



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	204
Source:	County Report	Approved by OSG Director	
NE Item No.	4	Preliminary Staff Recommendation:	Agreement

**General Topic:**

InterGovernmental

**County/NE Proposed Change to State Plan Section:**

Plan Endorsement process is complicated and does not provide a list of benefits, making municipalities less likely to participate.

Plan Endorsement process should be simplified and a detailed discussion of the specific benefits should be included in the Plan.

**Preliminary State Plan Section as Currently Proposed:**

I. Plan Endorsement

Implementing the State Plan (p7), Benefits of Plan Endorsement (p9)

**Section in Existing State Plan:**

Plan Endorsement (p13)

**Additional Information Regarding Proposal:****Staff Response:****STATEWIDE ISSUE**

We intend to propose a comprehensive update to the Plan Endorsement process and the attendant guidelines. The new proposed Plan Endorsement process will be a comprehensive and constructive engagement between municipalities and interested state agencies that will yield better planning results and access to real benefits as a consequence of endorsement. Centers are recognized and given benefits or priority with regards to grants, technical assistance, and regulatory matters. When applying for Plan Endorsement, if a municipality has already established planning consistent with the State Plan through Center Designation, then Plan Endorsement should be a less burdensome process.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	209
Source:	County Report	Approved by OSG Director	
NE Item No.	9	Preliminary Staff Recommendation:	Agreement

**General Topic:**

Other

**County/NE Proposed Change to State Plan Section:**

Indemnification: State Agencies' coordination with the State Plan makes local adherence to the Plan a necessity. The entity responsible for decision-making which determines zoning regulations is now more the State than the municipality.

Although municipalities and counties can make recommended changes during Cross-Acceptance, there is no obligation for the State to address or rectify identified problems. The State therefore is in the dominant position with respect to the creation of the Plan and the Map.

The burden of any legal action should thus be theirs alone to experience. Municipal and County governments and agencies should be indemnified against such costs and liability. Given the impact of the Plan Endorsement Process, some measure of protection should be offered to municipalities by the Office of Smart Growth, similar to COAH's protection. (As highlighted and explained in the County's Report)

**Preliminary State Plan Section as Currently Proposed:**

OTHER

**Section in Existing State Plan:**

Planning Areas (Page 8)

"in no case do Planning Areas function in any way as analogous to zoning classifications", however, if a property is designated as PA4 or PA5, a property owner loses their ability to reasonably develop their land.

Relationship of the State Plan to Other Plans: Municipalities (Page 280)

**Additional Information Regarding Proposal:****Staff Response:**

STATEWIDE ISSUE

Municipalities that have engaged in a comprehensive planning effort that has been endorsed as consistent with the State Plan should be afforded a legally recognized enhanced presumption of validity for their actions. This would provide a higher degree of protection from suits against municipalities for their planning actions than currently exists. However, indemnification from the costs and liabilities for all suits associated with an endorsed plan is not appropriate. Municipalities still maintain local control over their planning and must still take actions that are consistent with applicable law.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	221
Source:	County Report	Approved by OSG Director	
NE Item No.	1	Preliminary Staff Recommendation:	Agreement

**General Topic:**

Other

**County/NE Proposed Change to State Plan Section:**

Cape May City - The City believes that it is critical to have existing historical sites protected/restored when considering the future landscape of the City.

National Historic Districts should be recognized as a cultural or historical site under the State Plan.

**Preliminary State Plan Section as Currently Proposed:**

Statewide Policy 9. Historic, Cultural and Scenic Resources

Goal 7 Preserve Historic and Cultural Areas

**Section in Existing State Plan:**

Statewide Policy 9. Historic, Cultural and Scenic Resources (Page 144)

Critical Environmental Sites and Historic and Cultural Sites (Page 224)

**Additional Information Regarding Proposal:****Staff Response:**

The State Plan contains a number of policies under Statewide Policy 9: Historic, Cultural and Scenic Resources (State Plan, pp144-146) that support the protection and restoration of historic sites. OSG and other state agencies therefore support Cape May City's efforts in this regard. However, it is ultimately up to the City, in coordination with federal and state historic preservation agencies, to create the necessary plan and/or ordinance to protect historic districts.

The State Plan Policy Map (SPPM) will reflect only the historic districts identified in a County cross-acceptance report that are officially listed on the New Jersey or National Registers of Historic Places; historic districts that a County can demonstrate qualifies for and will be submitted for listing on the New Jersey or National Registers of Historic Places; or the historic districts designated in a local zoning ordinance or identified in the historic preservation plan element of the local master plan pursuant to the Municipal Land Use Law (see the September 14, 2005 memo re: Preservation of Historic and Cultural Resources).



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	231
Source:	County Report	Approved by OSG Director	
NE Item No.	2	Preliminary Staff Recommendation:	Agreement

**General Topic:**

Other

**County/NE Proposed Change to State Plan Section:**

Middle - The Township opposes the enactment of the Planning Area 6, 7, 8 "Parks and Natural Areas".

While Planning Areas 1-5 have been clearly defined, each with a General Description, Delineation Criteria, Intent, Policy Objectives, and Implementation Strategies, there is no such information offered in the Preliminary Plan for Planning Area 6, 7, 8.

This information is necessary to ensure that land areas are being categorized accurately. Further, that additional guidance is necessary for State Agencies so that they develop the appropriate policies for that land area. Without this knowledge, it is not reasonable to ask municipalities to accept this Planning Area through cross-acceptance.

As the DELTA Map will be utilized not only by the Office of State Planning, but also all of the State Agencies, it is of the utmost importance that both the Map and its policies are clear and direct – leaving little to the interpretation of the end-user.

Additionally, in reviewing the DELTA Map, it is apparent that areas proposed for inclusion in PA 6, 7, 8 are not homogeneous in nature and should not be categorized in such a manner.

The Office of Smart Growth should develop the necessary information to bring the level of information on PA 6, 7, 8 up to the same standards as for PA 1-5.

**Preliminary State Plan Section as Currently Proposed:**

Parks and Natural Areas

**Section in Existing State Plan:**

Parks and Natural Areas – (Page 227)

**Additional Information Regarding Proposal:****Staff Response:****PROPOSED STATEWIDE ISSUE**

The State Plan does contain a General Description and Intent for Parks and Natural Areas. PA numbers 6 through 8 are remnants from the previous round of cross-acceptance and do not represent new information. The differentiation of Parks into PAs 6 thru 8 is for internal information purposes only - signifying type of ownership - and do not affect state planning policies.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	245
Source:	County Report	Approved by OSG Director	
NE Item No.	4	Preliminary Staff Recommendation:	Agreement

**General Topic:**

Transportation

**County/NE Proposed Change to State Plan Section:**

The Federal Emergency Management Agency recognizes Cape May County as one of the top ten problem evacuation areas in the country.

While not under the municipal jurisdiction, the Borough urges the State to examine what can be done to improve this situation.

**Preliminary State Plan Section as Currently Proposed:**

Statewide Policy 4. Infrastructure Investments

**Section in Existing State Plan:**

Statewide Policy 4 – Infrastructure Investments

**Additional Information Regarding Proposal:****Staff Response:**

FEMA activity is outside the scope of the State Plan, but relevant state agencies should coordinate to address the issue. However, NJDOT currently has a Route 47/347 Coastal Evacuation Plan. NJDOT is also currently working on a study that includes methods for improving emergency evacuation in Cape May County.

Furthermore, the County Emergency Management and State Office of Emergency Management continually meet to review/refine plans and procedures. The County held a full-scale drill on September 28, 2006, and participants included: State Office of Emergency Management, New Jersey Department of Health and Senior Services, Cape May County Health Department, Cape May County Office of Emergency Management, Cape May County Communications Office, Burdette Tomlin Memorial Hospital, and Lower Township, North Wildwood, West Wildwood, Wildwood and Wildwood Crest.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	248
Source:	County Report	Approved by OSG Director	
NE Item No.	3	Preliminary Staff Recommendation:	Agreement

**General Topic:**

Other

**County/NE Proposed Change to State Plan Section:**

Upper- The Township recommends that Planning Area changes be verified with current aerial photography to make sure that they have not been developed.

Use aerial photography, where available, to verify built conditions before recommending a Planning Area change.

**Preliminary State Plan Section as Currently Proposed:**

Planning Areas

**Section in Existing State Plan:****Additional Information Regarding Proposal:****Staff Response:**

Refer to map database. Aerial photos are just one of the resource that OSG and other agencies used in developing the Preliminary Policy Map.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	255
Source:	County Report	Approved by OSG Director	
NE Item No.	10	Preliminary Staff Recommendation:	Agreement

**General Topic:**

Other

**County/NE Proposed Change to State Plan Section:**

Upper- recommends that the Policy Map remove the rail lines that extend into Ocean City, Strathmere and Sea Isle City since they no longer exist.

Remove rail lines shown extending into Ocean City, Strathmere and Sea Isle City from the State Plan Policy Map.

**Preliminary State Plan Section as Currently Proposed:**

OTHER

**Section in Existing State Plan:****Additional Information Regarding Proposal:****Staff Response:**

NJDOT is working on an update of the database that shows freight rail lines. Those rail lines that are no longer in existence will be removed from the database.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	217
Source:	County Report	Approved by OSG Director	
NE Item No.	3	Preliminary Staff Recommendation:	Defer to PE

**General Topic:**

Other

**County/NE Proposed Change to State Plan Section:**

Avalon - Planning Area 5B is inconsistent with the characteristics of the developable portion of the Borough of Avalon and has a direct impact on the development potential when either Center Designation or Plan Endorsement are not achieved or sought.

Place the Borough within the proper Planning Area pursuant to its characteristics as defined by the State Plan. The Borough Center Petition of 1999 recommended PA2.

**Preliminary State Plan Section as Currently Proposed:**

Policies for Planning Areas

**Section in Existing State Plan:**

Policies for Planning Areas (Page 228)

**Additional Information Regarding Proposal:****Staff Response:**

Avalon already has a designated center. If it wishes to renew and/or expand this center, it should pursue Plan Endorsement, which provides benefits such as higher impervious surface coverage greater than would be achieved by a PA2 designation.





## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	218
Source:	County Report	Approved by OSG Director	
NE Item No.	4	Preliminary Staff Recommendation:	Defer to PE

**General Topic:**

Other

**County/NE Proposed Change to State Plan Section:**

Avalon - Unless you have a Designated Center or Plan Endorsement it is necessary to rely on the underlying Planning Area.

It should not be necessary to be forced to apply for either Center Designation or Plan Endorsement because the Planning Area is not correct.

Assign the correct Planning Area Designation.

**Preliminary State Plan Section as Currently Proposed:**

Planning Areas

**Section in Existing State Plan:**

Policies for Planning Areas (Page 228)

Centers (Page 230)

**Additional Information Regarding Proposal:****Staff Response:**

Avalon already has a designated center. If it wishes to renew and/or expand this center, it should pursue Plan Endorsement, which provides benefits such as higher impervious surface coverage greater than would be achieved by a PA2 designation.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	220
Source:	County Report	Approved by OSG Director	
NE Item No.	6	Preliminary Staff Recommendation:	Defer to PE

**General Topic:**

Other

**County/NE Proposed Change to State Plan Section:**

Avalon - None of the Centers defined within the State Plan fit the characteristics of a Resort Coastal Community. The current "Town Center" designation is inconsistent with the characteristics of a Resort Coastal Community.

Create a new Center such as Resort Coastal Town Center

(Issue also brought up by Stone Harbor, NE p48)

**Preliminary State Plan Section as Currently Proposed:**

Centers

**Section in Existing State Plan:**

Types of Centers (Page 237)

**Additional Information Regarding Proposal:****Staff Response:****STATEWIDE ISSUE**

The criteria for designating towns, villages and hamlets as Centers provide for flexible application of requirements, based on local conditions. Defer to Plan Endorsement.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	228
Source:	County Report	Approved by OSG Director	
NE Item No.	4	Preliminary Staff Recommendation:	Defer to PE

**General Topic:**

Other

**County/NE Proposed Change to State Plan Section:**

Dennis - Oceanview Identified Center. Boundary extension

This will most likely be addressed during the Township's Plan Endorsement application.

**Preliminary State Plan Section as Currently Proposed:**

Policies for Planning Areas

Centers (Page 230)

**Section in Existing State Plan:**

Policies for Planning Areas (Page 228)

**Additional Information Regarding Proposal:****Staff Response:**

Center boundary change for Plan Endorsement.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	232
Source:	County Report	Approved by OSG Director	
NE Item No.	3	Preliminary Staff Recommendation:	Defer to PE

**General Topic:**

Other

**County/NE Proposed Change to State Plan Section:**

Middle - The site at the northernmost portion of the Crest Haven Complex is being proposed to change from its current designation as Planning Area 3 to a Planning Area 5.

The PA5 designation is not consistent with the existing improvements in this area.

The Township and the County both are opposed to this proposed change. It is requested that the area be allowed to remain in its present PA3 status (with potential upgrade to PA2).

**Preliminary State Plan Section as Currently Proposed:**

Planning Areas

**Section in Existing State Plan:**

Planning Areas (Page 186)

**Additional Information Regarding Proposal:****Staff Response:**

The Cresthaven Complex is included in the Cape May Courthouse Coastal Regional Center up to the wastewater treatment facility. This center expires in March 2007, and continuation of the center must be pursued in the Plan Endorsement process with Middle Township.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	237
Source:	County Report	Approved by OSG Director	
NE Item No.	2	Preliminary Staff Recommendation:	Defer to PE

**General Topic:**

Other

**County/NE Proposed Change to State Plan Section:**

Ocean City- In order for the State Plan to become consistent with the existing conditions in the City, a new Planning Area designation is necessary.

In the alternative, the recognition of the different characteristics of the PA5B areas, including density, impervious coverage, environmental protection and the adequacy of the existing infrastructure, by other State Agencies would be advisable as discussed above.

**Alternatives:**

1. Create a new Planning Area which is consistent with the existing built conditions of Barrier Islands/Resort Communities.
2. Recognition of the PA5B Planning Area relating to the characteristics of existing built-out resort communities by other State Agencies.

**Preliminary State Plan Section as Currently Proposed:**

Environmentally Sensitive/Barrier Island Planning Area (PA5A) General Description

Changes to the "Role of the State Plan" (Page 6)

**Section in Existing State Plan:**

Relationship of the State Plan to Other Plans (Page 276)

**Additional Information Regarding Proposal:****Staff Response:**

This is a Plan Endorsement issue. Ocean City is undergoing the endorsement process.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	240
Source:	County Report	Approved by OSG Director	
NE Item No.	4	Preliminary Staff Recommendation:	Defer to PE

**General Topic:**

Environmental

**County/NE Proposed Change to State Plan Section:**

Sea Isle City - On-Site Wastewater Disposal systems should be prohibited on barrier island communities. The State Plan should encourage or mandate this.

The State Plan should encourage that all barrier island communities be serviced by a public wastewater collection and treatment system. The State Plan should require that such a system be installed in Sea Isle City, north of 22nd Street.

**Preliminary State Plan Section as Currently Proposed:**

Statewide Policy 16. Coastal Resources

**Section in Existing State Plan:**

Statewide Goal 2 – Conserve the State Natural Resource Systems

Statewide Policy 4 – Infrastructure Investments

Statewide Policy 16 – Coastal Resources

**Additional Information Regarding Proposal:****Staff Response:****STATEWIDE ISSUE**

A one-size fits all solution is not appropriate, as many of the barrier islands differ in size, structure and character of their environmentally sensitive features.

This issue, however, is specific to Sea Isle City and must be addressed through the Plan Endorsement process.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	241
Source:	County Report	Approved by OSG Director	
NE Item No.	5	Preliminary Staff Recommendation:	Defer to PE

**General Topic:**

Other

**County/NE Proposed Change to State Plan Section:**

Sea Isle- The State Planning designation includes a proposed planning area change to an Environmentally Sensitive/Barrier Island Park Area in the City's north end. This area includes the former Sea Isle City Landfill.

The City has plans to develop the former landfill site for recreational development. The State Plan should encourage the recreational development of this land in an effort to meet the recreational needs of the community.

**Preliminary State Plan Section as Currently Proposed:**

Planning Areas

**Section in Existing State Plan:**

Planning Areas (Page 186)

**Additional Information Regarding Proposal:****Staff Response:**

Parks & Natural Areas designation does not place restriction on the development of land for recreational purposes. If the town's redevelopment goals are beyond this, then OSG and other agencies are willing to work with Sea Isle City through Plan Endorsement.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	257
Source:	County Report	Approved by OSG Director	
NE Item No.	1	Preliminary Staff Recommendation:	Defer to PE

**General Topic:**

Other

**County/NE Proposed Change to State Plan Section:**

Woodbine- The Borough is concerned that the proposed PA2 designation may not solve any possible permitting issues for the 173 acres.

In accordance with the Memorandum of Agreement between the Pinelands Commission and the State Planning Commission, it is recommended that the Town Center Designation afforded to the adjacent Pinelands growth area be extended to this parcel.

**Preliminary State Plan Section as Currently Proposed:**

Relationship of the Plan to Other Plans

Changes to the "Role of the State Plan" (Page 6)

**Section in Existing State Plan:**

Relationship of the State Plan to Other Plans (Page 276)

**Additional Information Regarding Proposal:****Staff Response:**

Must be resolved through the Plan Endorsement Process.





## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	201
Source:	County Report	Approved by OSG Director	
NE Item No.	1	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Environmental

**County/NE Proposed Change to State Plan Section:**

Policy on Rural Areas without public sewer and water. State Plan attempts to focus growth in compact areas in rural portions of State. But permitting process for small-scale wastewater facilities is vague and costly.

1. The approval process for small-scale wastewater facilities should be streamlined and limited expansion of previously approved sewerable areas should be authorized when such expansion would enable appropriately planned clusters or development areas to be connected to an existing regional wastewater treatment facility.
2. Accept one-acre residential building lots as the norm (I.e. the cost of small-scale facility permits makes it easier to continue with acre lots and individual well/septic).

**Preliminary State Plan Section as Currently Proposed:**

Statewide Policy 15. Agriculture

Statewide Policy 15. Agriculture (p28)

**Section in Existing State Plan:**

Statewide Policy 15. Agriculture (p159), Goal 8. Ensure Sound and Integrated Planning and Implementation  
Statewide

**Additional Information Regarding Proposal:**

n/a

**Staff Response:****STATEWIDE ISSUE**

State agencies should investigate alternative wastewater treatment systems to enable the creation of small scale rural centers in areas where existing infrastructure does not exist and where such development is appropriate. Plan Endorsement includes DEP early in the rural Center designation process to insure a more streamlined and rational approach to rural wastewater treatment.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	202
Source:	County Report	Approved by OSG Director	
NE Item No.	2	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Agricultural

**County/NE Proposed Change to State Plan Section:**

Policy on Agriculture / State Agency Consistency - DEP is failing to issue water allocation permits where SADC is supporting farmland preservation with improvement grants/loans.

There does not appear to be any consideration of the water needs for agriculture by DEP. DEP needs to coordinate with SADC so that water allocation permits are issued to farmers with preserved farmland and/or improvement grants/loans.

**Preliminary State Plan Section as Currently Proposed:**

Statewide Policy 15. Agriculture

Statewide Policy 15. Agriculture (p28)

**Section in Existing State Plan:**

Statewide Policy 15. Agriculture (p159), Policy 3 Coordinated Planning and Policy 6 Agricultural Water Needs;  
Goal 8 Ensure Sound and Integrated Planning

**Additional Information Regarding Proposal:**

n/a

**Staff Response:**

STATEWIDE ISSUE

The rule under which allocation permits are issued is not applicable, as the Office of Smart Growth has no regulatory control over local permitting. The issuing of these allocation permits is a DEP rule, not an SPC rule. Consequently, the character of these rules cannot be changed through crossacceptance or revisions to the SDRP.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	203
Source:	County Report	Approved by OSG Director	
NE Item No.	3	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Other

**County/NE Proposed Change to State Plan Section:**

Adjacency requirement. Cape May is a peninsula. Since there is no PA2 in the northern area of the county, there can be no PA2 in the southern area, even if it meets the PA2 criteria, resulting in PA3-5 designation not reflective of existing development.

The adjacency requirement should be eliminated or waived where geography and other natural features prohibit a continuation of Planning Areas.

Middle Twp brought up same issue (NE p38) - objects to the characterization of Route 9 and 9/47 corridors as PA3. These areas have been repeatedly denied this designation due to the lack of adjacency to a PA1.

It is requested that the State Planning Commission follow the intent of the State Plan by utilizing flexibility in the application of the delineation criteria to change these areas to Planning Area 2 via the Cross-Acceptance Process.

The Delineation Criteria which states that a Planning Area 2 must be "contiguous to the Metropolitan Planning Area" should be removed or modified, and areas otherwise meeting the definition of PA2 should be designated such through Cross-Acceptance. This item has been on the Negotiation Agenda for the Township and the County during previous rounds of Cross-Acceptance and satisfaction has not been achieved.

The continued characterization of the Route 9 and Route 9/47 corridor as PA3 has resulted in inaccurate depictions of the existing land use patterns of these areas, and inequitable treatment by State agencies that rely on the State Plan Map as a foundation for decision-making.

**Preliminary State Plan Section as Currently Proposed:**

Suburban Planning Area (PA2) General Description

n/a

**Section in Existing State Plan:**

Suburban Planning Area (PA2) Policy Objectives (p195) Statewide Goals and Strategies – Three Key Provisions of the State Planning Act (Page 23 and 181)

Delineation Criteria 3 – Planning Area 1 (page 195)

Delineation Criteria 3 – Planning Area 2 (page 195)

**Additional Information Regarding Proposal:**

n/a

**Staff Response:**

The county seems to have misinterpreted the State Plan. Delineation Criterion 3 for PA2 states PA2s should be contiguous to PA1, not other PA2. Municipalities in Cape May County may pursue Plan Endorsement to designate areas as PA2 or centers.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	207
Source:	County Report	Approved by OSG Director	
NE Item No.	7	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Other

**County/NE Proposed Change to State Plan Section:**

Municipalities that spent considerable time and expense for Center Designation are required to start fresh when applying for Plan Endorsement. Center Designation is neither recognized nor rewarded.

Plan Endorsement process should be streamlined and made easier for municipalities that have already achieved Center Designations.

North Wildwood also mentions this (NE p40)- City spent considerable time and expense to achieve designation as a Regional Center. For communities that are fully developed, there should be an automatic renewal of Centers Designation.

**Preliminary State Plan Section as Currently Proposed:**

I. Plan Endorsement

Implementing the State Plan (p7)

**Section in Existing State Plan:**

Plan Endorsement (p13)

**Additional Information Regarding Proposal:**

n/a

**Staff Response:****STATEWIDE ISSUE**

Centers are recognized and given benefits or priority with regards to grants, technical assistance, and regulatory matters. When applying for Plan Endorsement, if a municipality has already established planning consistent with the State Plan through Center Designation, then Plan Endorsement should be a less burdensome process. Therefore, Plan Endorsement should not be automatic.

Furthermore, a number of Cape May County centers have received grant funding awards and technical assistance from both the Office of Smart Growth and the Department of Transportation since their designation by the State Planning Commission.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	208
Source:	County Report	Approved by OSG Director	
NE Item No.	8	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Other

**County/NE Proposed Change to State Plan Section:**

Counties, specifically with regard to its facilities, are punished when municipalities do not participate in Plan Endorsement.

An additional category, the Public Complex Plan, should be developed in the State Plan and designated as eligible for Plan Endorsement. The definition for Public Complex is found in the NJDEP Stormwater Management Rules.

**Preliminary State Plan Section as Currently Proposed:**

I. Plan Endorsement

Implementing the State Plan (Page 7)

Benefits of Plan Endorsement (Page 9)

**Section in Existing State Plan:**

Plan Endorsement (Page 13)

**Additional Information Regarding Proposal:**

n/a

**Staff Response:**

STATEWIDE ISSUE

We do not believe this additional category is necessary. These issues should be considered as part of a municipalities, counties or regions Plan Endorsement petition.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	210
Source:	County Report	Approved by OSG Director	
NE Item No.	10	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Other

**County/NE Proposed Change to State Plan Section:**

Equity: Cape May County has large areas of PA4, PA5 and Parks & Natural Areas. The County and its municipalities carry a financial burden as host to these areas, as tax burden falls on property owners while visitors enjoy the land.

If the people of New Jersey have determined that open space and rural area are important, they should pay for those choices as a group rather than Cape May's property owners shouldering the entire cost.

**Preliminary State Plan Section as Currently Proposed:**

Statewide Policy 1. Equity

Statewide Policy 1. Equity (Page 24)

**Section in Existing State Plan:**

Role of the SDRP (Page 11)

It is the "position of the State Planning Commission that a basic policy in implementation of the State Plan is to achieve the public-interest goals of the State Planning Act while protecting and maintaining the equity of all citizens. It is the intent of the State Planning Commission that the benefits and burdens of implementing the State Plan should be equitably distributed among all citizens of the state. Where implementation of the goals, policies and objections of the State Plan affects the reasonable development expectations of property owners or disproportionately affects the equity of other citizens, agencies at all levels of government should employ programs, including, for example, compensation, that mitigates such impacts to ensure that the benefits and burdens flowing from implementation of the State Plan are borne on an equitable basis."

Statewide Policy 1. Equity (Page 110)

**Additional Information Regarding Proposal:**

n/a

**Staff Response:**

People of New Jersey, willing to preserve open space and farmland, are already paying for the costs by supporting bond measures such as the Garden State Preservation Trust. As for the local level, arguments can be made on both sides regarding the costs and benefits of preserving open space and farmland versus developing ratables. The gap in property tax revenue is balanced to some degree by expenditure by visitors attracted to scenic areas and the fiscal burdens development can have on an area.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	211
Source:	County Report	Approved by OSG Director	
NE Item No.	11	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

InterGovernmental

**County/NE Proposed Change to State Plan Section:**

The State Plan recognizes New Jersey's developed barrier island municipalities as special and provides them with their own Planning Area (5B), yet the NJDEP assigns the same percentage of impervious cover to PAs 5 and 5B.

Planning Area 5B should be treated as a separate Planning Area by NJDEP and should be entitled to a significantly higher percentage of impervious cover, in keeping with its developed character and in recognition of the limited potential for actual recharge of potable water supply offered by barrier island communities.

(Note: This issue was also brought up by Lower Twp, NE p34 and Ocean City, NE p41)

**Preliminary State Plan Section as Currently Proposed:**

Relationship of the Plan to Other Plans

Changes to the "Role of the State Plan" (Page 6)

**Section in Existing State Plan:**

Relationship of the Plan to Other Plans (Page 276)

**Additional Information Regarding Proposal:**

n/a

**Staff Response:**

DEP's CAFRA regulations have differentiated Planning Areas 5 and 5B, as evidenced recently by the fact that Barrier Island Designated Centers did not expire.

The Coastal Zone Management Rules do not recognize PA 5B, however, the Rules do include Policy Objective in the PA 5 Coastal Environmentally Sensitive Planning Area that recognize the unique nature of the barrier island communities. The Rules also designate coastal barrier island centers that allow development potential for CAFRA-level developments that are consistent with the developed nature of the barrier islands.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	212
Source:	County Report	Approved by OSG Director	
NE Item No.	12	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

InterGovernmental

**County/NE Proposed Change to State Plan Section:**

Some municipalities were assured by DEP and OSG that CAFRA centers would remain in effect another year as they pursued Plan Endorsement. This has not turned out to be the case.

To encourage participation in the Plan Endorsement process and involvement in the State Plan, DEP should extend the life of all CAFRA Coastal Centers in municipalities actively participating in Plan Endorsement.

**Preliminary State Plan Section as Currently Proposed:**

Relationship of the Plan to Other Plans

Changes to the "Role of the State Plan" (Page 6)

**Section in Existing State Plan:**

Relationship of the State Plan to Other Plans (Page 276); Coastal Resources Policy 4 Consistency Between the State Plan and the CAFRA Plan

**Additional Information Regarding Proposal:**

n/a

**Staff Response:**

This issue is outside the scope of the State Plan and cross-acceptance. However, the NJDEP did, in fact, extend the centers for one year.





## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	213
Source:	County Report	Approved by OSG Director	
NE Item No.	13	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Environmental

**County/NE Proposed Change to State Plan Section:**

Only the State through DEP has authority to approve or disapprove groundwater withdrawals but some areas are forced to rely on adjacent areas' water supply while other sections are threatened with salt water intrusion.

The Gibson bill study (water supply / buildout), approved on 7/20/2001 is still not available.

The State and DEP must take a more active role in sustainable water supply planning by more closely monitoring and, if necessary, regulating municipal development to ensure that adequate groundwater exists for all County residents now, and in the future.

**Preliminary State Plan Section as Currently Proposed:**

Changes to the "Role of the State Plan" (Page 6)

**Section in Existing State Plan:**

Relationship of the State Plan to Other Plans (Page 276)

**Additional Information Regarding Proposal:****Staff Response:**

This issue is outside the scope of the State Plan and cross-acceptance. However, we should note that DEP and OSG are currently progressing with the water supply and buildout study for Cape May.

Furthermore, NJDEP, along with NJGS, is the lead agency in the Cape May County Water Supply Study. This would imply that the State is taking an active role in ensuring a sustainable water supply. This is a cooperative process with the Cape municipalities as involved stakeholders. Although water use is monitored by the Department, it is unlikely that the Department will regulate development in municipalities to control water use. An exception is developments that are subject to CAFRA regulation, where water supply, stormwater and water conservation measures (including using native vegetation) are considered. The success of the Cape Water Study will depend on implementation at the municipal level of both sustainable land use patterns and water conservation measures.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	214
Source:	County Report	Approved by OSG Director	
NE Item No.	14	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Infrastructure (Not Trans)

**County/NE Proposed Change to State Plan Section:**

DEP is completing plans to purchase and dismantle the B.L. England Generating Station from Conectiv Power. Once this plant is removed from the power grid, there will be no power generating station in Cape May County or the immediate area.

Located at the end of the State's power grid, this is a potential problem for the County in maintaining adequate power and attracting commerce to the area.

DEP should study this power supply situation and coordinate with the Board of Public Utilities and any other State agency having interest in Cape May County's power situation prior to the shut down. The effort by these State agencies to maintain an adequate supply of power to Cape May County now and in the future should be adequately documented and available to the public before any approval is given for this project.

**Preliminary State Plan Section as Currently Proposed:**

Relationship of the Plan to Other Plans

Changes to the "Role of the State Plan" (Page 6)

**Section in Existing State Plan:**

Relationship of the State Plan to Other Plans (Page 276)

**Additional Information Regarding Proposal:****Staff Response:**

This issue is outside the scope of the State Plan and cross-acceptance.

Also, NJDEP does not now, or have ever, had plans to purchase the Conectiv site. If the property were to be available, the State, through the Green Acres program, would consider its purchase. As of this month, Conectiv has found a buyer for the site that will continue to generate electricity there. The sale must be approved by the BPU.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	215
Source:	County Report	Approved by OSG Director	
NE Item No.	1	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Economic

**County/NE Proposed Change to State Plan Section:**

Avalon - Coastal resort communities are under funded. The local tax base is supplying infrastructure and support services for many times the year round needs, resulting in a disproportionate funding method.

State aid needs to be based on the summer population.

**Preliminary State Plan Section as Currently Proposed:**

Statewide Policy 1. Equity

Statewide Policy 1. Equity (Page 24)

**Section in Existing State Plan:**

Statewide Policy 1. Equity (Page 110)

**Additional Information Regarding Proposal:****Staff Response:****STATEWIDE ISSUE**

We understand that the summer populations put temporary burdens on coastal municipalities during the summer months. However, many services, for example schools, are not geared towards summer populations and these municipalities receive disproportionately high-incomes during those summer months. While these towns do provide municipal services for a substantial amount of additional people in the summer, they conversely do not do so in the off season, while collecting taxes year-round. In addition, the barrier communities are experiencing losses of year-round residents, lessening the demand on services even more.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	216
Source:	County Report	Approved by OSG Director	
NE Item No.	2	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Environmental

**County/NE Proposed Change to State Plan Section:**

Avalon - Beaches, waterways and the like are infrastructure but they are not recognized as infrastructure.

The Plan notes the importance of preservation of the Barrier Islands, but does not outline steps to preserve them or mention funding/programs that can be implemented to ensure proper preservation and beach replenishment.

There is little financial assistance in maintaining the infrastructure that everyone wants to use and enjoy that serves as financial lifeblood to the State.

A stable source of funding needs to be established.

(Issue also brought up by Cape May City NE p28, Sea Isle, NE p44, Stone Harbor NE p49,)

**Preliminary State Plan Section as Currently Proposed:**

Statewide Policy 1. Equity

Statewide Policy 1. Equity (Page 24)

**Section in Existing State Plan:**

Statewide Policy 1. Equity (Page 110)

**Additional Information Regarding Proposal:****Staff Response:****STATEWIDE ISSUE**

Beaches and waterways are considered as infrastructure by the State, as the State provides funding for the implementation of projects. The SDRP has a policy concerning this issue (Policy 10, Coastal Maintenance, p. 166). NJDEP's Bureau of Coastal Engineering, in cooperation with the U.S. Army Corps of Engineers, provides beach nourishment and re-nourishment projects to restore New Jersey's beaches.

Stable funding for state-sponsored shore protection projects was increased to \$25 million annually in 1999 as part of an amendment to the real estate transfer tax. This legislation helps to ensure the critical funding needed annually to continue the beach nourishment program and protect New Jersey's coastal communities as well as the state's vital tourism industry.

Depending on the purpose and location of the project, funding may be available from several sources. For federal beachfill projects, the federal government contributes 65% of the project cost while the remaining 35% is divided into a cost-share, with the state contributing 75% and the local governments contributing the remaining 25%. Non-federal beachfill projects are funded through a state/local cost-share, with the state contributing 75% and the local governments contributing 25%.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	219
Source:	County Report	Approved by OSG Director	
NE Item No.	5	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Other

**County/NE Proposed Change to State Plan Section:**

Avalon - The State Planning Commission has recognized that PA5 should be subdivided into PA5A and PA5B but there is no difference in the development potential recognized by NJDEP.

The DEP needs to adopt a rule that entitles PA5B to the same policies as PA2.

**Preliminary State Plan Section as Currently Proposed:**

Changes to the "Role of the State Plan" (Page 6)

**Section in Existing State Plan:**

Relationship of the State Plan to Other Plans (Page 276)

**Additional Information Regarding Proposal:****Staff Response:**

DEP's CAFRA regulations have differentiated Planning Areas 5 and 5B, as evidenced recently by the fact that Barrier Island Designated Centers, such as that in Avalon, did not expire.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	222
Source:	County Report	Approved by OSG Director	
NE Item No.	2	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Housing

**County/NE Proposed Change to State Plan Section:**

Cape May City - The development trend in the City of Cape May does not appear overly conducive to proposed COAH regulations.

The State Plan Policymakers should consider how COAH Round Three rules be applied to built-out/resort communities.

**Preliminary State Plan Section as Currently Proposed:**

Relationship of the Plan to Other Plans

Changes to the "Role of the State Plan" (Page 6)

Relationship of the State Plan to COAH (Page 10)

**Section in Existing State Plan:**

Relationship of the State Plan to Other Plans (Page 276)

**Additional Information Regarding Proposal:****Staff Response:**

Resort community areas have affordable housing needs, as with other New Jersey communities. Seasonality is not justification to preclude service/retail workers that serve local businesses from opportunities for affordable housing in coastal areas.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	224
Source:	County Report	Approved by OSG Director	
NE Item No.	1	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Housing

**County/NE Proposed Change to State Plan Section:**

Cape May Point - It is not clear how COAH's growth share methodology would account for seasonal housing versus year round housing when determining a municipality's fair share.

Consideration should be given to the COAH rules as they relate to seasonal and developed communities.

(Issue also brought up by Sea Isle City, NE p 43 and by Stone Harbor, NE p47)

**Preliminary State Plan Section as Currently Proposed:**

Relationship of the Plan to Other Plans

Changes to the "Role of the State Plan" (Page 6)

Relationship of the State Plan to COAH (Page 10)

**Section in Existing State Plan:**

Relationship of the State Plan to Other Plans (Page 276)

**Additional Information Regarding Proposal:****Staff Response:**

Resort community areas have affordable housing needs, as with other New Jersey communities. Seasonality is not justification to preclude service/retail workers that serve local businesses from opportunities for affordable housing in coastal areas.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	225
Source:	County Report	Approved by OSG Director	
NE Item No.	1	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Environmental

**County/NE Proposed Change to State Plan Section:**

Dennis - Open space measures have had a negative impact on Dennis by reducing the tax base

Financial compensation should be provided for the permanently preserved open space and lot area requirements which have positively impacted the State Plan Goal to Conserve the State's Natural Resources. The State Plan could either:

1. Modify Goal 2 to provide for financial compensation.
2. State Plan should include a payment in lieu of taxes program for open space and conservation of lands, with funds payable directly to host municipalities.

**Preliminary State Plan Section as Currently Proposed:**

2. Conserve the State's Natural Resources and Systems

Statewide Policy 1. Equity (Page 24)

**Section in Existing State Plan:**

Policy on Equity (Page 110)

"...the benefits and burdens of implementing the State Plan should be equitably distributed among all citizens of the state..."

**Additional Information Regarding Proposal:****Staff Response:****STATEWIDE ISSUE**

The preservation of Open Space is an element of good overall planning and is a tool that should be used where appropriate. Municipalities where open space reservation is a major element of planning also need to plan appropriately for development as well. The ratable base and attendant tax implications are directly correlated to the factors considered in the overall planning of a community, not just the open space element. There are a host of studies that demonstrate that

"chasing ratables" is not a productive municipal tax strategy.





## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	226
Source:	County Report	Approved by OSG Director	
NE Item No.	2	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Economic

**County/NE Proposed Change to State Plan Section:**

Dennis - Compliance with the State Plan, both cross acceptance and Plan Endorsement, creates an undue financial obligation on municipalities, especially those which conscientiously participate in the State Planning process.

Consistent with the State's policy that the State should pay for mandated requirements, the State should provide a source of adequate funding for municipalities to participate in the State Planning process.

**Preliminary State Plan Section as Currently Proposed:**

Statewide Policy 1. Equity

Statewide Policy 1. Equity (Page 24)

**Section in Existing State Plan:**

Statewide Policy 1. Equity (Page 110)

Statewide Policy 4. Infrastructure Investments (Page 119)

**Additional Information Regarding Proposal:****Staff Response:****STATEWIDE ISSUE**

Every municipality has a statutory obligation to plan appropriately and to take the necessary steps to implement that planning. This includes preparation of up-to-date master plans and relevant subelements. These are not "new" obligations. The Office of Smart Growth has provided, and will continue to provide, grants to municipalities designed to assist with planning efforts and completion of these elements.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	227
Source:	County Report	Approved by OSG Director	
NE Item No.	3	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Transportation

**County/NE Proposed Change to State Plan Section:**

Dennis - The State Plan does not take a position on extending Route 55 through Dennis Township. Special interest groups continue to pressure State agencies to pursue this project, which threatens pristine areas.

The State Plan should bring about orderly transportation planning for South Jersey by resolving this ongoing threat to reasonable planning in Dennis Township. The State Plan should prohibit developing new highways through pristine areas.

**Preliminary State Plan Section as Currently Proposed:**

Relationship of the Plan to Other Plans

Changes to the "Role of the State Plan" (Page 6)

**Section in Existing State Plan:**

Relationship of the State Plan to Other Plans (Page 276)

**Additional Information Regarding Proposal:****Staff Response:**

It is not the purpose of the State Plan to reach this level of specificity. This is outside the scope of the State Plan.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	234
Source:	County Report	Approved by OSG Director	
NE Item No.	5	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Other

**County/NE Proposed Change to State Plan Section:**

Middle- opposes the removal of CAFRA Coastal Centers from the State Plan Policy Map

CAFRA Coastal Centers should be placed on the DELTA Map and utilized as Smart Growth areas during the time period that the Township is participating in the Plan Endorsement Process.

Further, all State Agencies must recognize these Centers and must implement their regulatory programs and/or funding decisions based on their identification as Smart Growth areas.

**Preliminary State Plan Section as Currently Proposed:**

Relationship of the Plan to Other Plans

Changes to the "Role of the State Plan" (Page 6)

**Section in Existing State Plan:**

Relationship of the State Plan to Other Plans (Page 276)

**Additional Information Regarding Proposal:****Staff Response:**

STATEWIDE ISSUE

The SPPM reflects only SPC designated centers.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	246
Source:	County Report	Approved by OSG Director	
NE Item No.	1	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Other

**County/NE Proposed Change to State Plan Section:**

Upper- The Township objects to the use of the population growth numbers provided by the State Plan.

The numbers generated from the build-out analysis to be prepared as part of their Regional Plan Endorsement Process should be used. These numbers will more accurately reflect the population growth in the Township.

**Preliminary State Plan Section as Currently Proposed:**

Appendix A. Population, Employment, Other Stats

Section 6. Population and Employment Projections for 2025 (Page 36)

**Section in Existing State Plan:****Additional Information Regarding Proposal:****Staff Response:**

Cape May County has agreed to use MPO figures for population and DOL figures for employment. The township should understand that the MPOs have been revising their data, and that OSG is taking this into account.

The buildout analysis from the water supply study would not yield a realistic population projection. The buildout projects how much development there would be if everything was developed to current zoning, a scenario that in the real world is unlikely for many years even beyond 2025.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	247
Source:	County Report	Approved by OSG Director	
NE Item No.	2	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Economic

**County/NE Proposed Change to State Plan Section:**

Upper - The proposed indicator under Goal #1, based on the differential between municipal tax base and tax burden between the various Planning Areas and designated centers does not include lands protected from development.

The proposed indicator under Goal #1, should include lands protected from development.

**Preliminary State Plan Section as Currently Proposed:**

New Indicator: The differential between municipal tax base and tax burden between PAs 1, 2 and designated centers, and PAs 3, 4, and 5.

Goal 1 – Revitalize the State Cities and Towns (Page 15)

**Section in Existing State Plan:****Additional Information Regarding Proposal:****Staff Response:****STATEWIDE ISSUE**

While we agree that we should address tax issues in the State Plan, we need to conduct further research on how this indicator can be best designed and what it should actually measure.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	252
Source:	County Report	Approved by OSG Director	
NE Item No.	7	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Other

**County/NE Proposed Change to State Plan Section:**

Upper- The Township objects to the inclusion of developed properties along Roosevelt Boulevard in Marmora in the PA5 designation.

The Cape May Water Quality Management Plan/Waste Water Management Plan provide for sewer service to these existing developed parcels, thus they should be designated as PA2.

Keep all developed properties along Roosevelt Boulevard in a PA2 designation

**Preliminary State Plan Section as Currently Proposed:**

Policies for Planning Areas

**Section in Existing State Plan:**

Policies for Planning Areas (Page 228)

**Additional Information Regarding Proposal:****Staff Response:**

These sites are built on filled wetlands, prior to State regulation, on a causeway between the mainland and barriers island. They are currently sewered for health and safety reasons. The planning area delineation here is appropriate. Refer to map database.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	253
Source:	County Report	Approved by OSG Director	
NE Item No.	8	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Other

**County/NE Proposed Change to State Plan Section:**

Upper- recommends the utilization of the Garden State Parkway and other highways as barriers to be included in a higher planning area to allow for the expansion of the roadways to meet the infrastructure needs of the County and Township.

Use major highways as barriers to higher Planning Areas. Place major highways in the higher Planning Area to allow for the expansion of the Roadways to satisfy Infrastructure Needs.

**Preliminary State Plan Section as Currently Proposed:**

Policies for Planning Areas

**Section in Existing State Plan:**

Policies for Planning Areas (Page 228)

**Additional Information Regarding Proposal:****Staff Response:****STATEWIDE ISSUE**

Highways cannot always be a determining factor for Planning Area boundaries. If a portion of a highway needs to be widened or improved, the planning area designation does not restrict or affect this consideration. Highway capacities should not drive the location of Planning Area boundaries in order to justify those expansions.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	256
Source:	County Report	Approved by OSG Director	
NE Item No.	1	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Other

**County/NE Proposed Change to State Plan Section:**

West Cape May- concerned with the expiration of the CAFRA Centers. Currently, West Cape May is shown as a coastal town and is able to take advantage of higher coverages under CAFRA.

The existing built conditions in West Cape May should be recognized and increased coverage requirements should be permitted where development exists.

**Preliminary State Plan Section as Currently Proposed:**

Relationship of the Plan to Other Plans

Changes to the "Role of the State Plan" (Page 6)

**Section in Existing State Plan:**

Relationship of the State Plan to Other Plans (Page 276)

**Additional Information Regarding Proposal:****Staff Response:**

What to do regarding the expiration of CAFRA coastal centers is a matter of ongoing discussion both amongst state agencies and within the state legislature. The Preliminary Policy Map reflects the present status that these centers have expired.





## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	258
Source:	County Report	Approved by OSG Director	
NE Item No.	8	Preliminary Staff Recommendation:	Disagreement

**General Topic:**

Other

**County/NE Proposed Change to State Plan Section:**

Upper- recommends that environmental constraints (i.e. category 1 streams) should not extend across a divided highway, since the highway acts as a barrier.

Remove environmental constraints from map areas that extend across major highways.

**Preliminary State Plan Section as Currently Proposed:**

Policies for Planning Areas

**Section in Existing State Plan:**

Policies for Planning Areas (Page 228)

**Additional Information Regarding Proposal:****Staff Response:****STATEWIDE ISSUE**

Infrastructure creates unique environmental circumstances. Each one needs to be considered within its context. The stream must cross the highway at some point, either by going under a highway overpass or through a culvert.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	205
Source:	County Report	Approved by OSG Director	
NE Item No.	5	Preliminary Staff Recommendation:	Pending

**General Topic:**

InterGovernmental

**County/NE Proposed Change to State Plan Section:**

Substantive Certification with COAH is required for a municipality to be eligible for Advanced Plan Endorsement, yet COAH's rules are continually changed/amended by the state and the courts. This makes it difficult for municipality to achieve either.

This COAH requirement should be removed from the PE process.

**Preliminary State Plan Section as Currently Proposed:**

Relationship of the Plan to Other Plans

Role of the State Plan (p6), Relationship of the State Plan to COAH (p10)

**Section in Existing State Plan:**

Relationship of the Plan to Other Plans (p276)

**Additional Information Regarding Proposal:**

n/a

**Staff Response:**

The Office of Smart Growth (OSG) is currently working on revising the Plan Endorsement process. Additionally, OSG is working with COAH to address the relationship between Plan Endorsement and COAH Substantive Certification.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	206
Source:	County Report	Approved by OSG Director	
NE Item No.	6	Preliminary Staff Recommendation:	Pending

**General Topic:**

InterGovernmental

**County/NE Proposed Change to State Plan Section:**

To attain Plan Endorsement a municipality must first obtain COAH substantive certification. Therefore, to achieve maximum consistency with the State Plan it is mandatory that municipalities participate in the voluntary COAH program.

This contradictory requirement should be eliminated.

**Preliminary State Plan Section as Currently Proposed:**

I. Plan Endorsement

Plan Endorsement (p10)

**Section in Existing State Plan:**

Plan Endorsement (p13)

**Additional Information Regarding Proposal:****Staff Response:**

The Office of Smart Growth (OSG) is currently working on revising the Plan Endorsement process. Additionally, OSG is working with COAH to address the relationship between Plan Endorsement and COAH Substantive Certification.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	230
Source:	County Report	Approved by OSG Director	
NE Item No.	1	Preliminary Staff Recommendation:	Pending

**General Topic:**

Other

**County/NE Proposed Change to State Plan Section:**

Middle - The sites of the Cape May County Park Zoo, the Rutgers Cooperative Extension, and the Atlantic Cape Community College are being proposed to change from a PA 3 to a PA 6,7,8 (Parks and Natural Lands).

While these areas are publicly owned facilities, to characterize them as purely "parkland" would be an error. The Zoo is a developed active recreation area that is a regional tourist attraction. It is a site that has been developed expressly for the purpose of offering an active recreation experience, much like a number of similar active recreation sites located throughout the County. In the case of the Community College site, this facility will be a regional educational resource, and not a parkland or natural area.

In these situations, the County's ownership of the property should not be utilized as a basis for the Planning Area change.

The Township and the County both are opposed to the DELTA Map's proposed change; it is requested that these properties remain in their current Planning Area designations (with potential change to Planning Area 2).

**Preliminary State Plan Section as Currently Proposed:**

Parks and Natural Areas

**Section in Existing State Plan:**

Parks and Natural Areas – (Page 227)

**Additional Information Regarding Proposal:****Staff Response:**

Refer to Map Issues database.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	249
Source:	County Report	Approved by OSG Director	
NE Item No.	4	Preliminary Staff Recommendation:	Pending

**General Topic:**

Other

**County/NE Proposed Change to State Plan Section:**

Upper- The Township objects to the inclusion of the BL England Generating Facility being included in the Parks and Natural Areas Designation on the State Plan Map.

It is felt that the facility would serve a more valid economic purpose, as an already developed site, for redevelopment and not conversion to open space.

**Preliminary State Plan Section as Currently Proposed:**

Parks and Natural Areas

**Section in Existing State Plan:****Additional Information Regarding Proposal:****Staff Response:**

Refer to map database. OSG agrees that this site does not match the criteria for Parks & Natural Areas; it's more suitable for redevelopment.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	250
Source:	County Report	Approved by OSG Director	
NE Item No.	5	Preliminary Staff Recommendation:	Pending

**General Topic:**

Other

**County/NE Proposed Change to State Plan Section:**

Upper- The Township objects to the inclusion of Block 650, Lot 81 in the Parks and Natural Areas Designation. Although the property is currently vacant and owned by the Township, the parcel is not deed restricted and is not protected by green acres.

The property is surrounded by developed parcels, and should remain as PA2 so as not to preclude future development.

**Preliminary State Plan Section as Currently Proposed:**

Parks and Natural Areas

**Section in Existing State Plan:**

Parks and Natural Areas – (Page 227)

**Additional Information Regarding Proposal:****Staff Response:**

Refer to map database



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	251
Source:	County Report	Approved by OSG Director	
NE Item No.	6	Preliminary Staff Recommendation:	Pending

**General Topic:****County/NE Proposed Change to State Plan Section:**

Upper- The State Plan proposes to change these areas to PA5, however, portions of these areas are developed, and existing environmental controls will protect these areas if future development occurs.

Keep the areas along the Category 1 Streams that extend westward from under the Garden State Parkway towards Route 9 as PA2 with a CES overlay.

**Preliminary State Plan Section as Currently Proposed:**

Statewide Policy 9. Historic, Cultural and Scenic Resources

Statewide Policy 9. Historic, Cultural and Scenic Resources (Page 144)

Critical Environmental Sites (CES) and Historic and Cultural Sites (HCS)

**Section in Existing State Plan:**

Statewide Policy 9. Historic, Cultural and Scenic Resources (Page 144)

Critical Environmental Sites (CES) and Historic and Cultural Sites (HCS)

**Additional Information Regarding Proposal:****Staff Response:**

Refer to map database.



## New Jersey State Planning Commission Negotiation Worksheet Policy Issues

County:	CAPE MAY COUNTY	OSG Item No.	254
Source:	County Report	Approved by OSG Director	
NE Item No.	9	Preliminary Staff Recommendation:	Pending

**General Topic:****County/NE Proposed Change to State Plan Section:**

Upper - objects to the inclusion of the area along Harbor Road from Route 9 to the Garden State Parkway in the PA5 designation. These are existing developed commercial properties and should remain as a PA2 designation.

Leave the area along Harbor Road from Route 9 to the Parkway in the PA2 designation.

**Preliminary State Plan Section as Currently Proposed:**

Policies for Planning Areas

**Section in Existing State Plan:**

Policies for Planning Areas (Page 228)

**Additional Information Regarding Proposal:****Staff Response:**

Refer to map database.