

**PLAN ENDORSEMENT
MUNICIPAL SELF ASSESSMENT REPORT (MSA)**

TOWNSHIP OF UPPER



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BACKGROUND

The Township of Upper submitted a petition for Plan Endorsement to the Office of Smart Growth (OSG) on December 21, 2005. On April 19, 2006, the State Planning Commission approved the Policy Directive on the Plan Endorsement process for CAFRA Municipalities that had petitions that were deemed complete by March 15, 2006 and temporarily re-established coastal centers pursuant to the NJDEP Coastal Zone Management Rules. The Township and OSG developed an action plan and entered into a Memorandum of Understanding to complete the necessary items outlined in the Policy Directive in May 2007. Over the next six months the Township worked with the State agencies to update the Land Use Plan and Fair Share & Housing Plan and created a Natural Resource Inventory. The Township also developed an environmental assessment ordinance that would require an Environmental Impact Statement and Review for all major subdivisions and site plans. OSG presented to Planning Implementation Committee on January 24, 2007 and recommended for approval by State Planning Commission. The State Planning Commission approved the Town's Petition on February 21, 2007.

Upper Township has been working to design concepts for their centers since 2007 when they received a Smart Future Grant. The grant was to prepare a form based code and design guidelines to encourage a walkable and livable town center in Marmora and Seaville. The Draft FBC was presented to the Upper Township Planning Board in February 2010 but it was not adopted. During 2009 the Township Committee authorized Maser Consulting to prepare a Master Plan reexamination and an update to the Conservation Element of the Master Plan. The concepts developed in the FBC Study, particularly with respect to Design Guidelines and Walkable Neighborhoods, were incorporated into this master plan reexamination that was adopted in March 2011.

During the winter 2009 the Municipal Land Use Center (MLUC) began discussion with Upper Township in continuing our planning efforts and working on the transportation issues, specifically as it related to the current designation of Rt-9 as a future 4-lane roadway with that of a downtown roadway cross-section of 2-lane roadway with on-street parking. The Township received \$200,000 worth of consultant planning assistance from DOT and hired a consultant to develop consensus on traffic circulation issues and the scale of the buildings. In December 2010 the Township Committee and the Planning Board committed to preparing and adopting land use ordinances that would develop livable, walkable and economically viable Town Centers in Marmora and Seaville.

INTRODUCTION

The Township's interest in Plan Endorsement was discussed on June 26, 2019 at a pre-petition meeting involving representatives from the Township and State agencies. The Township's primary objective in seeking Plan Endorsement is to extend the four Town Centers (Marmora-Palermo-Beesly's Pt Town Center, Seaville Town Center, Petersburg Village and Tuckahoe Village) and Suburban Planning Area (PA2) designations as deemed appropriate and necessary for the Township to retain the benefits associated

with such a designation.

This Self-Assessment Report represents Step 3 in the Plan Endorsement Process Outline and addresses the requirements contained at NJS 5:85-7.9. The local goals, objectives and criteria evaluation for each of the existing Centers and Planning Areas remain consistent with the September 2005 Plan Endorsement Petition (2005 Petition) and the State Plan.

The Township has recently completed a Master Plan Reexamination in 2018 (2018 Reexam) to address the Township's Fair Share Plan and Housing Plan update. The 2018 Reexam noted the future need for redevelopment study in the Marmora Town Center and the recently closed BL England Generating Facility in Beesley's Pt.

EXISTING CONDITIONS/OPPORTUNITIES & CHALLENGES

Location & Regional Context

The Township of Upper is bordered to the west by Maurice River Township in Cumberland County; to the east by Ocean City and the Atlantic Ocean. The Township's southern border consists of the Dennis Township and the Borough of Woodbine. The northern border consists of Estell Manor, Corbin City and Egg Harbor Township, all in Atlantic County.

The Township is split between the jurisdiction of the Pinelands Comprehensive Management Plan (CMP) and New Jersey Department of Environmental Protection under the Coastal Area Facilities Review -Act (CAFRA). Thirty-three percent (33%) of the total land area in the Township is governed by the Pinelands CMP of which only five-percent (5%) is considered to be within an appropriate development area (i.e. sewer service area). More specifically one-percent (1%) of the Pinelands land area is within a Pinelands Town and four-percent (4%) is within a Pinelands Village.

Background

The 2018 Housing Element updated the Township's demographics and how it compares to that of the county and state. The Township's population has remained fairly stable around 12,231 (2014 est.) as compared to a decline in the County's population. The 2018 Housing Element is included in Appendix A for reference.

Status of Planning

Since the Township has received Plan Endorsement this is a list of planning activities that have been undertaken:

- Township of Upper, Beach Management Plan, 2019
- Upper Township Form Based Code, dated May 11, 2010
- Upper Township Conservation Plan Element, dated January 2011

- Master Plan Reexamination Report, Adopted 2011
- Affordable Housing Trust Fund Spending Plan, adopted December 2008, amended April 2012
- Traffic Analysis Report (Upper Township Form Base Code), November 2012
- Application for Access Classification Change for Marmora Town Center, December 2012
- Land Use Changes and Zone Change, 2014
- Getting to Resilience Report, April 2015
- All-Hazards Mitigation Plan adopted in June 2016
- Annual Update to the All-Hazard Mitigation Plan, 2017-2019
- Wastewater Management Plan, February 2019
- Master Plan Reexamination Report, Adopted August 2018
- Bicycle Plan for Upper Township, 2019
- Municipal Public Access Plan, March 2020
- Master Plan Reexamination Report, Adopted March 2020

COMMUNITY VISION & PUBLIC PARTICIPATION

As part of the Plan Endorsement process the Township hosted and participated in numerous public meetings and community visioning which included:

- Regional meetings with Upper Township, Middle Township and Dennis Township in 2004 & 2005
- Public meetings in Upper Township in 2004 & 2005
- Community Visioning meeting to develop Form Based Code in 2009 & 2010
- Marmora Transportation Study in 2012
- Bicycle Plan in 2019
- Master Plan Reexaminations in 2018 and 2020

The Township vision for the development of the Centers remains the same and have worked to enhance the Centers design with the Form Based, Transportation Planning and updated Affordable Housing. The Bicycle Plan and Masterplan Reexaminations in 2018 & 2020 had public input from community stakeholder groups including the Upper Township Green Team, Upper Township Business Association, Strathmere Improvement Association and Citizens for Strathmere & Whale Beach. The Municipal Self-Assessment has been advertised and on the Planning Board agenda for August and September 2020.

RECENT AND UPCOMING DEVELOPMENT ACTIVITIES

Major development in the Township has been centered around two housing projects to help satisfy the Township's affordable housing obligation. Other development has included only small non-residential projects. Projects include:

- Osprey Cove in Seaville Town Center, 110 age-restricted mobile home park

- with 20 affordable housing rental units, 90% complete
- Heritage Acres in Marmora Town Center, 133 age-restricted mobile home park with 26 inclusionary affordable rental units, construction anticipated to begin winter 2020/2021
- G2 Ventures, non-residential project for office/ contractor storage (19,500 SF) and 2 affordable rental units in Marmora Town Center, under construction
- Mavis Tire, non-residential car repair in Marmora Town Center, complete 2020
- Cape Regional Medical Office, non-residential medical office (7,000 SF) in Seaville Town Center, complete 2019

SUSTAINABILITY/RESILIENCY STATEMENT

The Township has taken several efforts to support a more sustainable and resilient municipality.

- In 2010 the Township applied to enter the Community Rating System (CRS) with the FEMA's National Flood Insurance Program (NFIP) and entered as a Class 7 Community.
- In 2012 the Township amended the Flood Hazard Ordinance to require higher regulatory standards including 1 foot of freeboard on all new homes, substantial improvement requirements (40% requirement over 10-year period) and non-conversion of enclosures deed restriction requirement. After the adoption of the FEMA ABFE's the Township's CRS Class rating improved to a Class 5 Community.
- In 2015 the Township participated with the Jacques Cousteau National Estuarine Research Reserve in preparing a Getting to resilience report for the Township. The report was discussed and presented to both the Planning Board and the Township Committee.
- In 2017 as part of the NJ Coastal Coalition the Township is participating in the largest Multi-Jurisdictional Program for Public Information (MJPPi) in the United States. This program provides a regional approach to promoting public information about flood hazards in our community.
- In 2017 the Township participated in a National Fish and Wildlife Foundation (NFWF) project to construct a living shoreline which resulted in the "Building Ecological Solutions to Coastal Community Hazards – A Guide for New Jersey Coastal Communities."
- In 2017 the Township amended the Flood Hazard Ordinance to require more than 2 feet of freeboard on all new homes
- In 2018 the Township performed a bulkhead study to examine the existing backbay bulkhead heights in Strathmere and what could be done to alleviate nuisance flooding. The Township then adopted a Bulkhead Ordinance (#18-2018) that required bulkheads to be constructed to Elevation 8 NAVD 1988 within 10-years.
- In 2020 the Township amended the Zoning Ordinance in Strathmere to require minimum elevation of ground floor to be at elevation 7.0 NAVD 1988 and to provide on-site sub-surface stormwater recharge for the water quality storm for

the new structure.

- In 2020 the Township installed a tidal flood warning system in Strathmere. The system will allow the Township to warn residents of real-time flooding hazards.
- In 2019 the Township received a FEMA Hazard Mitigation Grant to prepare a Watershed Management Plan and a Repetitive Loss Area Analysis plan. The Township has awarded these projects in June 2020. The Watershed Management Plan will analyze both existing stormwater flow and future impacts with 2' of sea level rise.

CONSISTENCY SECTION

The local goals, objectives and criteria evaluation for each of the existing Centers and Planning Areas remain consistent with the September 2005 Plan Endorsement Petition (2005 Petition) and the State Plan. The CAFRA Coastal Consistency Statement prepared in 2007 remains consistent with the Township's ordinance and plans and that of the CAFRA regulation.

MAPPING

The Township's preference regarding Plan Endorsement is for the extension of its existing Town Center designations and Planning Area designations do not require amendment to the State Plan map since the Regional Center designation was previously recognized and approved by the State Planning Commission. In the event an alternative Planning Area designation is agreed to by the Township and State, the appropriate mapping amendment is requested.

STATE AGENCY ACTIONS

The Township recognizes the consistency issues previously identified by state agencies and to the extent that those issues remain, the Township will agree contingent upon identification of tangible benefits and as part of the Action Plan to address the remaining issues.

Additional items that may be included in the Action Plan are:

- Work on a water supply plan which would need coordination with the New Jersey American Water Company
- Review ordinance adoption for wellhead protection, riparian zone and water conservation
- Incorporate the Township's Getting to Resiliency Report (GTR) into the Master Plan under the Conservation Plan Element and encouraging municipal decisions to consider the GTR report. (Upper Township "Getting to Resilience" Recommendations Report, Prepared by the Jacques Cousteau National Estuarine Research Reserve, dated April 2015)

- Update the Transportation Element of the Master Plan to reflect adoption of the Complete Streets Policy by the Township Committee on August 12, 2019.

STATE AGENCY ASSISTANCE/EXPECTED BENEFITS

The State Planning Act includes the legislative finding that significant economies, efficiencies and savings in the development process would be realized by private sector enterprise and by public sector development agencies if the several levels of government would cooperate in preparing and adhering to sound and integrated plans.

The goals, policies, targets and indicators of the State Plan have been designed to address the concerns of the need to maintain beneficial growth, improve environmental quality, insure cost-effective delivery of infrastructure and other public services, improve governmental coordination, preserve the quality of community life and redevelop the State's major urban areas. Implementation of the State Plan is expected to achieve a balance among these concerns and to maximize the well-being for the State and its residents.

State agencies shall provide State agency benefits upon an approval of plan endorsement as described in the document entitled "Plan Endorsement Benefits" and posted on the Office of Smart Growth website at: <http://www.nj.smartgrowth.com>. Additional State agency benefits, as appropriate and feasible, shall be added to said document as they become available.

The Township's initial petition for Plan Endorsement contains an extensive list of potential benefits including technical assistance, direct state capital investment, priority for state grants and loans, and substantive and procedural (permit streamlining) regulatory changes. The Township anticipates that benefits focused primarily at providing technical, financial and regulatory assistance to the Township for implementing its endorsed plan will be forthcoming.

Priority benefits sought by the Township in conjunction with this application for Plan Endorsement include:

- **Adoption of CAFRA Sector Permit for Township of Upper approved Centers**
- In recognition of the State Plan Planning Area designations, amend the Coastal Zone Management rules to readopt the Coastal CAFRA Centers
- Assistance from NJDEP and ACOE to establish a long-term plan that addresses dredge sediments.
- Funding assistance that will enable the Township to continue and expand upon its program to elevate critical facilities and infrastructure.
- Grant funding to the Township and property owners to raise buildings, driveways, bulkheads, yards, wetlands to critical flood control elevations.
- Low interest loans available to the Township and property owners to raise, bulkheads, yards, wetlands to critical elevations.

- Grant funds to install/replace aging stormwater drainage system infrastructure (check valves, piping, headwalls, etc.).
- Funding and technical assistance to advance Township “green infrastructure” efforts.
- Assistance to update the Hazard Mitigation Plan and Emergency Operations Plan.
- Waiver or reduction of permit fees from state agencies.
- Waiver or reduction in interest rate on loans from state agencies
- Point bonus related to state grants and loans
- Expedited processing of state agency permits
- Revamped application fee structure for municipal projects, infrastructure projects, resiliency projects, flood protection, stormwater management (linear project application fee calculation).

The following list of benefits is relevant to Upper Township and will enhance the ability to continue existing and implement new programs.

Land Use and Environmental Protection

- Shore Protection Grants & Loans
 - NJDEP Bureau of Coastal Engineering - Financial assistance to protect existing development from sea-level rise and shoreline migration through dune creation and maintenance, beach fill projects and repair of existing shore protection structures

Regulatory Coordination

- Development and Redevelopment Plan as requested by the local government entity (future redevelopment of the Beesley’s Pt Node and the Marmora Town Center)
- **Adoption of CAFRA Sector Permit for Township of Upper approved Centers**
- Through Advanced Plan Endorsement, the New Jersey Department of Environmental Protection will provide streamlined regulatory approvals in newly designated growth areas; and
- Various environmental plans (i.e. stormwater, habitat conservation) that are developed and approved by DEP as part of the plan endorsement process will be considered approved for other Department regulatory purposes.
 - Department of Environmental Protection Plans
 - Municipal Environmental Justice Plan
 - Historic Preservation Plan
 - Open Space, Recreation and Parks Plan
 - Habitat Conservation Plan
 - Coastal Consistency Plan
 - Water Resource Management Plan
 - Water Infrastructure Plan
 - Total Maximum Daily Load (TMDL) Implementation Plan
 - Municipal Stormwater Management Plan
 - Source Water Protection Plan
 - Facilitating utility availability in Smart Growth Areas
 - Comprehensive Permitting Issues Assistance (NJDEP)

CONCLUSION

The Township believes that the planning efforts that have been undertaken since the Plan Endorsement certification in 2007 remain consistent and support continued certification of the Township's Centers and Planning Areas.

REQUEST FOR WAIVERS

Any requests for waivers pursuant to N.J.A.C. 5:85-7.6(a), including a justification for same.

According to NJAC 5:85-7.6 any of the requirements of plan endorsement, other than N.J.A.C.-7.8, 7.9 and 7.11 may be waived at the discretion of the State Planning Commission.

In as much as Upper Township has previously satisfactorily completed the requirement or has substantially complied with the intent of the requirement the Township requests waivers of the following provisions of the State Planning Rules.

Upper Township would request a waiver of performing a formal community vision process. The Planning Board has continued to enhance the vision of the Town Centers that were developed during the initial Plan Endorsement in 2007. The 2018 Master Plan Reexamination stated, "there is an intent to preserve and create a Route 9 streetscape which is walkable and incorporates the village and walking atmosphere of a downtown area." The public meeting for approval of the MSA included discussion of the need to perform a formal community vision or continue with the Town Centers as they have been planned. Additionally, there has been no significant development pressure to change the proposed character of the planned Town Centers.

Development Data - The Township requests a partial waiver for the data required by NJAC 5:85-7.9(a)9. The 'Inventory of Key Characteristic' (pages 3-19) provides information on demographics, housing, income and employment. The waiver request pertains to data on the square footage of commercial properties.