

**Borough of West Cape May  
CAPE MAY COUNTY, NEW JERSEY**



**Annual Report on the Borough of West Cape May's  
Status of Its Planning and Implementation Agreement Efforts**

***PRESENTED TO:***

The State Planning Commission  
Mr. James Souder, Interim Executive Director, Office of Smart Growth  
Ms. Kate Meade, Planner, Office of Smart Growth

***RESPECTFULLY SUBMITTED BY***

Paul Mulligan, Chairman Joint Planning & Zoning Board, Borough of West Cape May

**May 20, 2009**

## **INTRODUCTION**

This report is submitted in compliance with the requirements of the Borough's Planning and Implementation Agreement with the State Planning Commission and NJAC 5:85-7.22 (b).

Culminating years of concerted effort, the Borough received initial plan endorsement from the State Planning Commission, April 18, 2008. It is only the seventh community, of 566, in the state to receive such recognition. Entailed were several meetings in Trenton at the Office of Smart Growth as well as submittal of extensive documentation on all aspects of the Borough's planning and studies. An annual update is attached to this narrative.

Since center designation of the Borough of West Cape May by the State Planning Commission, activity has continued at a pace unprecedented within the Borough's past. From housing to transportation issues, the Borough has worked to insure a coordinated approach to planning in a manner that supports the objectives outlined in the Planning and Implementation Agreement.

This report includes the required submissions under NJAC 5:85-7.22 (b), with any new planning documents adopted or considered included in the appendices. For ease of review, the full Planning and Implementation Agreement is included within the report, with a new column added and entitled, "Status". The status column indicates the activities that the Borough has undertaken to fulfill the specific Planning and Implementation Agreement objective.

## **RECOGNITION OF OUTSTANDING PLANNING**

The Borough has received recognition from its peers for both planning initiatives and individual staff accomplishments. Rewards received since the Borough's last biennial report in 2007 include:

- The American Planning Association gave WCM a Distinguished Planning Award for our submittal - one of a handful awarded in the state for 2008
- Gary Novak, former chairman of the Planning and Zoning Board, was given a citizen's award, the only person to be so recognized by the American Planning Association - NJ Chapter.

## **SUMMARY OF ACCOMPLISHMENTS OF BOROUGH OF WEST CAPE MAY**

Highlights of the years May, 2005 to May, 2009 in the general arena of planning as well as projects for the near term.

- The Borough won a significant victory in Superior Court in spring, 2009, with statewide implications, defeating a "Builder's Remedy" lawsuit, against the odds. The Borough in years past neglected to formulate a plan to provide affordable housing, making the suit possible. The Borough had worked diligently not only to develop an affordable housing plan but to progress across the board in sound planning, the judge ruled decisively on our behalf, declaring the developers' plan for a 70-unit development to be "truly inconsistent with the surrounding neighborhood...it's inconsistent in virtually every way." Benjamin Spinelli (former executive director of the Office of Smart Growth) testified regarding the lack of suitability for the location of affordable housing

- A comprehensive bicycle and pedestrian plan was prepared for the Borough by Michael Baker Jr Corp. of Princeton, funded by the Department of Transportation's bicycle-pedestrian safety office. The study included two public meetings, an opinion survey at a Borough event and a comprehensive inventory of present facilities and recommendations for improvements. An application for funding a second phase of a bike lane installation along one of the Borough's major streets, Park Blvd. is pending; the first phase was completed this year.

- An urban design study was prepared for the 100 percent corner of the Borough, recommending a redesign and modest expansion of the core business district. Prepared by Rhodeside-Harwell of Alexandria, Va. and Newark and funded by a Smart Growth planning grant, the study has been the subject of public hearings and has met with enthusiastic approval. In order to implement the Urban design plan, the commercial zoning is being revised. Representatives of the Department of Transportation have visited the key intersection of Broadway and Sunset where major public improvements were called for in the report; a streetscape implementation grant is to be sought.

Long-Term Visualization



This visualization shows how the intersection of Broadway, Sunset and West Perry could appear following redevelopment of the two existing commercial sites west of the intersection (the existing 7-11 site and the strip commercial site). Additionally, the intersection is shown paved in granite cobbles to give it a distinctive appearance.

- The Borough received statewide recognition this year from the New Jersey chapter of the American Planning Association.

Gary Novak, former chairman of the Planning and Zoning Board, was given a citizen's award, the only person to be so recognized.

- The Shade Tree Commission of the Borough has received a grant of \$24,000 with which to conduct a survey of the condition of the town's 500 street trees. A professional arborist is to be hired to conduct the survey, which will identify trees that should be removed and others that need attention. Members of the commission have received training in tree examination.

- A demonstration of the availability of porous concrete was accomplished during a repaving project on one of the Borough's alleys. The repaving followed a major contract to upgrade a major part of the Borough's aging stormwater pipes, with a grant from the Department of Agriculture, the second such grant given the Borough.

- Additional acreage has been placed in the county's Farmland Preservation program, bringing the total of protected farmland to well over 100 acres. One of the farms so protected is planted with wine grapes and the owner's intention is to establish a winery in the Borough. It would be only the second winery of Cape Island.

- Last year the Borough installed 36 solar panels on the roof of Borough Hall. Funds were made available from the county and the state. Savings to the Borough in the first 10 months are over \$5,500, both in the power generated and in the energy credits sold to utilities. A preliminary examination of a site behind Borough Hall indicates a favorable location for a wind turbine. The newly elected governing body has this as one of its agenda items.

- A new park was created from a former public works department storage area, using funds from the county. It is the site of an

immensely popular Farmers' Market during the summer months. Free concerts are a feature as well as fresh produce from nearby farms and food and other offerings. The market has stimulated a "slow food" committee in the Borough which already has held meetings.

- West Cape May has registered with Sustainable Jersey and plans to submit documentation to achieve recognition from this program. A "Green Team" which is required is to be established in the near future.

- An application for funding to conduct an energy audit of the Borough's three major buildings is nearly complete. With the addition of specifications of some of the equipment in the buildings, it will be submitted. A preliminary conversation with the program staff has been held.

- A public park space along Cape Island Cree, called out in the Borough's Master Plan revision several years ago, remains an aspiration. An interested buyer was located, but an agreement on a price could not be reached. Subsequently the owners of the nearly 12 acres in question have succeeded in getting the evaluation of the property reduced from over \$400,000 to \$125,600, still to high for the

interested party but perhaps within the range for another buyer. An outreach has been made to a private firm that among other things buys land for municipalities, a representative of said firm has been to West Cape May and expressed interest in creek land as well as other property in the Borough.

- A preliminary conversation has taken place about establishing a parking area on Borough land on Sunset Blvd., as an encouragement for an expanded business district in the area.

- A Historic Preservation Commission has been established and is fully operational. A historic district, named in 1976, exists along both sides of one of the town's main arteries, Broadway from Leaming to Grant. West Cape May had at one time five of 25 of the oldest structures in the county; one unfortunately was demolished after being allowed to deteriorate. A representative of the HPC serves on the Planning and Zoning Board.

- The History Committee of West Cape May, a New Jersey non-profit corporation, is preparing plans to celebrate the 125<sup>th</sup> anniversary of the Borough's founding, to be held in November.

**The Borough of West Cape May would like to request an extension for the following PIA items that have not been completed:**

**1. The stream corridor protection plan and ordinance**

The Borough is developing the plan and utilizing NJDEP's sample riparian ordinance. This item had been due 45 days prior to the publication of Notice of CAFRA center designation. Since the Borough is not pursuing CAFRA designation at this time, the deadline is being amended. The Borough will complete this PIA item by January 2010.

**2. Board of Education 5 Year Facilities Plan**

West Cape May's Board of Education 5 Year Facilities Plan was deemed completed in January 2008. The plan won't need to be submitted to the Department of Education until 2013. The deadline in the PIA has been amended to reflect this deadline.

**3. Updated Land Use Map**

The Land Use map that had been completed for West Cape May's Reexamination report is a zoning map and does not reflect on the ground uses. This map will be created during the preparation of the Economic Element of the Master Plan. Deadline extended until April 2010.

**4. County Solid Waste Management Plan**

Borough and Cape May County are working together to unify language in the Borough Plan to reference the County Solid Waste Management Plan. Deadline extended until October 2009.

**5. Community Facilities Element of the Master Plan**

The map of Community Facilities is included – the Community Facilities Element narrative for the Master Plan to be reviewed by engineering and the Planning Board for adoption in September. Deadline extended until October 2009.



### 3. STATUS OF PLANNING AND IMPLEMENTATION AGREEMENT EFFORTS

**Borough of West Cape May  
Cape May County, New Jersey  
Planning and Implementation Agreement  
Endorsed April 18, 2008**

Item No.	Subject	Action Item	State/ County Assistance	Borough Deadline	Status
A1	Plan Endorsement Review	In January 2009, West Cape May shall submit a report to NJOSG and the public concerning the terms of this PIA and related efforts pursuant to NJAC 5:85-7.12(c). Specifically, West Cape May will update the SPC on the progress of the Wastewater Management Plan, Critical Environmental Sites, and the environmental ordinances.	NJOSG, Cape May County (CMC), DE	Jan-09	Complete
A2	Intergovernmental Coordination	Coordinate with planning efforts of adjoining municipalities, the County, State and region concerning: regional planning related to, transportation, economic development, tourism, natural resource protection, open space and recreation.	NJOSG, Cape May County (CMC), DOT, DEP	2 years post endorsement	Ongoing

B1 (NPE_R)	Update the Land Use Map	CAFRA center boundaries and planning areas shall be consistent with plan endorsement and wastewater management plan. Define land use by acreage, including developable land, undeveloped land, developed land, different types of housing, (housing densities per acre) agriculture, forested lands, recreational land, and land used for commercial purposes. The existing land use inventory, whether in this table or accompanying text, should provide a palette of the standard land use colors: Office: Reddish Brown, Retail: Red, Heavy Industry: Dark Purple, Light Industry, Distribution and Warehousing: Light Purple, Parks/Open Space: Green, Multifamily: Orange, Single Family: Yellow, Public Institutional: Sky Blue, Vacant: White, Water: Blue, Agriculture and Preserved Farmland: Bright Green, Mixed Use: Diagonal Stripes of above colors.	OSG, Cape May County	180 days post endorsement and 45 days prior to CAFRA center notice	CAFRA letter included <b>APPENDIX D</b> Existing land uses will be evaluated during the development of the Economic Plan. Extension until April 2010
B2 (NPE_R)	Update Zoning Map	Must Correspond to the Master Plan, Wastewater Management Plan, and the SDRP, including centers and planning areas.	OSG	180 days post endorsement	<b>complete</b> <b>note CMC letter</b> <b>APPENDIX M</b> Zoning map shows sewer service area <b>APPENDIX N</b>
B2.5	Update Zoning Map	In addition to the Wastewater Managed Plan and SRDP, the Zoning map must Correspond to Coastal Planning Areas	DEP	45 days prior to CAFRA center notice	<b>complete</b> <b>note CMC letter</b> <b>APPENDIX M</b> Zoning map shows sewer service area <b>APPENDIX N</b>
B3 (NPE_R)	Community Facilities Plan & Map	A community facilities plan will need to be created if the municipality is expanding and creating facilities. In West Cape May, this map could also be tailored to for tourists and seasonal visitors, who might not be aware of available community facilities and events.	OSG, DEP	180 days post endorsement	Extended until 10/2009 Events promoted on Borough's web site Facility map provided <b>APPENDIX O</b>
C1	Affordable housing	Revise petition as necessary pursuant to any relevant COAH rule changes resulting from the January 2007 Appellate Court decision or local litigation.	COAH	TBD	complete Ordinance approved <b>APPENDIX J</b>



C2	Affordable housing	Demonstrate that local zoning and subdivision requirements ensure levels of affordable housing as required through implementation of COAH certified Housing Plan.	COAH	180 days post resolution of COAH third round rules	complete Ordinance approved <b>APPENDIX J</b>
C3	Affordable housing	Establish Municipal Housing Liaison and Administrative Agent as required by COAH.	COAH	181 days post resolution of COAH third round rules	complete Ordinance approved <b>APPENDIX I</b>
D1	Environmental Protection and Sustainable Development	Develop and adopt a municipal requirement that establishes an Environmental Assessment process. This process must result in the identification of the nature and extent of natural or man-made features on-site or on adjacent properties such as wetlands, flood hazard areas, vegetation, and wildlife habitats and other areas of environmental sensitivity where a parcel or project is proposed for development or redevelopment.	DEP/OSG	180 days post endorsement and 45 days prior to CAFRA center notice	In process Land use regulations is being updated to include <b>REQUIRING ENVIRONMENTAL IMPACT ASSESSMENT</b> Ordinance approved <b>APPENDIX F</b>
D2	Environmental Protection and Sustainable Development	Develop and adopt a set of municipal requirements that establish a predictable set of development standards designed to protect water quality and wildlife habitat where environmental features identified during an Environmental Assessment are identified on or adjacent to a property proposed for development or redevelopment.	DEP/OSG	180 days post endorsement and 45 days prior to CAFRA center notice	In process Land use regulations is being updated to include <b>REQUIRING ENVIRONMENTAL IMPACT ASSESSMENT</b> Ordinance approved <b>APPENDIX F</b>
D3	Open space	Continue to preserve and acquire open space parcels through open space trust funds, Green Acres program, and other sources as available. Prioritize acquisitions of parcels by considering size, location relative to existing or planned acquisitions, environmental sensitivity, and habitat value.	DEP, CMC, Private and Corporate Trusts	ongoing	<b>Three properties added</b> <b>APPENDIX E</b> <b>APPENDIX G</b> <b>APPENDIX H</b>
D4 (NPE_C)	Habitat Conservation Plan	Conservation Plan requirements may include a mix of options that include the creation, enhancement, restoration, acquisition or preservation of habitat and/monetary contributions for these purposes.	DEP	2 years post endorsement	Environmental Commission to develop as part of their work in the pending year <b>APPENDIX F</b>
E1 (NPE_R)	Board of Education 5-Year Facilities Plan	School should be appropriately sited. Where possible they should be within walking distance from students. Walking paths or sidewalks should be located away from fast moving traffic to accommodate younger students.	DOE	<del>2 years post endorsement</del> 2013	<b>APPENDIX P</b> <b>APPENDIX Q</b>

F2	Pedestrian	Increase pedestrian connectivity between parks, open space, parking lots, the downtown, Boardwalk, and residential neighborhoods.	DOT, CMC	2 years post endorsement	<b>MICHAEL BAKER Jr plan completed Jan 08 4 blocks new bikeway 3 blocks new sidewalks</b>
G1 (NPE_C)	Economic Plan	The economic plan shall estimate the square footage of the existing, approved, and planned supply of various types of commercial space. Supply should be measured against demand, whether it is the growth of a particular sector or the customer base for retail. The economic plan shall also inventory opportunities for redevelopment and rehabilitation, including brownfields and greyfields sites, to prioritize the reuse of existing under utilized or vacant developed {{{vacant}}} space. As {{{new}}} redevelopment, infill and/or rehabilitation opportunities arise, plan for high quality design and development consistent with principles of new urbanism and other elements of this PIA. Identify areas for economic revitalization and develop appropriate plans, to encourage "Communities of Place", investigate funding sources.	OSG, OEG, EDA	2 years post endorsement	<b>Commercial District enhanced zoning to go before the Commissioners summer 09</b>
G2	Agricultural Development	In order for agriculture to continue to thrive in West Cape May, products have to be effectively marketed. The municipality shall consider strategies to encourage local consumption of agricultural products produced in West Cape May.	EDA, AG	ongoing	<b>Farmers Market program And support Slow Food APPENDIX L</b>
H1 (NPE_R)	Wastewater Management Plan	The Borough agrees that it will submit an updated wastewater management plan amendment consistent with NJDEP rules or the Cape May County Wastewater Management Plan and the plan endorsement.	DEP/CMC	45 days prior to the date of publication of the Notice of CAFRA Center designation by NJDEP	<b>Note CMC letter APPENDIX M</b>

H3 (NPE_R)	Stream Corridor Protection Plan & Ordinance	This plan will establish a waterways map considering all waterways within or forming the boundary of a municipality and any state required setback, wetland transition area, riparian buffer, and the standard limits of construction disturbance for each waterway based on current information. The plan should identify present development that conflicts with the state required setbacks, wetlands transition areas, and riparian buffers, as well as identify locations with disturbed corridors and rehabilitation of these corridors. Additionally, plans should be consistent with the plans of neighboring municipalities that share stream corridors; cooperation and collaboration between municipalities that have stream corridors in common is critical.	DEP	<del>45 days prior to the date of publication of the Notice of CAFRA Center designation by NJDEP</del> January 2010	<b>Ordinance to be brought before Planning board June 09. To be completed by January 2010</b>
H4	Coastal Consistency Statement	The town must submit a revised coastal consistency statement that accurately reflects actions taken by the town that demonstrate consistency with coastal zone management rules	45 days prior to the date of publication of the Notice of CAFRA Center designation by NJDEP	H4	Complete APPENDIX C
I1	Intermunicipal Coordination	Coordinate hazard mitigation and evacuation planning with adjoining municipalities.	Police Department, DOT, OSG, CMC	ongoing	<b>Renewed police contact (CM) Court consolidations being studied (CM, WCM &amp; CMP) Emergency Mgt plan approval APPENDIX K</b>
R1 (NPE_R)	Recycling statement of consistency	The petition shall include a statement of consistency with the County Solid Waste Management Plan, including municipal strategies to achieve the State's Recycling Goals and reduce municipal solid waste. The statement shall include: <ul style="list-style-type: none"> <li>• Provisions for collection;</li> <li>• Disposition and recycling of mandatory recyclable materials;</li> <li>• Disposition and recycling of construction and demolition waste;</li> <li>• Educational strategies for businesses and residents;</li> <li>• Provisions for the disposal of household hazardous waste;</li> <li>• Strategies to reduce and reuse waste</li> <li>• Provisions for the disposal of universal waste.</li> </ul>	DEP	1 Year post endorsement	Extended until 10/2009 <b>CHAPTER XVIII SOLID WASTE MANAGEMENT</b>

## **APPENDICES**

APPENDIX A: Board of Adjustment Annual Reports for 2008

APPENDIX B: update on the status of the Builders Remedy Lawsuit

APPENDIX C: COASTAL CONSISTENCY STATEMENT

APPENDIX D: CAFRA center designation

APPENDIX E: to acquire Block 68, Lots 5 and 6 for inclusion in the county's Open Space and Farmland Preservation Program

APPENDIX F: REQUIRING ENVIRONMENTAL IMPACT ASSESSMENT

APPENDIX G: purchase of a Development Easement on property owned by William H. Vasser, etals

APPENDIX H: Purchase of the Development Easement on the Wilde/Bray Farm

APPENDIX I: APPOINTING A MUNICIPAL HOUSING LIAISON

APPENDIX J: APPOINTMENT OF TRIAD ASSOCIATES AS COAH ADMINISTRATIVE AGENT

APPENDIX K: 08 EMERGENCY OPERATIONS PLAN approval Letter

APPENDIX L: formally sponsor the local chapter of the Slow Foods National Organization

APPENDIX M: Beyel letter to Baier March 09 - Water Quality Management Plan

APPENDIX N: zoning map with sewer service area

APPENDIX O: facilities map

APPENDIX P: WCM BoE LRFP

APPENDIX Q: Educational Long-Range Facilities Plan Final Determination