table 4 is an estimate and is subject to specific site evaluation. Approximately 75 percent of the assessed vacant acreage is constrained, leaving only 2,861 acres of developable lands.

Table 4 Vacant Properties

Zone	Total Acreage	Uplands Acreage
Agriculture & Low Density Residential (AR)	207.81	109.29
Moderate Density Forestry (F3)	1010.15	587.52
Low Density Forestry (F10)	1.64	0.85
Commercial District (CM)	321.10	167.95
Low Density Forestry (F25)	1836.23	717.39
Pinelands Village (PV)	28.38	12.42
Residential (R)	940.55	549.67
Rural Development (RD)	320.41	255.03
Tuckahoe Riverfront (TR)	48.30	12.31
Mining (M)	483.22	355.47
Resort Residential (RR)	51.69	19.05
Tuckahoe Village (TV)	21.58	12.10
Conservation (C)	1995.60	62.30
Total	7266.66	2861.36

SOURCE: Municipal Property Code Classification Information 2006

Historic Development Patterns

Historic development patterns can be assessed by reviewing changes in land use since the *1993 Master Plan*. Table 5 shows changes in land use from 1992 to 2005. The 1992 data was taken from the *1993 Upper Township Master Plan* and the 2005 data is the same data that was used in the previous table. The comparison shows there have been many changes in land use over the thirteen year period.

- Vacant lands decreased by over 12,210 acres or 62.5 percent.
- Residential uses have increased their land coverage by 2,849 acres (83.2 percent).
- Assessed farmlands, commercial, industrial, local/municipal and semi-public/institutional uses have increased or decreased their coverage by less than 1,000 acres in the last thirteen years.
- Lands owned by governments, other than Upper Township, have increased by 6,198.08 acres.

There are some instances where the 1992 data displayed in the previous Master Plan is incompatible with the current data. The 1992 data shows solid waste landfills as a land use type, whereas the current data

includes these parcels in other land use categories. The 1992 data shows road rights-of-way, whereas (as described in the previous section) the current data is limited to parcel tax data and rights-of-way along with other lands are not included.

Changes in land use can also be evaluated by reviewing tax information compiled by the New Jersey Department of Community Affairs, Division of Local Government Services which includes statistical information for all New Jersey municipalities. Table 6 provides information on tax parcels within the property tax codes such as residential, vacant, and non-residential and the combined value of the parcels within each property classification code. Please note that this table does not include all property classifications such as public properties.

- During the past 5 years, there was a loss of 124 vacant parcels.
- There was an increase of 226 residential properties or a 5 percent increase. This increase is related to subdivision activity and the 149 unit Osprey Point Active Adult Community. The overall value of residential properties increased by 10 percent or \$66,408,300 over this period.
- Commercial properties increased by 25 properties with a 7 percent increase in overall value during this period.
- Nonresidential properties (commercial and industrial but excluding apartments) account for 12.5 percent of the 2005 assessed valuation.
- There was a loss of two farm properties during this period.

Table 5 Historic Land Use Comparison by Parcel Tax Data

	1992		2005		Thirteen-Year Change in Acreage	Thirteen-Year % Change
	Acreage	Percentage	Acreage	Percentage		
Vacant Lands	19,543.40	44.59%	7,333.28	16.73%	-12,210.12	-62.48%
Residential	3,426.10	7.82%	6,275.41	14.32%	+2,849.31	+83.16%
2 - Residential	****	****	6,271.82	14.31%	****	****
4C - Apartment	****	****	3.59	0.01%	****	****
Assessed Farmland	1,655.60	3.78%	1,237.52	2.82%	-418.08	-25.25%
3A - Farm (Regular)	****	****	1,235.56	2.82%	****	****
Preserved Farmland	****	****	77.12	0.18%	****	****
3B - Farm (Qualified)	****	****	1.96	0.00%	****	****
Commercial	538.70	1.23%	1,394.17	3.18%	+855.47	+158.80%
Industrial	710.00	1.62%	297.84	0.68%	-412.16	-58.05%
Local/Municipal	1,655.80	3.78%	1,754.62	4.00%	+98.82	+5.97%
15C - Public - Township Owned	****	****	1,754.62	4.00%	****	****
15A & 15B - School	****	****	112.13	0.26%	****	****
Federal, State, County	12,400.90	28.29%	18,598.98	42.43%	+6,198.08	+49.98%
15C - Public - County Owned	****	****	154.86	0.35%	****	****
15C - Public - State Owned	****	****	14,582.42	33.27%	****	****
15C - Public - Federally Owned	****	****	3,861.70	8.81%	****	****
Semi-Public/Institutional	174.00	0.40%	340.02	0.78%	+166.02	+95.42%
15D - Church	****	****	47.63	0.11%	****	****
15E - Cemetary	****	****	43.27	0.10%	****	****
15F - Other Exempt	****	****	249.12	0.57%	****	****
Solid Waste Landfill	73.50	0.17%	****	****	****	****
Unclassified	3,061.66	6.99%	1,618.34	3.69%	-1,443.32	-47.14%
Other (Right-of-Way, Easement, Water, etc.)	****	****	4,867.35	11.11%	****	****
Road Rights-of-Way	590.00	1.35%	****	****	****	****
5A - Railroad (Class I)	****	****	96.81	0.22%	****	****
Total	43,829.66	100.00%	43,829.66	100.00%		

SOURCE: Municipal Property Code Classification Information, 2005

SOURCE: Master Plan, Upper Township, Cape May County, New Jersey, 1993

**** NOTE: Data Not Available

Table 6 Comparison of Historic Tax Data 2001 vs. 2005 Property Value Classification

	2001		2005		5-year Change in Value	5-year % Change in Value
	# of Parcels	Value	# of Parcels	Value		
Vacant	2,193	\$ 54,792,400	2,069	\$ 54,234,800	\$ -557,600	-1%
Residential	4,384	\$ 658,069,500	4,610	\$ 724,477,800	\$ 66,408,300	10%
Farm	33	\$ 4,157,100	31	\$ 4,074,800	\$ -82,300	-2%
Farm Homestead	84	\$ 463,200	84	\$ 630,100	\$ 166,900	36%
Non-residential	257	\$ 102,424,600	281	\$ 108,030,700	\$ 5,606,100	5%
Commercial	250	\$ 90,221,700	275	\$ 96,088,300	\$ 5,866,600	7%
Industrial	1	\$ 11,148,100	1	\$ 11,148,100	\$ 0	0%
Apartment	6	\$ 1,054,800	5	\$ 794,300	\$ -260,500	-25%
Total	6,951	\$ 819,906,800	7,075	\$ 891,448,200	\$ 71,541,400	9%

* SOURCE: NJ Department of Community Affairs, Division of Local Government Services, Property Tax Information, Current Property Tax Data, Property Value Classification – 2005

** SOURCE: NJ Department of Community Affairs, Division of Local Government Services, Property Tax Information, Historical Data, Property Value Class - 2001

POPULATION, HOUSING AND EMPLOYMENT CHARACTERISTICS

This section documents demographic, housing and employment conditions in the Township. Historic growth trends are provided. In addition, future population and employment projections are provided utilizing accepted data sources from the South Jersey Transportation Planning Organization (“SJTPO”). Where appropriate, county and State data has been provided for comparison purposes. The *HEFSP* provides more detailed information on population and housing characteristics and employment conditions and projections.

Population

As indicated in Table 7, the population of Cape May County has significantly increased in the past fifty years and has consistently grown at a rate higher than that of the State. During period between 1970 and 1980, the County experienced its largest growth increment of over 38 percent or 22,712 new residents. The County's total population has more than doubled since 1950 (Table 7) and has only begun to level in the recent years off in terms of percent change. During the period between the years of 1990 through 2000, the County grew at a 7.6 percent increase, compared to an increase of 8.9 percent statewide. This represented the first time in forty years that County population had growth below the State average. As shown on Table 8, growth in the County is still projected between 2005-2015; however, forecasts indicate this growth will occur at a slower rate.

Table 7 Permanent Population Trends 1950 – 2000

	Upper Township		Cape May County		New Jersey	
1950	1,922		37,131		4,835,329	
1950-1960	+617	+32%	+11,424	+31%	+1,232,083	+25%
1960	2,539		48,555		6,067,412	
1960-1970	+874	+34%	+10,999	+23%	+1,100,752	+18%
1970	3,413		59,554		7,168,164	
1970-1980	+3,300	+97%	+22,712	+38%	+196,659	+3%
1980	6,713		82,266		7,364,823	
1980-1990	+3,968	+59%	+12,823	+16%	+365,365	+5%
1990	10,681		95,089		7,730,188	
1990-2000	+1,434	+13%	+7,237	+8%	+684,162	+9%
2000	12,115		102,326		8,414,350	

SOURCE: Cape May County Data Book, January 2003

Table 8 Population Projections 2005-2015

	Upper Township		Cape May County	
2005	12,669		106,518	
2005-2015	+1,096	+9%	+8,345	+8%
2015	13,765		114,863	

SOURCE: NJ Department of Community Affairs

The population of Upper Township has increased by 13.4 percent or 1,434 new residents from 1990 to 2000. The Township ranked third in rate of growth within the County behind Dennis and Wildwood during the same period. In 2000, Upper had a total population of 12,115 residents. The Township was only behind Middle and Lower in terms of actual population growth. The SJTPO has projected Upper Township's population will increase to approximately 13,765 persons through the year 2015. This increase will account for an additional 1,096 residents or a 9 percent increase. The HEFSP projects a significantly greater increase in population and households through affordable senior housing, expansion and development of up to three mobile home parks and group homes to address the Township's affordable housing obligation.

The Township is projecting a majority of the growth will take place within the four designated Centers, with Seaville and the Marmora-Palermo-Beesley's Point accounting for most of the growth. This anticipated growth is due in part by the accessibility to major roads and services as well as physical conditions suitable for septic systems and future community sewage systems within the Town Centers.

Strathmere, the municipality's barrier island community, is the most densely populated section of the Township. Although Strathmere only has approximately 175 permanent residents⁵, the population swells to over 4,000 in the summer months. Strathmere has a high density of single-family dwellings typically on 4,000 s.f. (40'x100') lots. Although public water is provided, Strathmere relies on on-site septic systems for discharge of wastewater. By the year 2020, Strathmere's permanent population is projected to rise to approximately 275 people, while the summer population is expected to be over 6,750 people⁶. This

⁵ 2000 US Census

⁶ Center Designation Petition for Upper Township – January 1999

increase is consistent with the recent building trend experienced throughout the County's barrier island communities.

The New Jersey Department of Labor has indicated the largest expansion of population growth in the State took place in that Atlantic Coast Counties (Atlantic, Cape May, Monmouth and Ocean) during the period from 1990 to 2000. Continued growth is expected and should account for 24 percent of the State's population growth for the years 2000 to 2010. According to the 2000 Census, approximately one out of five residents of Cape May County was age 65 or older. The County will continue to be a popular retirement destination and the senior citizen population should continue to account for more than twenty percent of the population through the year 2020⁷.

Senior citizens make up 13.8 percent of Upper Township's population, which is considerably lower than the County's average of 20.2 percent (Table 9). The Township's senior's population increased by 226 people between 1990 and 2000, which represents an increased of 2 percent of the total population.

Table 9 Senior Population (age 65+) 1990-2000

	Number of Persons 1990	% of Population 1990	Number of Persons 2000	% of Population 2000
Upper Township	1,246	11.7%	1,472	13.8%
Cape May County	19,131	20.1%	20,681	20.2%
New Jersey	1,032,025	13.4%	1,113,136	13.2%

SOURCE: 1990 and 2000 US Census

The total countywide population increases over six times during the months of May through September. Much of this growth is concentrated within the barrier island resort communities. The County anticipates a 15.7 percent increase in the summer population by the year 2025. This increase will result in an additional 96,440 summer residents (Table 10). This indicates that Cape May County and its surrounding communities will continue to be an important part of the New Jersey tourist industry for the years to come.

Upper Township's population increases over three times the permanent population (approximately 26,000 total residents) during the summer months. The County has projected an increase of 6,061 summer residents by the year 2025. Many of the summer residents are attracted to the many campgrounds located along the Route 9 corridor, but a majority of the summer growth is attributed to the barrier island Village of Strathmere. The population of Strathmere increases to over 4,000 residents during the summer tourist season, not including the 300-400 day visitors⁸.

⁷ Source: County Population and Labor Force Projections for New Jersey: 2000 to 2020 – Division of Market and Demographic Research

⁸ Center Designation Petition for Upper Township – January 1999

Table 10 Summer Population Projections 2001-2025

	2001	2010	2020	2025	Change 2000-2025	% Change 2000-2025
Upper Township	38,607	41,157	43,579	44,668	6,061	15.7%
Cape May County	614,261	654,837	693,367	710,701	96,440	15.7%

SOURCE: Cape May County Data Book, January 2003

In regards to educational attainment, in 2000, there were 726 persons between the ages of 18 and 24 years old in Upper Township and 7,928 that were older than 24 years. Of the 18 to 24 year old age group, 31 percent had not yet achieved a high school diploma, which is a slightly higher rate than the County and the State. Only 8 percent of this age group had achieved a bachelor's degree or higher, which is a little low when compared to the State but also slightly higher than that County. Persons over the age of 24 residing in Upper Township in 2000 had an overall higher education attainment than the County and State. Persons 25 and older with no high school diploma were limited to only 9 percent of the Township, whereas the County and State had 18 percent with not graduated. The data also shows that about 1 out of 3 people who did graduate high school went on to attain a bachelor's degree, which is also at a higher rate than the County and State (Table 11).

Table 11 Educational Attainment 2000

	Upper Township		Cape May County		New Jersey	
Population 18 to 24 years	726	100%	6,622	100%	675,077	100%
Less than high school graduate	227	31%	1,812	27%	159,797	24%
High school graduate (incl. equivalency)	193	27%	2,185	33%	186,035	28%
Some college or associate degree	247	34%	2,160	33%	249,591	37%
Bachelor's degree or higher	59	8%	465	7%	79,654	12%
 Population 25 years and over	 7,928	 100%	 72,878	 100%	 5,657,799	 100%
Less Than High School Diploma	694	9%	13,210	18%	1,014,477	18%
Less than 5th grade	0	0%	784	1%	105,055	2%
5th to 8th grade	161	2%	2,535	3%	268,374	5%
9th to 12th grade, no diploma	533	7%	9,891	14%	641,048	11%
High School Diploma or Higher	4,664	59%	43,620	60%	2,958,461	52%
High school graduate (incl. equivalency)	2,681	34%	26,475	36%	1,661,493	29%
Some college credit, less than 1 year	471	6%	4,588	6%	345,733	6%
1 or more years of college, no degree	940	12%	8,701	12%	653,139	12%
Associate degree	572	7%	3,856	5%	298,096	5%
Bachelor's Degree or Higher	2,570	32%	16,048	22%	1,684,861	30%
Bachelor's degree	1,869	24%	11,288	15%	1,063,665	19%
Master's degree	434	5%	3,062	4%	414,692	7%
Professional degree	218	3%	1,314	2%	140,980	2%
Doctorate degree	49	1%	384	1%	65,524	1%

SOURCE: 2000 US Census

Housing

In recent years, Cape May County has experienced a significant level of new residential construction, most of which is built as vacation or rental homes. This is further apparent, since the rate of residential construction has exceeded the population growth in the last four decades. The 2000 Census indicated that 47 percent of new construction within the County was built as seasonal rental or vacation home.

Between 1990-2000, Upper, Middle and Lower Townships accounted for more than 72 percent of the population growth, but only 35 percent of the County's total increase in housing units⁹. This indicates that a large portion of the County's development has targeted the coastal communities. This is not a surprising trend, since the tourist industry is the cornerstone of the County's economy. The increased demand of summer rental properties within the barrier islands has caused these communities to be almost completely developed. This development pressure has forced many older homes to be demolished and replaced by new construction. The future growth of the permanent population within the County will more than likely be concentrated within the undeveloped upland areas of the mainland.

Upper Township's housing stock consists predominantly of single-family homes. The residential development pattern of the Township varies in density and lot size, from the small lot, high-density development of Strathmere to the larger lot and rural developments on the mainland.

There have been 579 certificates of occupancy permits issued for single-family dwellings between 1990 and 1999 as shown on Table 12. The fact that there were no certificates of occupancy issued for multi-family residential dwellings further reinforces the single-family residential character of the municipality. Like other mainland municipalities in Cape May County, Upper Township's development has been influenced by the lack of necessary infrastructure and regulation constraints. Building opportunities similar to the barrier island communities and other areas where public sewer and water are available do not exist in the Township. This is part due to the existing environmental constraints as well as strict regulation by various State Agencies under CAFRA and the Pinelands Management Plan.

⁹ New Jersey Department of Labor – Atlantic Region – Regional Labor Market Review - December 2002

Table 12 Ten-year Historic Trend of Residential Certificates of Occupancy

	Upper Township		Cape May County		Township % of County
1996		46		584	8%
1996-1997	+14	+30%	+578	+99%	
1997		60		1,162	5%
1997-1998	-15	-25%	-205	-18%	
1998		45		957	5%
1998-1999	-1	-2%	+246	+26%	
1999		44		1,203	4%
1999-2000	+10	+23%	+16	+1%	
2000		54		1,219	4%
2000-2001	-6	-11%	+228	+19%	
2001		48		1,447	3%
2001-2002	-4	-8%	-8	-1%	
2002		44		1,439	3%
2002-2003	+5	+11%	-94	-7%	
2003		49		1,345	4%
2003-2004	+73	+149%	+384	+29%	
2004		122		1,729	7%
2004-2005	-55	-45%	-59	-3%	
2005		67		1,670	4%
Total		579		12,755	5%

SOURCE: NJ Department of Community Affairs, Council on Affordable Housing, Third Round Resources, Building Permit and Construction Code Data

The issues of availability of land, market demand and infrastructure capacity may affect the amount and type of housing being built in the future. Meeting the Township's affordable housing obligation through the HEFSP will increase housing growth over the next ten years. This is documented in the HEFSP.

Employment

Cape May County's economy is dependant on the seasonal tourist industry, most of which is concentrated along its coastline. The County's main source of employment is the service industry, which includes tourism. The County's employment market increases by about 20,000 jobs between the months of January and July as a result of the seasonal employment¹⁰. Employment within the government and retail trades account for the County's next largest job sector. The health service and retail industries have produced the County's most new jobs from 1995 to 2000 and should continue remain vibrant with the projected influx of new residents¹¹.

The County's employment opportunities are projected to increase by 97 percent by the year 2015 or by an additional 3,745 new jobs. This rate of growth is slightly greater than the population projections of the overall Atlantic Region during the same time period. It is expected that 50 percent of the new jobs in the

¹⁰ Source: SJTPO Regional Transportation Plan 2000

¹¹ Source: New Jersey Department of Labor – Atlantic Region – Regional Labor Market Review
December 2002

service sector would be within the health care field by the year 2025. These new jobs would be directly related to the anticipated growth of the senior population and the in-migration of retirees to the Atlantic Coast Counties.

The Upper Township labor market is similar to the County in the type of occupations and employment opportunities available. The service and tourism industries have historically provided the most jobs within the municipality. Upper Township still relies on these industries along with the retail trade for approximately 55% of the private sector jobs (Table 13)¹².

Table 13 Employment by Industry (Private Sector) 1999

Ag. For. Fish. Min. Unc.	104	4%
Construction	308	12%
Manufacturing	44	2%
Tran. Comm. Utilities	371	15%
Wholesale Trade	162	6%
Retail Trade	873	35%
Finance, Insurance & Real Estate	144	6%
Services	508	20%
Total	2,514	100%

SOURCE: New Jersey Employment and Wages: 1999 Annual Private Sector Report - Municipalities by Industry

Table 14 indicates the projected employment growth within the County. Upper Township is projected to increase by 17 percent or 488 jobs between the years 2000-2015. This projection is a significantly higher growth rate than that of the County. It should be noted that the HEFSP projects more employment growth of over 600 jobs projected in the 10 years between 2004 and 2013.

Table 14 Employment Projections 2000-2015

	Upper Township		Cape May County	
2005	2,880		41,884	
2005-2015	+488	+17%	+3,745	+9%
2015	3,368		45,629	

SOURCE: NJ Department of Community Affairs

¹² Source: New Jersey Employment and Wages: 1999 Annual Private Sector Report Municipalities By Industry

FUTURE LAND USE PLAN

Introduction

The Future Land Use Plan refines the Township expectations for future development patterns, population density and environmental protection. It incorporates the Township's planning goals and objectives as part of the land use recommendations which will form the foundation for the Township's development patterns in the future.

The Township's *1993 Master Plan* provided a strong frame work for protection of environment as reflected in the extensive conservation areas, which included most of the significantly environmentally constrained areas and the State and Federal lands within the Township. Lands directly outside of the development Centers and agricultural lands were planned for rural development patterns. Encompassing over 40% of the Township, the current land use plan and regulations have been certified by the Pineland Commission as being consistent with the Pinelands Management Plan.

Specifically, the land use planning process was a refinement of the land use patterns of the Township to better direct growth into appropriate areas in Centers and to currently protect and preserve the environmentally sensitive lands outside of the Centers. Through this process, the Center's boundaries were defined and refined to accommodate current development patterns and to provide opportunities for additional growth. The boundary between more intense "urbanized development" and the environment outside of the Center is better defined.

Four refined Township Centers are proposed as part of the Future Land Use Plan. Marmora-Palermo-Beesley's Point Town Center and the Seaville Town Center, which are located along the Route 9 corridor. Two Town Centers are split between both CAFRA and the Pinelands Management Area. These include the Petersburg Village Center and the Tuckahoe Village Center. (See Centers Map.)

A number of documents were examined and utilized to assess current conditions and to guide the planning process. The *2006 Natural Resource Inventory* which documents the high preponderance of critical natural resources. These include but are not limited to Natural Heritage Priority Area, threatened and endangered species, wetlands and C-1 waters. Cultural resources are also an important element of the Township's landscape. The NJSDRP and the 2001 Policy Map as revised were reviewed and incorporated into this planning process.

Land Use Plan Goals

The Township's planning goals and objectives that specifically address the land use considerations should be used as the underpinning of the Future Land Use Plan. These are reiterated as follows and a summary of the key concepts detailed in the Future Land Use Plan recommendations are summarized. These are future expanded in subsequent description of land use plan districts.

Goal #2 Guide mixed use development and redevelopment into compact Centers

- Encourage higher density residential development within Township Centers to concentrate development into walkable pedestrian friendly Centers.
- Encourage mixed use development including residential and commercial uses within the Center core areas.

- Encourage creative development techniques to maintain the Township's rural character by guiding development to the Township Centers and limiting development in the Environs.
- Encourage creative land use techniques to minimize the impact of new development and to minimize conflicts between land use activities.
- Allow residential development outside of the Centers but at a lower density through various residential cluster mechanisms and density transfer to protect and preserve farmlands and open space.
- Maintain the existing residential character and scale of established residential neighborhoods including but not limited to the Strathmere community and requiring sufficient side, front and rear yards and providing that development will be in scale with surrounding uses.

The Future Land Use Plan proposes four Township Centers which reflect existing development patterns and provide room for future growth at a scale consistent with the vision each Center. Residential development outside of the Centers is proposed at a lower density. Conservation residential cluster and density transfer between non-contiguous parcels is recommended options to protect farmlands and open space. Preparation of a Transfer of Development Rights Plan is also recommended.

Goal #3 Preserve the Township's natural resources which contribute to both the positive image and overall strength of the Township

- Continue to provide for the preservation of open space by protecting woodlands, open fields, stream corridors, tidal marsh, wetlands, floodplains, and bodies of water.
- Establish controls on the permitted disturbance of critical resources during land development.
- Retain natural vegetation in new construction to position new development into the landscape.
- Outside of the Centers, retain a scenic landscape edge along roads to buffer and to maintain the unique scenic attributes of the Township's environment.

The Future Land Use Plan provides for environmental regulations to protect sensitive environmental resources. These include performance standards for all development and environmental assessment checklist tools.

Goal # 6 Assure decent homes to all present and future residents of the Township without regard to their economic status by providing for a full range of housing choices for all household income levels.

- Provide for affordable housing to meet the Township's obligation directing this housing into the Centers or as scattered infill housing units.
- Encourage variety in the type, design, and size of housing constructed.
- Encourage an attractive and ecological setting for residences by retaining and augmenting native existing vegetation.

The Housing Element and Fair Share Plan ("HEFSP") has been prepared concurrently with the Land Use Plan to address the Township's affordable housing obligations.

Within the Centers, alternative housing configurations including multi-family apartments, duplexes and attached housing provide for diversity of housing options. Protection of native vegetation is promoted through the proposed environmental protection regulations which include lot clearing restrictions.

Goal #7 Provide diversity and strength to the local tax base.

- Foster a well integrated and balanced community with a mix of residential, commercial, agricultural, and other types of land uses and guide economic activities into compact Centers.
- Provide for a range of commercial activities in the Centers where the circulation, utility, and community service systems are best suited to handle the resulting volumes.
- Provide appropriate design controls for commercial development to minimize hazardous conditions and encourage good design and to ensure an attractive compatible appearance with the Township's vision and historic character.
- Promote the development of attractive and safe neighborhood commercial Centers through the use of site and building design guidelines.
- Provide on-premise sign regulations which promote safety and prevent sign proliferation.
- Strengthen performance and design standards to ensure that all industrial development provides adequate safeguards to protect the environment and to guard against incompatible adjacent uses.
- Discourage commercial development outside of the Centers with the exception of marine related activities and existing mining operations.
- Provide that mining establishments adopt long term reclamation plans to guide land use and future site configurations.

The Future Land Use Plan provides mixed use development within the core of the Marmora-Palermo-Beesley's Point Town Center and the Seaville Town Center. Less intense mixed use commercial and residential development is proposed within the Tuckahoe Village district. Zoning and design controls appropriate to the particular Centers should be established to promote good design in architecture, site improvements, and signage and with an integrated circulation network including sidewalks.

Centers

Marmora-Palermo-Beesley's Point Town Center

(See Marmora-Palermo-Beesley's Point Town Center Map)



This Center consists of three distinct areas, which are linked north/south by Route 9 from the Great Egg Harbor River and the Route 9 Bridge southward. The Garden State Parkway forms the eastern edge of this Center. The northern boundary is the Great Egg Harbor River. The western edge is variable. North of Roosevelt Boulevard (Route 623), the boundary is the railroad right-of-way south of Route 623; the western boundary includes developed residential neighborhoods adjacent to Stagecoach Road. Butter Road is located at the southern boundary of this Center. County Route 623 provides full access to the Garden State Parkway at Exit 25 with a park and ride lot at the northwest side of the interchange.



Beesley's Point area at the northern end of the Center includes the B.L. England Generating Facility, which is a highly visible element of the landscape as one travels south on the GSP over the Great Egg Harbor River. There is a municipal beach

and boat launch at this northern terminus. The Tuckahoe Inn, a historic building now serving as a restaurant and the Beesley's Point Seadoo represent the few commercial uses at this northern end of the Township. In 2005, the Township adopted an *Area in Need of Redevelopment Designation for the Beesley's Point* area. However, the ultimate decision on redevelopment plan has been placed on hold since the purchase of the power plant has been recently announced.



Residential areas skirt Route 9 traveling south through Beesley's Point to Marmora which is centered at the Route 9 and Route 623 intersection. There are a public primary school and elementary school in Marmora north of Route 623, recreational facilities, a Fire Station plus other quasi-public institutions including houses of worship. Along Route 623 and southward, there is a mixed of retail commercial and office/service uses including a large Verizon office facility and a number of auto dealerships on either side of the corridor, together with banks, a new Super Wawa, gas stations, medical and business offices, the

Marmora Post Office and other uses. Most of the retail facilities are small one-story buildings. There are three private campgrounds and the Pine Hill Mobile Home Park located within the Center; all have access to Route 9. Palermo is located at the southern end of the Center and it is primarily residential development.

There currently is public water serving this Center through New Jersey American Water including portions of Beesley's Point, Marmora along Route 9 and Stagecoach Road. There is no public sewer except for a limited sewerage treatment facility serving the B.L. England facility.

The planned Marmora-Palermo-Beesley's Point Center is larger than the expired CAFRA center and includes older established neighborhoods on either side of Route 9. The Center totals 2,118 acres or 3.4 square miles in area. Currently there are about 3,500 persons living within the boundaries of the Center.



Much of the Center is already development; however, there are opportunities for infill development. The area at the Route 623/Route 9 intersection in Marmora is the future 'core' of this Center. Currently within the core are retail, business and professional offices, restaurants, light industrial/storage uses, car dealerships, two motels, gas stations, and civic uses. The recent closure of the car dealerships at Marmora provides a potential opportunity for private redevelopment on three key properties at the Tuckahoe Road and Route 9 intersection. There are other vacant lands and underutilized properties that may likewise be

privately redeveloped with the designation of this Center.

This area is not currently conducive to pedestrian activity and is not a 'walkable' Center. There are limited sidewalk sections in the Center; an overall pedestrian sidewalk plan is needed. There are no integrated design elements that visually coordinate the diverse buildings in the Center. Signage for most uses is of

excessive size and is auto-oriented. Most of the development is in scale and setback from the roads with parking in front. There are limited or no interconnections between uses and most are directly accessed via Route 9. Changes in land use, circulation, area and bulk standards and design standards are needed to create a Center that will meet the Township's goals.

Marmora Palermo Beesley's Point Town Center Core

Future Land Use Plan designates two districts: the TCC Town Center Core District and the TC Town Center District. These districts will accommodate higher density mixed use development within the Marmora-Palermo-Beesley's Point Center in accordance with the goals and objectives of this plan. It is focused in the Marmora section of the Center. Also a small mixed use zone is proposed at the existing commercial area in Beesley's Point along the Great Egg Harbor River area near the Route 9 bridge. The TCC District is about 194 acres in area; the TC District is about 198 acres.

These districts should be developed for mixed uses including retail, offices, civic uses, personal services and higher density housing. With the recent closure of car dealerships along Route 9, there are new opportunities for redevelopment and revitalization of these large properties within the Marmora core. To accommodate higher density development, the Wastewater Management Plan must be amended to accommodate community package treatment plants as properties are developed. The Township does not plan to provide public sewer. Public water is available through the New Jersey American Water; based upon the buildout analysis, there appears to be sufficient allocation capacity to serve this Center.

Within the TCC District, mixed development with housing and offices above first floor retail uses should be permitted. A residential density bonus is recommended which would encourage and permit residential density transfer from the conservation and rural areas to both the TCC and TC Districts. Affordable housing should be encouraged within the Town Center Core.

A design concept plan has been developed to illustrate possible circulation plan with a local road network to provide alternative access to the core area which should help address and mitigate traffic flow during the peak summer season. (See Marmora Town Center Core Concept Sketch Plan.) This concept provides an initial framework for development. The concept plan has the following important design elements:

- Future development and redevelopment should be built close to the roads to establish a pedestrian oriented edge.
- Buildings of two or three stories should be encouraged with office and residential uses on the upper levels in the Core.
- Parking should be located to the rear of the buildings with parking lots interconnected to reduce the need to travel on Route 9 between businesses.
- Pedestrian sidewalks are required throughout the Core linking to the rest of the center.
- On-street parking must be provided on the local roads.
- Streetscape elements should be established for the Center.
- Design guidelines should regulate signage, landscaping, lighting and other streetscape.
- Building guidelines are also important to establish an architectural tone and form for the TTC and TC District.
- Route 9 improvements must consider pedestrian signalization, crosswalks, and possibly on-street parking in certain locations and traffic calming measures.
- This will further support a pedestrian walkable center and facilitate access between both sides of the Route 9.

- Gateway elements to emphasize arrival at the Center are important. This can be accomplished through a variety of means including special signage, landscaping or sculptural elements.

The Township should prepare detailed guidelines for the Town Center areas.

More detailed information on the land uses proposed for the Town Center District is provided below.

TCC Town Center Core and TC Town Center District

Purpose: The purpose is intended to promote a desirable mix of commercial, office, civic and residential land uses within a vibrant, pedestrian friendly environment serving community needs. It is intended to encourage pedestrian flow throughout the area by generally permitting stores and shops and personal service establishments on the ground floor of buildings and promoting the uses of upper floors for offices and residential dwellings in order to orient land uses toward shopping and circulation within the core area. A variety of retail and office uses, civic and quasi-public uses and residential development shall be permitted within the District.

Goals: The goals of the TCC and TC Districts include ensuring design compatibility with existing development that considers building height, materials, colors, landscaping and signage, sharing off-street parking and stormwater detention opportunities, providing off-street parking that is well screened from public view; controlling means of vehicular access and coordinating internal pedestrian and vehicular traffic flows relating to existing and proposed development patterns. All Town Center development shall reflect traditional town planning and design principles including:

- Provide a mix of stores, shops, personal service establishments, offices, residences and civic uses that are interwoven and in close proximity.
- Encourage a mix of uses that provide for predominately retail stores, restaurant and personal services uses on the first floor or street level with office and residential uses on upper flooring in the TCC District.
- Limit automotive service, automotive sales and financial institution uses to those presently existing.
- Discourage the development of single story, single use structures.
- Provide for a layout of buildings, open spaces and parking areas that encourage sidewalk interconnections.
- Provide circulation system that provides for on-street parking and interconnections between properties in accordance with the design plan.
- Provide for focal points such as small parks or squares that will enhance the sense of place.
- Promote design and arrangement of buildings in a manner that advances 'green building' concepts to achieve sustainability.
- Promote the creation of a center with architectural façade design and building scale that is typical for a mixed use town center.
- Promote cross access and shared access to reduce the number of driveway openings along Route 9.
- Permit multifamily and attached housing in the mixed use Centers. Multifamily and attached housing may be permitted above ground floor uses on upper floors in the TCC District. This housing can be used to accommodate affordable housing units required under the Township's affordable housing plan. Additionally this housing can accommodate residential units transferred from low density land use districts i.e. Conservation and Agricultural & Rural Residential Districts, as a development bonus option for these land use districts.

- Multifamily and attached housing constructed as free standing uses are permitted as conditional uses in the TC District with the provision that these units also be transferred from the low density land use districts. This is consistent with the planning goals and objectives by encouraging preservation of the Environs and supporting land equity for property owners within these areas. (This is further discussed in later sections of the Land Use Plan addressing the Conservation and Agricultural & Rural Residential Districts.) It also promotes higher density of development within the Township Centers which is appropriate to these areas and consistent with State Planning goals.

The Land Use Plan calls for the following uses to be permitted in the TCC Town Center Core District and the TC Town Center District:

Principal Permitted Uses

Stores and shops for the conduct on any retail business excluding drive through facilities.
 Personal service establishments.
 Offices for professional services, commercial offices, governmental offices.
 Restaurants, cafes, luncheonettes excluding curb service and drive-through facilities.
 Indoor recreation facilities.
 Repair and services indoors only except that automobile service stations in existence as of the date of adoption of the ordinance shall be permitted.
 Banks and similar financial institutions with drive thru facilities located at the side or rear of a building only.
 Hotels and motels.
 Municipal uses.
 Places of worship.

Accessory Uses

Recreational and open space facilities.
 Off-street parking and loadings.
 Signs.
 Street furnishings.
 Sidewalk cafes.
 Fences and walls.
 Decks, patios and terraces.

Conditional Uses

Multifamily housing.
 Attached housing.
 Affordable housing.
 Adult Retirement Community.
 Assisted living facilities.

Bulk and other regulations

- Maximum impervious coverage: 70 percent.
- Maximum building coverage: 60 percent (TCC District); 45 percent (TC District)
- Minimum and maximum building height:
 - Minimum – 2 stories
 - Maximum - 3 stories
- Yard dimensions:

Build to line:

15 feet from curb except up to 25 percent of the façade may be setback a minimum of 10 feet to create alcoves.

Side yard:

Minimum – Zero feet if attached to another building or ten feet if not attached to an adjacent building.

- Retail and personal service uses are permitted on the first floor within the TCC and TC District. Offices and multifamily housing units are permitted on the second and third floors in the TCC District.
- Retail stores shall be limited to a maximum of 50,000 s.f. per tenant in the TCC District.
- Signage standards shall be compatible to the architectural design of the buildings. Monument signs, wall and hanging signs shall be limited in size and compatible with the scale of the sought for pedestrian scale of the center. Pylon signs shall be prohibited.
- Architectural design standards shall be developed to create a small town character which will incorporate elements from Upper Township historic buildings.

Residential Uses

Surrounding the Town Center core, the lands within the Center are predominately developed as residential uses with lots ranging from small lots of less than 5,000 s.f. in the older Marmora and Beesley's Point neighborhoods to 40,000 s.f. or larger lots for newer development to accommodate on-lot septic systems. Infill residential development will continue to occur in these established neighborhoods. Potential private redevelopment of the campgrounds or trailer parks is a possibility in the future. Residential development should maintain the minimum 40,000 s.f. lots to be compatible with existing uses; however, within the proposed sewer service area, planned retirement communities would be permitted at higher density of 6 du/acre.

Seaville Town Center



The Seaville Town Center is centered at the Route 50 and Route 9 intersection. Exit 20 of the GSP provides only southbound exit and entrance ramps to the Parkway at this point. The Center is focused along the Route 9 corridor with commercial development west from Route 9 along Route 50. There is shopping center north of the Route 50 with an Acme supermarket and other retail commercial/service uses. Residential neighborhoods are on either side of Route 9. There are some commercial lots that have older structures that are underutilized for the area and will eventually be privately redeveloped. There are two campgrounds and three mobile home parks within the Center.



The Seaville Town Center extends along the Route 9 corridor beginning about 2000 feet south of Butter Road southerly to within ½ mile from the Dennis Township municipal boundary. The Seaville Center extends from the Garden State Parkway westward with Peach Orchard Road and Cambridge Road forming the western most boundaries. At its widest point from Route 9, the Seaville Center is about 1½ miles in width. The Seaville Center totals 1,800 acres or 2.9 square miles in area. Currently there are about 3,300 persons living within the

boundaries of the Center.

Seaville TCC Town Center Core and TC Town Center Districts

Similar to the prior discussion on the Marmora Palermo Beesley's Point Town Center and keeping with the land use plan goals and objectives, the Seaville Town Center should be developed for mixed uses including retail, offices, civic uses, personal services and higher density housing. There are lands within this area which are vacant or marginally developed. It is expected that properties will be privately redeveloped and likely lots combined to create suitable development opportunities. The Seaville Fire Company is a civic anchor along Route 50 in the Center. To accommodate higher density development, the Township's Wastewater Management Plan must be amended to accommodate community package treatment plants as properties are developed. The Township does not plan to provide public sewer. Public water is available through the New Jersey American Water and there appears to be sufficient allocation capacity to serve this Center.



The TCC Town Center Core District is focused on the Route 9 and Route 50 intersection. Core extends about ½ mile from the intersection to accommodate pedestrian movement. Mixed use buildings should be encouraged in this area with internal roads, linked driveways and upper story housing and office uses. Sidewalks and streetscape amenities are encouraged. Housing should be either affordable units and units can also be transferred from the rural and conservation area into the Core. The TCC Core totals 184 acres.

The TC Town Center District extends west along Route 50 and along Route 9 south of the Core. It has extended beyond the existing commercial district to include lands between Route 9 and Corson's Tavern Road to better accommodate future development and totals 188 acres. The TC Town Center District should permit retail, offices and public and civil uses. Freestanding multifamily housing and attached housing could be permitted to address both the HEFSP affordable housing obligation and accommodate residential units through density transfer from low density districts. Age restricted housing could be permitted as a conditional use in the TC District.



A design concept plan has been developed to illustrate possible circulation plan with a local road network to provide alternative access to the core which should help address and mitigate traffic flow during the peak summer season. (See Seaville Town Center Core Concept Sketch Plan.) This concept provides an initial framework for development within the TCC District. The design elements of the concept plan are generally similar to that presented for the Marmora Town Center District. A circulation plan is defined which provides alternative road access through a linked road network. Existing development should be coordinated and linkages provided between development areas.

As in Marmora, pedestrian access is critical through sidewalk connections. A streetscape plan should be developed in detail to expand on the framework as shown on the concept plan. This would include street trees, lighting, building architectural guidelines, signage standards and other measures. The proposed TCC Town Center Core and TC Town Center District standards listed previously should be incorporated for Seaville TC District.

Residential Center Uses

Surrounding the Town Center core, the lands within the Center are predominately developed as moderate density single family residential uses with lots 40,000 s.f. or larger lots to accommodate on-lot septic systems. Infill residential development will occur in these established neighborhoods. In accordance with the Housing Plan recommendations, two properties fronting Stagecoach Road are proposed for senior housing and group homes. This includes Township owned property and County lands surrounding the Senior Center. In addition, lands adjoining the Shore Acres Mobile Home Park are proposed for expansion to provide affordable housing. In addition, one property within the Township Core is also proposed as an inclusionary affordable housing mobile home site. This property is shown to the north of Kruk Road with access off both Route 9 and Route 50.

Petersburg Village Center



Petersburg Village Center is a split center within both the CAFRA and the Pinelands Management Area. The northern boundary is County Route 631 on which is located the Township Municipal Building, the Cape May County Library, the Township Rescue Squad and the Middle School. Backing up to the Municipal Building and Library is the Amanda's Field recreation complex which has frontage on Upper Bridge Road. The NJDOT maintenance yard is at the intersection with Route 50 and County Route 631. State Route 50 is the major arterial serving the Center and linking Seaville and Tuckahoe. County Route 631 links

at its eastern end with Marmora and ties into Route 50 at the western end of the Center. County Route 610 (Dennisville/Petersburg Road) provides north/south access through the Center.



The Petersburg Village Center is significantly developed with residential lots and has limited vacant developable lands remaining for infill residential uses. The Center totals 669 acres or slightly over 1 square miles in area within the CAFRA zone. The Petersburg Pinelands Village encompasses 330 acres. Currently there are about 950 persons living within the boundaries of the Center. The Land Use Plan recommends that the Petersburg Village Center in the CAFRA zone be planned for R Residential Center District uses.

Between Upper Bridge Road and the railroad right-of-way area are vacant tracts that may be suitable for infill residential development at the current density of 40,000 s.f. lots. The R Residential Center District use requirements should be similar to that previously proposed for Marmora and Seaville Centers. Within the Pinelands, residential lots require a minimum of 1 acre per lot within the Pinelands Village district. Limited vacant uplands remain in this area.



Within the Petersburg Village Center District, a design concept plan has been developed to illustrate possible improvements that will improve the overall circulation network. (See Petersburg Village Center Concept Sketch Plan.) There are no sidewalks currently within the Center. Sidewalks would provide pedestrian access in the village including access to the Middle School and the County Library. There is a natural trail through the woods from the library to Amanda's Field. There needs to be a defined sidewalk or pathway system to link the community facilities with each other and to the residential neighborhood.

Additionally there should be a walkway connection to the Tuckahoe Village which is about 1 ½ miles to the west along Route 50.

The Concept Plan recommends traffic calming on the major roads within the Center including Route 631, Route 610 and State Route 50. This should include appropriate signage to slow down traffic within the Center, defined crosswalks, and pedestrian signals at Route 50 and Route 610 intersections in addition to sidewalks. Entrances to the Petersburg Village Center should have gateway treatments announcing that this is a pedestrian area.

Tuckahoe Village Center



The Tuckahoe Village Center is a split center within both the CAFRA and the Pinelands Management Area. It is located on both sides of Route 49 and Route 50. The northern edge of the Center along Route 49 abuts the Tuckahoe Riverfront District area which provides for protection of the lands along the Tuckahoe River which are in the Great Egg Harbor Wild and Scenic River Management Area. The Village extends about ½ mile along Route 49.

Route 50 crosses north over the Tuckahoe River into Corbin City in Atlantic County. There is a boat works and marina along the Tuckahoe River east of the Route 50 Bridge and outside of the boundaries of the Tuckahoe Village Center. The intersection of Route 49 and Route 50 is an important gateway and focal point for the Village. The Center extends about one mile south along Route 50 from this intersection. The Center totals 335 acres with 99 acres within the CAFRA zone. Currently there are about 1,035 persons living within the boundaries of the Center.



Route 50 runs north and south through the Tuckahoe Village commercial center which includes small scale businesses, banks, residences, the Tuckahoe Methodist Church, the Tuckahoe Fire Hall and Post Office. On the edge of the center is the Tuckahoe River Park and Beach. There is a

Township park and public works facility within the Tuckahoe Pinelands Village District between County Route 664 and Route 50.

Buildings within the Center are close to the road and reflect the historic character and ambience of the Center. The Methodist Church is an important landmark of the Center. There are many historic properties identified in Tuckahoe that are important to the fabric and appearance of the Village. Marshallville is on the National and State Register of Historic Places. These properties are listed in the 2006 *Natural Resources Inventory*.



The Tuckahoe train station has been renovated. Excursion rail service between Tuckahoe and Richland commenced in 2005 through the Cape May Seashore Line. Eventually rail service will be extended south to link to Cape May City. The stretch of rail line through Dennis and Upper

north to the Atlantic City railroad should continue to be pursued on a regional level.

The Village has many interesting historic buildings, but there are vacancies and the condition of many buildings is poor. The Greater Tuckahoe Area Management Association has been formed to plan and coordinate efforts to revitalize the Village. During the summer season, there is major traffic congestion through the Village with vehicles traveling to the Shore. Improvements to the Village will better attract tourist dollars and strengthen the economy of the area.



The NJDOT is in the process of designing Route 50 improvements. These improvements should be designed to provide a solid infrastructure framework to support business improvements. Within the Village, buildings are close to the streets. On-street parking should be designed as part of these road improvements to support a pedestrian oriented Village. Sidewalk improvements, crosswalks, pedestrian traffic signals are needed. Traffic calming strategies should be used to slow down traffic in the Village so motorists will stop and shop.

Streetscape improvements should be planned as part of a comprehensive design and development strategy for the Village. Where land is available, off street parking should be planned or coordinated between businesses to accommodate customers. Off-street parking areas should be linked with alternative connections to the local roads to better distribute customer and resident traffic within the village.

The renovated train station is an important amenity for the Village that should be accommodated with parking and links provided with public sidewalks between the train station area and the Village commercial area. Wayfinding signage is important to direct visitors to the train station and parking. These recommendations should be developed as part of the detailed design plan for the Village. The area around the train station should be considered for complementary uses including small scale retail businesses, bed and breakfast operations, and live/work units with limited retail services. This should be considered as part of future planning for Tuckahoe Village Center.

Within the Tuckahoe Village Center District, a concept sketch plan has been developed to illustrate possible improvements that will improve the circulation network and highlight sidewalk, gateways and other improvements. {See Tuckahoe Village Center Concept Sketch Plan.}

Tuckahoe Village Center includes TV Tuckahoe Village commercial uses along the Route 50 frontage. It is recommended that the land uses be augmented to provide a broader range of uses to support economic development activities within the Village Center. No public sewer or water is proposed within the Village. Uses will be of small scale and small building footprint since most of the properties acreage is limited. The building setbacks should be consistent with the older structures in the Village and be located close to the street. Off-street parking should be provided at the rear of the structures and parking areas linked. Design standards in keeping with the Village character are needed and should be developed as part of the design guidelines and expanded Center design plan. Expansion of public water for both public safety and health should be considered.

The planned Route 50 Bridge to Corbin City and streetscape improvements under design by NJDOT would provide needed improvements. Other improvements including sidewalks, street furniture, and a bikeway connecting to Petersburg and Woodbine will bolster improvements in the Center. A Strategic Plan should be formulated to consider a full range of actions to encourage redevelopment and new development, and a

marketing strategy. Refinement of the zoning should be considered to better direct and expand potential economic development opportunities adding the following uses:

- Evaluate a 'Train Station' services zone within 1,000 feet of the Tuckahoe train station, to permit limited retail services, restaurants, small inns, live /work units, and parking to service the train station visitors.

Strathmere



Strathmere is not proposed as a Center as part of this Land Use Plan and the Plan Endorsement Petition being concurrently submitted to the NJOSG. There are approximately 175 year round residents and 4,000 seasonal residents living in Strathmere. Many homes are seasonal units used as rentals or weekend homes. There is public water, but no public sewer in Strathmere. Public sewer service has been discussed as evidenced in the *1993 Master Plan*. However, there is no strong support for public sewers and the NJDEP is not supportive as well. The major issue involved is the potential expansion of development on this barrier island if sewers are

extended. This could change the nature of the family oriented low rise development on the islands and is not considered something that a majority of the residents wish to pursue at this time.



Three land use districts are proposed within Strathmere both of which continue the prior land use planning approach for the barrier island development. The RC Resort Commercial includes properties along Commercial Avenue and on the south side of Ocean Drive near the causeway from Ocean City. The RR Resort Residential District permits single family units on lots as small as 8,000 square feet. Along the Atlantic Ocean, a C Conservation Zone is proposed along the beachfront properties.

There are some development issues that have been raised about Strathmere that should be noted. Firstly there is concern that private redevelopment of properties is creating new development out of scale with its neighbors. Secondly there is concern that the lot coverage on the typically small 8,000 s.f. lots is not restrictive enough and building coverage and coverage of accessory structures such as pools, garages are excessive on these properties. Both of these issues should be examined in the future as part of the recommended sub-area planning study.

Future Land Use Districts

The Future Land Use Plan Map illustrates recommended land use districts. This plan was defined considering planned development activity within the proposed Centers which has been discussed in the previous section. The use districts outside of the Centers have been refined to reflect the guidance of the NJSDRP Policy Map areas. A number of new or modified land use bulk, coverage and vegetation removal standards have been recommended.

The following table identifies the proposed land use district classifications and related guidelines, and recommended permitted uses where applicable:

Table 15 Revised Land Use Classifications

New (N) Revised (R)	Land Use Classifications	Related Guidelines	Recommended Permitted Uses
R	R Residential Center	SDRP Policy Map Planning Area 2 – Suburban in Seaville and Marmora Palermo Beesley's Point Centers; Planning Area 4 Rural in Petersburg Center/ CAFRA	Permitted uses consistent with prior R Residential Moderate Density Zone; permit ARC as conditional use in sewer service areas; revised bulk and coverage standards generally consistent with CAFRA suburban planning area standards but permitting higher density ARC uses within sewer service areas.
N	R2 Residential Moderate Density	SDRP Policy Map Planning Area 2 – Suburban/ CAFRA	Permitted uses consistent with prior R Residential Moderate Density Zone; revised bulk and coverage standards generally consistent with CAFRA suburban planning area standards.
R	AR Agriculture & Rural Residential	SDRP Policy Map Planning Area 4 – Rural/ CAFRA	Permitted uses consistent with prior AR Agriculture Residential zone; permit conservation residential cluster and density transfer; revised bulk and coverage standards generally consistent with CAFRA rural area standards.
N	TCC Town Center Core	SDRP – Center guidelines	Mixed uses including retail, office, services, civic uses; office and residential on upper floors; residential units through either density transfer and affordable residential units; ALF as conditional use; new bulk, coverage and design standards generally consistent with CAFRA coastal town standards; new design standards needed.
N	TC Town Center	SDRP – Center guidelines	Mixed uses including retail, office, services uses; retail, office and residential uses in mixed use and freestanding structures; residential units through either density transfer and affordable residential units; ALF and ARC as conditional uses; new bulk, coverage and design standards generally consistent with CAFRA coastal town standards; new design standards needed.
R	TV Tuckahoe Village	SDRP – Center Guidelines and Pineland Management Plan	Permitted uses consistent with TV standards but expand uses to encourage wider range of mixed use village commercial and tourism activities; new design standards needed.
N	CM2 Commercial District	SDRP – Planning Area 2 – Suburban/ CAFRA	Permitted uses consistent with prior CM Commercial District; revised bulk and coverage standards generally consistent with CAFRA suburban planning area standards
N	CM4 Rural Density Commercial District	SDRP – Planning Area 4 - Rural	Permitted uses consistent with prior CM Commercial District; revised bulk and coverage standards generally consistent with CAFRA rural planning area standards...
R	CMP Commercial	Pinelands Management	Amend name to reflect Pinelands location with rural

	District Pinelands	Plan	land use criteria; permitted uses consistent with prior CM Commercial District; revised bulk and coverage standards generally consistent with CAFRA rural planning area standards
R	C Conservation	SDRP – Planning Area 5 – Environmentally Sensitive/CAFRA	Permitted uses consisted with prior C Conservation zone; permit conservation residential cluster and density transfer; revised bulk and coverage standards generally consistent with CAFRA environmentally sensitive planning area standards
N	MH Mobile Home	HEFSP	Mobile home parks with inclusionary affordable rental units.
N	AH1	HEFSP	100% affordable housing
N	AH2	HEFSP	100% affordable senior housing
R	A	Eliminate Airport District	

No changes are recommended to the current Pinelands Land Use Districts including F3 Rural Density Forestry, F10 Low Density Forestry, F25 Forestry Conservation, RD Rural Development, PV Pinelands Village, and RPPV Recreation & Park Pinelands Village with the exception that conservation residential cluster should be permitted and non-contiguous density transfer be permitted both within and outside of the Pinelands Management Area into the TCC and TC Districts. No changes are recommended for the following Land Use Districts: RR Resort Residential, RC Resort Commercial, U Utility, RP Recreation & Park, TR Tuckahoe Riverfront and M Mining Districts.

The proposed district requirements provide for lot and building impervious coverages and vegetation removal requirements generally consistent with the CAFRA rules. For lands outside of the Centers within Planning Area 4 – Rural Planning area, the impervious coverage is very low – 5 percent with 70 percent vegetation preservation of forested areas. These lands previously included areas in the previously named AR Agriculture & Residential District. This has been renamed Agriculture & Rural Residential District.

For lands outside of the Centers within Planning Area 5 – Environmentally Sensitive Planning area, the C Conservation District provides for impervious coverage at 3 percent with 70 percent vegetation preservation of forested areas. Most of the lands within Planning Area 5 Environmentally Sensitive lands were previously planned for very low density development. The C Conservation District includes state parks and wildlife management areas, the Cape May National Wildlife Refuge, County and Township lands. Most of these lands, both on the mainland and between the Garden State Parkway and the Strathmere barrier island along the intercoastal waterway are constrained. The Land Use Plan continues this planning approach and refines the Conservation District to generally include most lands within PA5.

There are certain lands that are within Planning Area 5 that were not shown within the Conservation District. These lands were for the most part previously zoned for moderate density residential or commercial development and have developed accordingly. The land use for these areas is recommended to be changed to a rural residential zone. For example, the area along County Route 610 south of Petersburg Village Center is within this category. The developed commercial properties along Roosevelt Boulevard east of the Parkway which are within Planning Area 5 are shown as CM2 Commercial which reflects existing uses.

The Land Use Plan also recommends that growth management tools such as conservation residential cluster and density transfer be considered and, in fact, encouraged within the conservation lands and other

lands outside of the Centers. In the future, a Transfer of Development Rights ("TDR") Plan should be considered to better protect environmental constraint areas and farmlands.

Within the Centers, the proposed land use regulations provide alternative standards for properties on septic systems and those with sewer albeit community package treatment plants. The Future Land Use Plan map identifies the proposed land use districts. The following table provides a summary of the various new land use categories and proposed lot size bulk and impervious coverage calculations.

In summary, the following land use changes are recommended:

- Create Town Centers with TCC Town Center Core, TC Town Center and R Residential Center land use districts.
- Provide R Residential Center within Petersburg Village Center to accommodate current scale and density of residential uses and civic and quasi public institutions acknowledging lack of public or community sewer or water.
- CM2 Commercial District 2 will include a wide range of commercial uses within SDRP Planning Area 2, Suburban Planning Area located outside of the adjacent Town Centers on or near Route 50 west of Seaville Town Center, along Roosevelt Boulevard, and Route 637 near Route 9.
- CM4 Commercial District 4 is a planned low density commercial uses within SDRP Planning Area 4 Rural Planning Area This new zone is located along Route 50 between Petersburg and Tuckahoe Village Centers in the CAFRA area.
- CMP Commercial District Pinelands is a planned low density commercial area along Route 50 between Petersburg and Tuckahoe Village Centers in the Pinelands Management Area.
- R2 Moderate Density Residential includes residential land use area outside of the Town Centers but within the SDRP Planning Area 2. This zones is substantially developed and new development will be primarily infill.
- AR Agriculture And Rural Residential permits low density rural residential development within SDRP Planning Area 4 – Rural Planning Area with some exceptions reflecting current development patterns or providing a rural low density transition area.
- Provide C Conservation land use area along the Atlantic Ocean front in Strathmere reflecting the sensitive nature of this area.
- Expand the TR Tuckahoe Riverfront zone to include certain lands on the north side of Route 49 outside of the Tuckahoe Village Center.

Recommended Land Use District Amendments									
	Minimum lot area (s.f.)	Minimum lot width (feet)	Minimum Lot Depth (feet)	Minimum Yards (feet)			Maximum impervious building coverage	Maximum impervious lot coverage	Tree Preservation (for forested portion of site)
				Front	Side one/both	Rear			
TCC Town Center Core (See Note #1)									
Septic	40,000	100	175	15*	0/0	25	40	70	70
Sewer	20,000	100	100	15*	0/0	25	60	70	25
TC Town Center (See Note #1)									
Septic	40,000	100	175	15*	0/0	25	35	70	25
Sewer	20,000	100	100	15*	0/0	25	45	70	25
R Center Residential (See Note # 2)									
Septic	40,000	140	175	15*	25/50	50	10	30	30
R2 Moderate Density Residential									
Septic	40,000	140	175	50	25/50	50	6	10	70
AR Agriculture & Rural Residential (See Note #3)	120,000	200	300	80	50/100	100	3	5	70
C Conservation (See Note #4)	10 acres	400	400	200 (See Note #8)	50/100	100	1.5	3	70
CM2 Commercial	40,000	150	200	50	25/50	50	10	25	70
CM4 Rural Commercial	120,000	200	250	100	50/100	50	3	5	70
CMP Commercial Pinelands	120,000	200	250	100	50/100	50	3	5	70
MH Mobile Home	See Note #5						45	70	25
AH1 Affordable Housing 1 (See Note #6)									
Septic	40,000	100	175	15	25/50	50	6	10	70
Sewer	6,000	60	80	15	10/25	50	45	70	25
AH2 Affordable Housing 2 (See Note #7)	5 acres	200	300	--	--	--	45	70	25
Note #1 TCC & TC District - Residential uses shall be permitted through density transfer and accommodating affordable units within areas with community sewer and water. TCC permits residential uses within mixed use buildings on upper floors. TC zones permits residential uses in mixed use buildings and as freestanding buildings.									
Attached units 3,500 s.f./ lot									
Two family units 4,000 s.f./lot									
Apartments 10 units/ acre									
Adult retirement community ("ARC") as a conditional use at a density of 6 units/acre with community sewer and water in the TC zone.									
* Front yard setback shall be a maximum setback or build to line. Up to 25% of the building may be setback up to an additional 10 feet.									
Note#2 R Residential Center District permits ARC as a conditional use.									
Note # 3 AR District permits:									
Option 1 Conventional subdivision									
Option 2 Conservation residential cluster									
Option 3 Density transfer (Bonus of 0.25 unit of each permitted units for density transfer to TC and TCC Districts)									
Note #4 C District permits:									
Option 1 Conventional subdivision									
Option 2 Conservation residential cluster									
Option 3 Density transfer (Bonus of 0.25 unit of each permitted units for density transfer to TC and TCC Districts)									
Note #5 MH Mobile Home Affordable Housing - See HEFSP, maximum density 7 du/acre with 20% rental affordable units; requires community sewer and water.									
Note #6 AH1 Affordable Housing 1 - permits single family, 2-family and attached housing; density without sewer minimum 1 du/40,000 s.f. (density with sewer maximum 6 du/acre).									
Note #7 AH2 Affordable Housing 2 - permit senior housing at a density of 15 du/acre; require 100% affordable units; requires community sewer and water.									
Note #8 The minimum setback shall be 200 feet, but may be reduced to 100 feet where agricultural, environmental or lot depth limitations are present.									

Development Tools

Density Transfer

Density transfer was legalized by a 1996 amendment to the Municipal Land Use Law in 1996 which permits clustering between non-contiguous parcels of land. It is a development tool that can be used to preserve open space by clustering all development on one parcel and establishing open space for this development on the other non-contiguous parcel. It is a mechanism that relies on the private sector to implement it.

Density transfer is recommended as a land use strategy within the C Conservation District and the AR Agricultural and Rural Residential District. The development rights can be transferred to other parcels under common ownership within the C and AR Districts or to the TCC Town Center Core or TC Town Center Districts. This would allow for preservation of open space and the transfer development to more environmentally suitable lands or to areas planned for higher density mixed use development. The development yield of the properties is established through the preparation of a conventional subdivision sketch plat. Density transfer is also recommended within the Pinelands Management Area within the RD, F3, F10 and F25 Districts to be transferred within these districts or to the TCC and TC Districts.

To encourage density transfer to the TCC and TC Districts, a density bonus is recommended. This would be based upon 0.25 lots for every lot established under the development yield plan. For example, if under the development yield plan, a 20 lot yield is established, 5 additional lots could be transferred. The units transferred into the Town Center districts may be accommodated as multifamily housing or attached units and community sewers would be required.

Under density transfer, the remaining lands must be deed restricted as open space. They may be offered to the Township, State or Federal government.

Conservation Residential Cluster

It is recommended that Conservation Residential Cluster ("CRC") be permitted within the C Conservation and AR Agriculture & Rural Residential Districts to further protect lands within the Pinelands Management Area, CRC should also be permitted in the RD, F3, F10 and F25 Districts. The development yield of the properties is established through preparation of a conventional subdivision sketch plat. The following standards are recommended:

AR Agriculture & Rural Residential District

Conservation Residential Cluster

Minimum lot size 40,000 s.f.

Maximum impervious lot coverage per lot - 12.5%

Maximum impervious building coverage - 6%

Minimum Vegetation Preservation - 10 %

Minimum landscape buffer - 0%

Minimum open space - 60% open space (Lot to be deed restricted permanently retain as preserved farmland or dedicated to a public entity as open space, or maintained as dedicated open space by a Homeowner's Association.)

Maximum lot yield established by conventional subdivision plat.

C Conservation District

Conservation Residential Cluster

Change Minimum lot size – 3.2 acres

Minimum lot size 40,000 s.f.

Maximum impervious lot coverage per lot - 12.5%

Maximum impervious building coverage - 6%

Minimum Vegetation preservation - 10 %

Minimum landscape buffer - 0%

Minimum open space - 80% open space (Lot to be deed restricted permanently retain as preserved farmland or dedicate and change to a public entity as open space, or maintained as dedicated open space by a Homeowner's Association)

Maximum lot yield is established by conventional subdivision plat.

F3 Rural Density Forestry and RD Rural Development - See AR requirements

F10 Low Density Forestry and F25 Forestry Conservation - See C Conservation District Requirements

Transfer of Development Rights

Transfer of Development rights ("TDR") is another option for the Township to consider. Currently, the County of Cape May has begun a TDR Feasibility Study. Depending on the results of this study, the Township may consider adopting a TDR Element of their Master Plan. In accordance with NJSA40:55D-141, a TDR Element requires identifying sending prospective spending and receiving zones and an analysis of future population growth within the municipality and within these zones. A real estate market analysis is required to ensure that the development could be sold. Also an analysis of infrastructure needed to handle the development which may include roads, wastewater treatment, water systems, schools, recreation areas etc. which may result in a capital improvement plan.

TDR is a growth management mechanism which has been effectively uses in Chesterfield Township, Burlington County to preserve hundreds of acres of farmland. It is now being implemented in a number of other municipalities.

PROPOSED ZONING AMENDMENTS

The Proposed Zoning Changes Map identified areas requiring amendments to reflect the Future Land Use Plan recommendations. In addition to the recommended land use district changes as documented above and in Table 16, the following zoning amendments should be implemented. In addition, the zoning recommendations addressed in the *HEFSP* are incorporated in the *2006 Land Use Plan* by reference.

Environmental Assessment Regulations and Performance Standards

To address the Township's goal to "preserve the Township's natural resources which contribute to both the positive image and overall strength of the Township," stronger environmental regulations area

recommended. Performance standards established for the Pinelands Management Area have been expanded to address similar issues of environmental protection in the remaining Township lands within CAFRA. These standards and the related zoning regulations establish controls over disturbance of critical resources. Limits of vegetative clearing are established. Also reduced impervious lot and building coverage is mandated to protect native vegetation.

Consistent with the Pinelands scenic landscape edge setback of 200 feet, for areas outside of the Centers within C Conservation District, a similar setback provision is recommended under zoning standards.

Assisted Living Facilities

This use should be permitted as a conditional use in the TCC Town Center Core and TC Town Center Districts with an inclusionary affordable housing obligation.

Age Restricted Housing

This use should be permitted as a conditional use as a planned Adult Retirement Community ("ARC") in the TC Town Center and R Residential Center Districts with a 20 percent inclusionary affordable housing obligation.

BUILDOUT ANALYSIS

A full buildout analysis was performed on lands within Upper Township to assess future development potential based upon the proposed Land Use Plan implementation. The following table provides a summary of this calculation. The buildout analysis assumes that all vacant lands, farmlands (not currently being preserved) and residential lands capable of further subdivision will be developed. It also considers portions of the proposed Town Center Core and Town Center zones as being revitalized and redeveloped in accordance with the recommendations in the Land Use Plan.

This analysis is based upon tax lot parcels overlain by environmental constraints (wetlands, C-1 waters with 300' buffers). The lands outside of environmentally constrained lands or uplands were used to assess the development potential at full build out. This is by its nature a 'gross calculation' of future buildout since it is not based upon an inspection of individual lot parcels which would be an massive task given the size of Upper Township. However, it provides a relative development scenario that may occur should development proceed based upon the proposed zoning and without public acquisition of parklands or farmland preservation. It should be noted that 1,684 acres are unclassified and not included in this analysis.

As indicated, 2,238 residential units are projected at full buildout within the residential districts. This includes residential lots potentially capable of further subdivision (659 lots) and affordable housing inclusionary residential developments (791 units) as proposed in the 2006 Housing Element and Fair Share Plan. In addition, the affordable housing growth share requirement of 1 affordable unit for every 25 jobs was assessed assuming that this COAH requirement will continue in the future. This results in an additional 431 residential units for a total residential buildout of 2,281 residential units.

About 757 units or 33 percent of the total projected residential units are located outside of the Centers and some may be transferred into the Centers based upon the proposed density transfer provisions or through TDR should this planning tool be implemented.

About 5,386,554 square feet of non-residential development could occur, with over 96 percent planned within the Centers.

Table 17 Buildout Analysis

	<u>Developable Land (Uplands)</u>	<u>Total New Residential Units</u>	<u>Total New Non-Residential Lots</u>	<u>Total New Non-Residential Lot Area</u>	<u>TOTAL Non-Residential Building Floor Area</u>	<u>TOTAL Affordable Housing Obligation</u>
TOTAL	3,551 acres = 158,745,941 sq. ft.	2,238	439	18,936,421	5,386,554 sq. ft.	431
Total Town Centers	980 acres = 46,750,349 sq. ft.	1,338	393	16,220,320	5,196,331 sq. ft.	416
Marmora-Palermo-Beesley's Point Town Center	314 acres = 18,351,626 sq. ft.	556	93	4,949,290	1,529,800 sq. ft.	122
Seaville Town Center	528 acres = 22,396,588 sq. ft.	671	269	10,052,662	3,057,347 sq. ft.	245
Petersburg Village Center	125 acres = 5,429,107 sq. ft.	109				
Tuckahoe Village Center	13 acres = 573,029 sq. ft.	1	30	1,218,369	609,184 sq. ft.	49
Total Pinelands Villages	188 acres = 8,182,570 sq. ft.	158				
Petersburg Pinelands Village	144 acres = 6,273,908 sq. ft.	118				
Tuckahoe Pinelands Village	44 acres = 1,908,662 sq. ft.	40				
Total Outside of Town Centers & Pinelands Villages	2,383 acres = 103,813,022 sq. ft.	742	46	2,716,101	190,223 sq. ft.	15
Total Vacant & Farmland Assessed	1,993 acres 86,799,185 sq. ft.	684	313	8,250,656 sq. ft.	1,964,762 sq. ft.	157
Total Existing Residential Lots	1,230 acres 58,256,074 sq. ft.	659	126	2,931,815	801,141 sq. ft.	64

Note: This analysis represents the gross upper yield of Developable Lands. Calculations are based on Uplands (lands not constrained by NJ DEP identified Wetlands or a Buffer of 300' for Category-1 Waters). Vacant land includes lands classified as 1 - Vacant, 3A - Farm (Regular), & 3B - Farm (Qualified). Existing Residential Lots were selected that are subdividable with an area of 2.1 times the minimum lot area required by the Zoning Ordinance. New Residential units were calculated by dividing the gross developable land by the minimum lot size permitted by the Zoning Ordinance. Lots within commercial zones are assumed to be developed with commercial uses except as identified by the concept plans for the TC - Town Center & TCC - Town Center Core Zones within Marmora and Seaville Town Centers. Properties within Commercial Zones which are outside of the Centers were calculated using the permitted maximum building coverage, while those within TC and TCC Zones used approximated Floor Area Ratios.

* The RR - Resort Residential Zone, which exists only in Strathmere, shows 43 existing residential parcels of 2.1 times the required minimum lot area (4,000 square feet) and 57 vacant parcels of the required minimum lot area (4,000 square feet). Due to the current issues with septic systems in Strathmere, it is assumed that existing residential lots are not subdividable and no new lots will be created from these existing lots.

INFRASTRUCTURE ASSESSMENT

The Township of Upper lies above the Cohansey aquifer and most of the Township's potable water is derived from on-site private wells. New Jersey American Water provides public water to parts of Marmora, Beesley's Point, Seaville and Strathmere.¹³ Water mains have been installed in the Marmora and Beesley Point section of the Township. This area includes Route 631 from Stagecoach Road to Route 9, north to Roosevelt Boulevard from Old Tuckahoe Road east to 34th Street. Water service has also been provided to the entire portion of Beesley's Point north of Roosevelt Boulevard to Cedar Hollow Court. Water service has recently been extended through Palermo to Seaville serving Osprey Point (a 149 unit age-restricted development). The waterline then runs down Stagecoach Road south to Evergreen Drive, then east to Route 9 and continues east for approximately 1,000 feet. New Jersey American Water Company services the Township's barrier island community of Strathmere through an extension of the Ocean City system.

An analysis was performed to determine the available water supply allocation capacity to serve the projected growth in the Marmora Palermo Beesley's Point Town Center and Seaville Town Center. This is based upon the Buildout Analysis performed on the 2006 Master Plan Land Use Plan which identified future land use. Please note that the residential buildout includes projected affordable housing unit growth share based upon the forecast job growth in accordance with the current COAH regulations. As shown on Table 1.7A, there is currently a projected monthly surplus of 87.521 MGM; the projected water usage in the two Town Center is estimated at full buildout at 35.6 MGM.

¹³ NJDEP, Public Water Supply Surplus/Deficit, updated 9/6/06.

Table 18 Water Supply Analysis

New Jersey American Water - Ocean City (Upper)										
Available Water Supply Limits										
	Allocation	Contract	Total							
Monthly Limit	294.500 MGM	N/A MGM	294.500 MGM							
Yearly Limit	1474.000 MGY	N/A	1474.000 MGY							
Surplus										
Water Demand										
	Current Peak	Date	Committed Peak							
Daily Demand	6,677 MGD	Jul-02	0.000 MGD							
Monthly Demand	206.979 MGD	Jul-02	0.000 MGM							
Yearly Demand	1096.299 MGY	2004	0.000 MGY							
Surplus										
Monthly Demand	87.521 MGM									
Yearly Demand	377.701 MGY									
Source: NJDEP, Division of Water Supply, Public Water System Deficit/Surplus, last updated 09/06/06										
Public Water Supply Needs Projected for Town Centers										
		X 2000 average household size	population @buildout	X gallons use /day	gallons/ day	X peaking factor	peak gallons use	X month days	projected MGM used	
Marmora Palermo Beesley's Point Town Center -Seaville Town Center Residential Units (@Full Buildout)	1,594	3	4,527	100	452,696	2	679,044	31	21,050,364	8.95 MGM
Marmora Palermo Beesley's Point Town Center -Seaville Town Center Non-Residential Development (@Full Buildout)	4,587,147			0	573,393	2	860,090	31	26,662,792	26.7 MGM
TOTAL									47,713,156	35.6 MGM

RELATIONSHIP TO OTHER JURISDICTIONS

Under N.J.S.A. 40:55D-28d. The master plan shall include a specific policy statement indicating the relationship of the proposed development of the municipality, as developed in the master plan to (1) the master plans of contiguous municipalities, (2) the master plan of the County in which the municipality is located, (3) the State Development and Redevelopment Plan and (4) the district solid waste management plan of the County,

Surrounding Municipalities

The Zoning Compatibility Map illustrates the zoning in Upper Township in relationship to the zoning of the adjacent lands of municipalities abutting Upper Township. The zoning generally reflects the master plan vision for these municipalities and as such is used to describe adjacency and compatibility between the municipalities. For the most part, the zoning of the lands between the adjacent municipalities and that of

Upper Township is compatible. Only lands abutting Woodbine Borough reflect potentially incompatible uses of mining adjacent to residential uses.

Dennis Township

Dennis Township is a municipality, which shares approximately ten miles of Upper Township's southern border (approximately 5 miles on either side of Woodbine Borough). The western section of the border is in the Pinelands Management Area and both municipalities have zoned their adjacent land areas for Conservation. The eastern section of the border is traversed by the Garden State Parkway and has fairly consistent zoning across the municipal boundary with areas zoned for Conservation and Residential at low to moderate densities.

Woodbine Borough

Woodbine Borough is surrounded by Upper Township and Dennis Township and it shares approximately three and a half miles of Upper Township's southern border. Woodbine currently has three zones along this shared boundary, which include Agriculture/Residential, Single Family Residential and Planned Development. These zones are inconsistent with the abutting Low Density Forestry and Mining zones of Upper Township.

Sea Isle City

Sea Isle City is located to the south of Upper Township and is almost completely separated from the mainland areas by Ludlam Bay and the Inner Coastal Waterways. Sea Isle City is located on the same barrier island and shares a border of approximately a quarter mile with Strathmere, which is located in Upper Township. Residential and Public Beach Access zones are consistent across the municipal boundaries.

Maurice River Township

Maurice River Township shares approximately one and one-half miles of Upper Township's western border, which is completely within the Pineland Management Area. Maurice River Township is zoned for Conservation along the border and Upper Township is zoned for Low Density Forestry.

Estell Manor City

Estell Manor City shares approximately four miles of Upper Township's northern border, which follows the Tuckahoe River. A large portion of the shared boundary exists in the Pinelands Management Area and is zoned Conservation in Estell Manor and Low Density Forestry in Upper. The small portion outside of the Pinelands is consistently zoned for Riverfront Residential in both municipalities.

Corbin City

Corbin City shares approximately eight miles of Upper Township's north boundary, which follows the Tuckahoe River. Conservation and riverfront residential zoning is fairly consistent across the municipal boundary.

Egg Harbor Township

Egg Harbor Township borders Upper Township to the north and is separated by the Great Egg Harbor Bay. Due to the physical separation, the compatibility of Egg Harbor's zoning with Upper Township is not relevant.

Somers Point City

Somers Point City borders Upper Township to the north and is separated by the Great Egg Harbor Bay. Due to the physical separation, the compatibility of Somers Point City zoning with Upper Township is not relevant.

Ocean City

Ocean City is a barrier island located to the east of Upper Township along the Atlantic Ocean and is completely separated by the Inner Coastal Waterways. The zoning is consistent with the immediate areas of Upper Township as the area is predominantly wetlands and therefore it is zoned for Conservation.

Cape May County Master Plan

The Township Land Use Plan is generally consistent with the County Master Plan.

State Development and Redevelopment Plan

The SDRP is discussed in detail in the earlier section of this Land Use Plan Update. The Plan is consistent with the policies of the SDRP and provides for planning for future development with the Township's Centers and restricting development outside of the Centers to low density rural development.

The map entitled Proposed SDRP Policy Map Changes identifies the proposed State Plan Planning Area changes consistent with the Land Use Plan as proposed by the Township. Environmental sensitive features will be identified and protected throughout the Township with the proposed environmental protection regulations and checklist. that will be adopted by the Township. The planning area boundaries therefore generally follow property lines within excluding wetlands, C-1 waters or other sensitive environmental resources. The Township's Plan Endorsement Petition is recommending both designation of the four Centers and minor revisions to the State Plan Policy Map Planning Areas.

Cape May County Solid Waste Management Plan

Upper Township has established a solid waste management and recycling program which is consistent with the current County Solid Waste Management Plan.

APPENDICES

RECOMMENDED ENVIRONMENTAL REGULATIONS

20-5.8 Performance Standards for All Uses. Add the following:

- j. *Vegetation and landscaping.*
 - 1. All clearing and soil disturbance activities shall be limited to that which is necessary to accommodate an activity, use or structure which is permitted by this chapter.
 - 2. Where practical, all clearing and soil disturbance activities associated with an activity, use or structure, other than agriculture, forestry and resource extraction, shall:
 - (a) Avoid wooded areas, including New Jersey's Record Trees as published by the New Jersey Department of Environmental Protection in 1991 and periodically updated; and
 - (b) Revegetate or landscape areas temporarily cleared or disturbed during development activities.
 - 3. All applications for major subdivision or site plan shall contain a landscaping or revegetation plan which incorporates the elements set forth in Subsection j.4 below.
 - 4. In order to conserve water, conserve natural features and reduce pollution from the use of fertilizers, pesticides and other soil supplements, all landscaping or revegetation plans prepared pursuant to Subsection j.3 above or required pursuant to Chapter XIX, Section 6.5.c, shall incorporate the following elements:
 - (a) The limits of clearing shall be identified;
 - (b) Existing vegetation, including New Jersey's Record Trees as published by the New Jersey Department of Environmental Protection in 1991 and periodically updated, shall be incorporated into the landscape design where practical;
 - (c) Permanent lawn or turf areas shall be limited to those specifically intended for active human use such as play fields, golf courses and lawns associated with a residence or other principal non-residential use. Existing wooded areas shall not be cleared and converted to lawns except when directly associated with and adjacent to a proposed structure; and
 - (d) Shrubs and trees authorized by N.J.A.C. 7:50-6.25 shall be used for revegetation or landscaping purposes within Pinelands Management Areas. Other shrubs and trees may be used in the following circumstances:
 - (1) When the parcel to be developed or its environs contain a predominance of shrubs and tree species not authorized by N.J.A.C. 7:50-6.25;
 - (2) For limited ornamental purposes around buildings and other structures; or
 - (3) When limited use of other shrubs or tree species is required for proper screening or buffering.
 - 5. All forestry activities shall comply with Section 20.5.14e except that areas outside of the Pinelands Management Area are not required to receive a Certificate of Filing from the Pinelands Commission.
 - 5. Development Prohibited in the Vicinity of Threatened or Endangered Plants. No development shall be carried out by any person unless it is designed to avoid irreversible adverse impacts on the survival of any local populations of threatened or endangered plants as designated by the Pinelands Commission in N.J.A.C. 7:50-6.27 and by the Department of Environmental Protection pursuant to N.J.S.A. 23:2A-1 et seq.
 - 6. Required projects shall demonstrate compliance with this section by conducting an Environmental Assessment in accordance with Section 19-7.16.
 - 7. If the project site contains threatened or endangered plants than a habitat evaluation shall be performed in accordance with N.J.A.C. 7:7E-3C.2 and shall include plan for habitat preservation and protection.
- k. *Fish and Wildlife.*
 - 1. No development shall be carried out unless it is designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of those threatened or endangered

animals designated by the Department of Environmental Protection pursuant to N.J.S.A. 23:2A-1 et seq.

2. Protection of Wildlife Habitat. All development shall be carried out in a manner which avoids disturbance to distinct fish and wildlife habitats that are essential to the continued nesting, resting, breeding and feeding of significant populations of fish and wildlife in the Township of Upper.
3. Required projects shall demonstrate compliance with this section by conducting an Environmental Assessment in accordance with Section 19-7.16.
4. If the project site contains threatened or endangered animals and/or habitat for threatened or endangered animals than a habitat evaluation shall be performed in accordance with N.J.A.C. 7:7E-3C.3 and shall include plan for habitat preservation and protection.

19-7.16 Environmental Assessment. Add the following:

- a. Purpose. The impact on the environment associated with development projects necessitates a comprehensive analysis of the variety of problems that may result and the measures that can be taken to minimize the adverse impacts. It is recognized that the level of detail required for the variety of development applications will vary depending on the size of the project, the site conditions, the location of the project and the information already in the possession of the Township. As used here, environmental assessment means a written description and analysis of all possible direct and indirect effects the development will have on the site, as well as on the region, with particular attention to the potential effects on public health, safety and welfare, and the preservation and enhancement of the natural environment, and historic, cultural and other sensitive resources. Some flexibility is needed in preparing the Environmental Assessment Report. The Environmental Assessment Report requirements pertaining to different types of development application are listed below:
- b. Requirements
 1. All agricultural operations conducted in accordance with a plan approved by the Soil Conservation District and all silviculture operations conducted in accordance with a plan prepared by a professional forester are specifically exempt from the Environmental Assessment requirements.
 2. Any variance applications to the Zoning Board of Adjustment not involving a site plan or subdivision application shall not require an Environmental Assessment unless specifically requested by the Board. The Zoning Board of Adjustment shall inform the applicant regarding any information that may be required.
 3. All subdivision applications and/or site plan applications shall be accompanied by a complete Environmental Assessment Report including the Environmental Assessment Checklist and required documentation which shall be submitted as a prerequisite to a complete application.
 4. Amended subdivision or site plan applications shall be accompanied by a supplemental Environmental Assessment Report which assesses the environmental impacts associated with any modifications to the original plan.
 5. Any development application or amended development application located in the Coastal Zone and for which an Environmental Impact Statement has been prepared and submitted to the NJDEP as part of a CAFRA application shall not be bound by the provisions of this section provided that a copy of the Environmental Impact Statement submitted as part of the CAFRA application also accompanies any development application to the Township Planning Board or Board of Adjustment.
- c. Submission Format
 1. When an Environmental Assessment is required, the applicant shall retain one (1) or more competent professionals or anyone deemed competent by the Township Planning Board or Board of Adjustment to perform the necessary work. The qualifications and background of the professionals shall be provided, and the method of investigation shall be described.

2. All applicable material on file in the Township pertinent to evaluation of regional impacts shall also be considered including the Township Master Plan and accompanying natural resources mapping, Township Natural Resource Inventory, the New Jersey Department of Environmental Protection (NJDEP) data and other information as available.
 3. All Environmental Assessments shall consist of written and graphic materials which clearly present the required information in a report format utilizing the adopted Environmental Assessment Checklist with accompanying documentation as required.
- b. Environmental Assessment Report Submission
1. The Environmental Assessment Report including appropriate references and the Environmental Assessment Checklist shall be submitted to the Board.
 2. Five (5) copies of the Environmental Assessment Report and one (1) digital copy on cd-rom shall be submitted with development application prior to the determination of a complete application.
- b. Environmental Assessment Waiver
1. Notwithstanding the foregoing, the appropriate Board may, at the request of an applicant, waive the requirement for an Environmental Assessment Report if the appropriate Board finds that sufficient evidence is submitted to support a conclusion that the proposed development will have a negligible environmental impact.
 2. Portions of such requirement may likewise be waived upon a finding that the complete report need not be prepared in order to evaluate adequately the environmental impact of a particular project.
 3. Notwithstanding, any site development affecting wetlands and C-1 waters shall not be granted a waiver from these requirements.

ENVIRONMENTAL ASSESSMENT CHECKLIST

BLOCK _____ LOT (S) _____

PROJECT NAME _____

PROJECT DESCRIPTION.

A description of the development, specifying, in the form of maps, drawings, graphs or other visual aids and also by narrative, what is to be done and how it is to be done during and after construction of the development, including information and technical data adequate to permit a careful assessment of the environmental impact of the development.

IS THE PROPOSED PROJECT IN CONFORMITY WITH:	YES	NO	NA	COMMENTS
Township Master Plan				
Township Zoning Ordinance				
County Comprehensive Plan				
Master Plans of adjacent municipalities (if within 200 feet)				

EXISTING CONDITION

PROVIDE INFORMATION TO ASSESS CURRENT SITE CONDITIONS	YES	NO	NA	COMMENTS (ATTACH ADDITIONAL SHEETS AS REQUIRED)
Geology. Describe and assess the geologic formations, confining layers, etc., including surficial deposits and effects on the proposed project.				
Soils. The site location should be outlined on a copy of the Cape May County Soil Survey. A minimum of one (1) soil boring per three (3) acres shall be performed to a depth of six (6) feet in the area of any disturbance. The location of the soil borings shall be included on a plan of the site. Soil profile characteristics shall be described using the standards set forth in N.J.A.C. 7:9A-5.2(g) and 5.3, and any subsequent amendment thereto.				

<p>Surface waters. Identify and describe all surface water features on the subject site including downstream receiving water bodies. The applicant should incorporate best management practices and best available technology to minimize impacts associated with stormwater runoff into surface water bodies.</p>				
<p>Subsurface water. Describe subsurface water conditions on the site in terms of aquifers present, depth to ground water and water supply capabilities. If the area for development is proposed as "water supply wells," provide the name of the aquifer to be utilized. In addition, provide information on existing wells within five hundred (500) feet of the site, from existing sources such as the NJDEP and/or the Cape May County Health Department relative to depth, capacity, water quality and recharge capabilities.</p>				
<p>Topography and existing development features. Provide topographic contours and any existing features, man-made conditions and structures that are not considered to be part of the natural environment on the site and a minimum of one hundred (100) feet surrounding the site.</p>				
<p>Wetlands and State open waters. Freshwater wetlands, transition areas and State open waters must be delineated and certified pursuant to the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A) outside of the Pinelands Management area, and pursuant to the Pinelands Protection Act Rules within the Pinelands Management area. The delineation report and plan shall be submitted as part of the Environmental Assessment Report and the preliminary application.</p>				
<p>Floodplains. Floodplains shall be identified and included on the site plan. The New Jersey Department of Environmental Protection, Bureau of Flood Plain Management, must approve construction within the one hundred (100) year floodplain.</p>				

<p>Vegetation. Describe the existing vegetation on the site. A map shall be prepared showing the location of major vegetative groupings such as woodlands, open fields and wetlands. Where woodlands are delineated, the forest types shall be indicated. The dominant vegetation on the site shall be listed by genus and species.</p>				
<p>Wildlife. Prepare an inventory of all wildlife species, which may utilize the subject site, including terrestrial and aquatic vertebrates and avian species. This inventory shall identify all such species, which were encountered through onsite investigations. All habitats on-site, which are unique to the Township or the Cape May County region, shall be identified. All habitats, which are critical in the maintenance of wildlife, shall also be identified.</p>				
<p>Endangered or threatened species. Identify any endangered or threatened species (plant or animal) protected by the State or Federal government which may utilize any portion of the site. The NJDEP Landscape Project Endangered Species Habitat Ranks 3, 4, and 5 files and the NJDEP Natural Heritage Program Priority Sites files shall be inventoried for the property. A description of the type of habitat utilized by any species identified within the limits described above shall be provided, as well as the identification of such habitat, which is found on-site.</p>				
<p>Air quality. Provide the most recent quantitative air quality data from the nearest State sampling station.</p>				
<p>Noise. Describe the existing noise conditions at the site including sources.</p>				

Cultural, historical and archaeological resources. Identify, describe and map any identified cultural, historical or archaeological resources. The Township Historical Society and the Office of New Jersey Heritage shall be contacted for the most recent resource records.				

Land Use Describe existing land uses and zoning on and within five hundred (500) feet of the site.
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CONSTRUCTION IMPACTS <i>Provide an assessment of both the adverse and positive impacts during and after construction for the following concerns:</i>	Impacts Anticipated			Description of conditions and/or source documentation <i>(Attach additional pages if required).</i> A = Adverse Impact B = Beneficial Impact
	NONE	MINOR	MAJOR	
Soil erosion and sedimentation resulting from surface runoff.				
Flooding and flood plain disruption.				
Degradation of surface water quality.				
Ground water pollution.				
Reduction of ground water capabilities.				
Sewage disposal.				
Solid waste disposal.				
Vegetation destruction and disruption of vegetative communities.				
Disruption of wildlife habitats particularly protected species.				

Destruction or degradation of scenic and historic features.				
Air quality degradation.				
Noise levels.				
Energy utilization.				
Wetland impacts.				
<p>ENVIRONMENTAL PERFORMANCE CONTROLS. Provide a description of steps to be taken to minimize adverse environmental impacts during construction and operation, both at the project site and in the surrounding region.</p>				
<p>COMMITMENT OF RESOURCES. Provide a statement concerning any irreversible and irretrievable commitment of resources which would be involved in the proposed project and a statement concerning steps which could be taken which might avoid some or all of the adverse environmental effects including the no-action alternate.</p>				

UNAVOIDABLE IMPACTS.

Provide a listing and evaluation of adverse environmental impacts which cannot be avoided, with particular emphasis upon air or water pollution, increase in noise, damage to natural resources, displacement of people and businesses, displacement of existing farms, increase in sedimentation and siltation. Describe increases in municipal services and consequences to municipal tax structures. Off-site impacts shall also be set forth and evaluated.

OTHER REQUIRED APPROVALS.

Provide an inclusive listing of all licenses, permits and approvals required by Federal, State, County or municipal law. The status or copies of these permits and approvals shall also be included.

REFERENCES *(ATTACH TO REPORT)*

Name of Preparer: _____

Signature of Preparer: _____

Title of Preparer: _____

Date: _____