



State of New Jersey

DEPARTMENT OF STATE
BUSINESS ACTION CENTER
OFFICE OF PLANNING ADVOCACY
PO Box 820
TRENTON, NJ 08625-0820

PHILIP D. MURPHY
Governor

TAHESHA WAY
Secretary of State

SHEILA Y. OLIVER
LT. GOVERNOR

DONNA A. RENDEIRO
Executive Director

MEMORANDUM

TO: State Planning Commission
FROM: Donna Rendeiro
RE: Upper Township Plan Endorsement Waiver Request/Renewal
DATE: October 1, 2021

Attached you will find a memorandum, supporting documentation and a presentation from Meghan Wren, Area Planner for Cape May County recommending that the Commission approve waivers for the requirements of an Opportunities and Constraints Report and a Consistency Review.

I support the recommendation for the following reasons:

- Throughout Upper's current Endorsement period, the Township has demonstrated comprehensive planning and community involvement consistently and has made substantial progress toward implementation of the items identified in the Plan Implementation Agreement.
- The Township has demonstrated significant effort toward resilience planning and has incorporated CAFRA rules into its zoning requirements and land use ordinances. Upper is a Class 5 member of FEMA's CRS program and will likely become a Class 4 shortly. Additionally, the Township has received bronze certification in the Sustainable Jersey program.
- The Township is relatively stable regarding their land use status and trends. A build out analysis has been completed as recently as 2019, and virtually all of their requirements are kept up to date and relevant.

Upper Township is a good example of a vulnerable community that has kept current on traditional requirements as well as new requirements related to climate change and environmental justice. In granting these waivers, Upper can become the pilot for our proposed re-endorsement rules that are currently under consideration in the rule update. Granting these waivers can also demonstrate the Commission's commitment to identifying ways to make it easier for municipalities that ensure good land use practices. Keep in mind, that the requirements of good land use planning are not waived by this waiver; rather, it is a recognition that the reporting simply duplicates work already completed.



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MEMORANDUM

TO: Donna Rendeiro
FROM: Meghan Wren
RE: Upper Township Plan Endorsement Waiver Request/Renewal
DATE: September 30, 2021

Background

The Township of Upper was first endorsed on February 21, 2007 (the very first NJ municipality to achieve Plan Endorsement) and received extensions for its re-endorsement through January 11, 2022. It is currently working through the Plan Endorsement Process as if they have never been endorsed. In the meantime, OPA works to amend the State Planning Rules to allow for an Endorsement Renewal Process that would acknowledge the past and current work of municipalities following a path of comprehensive planning consistent with the State Plan.

Waiver Requests

Mayor Richard Palombo of Upper Township submitted a waiver request August 23, 2021 asking for relief from the requirements for Step 4 of the Plan Endorsement Process; the Opportunities and Constraints Report (N.J.A.C. 5:85-7.1) The Mayor also asked for a waiver for Step 2 & 5, Advisory Committee and Visioning that was reviewed and approved in a separate action by the Executive Director. OPA has reviewed these waiver requests and is adding a request for relief for the formal Consistency review process, Step 6.

Justification

A waiver for Step 4, Plan Endorsement State agency opportunities and constraints assessment and report, is requested/justified because: "We would request a waiver from Step 4 because there have not been significant changes to Upper Township's status and trends since our original PE in 2007. The current build-out analysis prepared in 2019 as part of the wastewater management plan was

done with more detail than OPA's typical build out analysis. Upper Township has made significant and meaningful progress on our PIA and are prepared to adopt the new priorities of the state in the way of a revised PIA reflecting key State priorities.

Upper Township has have been a good partner/participant in resiliency planning, affordable housing, and other key interests of the state, implementing center-based development through municipal planning and zoning, incorporating CAFRA requirements into our zoning, adopting relevant ordinances for cluster development, resource protection and other key land use issues; working closely with Cape May County and other regional efforts; and taking a leadership role in resiliency through Coastal Coalition and other collaborations. Upper Township is also a Class 5 Community in the FEMA's Community Rating System (CRS) and after adoption a watershed management plan later in 2021 we will become a Class 4 Community. The Township has also adopted numerous ordinances that enhance resiliency in our Special Flood Hazard Area including a mandatory bulkhead height of Elevation 8, minimum ground floor/ garage elevation of Elevation 7, and a freeboard requirement of 3-feet above the base flood elevation."

A waiver for Step 6, Plan Endorsement Consistency review, is requested/justified because: Upper Township went through Plan Endorsement once before and aligned their planning documents and efforts with the State Development and Redevelopment Plan – which has not changed since their endorsement. The Township has only moved closer to sustainability in the ensuing years; implementing a significant number of their Plan Implementation Agreement actions, leading the state in resiliency efforts, achieving Category 5 (and soon 4) in NFIP's Community Rating System and Bronze Certification through Sustainable Jersey while adding land use plans and ordinances that support center-based communities.

NJ State Planning Rules for Waivers

According to N.J.A.C. 5:85-7.6 (b) "A waiver may be granted ... provided the Executive Director, determines that a petitioner has previously satisfactorily completed the requirement, or has **substantially complied with the intent of the requirement**. The determination will be based on a consideration of whether standards for plan endorsement ... have been met."

Step 4 PE State agency opportunities and constraints assessment and report – Intent: NJAC 5:85-7.1

...relevant State agencies shall compare the findings and conclusions of the petitioner's Self-Assessment Report with the most up-to-date regional and Statewide data, evaluate the report with regard to development, infrastructure, natural resources, social equity and resiliency to climate change, and make an assessment as to whether trend growth apparent in petitioner's report is sustainable based on the resources and infrastructure available in the municipality, region and State...

Step 6 PE State agency Consistency Review – Intent: NJAC 5:85-7.12

...the Office of Planning Advocacy, in consultation with the relevant Federal, State and regional agencies, shall conduct a review of the plan for consistency with the goals, policies and strategies of the State Plan, which shall conclude with issuance of a consistency review report to the petitioner.

... (c) In conducting the consistency review, consideration will be given to the ability .. to achieve the targets and indicators contained in the State Plan ...; the extent to which the activities listed to be undertaken in each planning area can or will achieve consistency with the State Plan goals and implement Statewide sound planning policies, taking into account relevant State agency policies, rules and regulations, and whether the plan is based on current information and data.

Consistency will be evaluated ...with particular emphasis on the following provisions:

1. The Statewide goals, policies and strategies;
2. The policies that apply to all planning areas;
3. The intentions for each relevant planning area;
4. The policy objectives for each relevant planning area;
5. If any change to a planning area boundary is proposed, the delineation criteria, intent and policy objectives for each planning area impacted by any boundary change;
6. The delineation criteria and intent for critical environmental sites and historic and cultural sites, areas vulnerable to flooding and climate change-related hazards, and with special consideration of equity/environmental justice issues;
7. If there is a designated center or a center is proposed for designation, the policies for centers, including the center design policies, and environs; and
8. If a center is proposed to be designated or a change to the boundary of a designated center is proposed, the criteria for designating the type of center that is proposed to be designated or modified.

(d) A consistent municipal plan shall contain... the following mandatory planning documents:

- i. A sustainability statement;
- ii. A land use element;
- iii. A land use inventory or map;
- iv. A zoning ordinance, schedule or map;
- v. Documents detailing recent or upcoming major developments as defined by the MLUL;
- vi. A circulation element and complete and green streets policy and implementation ordinance;
- vii. A municipal stormwater management plan and ordinance;
- viii. A wastewater management plan;
- ix. A housing element;
- x. A petition for substantive certification filed with the Court, compliance with a court-ordered housing plan, or evidence of adequate affordable housing accommodations;
 - i. A fair share plan and implementing documents/ordinances;
 - ii. A community facilities plan, inventory and map;
 - iii. A board of education five-year facilities plan if one exists;
 - iv. An open space and recreation plan;
 - v. A natural resource inventory;
 - vi. A conservation plan and implementing ordinances;
 - vii. An environmental justice and social equity action plan;
 - viii. A climate action plan that addresses: a. climate adaptation and resiliency, and b. Greenhouse Gas emissions reduction
- ix. A recycling statement of consistency;
- x. A municipal recycling ordinance;
- xi. A hazard mitigation plan or local annex in a county HMP; xix. New Jersey State Police letter approving the local emergency operating plan; and

xx. A capital improvement program

The following conditional items as outlined in the plan endorsement guidelines, which may be required depending on local circumstances;

- i. A utility service plan;
 - ii. floodplain ordinance; A water supply plan
 - iii. A recreation and open space inventory;
 - iv. An economic development plan;
 - v. An agricultural retention plan/farmland preservation plan, agricultural advisory committee, right-to-farm ordinance, and implementation program;
 - vi. A historic and cultural resources inventory, historic preservation plan, and implementation documents and mechanisms;
 - vii. Incorporation of hazard mitigation measures into relevant planning documents;
 - viii. A sustainability element; ix. A historic and cultural resources inventory and historic preservation plan; and
- (f) Any additional requirements that are agreed upon between petitioner and the Executive Director, in consultation with the relevant State agencies...

Review of Requirement and Intent

Step 4 Opportunities & Constraints Report: OPA and Upper Township have met the intent of the Opportunities and Constraints requirement for Upper Township because a build out analysis, which OPA typically prepares as the backbone of an Opportunities and Constraints report, was conducted by the Maser Consulting as part of the township's wastewater management plan. The data presented offers a clear picture from which state agencies can make consistency evaluations. Additionally, the data and analysis in the other issue areas mandated in an O&C Report are readily available as follows:

- **Development** has been minimal since the last Opportunities and Constraints Report was prepared;
- **Infrastructure** needs and issues are assessed in Upper Township's own reports;
- **Natural resources** – Upper Township has a Natural Resource Inventory that has been kept up to date and a current complete ROSI;
- **Social equity** - there are no identified social equity issues in Upper township though the community is prepared to address any concerns should they arise;
- **Resiliency to climate change** – Upper Township has completed the 'Getting to Resiliency' report, achieved CRS Level 5 (soon to be 4); incorporated climate change impacts in its 2021 Hazard Mitigation Plan Annex and is prepared to adopt the actions identified in the 2020 PE Guidelines as part of its new PIA to address additional resiliency concerns.

Furthermore, there have been no significant land use changes in the years since its Endorsement; the township has implemented much of its original PIA, and worked through plans, programs and ordinances toward its vision of center-based, mixed use, higher density residences, affordable housing, walkability and bike/ped friendly streets in Marmora, Seaville, Petersburg and Tuckahoe while preserving and steering less dense development in its environs outside of the centers.

Step 6 Consistency Review: OPA and the relevant state agencies with Upper Township have and/or will meet the intent of the Consistency Review requirement for Upper Township through careful consideration of submitted documents, reports, current information, and data available. Upper

Township has maintained consistency since its original endorsement in 2007 as evidenced by its continuous progress in sustainable planning.

Consistency has been evaluated ...with particular emphasis on the following provisions:

1. The Statewide goals, policies, and strategies: Consistent
2. The policies that apply to all planning areas: Consistent
3. The intentions for each relevant planning area: Consistent
4. The policy objectives for each relevant planning area: Consistent
5. If any change to a planning area boundary is proposed, the delineation criteria, intent and policy objectives for each planning area impacted by any boundary change: Consistent
6. The delineation criteria and intent for critical environmental sites and historic and cultural sites, areas vulnerable to flooding and climate change-related hazards, and with special consideration of equity/environmental justice issues: Consistent
7. If there is a designated center or a center is proposed for designation, the policies for centers, including the center design policies, and environs: Consistent and
8. If a center is proposed to be designated or a change to the boundary of a designated center is proposed, the criteria for designating the type of center that is proposed to be designated or modified: Consistent

(d) A consistent municipal plan shall contain... the following mandatory planning documents:

- i. A sustainability statement;
- ii. A land use element;
- iii. A land use inventory or map;
- iv. A zoning ordinance, schedule or map;
- v. Documents detailing recent or upcoming major developments as defined by the MLUL;
- vi. A circulation element and complete and green streets policy and implementation ordinance; **(Partial – to be enhanced through PIA)**
- vii. A municipal stormwater management plan and ordinance;
- viii. A wastewater management plan; **(Awaiting DEP Approval)**
- ix. A housing element;
- x. A petition for substantive certification filed with the Court, compliance with a court-ordered housing plan, or evidence of adequate affordable housing accommodations;
- i. A fair share plan and implementing documents/ordinances;
- ii. A community facilities plan, inventory and map;
- iii. A board of education five-year facilities plan if one exists; **(To be supplied if exists)**
- iv. An open space and recreation plan;
- v. A natural resource inventory;
- vi. A conservation plan and implementing ordinances;
- vii. An environmental justice and social equity action plan;**(To be established through PIA)**
- viii. A climate action plan that addresses: a. climate adaptation and resiliency, and b. Greenhouse Gas emissions reduction ;**(To be established through PIA)**
- ix. A recycling statement of consistency;
- x. A municipal recycling ordinance;
- xi. A hazard mitigation plan or local annex in a county HMP; xix. New Jersey State Police letter approving the local emergency operating plan; and
- xx. A capital improvement program

The following **conditional** items as outlined in the plan endorsement guidelines, which may be required depending on local circumstances;

- ☑ i. A utility service plan;
 - ☑ ii. floodplain ordinance; A water supply plan
 - ☑ iii. A recreation and open space inventory;
 - iv. An economic development plan;
 - v. An agricultural retention plan/farmland preservation plan, agricultural advisory committee, right-to-farm ordinance, and implementation program; **(Through CM County)**
 - ☑vi. **A historic and cultural resources inventory**, historic preservation plan, and implementation documents and mechanisms; **(Partial)**
 - ☑vii. Incorporation of hazard mitigation measures into relevant planning documents;
 - viii. A sustainability element; **;(To be established through PIA)**
- (f) Any additional requirements that are agreed upon between petitioner and the Executive Director, in consultation with the relevant State agencies...

Other Considerations

This review encompasses one of the three waiver requests submitted by Upper Township which, taken together with the waiver request initiated by OPA, would essentially provide a pilot case for an expedited Plan Endorsement renewal procedure. OPA recognizes the major planning and compliance work that Upper did in the years leading up to its initial endorsement and the continuation of that planning and incremental accomplishments toward its vision since then.

Upper township is in good standing for its Affordable Housing and has conducted its own build-out analysis as part of its wastewater planning that is more comprehensive than OPA's status and trends analysis. Upper Township is a leader in resiliency planning in NJ – leading the largest Public Participation Information network in the country as part of its CRS program (soon to be Category 4) through the Coastal Coalition and it has achieved Bronze Certification through the Sustainable Jersey program evidencing its commitment to climate change adaptation and other sustainability issues.

Conclusion/Recommendation for Approval

In light of the aforementioned considerations and hard work by Upper Township, I recommend approving these requests for waivers for PE Step 4 and Step 6 as they have provided sufficient evidence that we/they have **substantially complied with the intent of the requirement** for the Opportunities and Constraints assessment and report and Consistency Review.

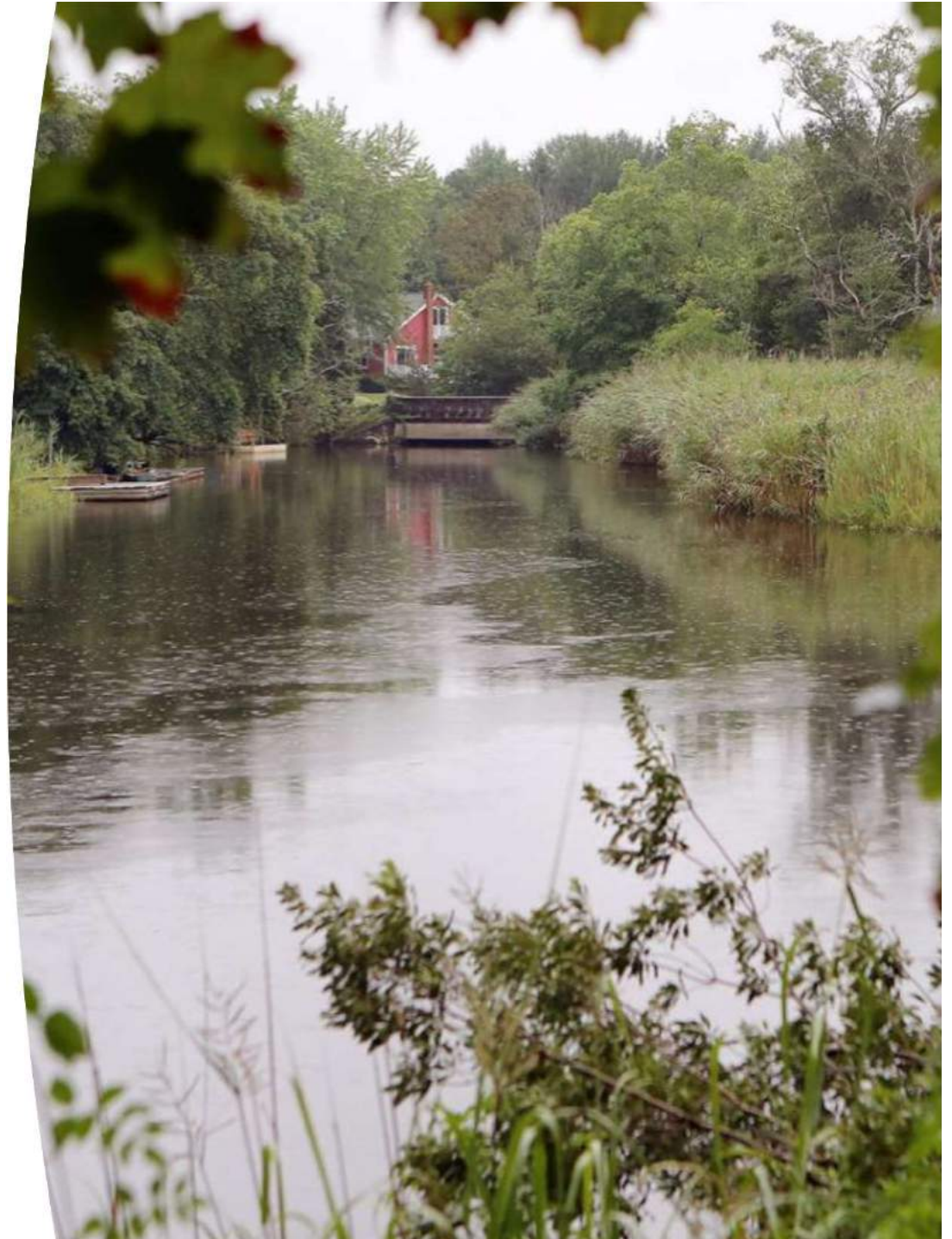
Additionally, OPA and the agencies will have an opportunity to add considerations to the Plan Implementation Agreement should they have additional items of concern.

As the first Endorsed community, engaged in perennial responsible planning for the past fifteen years, this community is the ideal test for the proposed expedited Renewal process.

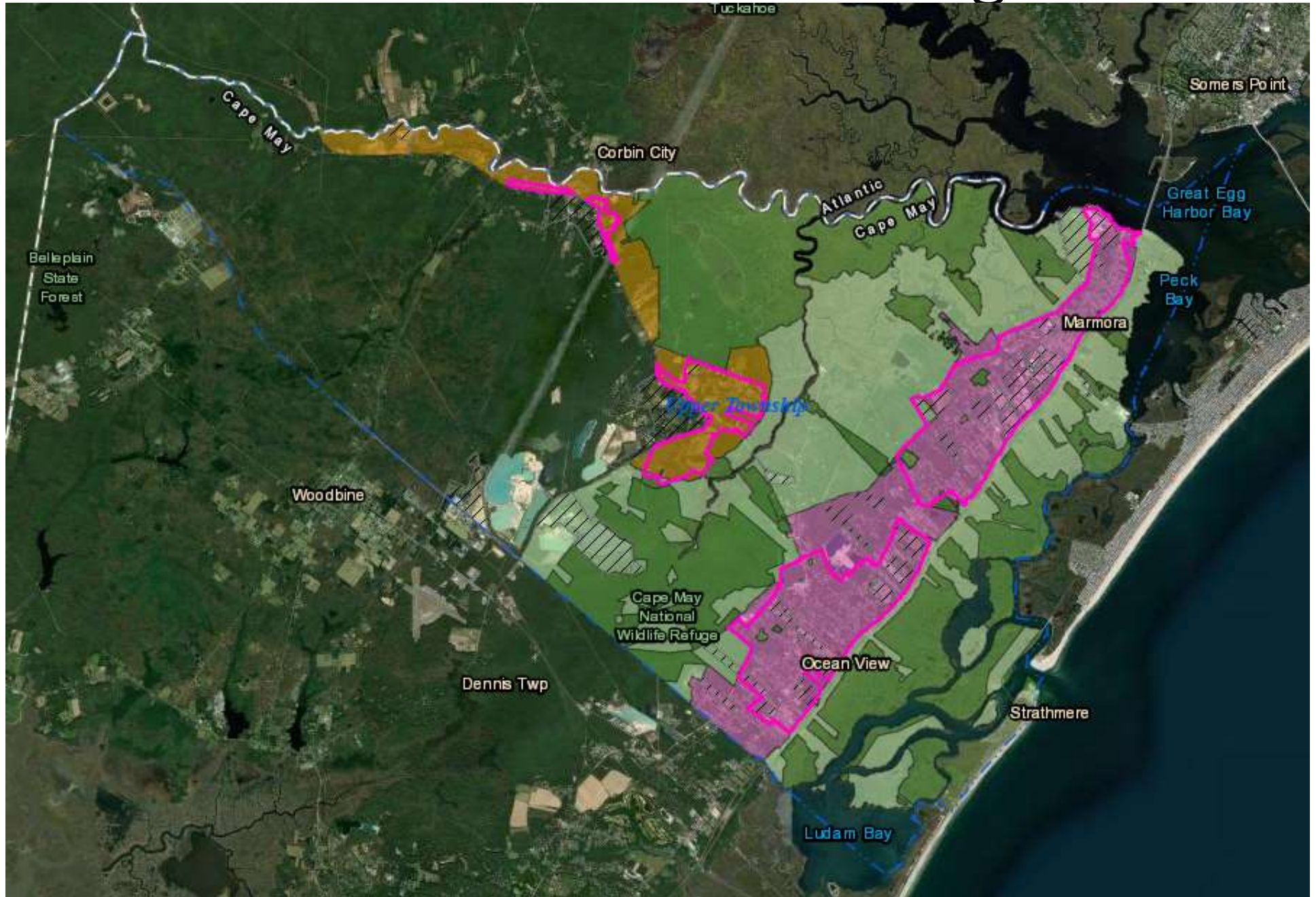
Upper Township Plan Endorsement Waiver Requests

Presented to the
**State Planning
Commission**

By Meghan Wren
NJ Office of Planning Advocacy
October 6, 2021



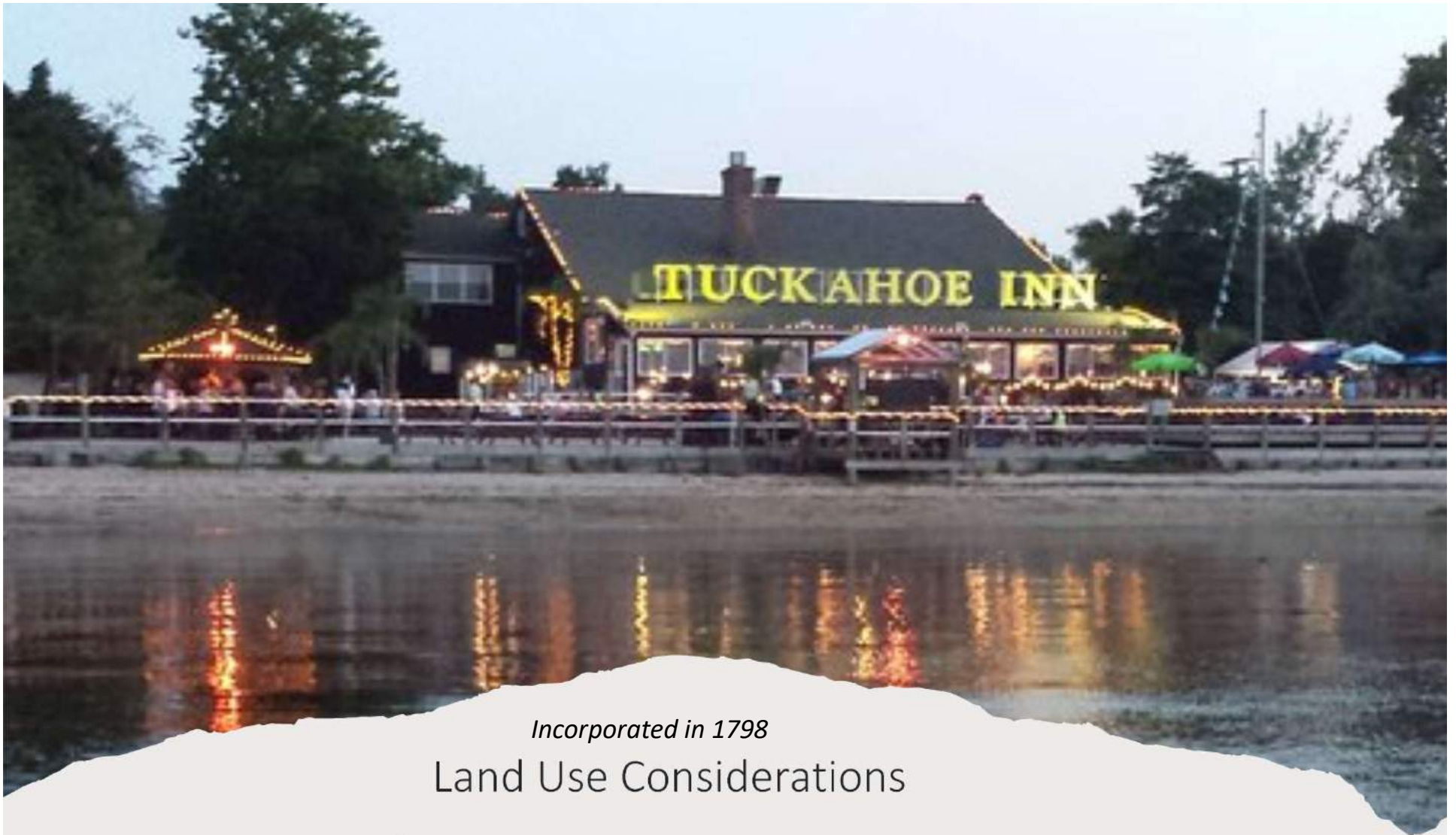
Present Centers and Planning Areas



Demographics/ Trends

- Populations have decreased over the past 20 years – especially losing younger folks and gaining % seniors but the 2020 census shows a 1% increase from 2010 to 12,539
- Seasonal populations especially on the barrier island expand 8-10 fold in the summer
- 96.3% White, 2.2% Hispanic population - increasing
- 4.8% poverty rate





Incorporated in 1798

Land Use Considerations

68.5 Square miles/43,830 Acres

(approx. 50% open water & wetlands; 3 large parks/wildlife management areas and preserved T&E habitat)

33% of Township land is in the Pinelands

(not addressed in OPA Mapping/Planning)

CAFRA Zone

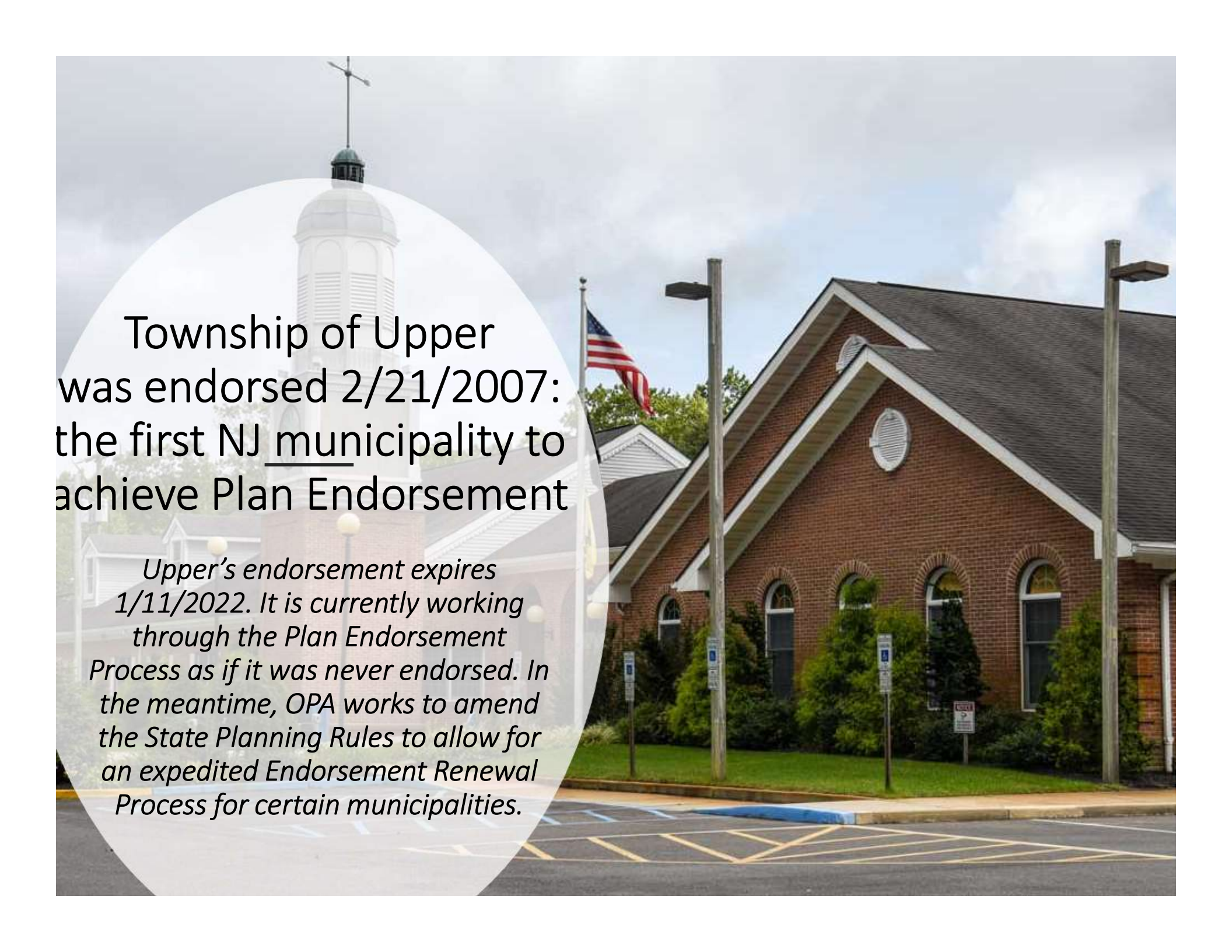
(if it is not in the Pinelands, it is in CAFRA)

General Character

Rural villages, suburban development and center clusters especially on Rt 9. Predominately single family homes, most dense on the barrier island community of Strathmere. Mining and agriculture inland. Much history and historic architecture.

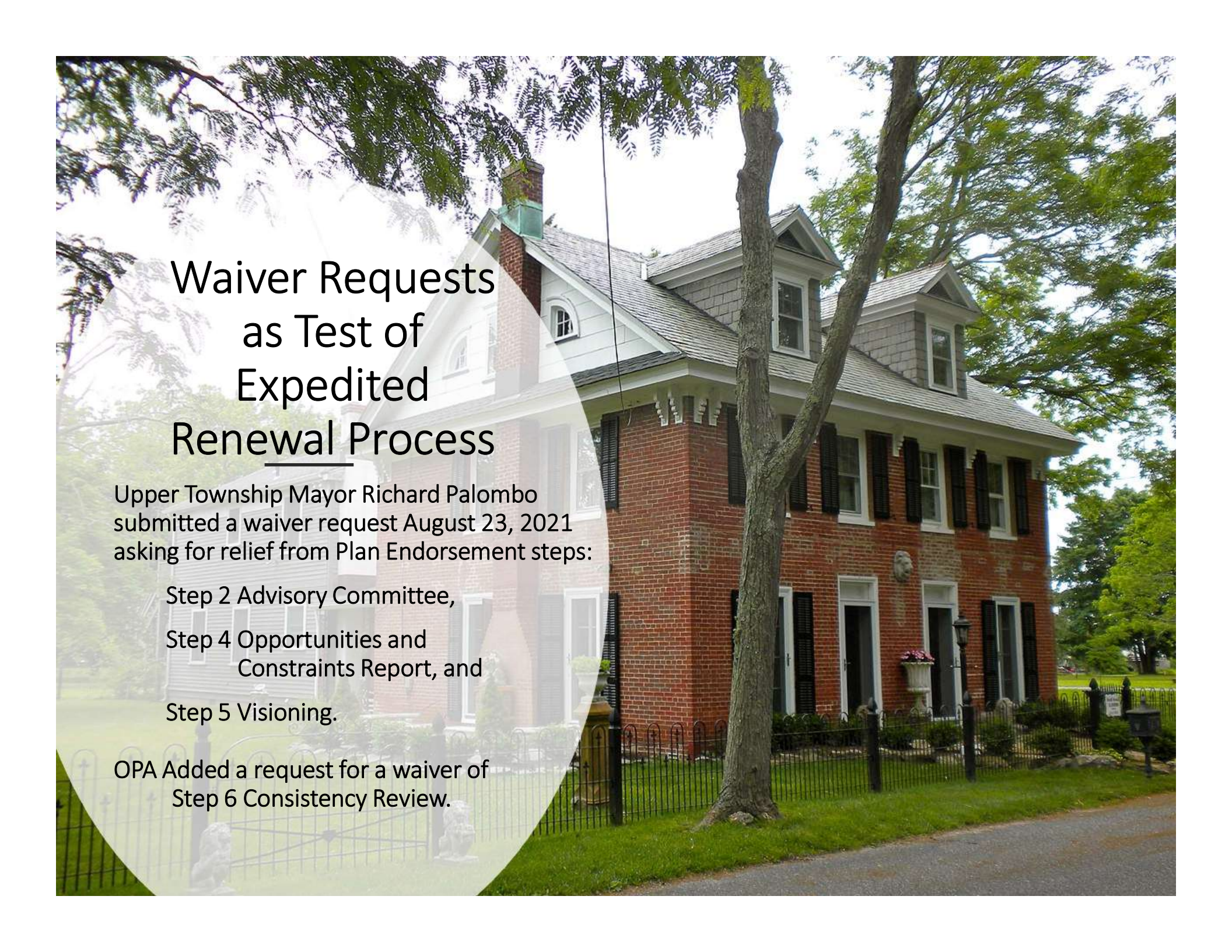
Major Highways/Throughways/Commercial Corridors

(Garden State Parkway, Routes 9, 49 & 50 and Roosevelt Blvd)

A photograph of a brick building with a gabled roof and arched windows. An American flag is flying on a pole in front of the building. The scene is outdoors with a cloudy sky. A large, semi-transparent white circle is overlaid on the left side of the image, containing text.

Township of Upper
was endorsed 2/21/2007:
the first NJ municipality to
achieve Plan Endorsement

*Upper's endorsement expires
1/11/2022. It is currently working
through the Plan Endorsement
Process as if it was never endorsed. In
the meantime, OPA works to amend
the State Planning Rules to allow for
an expedited Endorsement Renewal
Process for certain municipalities.*



Waiver Requests as Test of Expedited Renewal Process

Upper Township Mayor Richard Palombo submitted a waiver request August 23, 2021 asking for relief from Plan Endorsement steps:

Step 2 Advisory Committee,
Step 4 Opportunities and
Constraints Report, and
Step 5 Visioning.

OPA Added a request for a waiver of
Step 6 Consistency Review.

A background image showing several people riding bicycles on a paved path. The image is slightly blurred, suggesting motion. In the foreground, a person is riding a blue bicycle, wearing a light blue jacket and a colorful beanie. Behind them, another person is riding a white bicycle. In the background, a person is riding a black bicycle. The path is paved and appears to be outdoors.

2 Waivers Approved by OPA; 2 Waiver Requests for SPC

OPA Approved 9/15/2021

Step 2 Advisory Committee – OPA Approved

Step 5 Visioning – OPA Approved

Approved by PIC for SPC Consideration:

Step 4 Opportunities & Constraints
Analysis and Report

Step 6 Consistency Review

2007 PIA Status

Project/action awaiting funding.	7 Actions
Completed, ongoing or partially completed action/project.	32 Actions
Project/action held up by state or county agency(s).	9 Actions
	48 Total Actions



Upper Township Planning since 2007 Endorsement

- 2008 Affordable Housing Trust Fund Spending Plan (Amended 2012)
- 2010 Form-based Code Report
- 2011 Conservation Plan Element
Master Plan Re-exam
- 2012 Marmora Traffic Analysis Report including Form Based Code adoption
Wastewater Management Plan update which included build-out analysis
- 2014 Land Use and Zoning Changes
- 2015 Getting to Resiliency
- 2016 All Hazard Mitigation Plan (With annual updates 2017-2019)
Vulnerable Populations identified for emergencies
Building Ecological Solutions to Coastal Community Hazards (with National Wildlife Foundation)
- 2017 Formed an Economic Development Council to work with the business community
- 2018 Master Plan Reexam
Housing Element
Achieved Bronze Certification with Sustainable Jersey
- 2019 Wastewater Management Plan update which included build-out analysis
Bicycle Plan
Complete Streets for All Policy
Beach Management Plan
Achieved Bronze Certification with Sustainable Jersey
- 2020 Master Plan Reexam with public meetings discussing vision and Plan Endorsement
Municipal Public Access Plan
Achieved Bronze Certification with Sustainable Jersey
Community Asset Map
Annex for All Hazard Mitigation Plan (including Climate Change and Sea Level Rise)
Updated Fair Share Housing Plan after Final Judgement of Compliance and Repose
- 2021 Prepared a Redevelopment Plan for BL England
Currently CRS Level 5 awaiting advancement to Level 4 this year
Stormwater Plan & Pollution Prevention Updated

Step 4 Opportunities & Constraints Analysis and Report

OPA and Upper Township have **met the intent** of the Opportunities and Constraints requirement for Upper Township through several avenues:

Analysis: a build out analysis, which OPA typically prepares as the backbone of an Opportunities and Constraints report, was conducted by the Maser Consulting as part of the township's wastewater management plan. The data presented offers a clear picture from which state agencies can make consistency evaluations.

And...





Data and analysis of issues mandated in an O&C Report as follows:

Development has been minimal since the last Opportunities and Constraints Report was prepared;

Infrastructure needs and issues are assessed in Upper Township's own reports;

Natural resources – Upper Township has a Natural Resource Inventory that has been kept up to date and a current complete ROSI;

Social equity - there are no identified social equity issues in Upper township though the community is prepared to address any concerns should they arise;

Resiliency to climate change – Upper Township has completed the 'Getting to Resiliency' report, achieved CRS Level 5 (soon to be 4); incorporated climate change impacts in its 2021 Hazard Mitigation Plan Annex and is prepared to adopt the actions identified in the 2020 PE Guidelines as part of its new PIA to address additional resiliency concerns.



Also:

- **There have been no significant land use changes in the years since its Endorsement;**
- **the township has implemented much of its original PIA,**
- **and worked through plans, programs and ordinances toward its vision of center-based, mixed use, higher density residences, affordable housing, walkability and bike/ped friendly streets in Marmora, Seaville, Petersburg and Tuckahoe while preserving and steering less dense development in its environs outside of the centers.**



Step 6 Consistency Review

OPA and the relevant state agencies with Upper Township have and/or will meet the intent of the Consistency Review requirement for Upper Township through careful consideration of submitted documents, reports, current information, and data available.

Upper Township has maintained and improved consistency since its original endorsement in 2007 as evidenced by its continuous progress in sustainable planning.

Before presentation for Endorsement; a PIA will be agreed upon with any actions needed to maintain consistency.

Consistency

Consistency has been evaluated ...with particular emphasis on the following provisions:

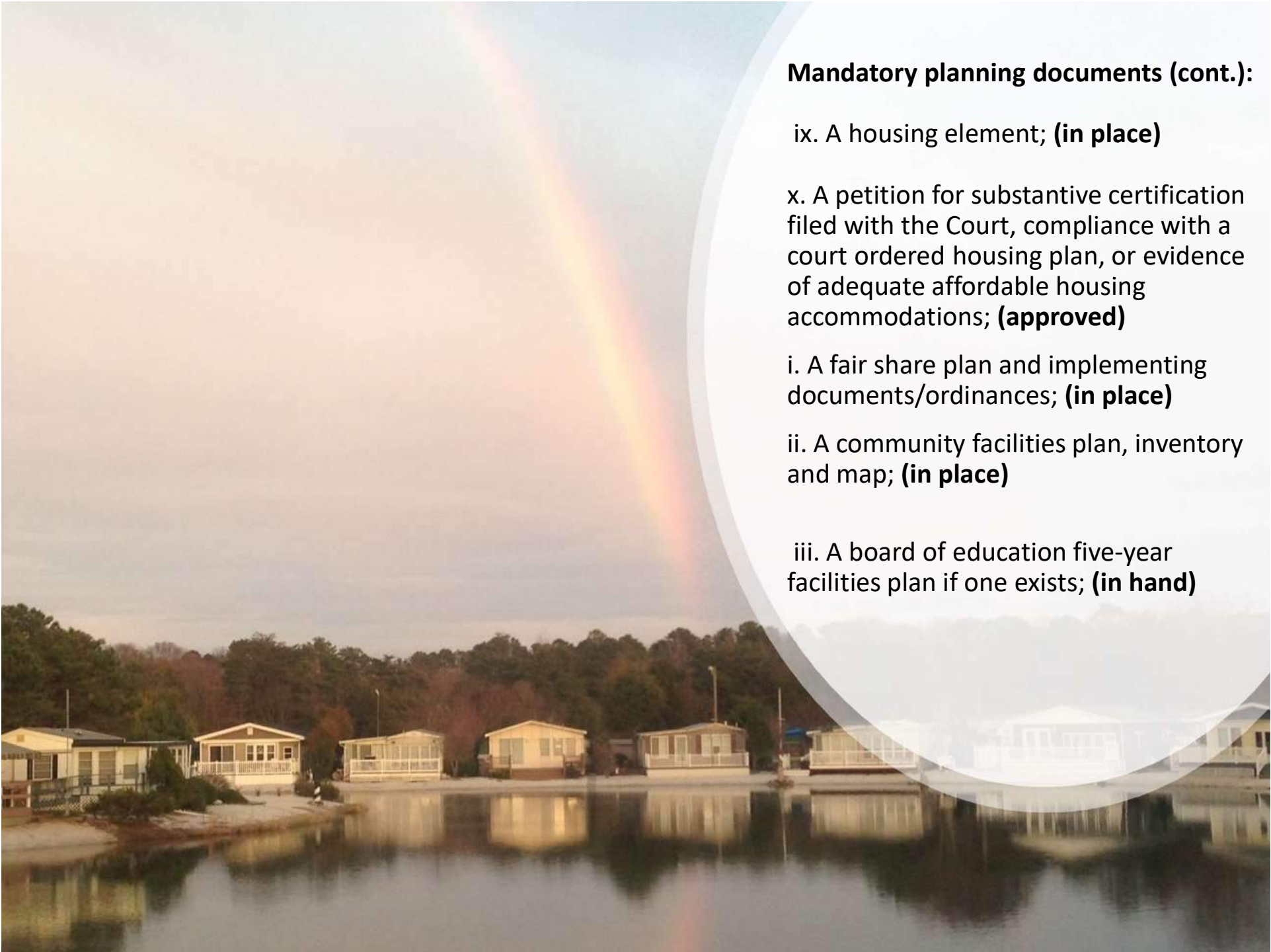
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7. If there is a designated center or a center is proposed for designation, the policies for centers, including the center design policies, and environs: Consistent
8. If a center is proposed to be designated or a change to the boundary of a designated center is proposed, the criteria for designating the type of center that is proposed to be designated or modified: Consistent



A consistent municipal plan shall contain... the following mandatory planning documents:

- i. A sustainability statement; (3 SJ certs in 3 years)
- ii. A land use element; (in place)
- iii. A land use inventory or map; (in place)
- iv. A zoning ordinance, schedule or map; (in place)
- v. Documents detailing recent or upcoming major developments as defined by the MLUL; (in hand)
- vi. A circulation element and complete and green streets policy and implementation ordinance; (Partial 2016 – to be enhanced through PIA)
- vii. A municipal stormwater management plan and ordinance; (in place)
- viii. A wastewater management plan; (Awaiting DEP Approval)





Mandatory planning documents (cont.):


ix. A housing element; **(in place)**

x. A petition for substantive certification filed with the Court, compliance with a court ordered housing plan, or evidence of adequate affordable housing accommodations; **(approved)**

i. A fair share plan and implementing documents/ordinances; **(in place)**

ii. A community facilities plan, inventory and map; **(in place)**

iii. A board of education five-year facilities plan if one exists; **(in hand)**

A green sign for Cape May County Park North Wildlife Sanctuary is the background. The sign features the text "CAPE MAY COUNTY PARK NORTH" at the top and "WILDLIFE SANCTUARY" at the bottom. In the center, there is a stylized logo of a plant and a shell. A large, semi-transparent circular overlay is positioned on the left side of the sign, containing a list of items. The background shows trees with autumn foliage and green bushes in the foreground.

iv. An open space and recreation plan; **(in place)**


v. A natural resource inventory; **(in place)**

vi. A conservation plan and implementing ordinances; **(in place)**

vii. An environmental justice and social equity action plan; **(To be established through PIA)**

viii. A climate action plan that addresses:

- a. climate adaptation and resiliency, **(partially in place)** and
- b. Greenhouse Gas emissions reduction; **(To be established through PIA)**

- 
- ix. A recycling statement of consistency; **(in place)**
 - x. A municipal recycling ordinance; **(in place)**
 - xi. A hazard mitigation plan or local annex in a county HMP; **(in place)**
 - xix. New Jersey State Police letter approving the local emergency operating plan; **(in hand)** and
 - xx. A capital improvement program **(in place)**

Check Out what
Upper Township
has to offer!

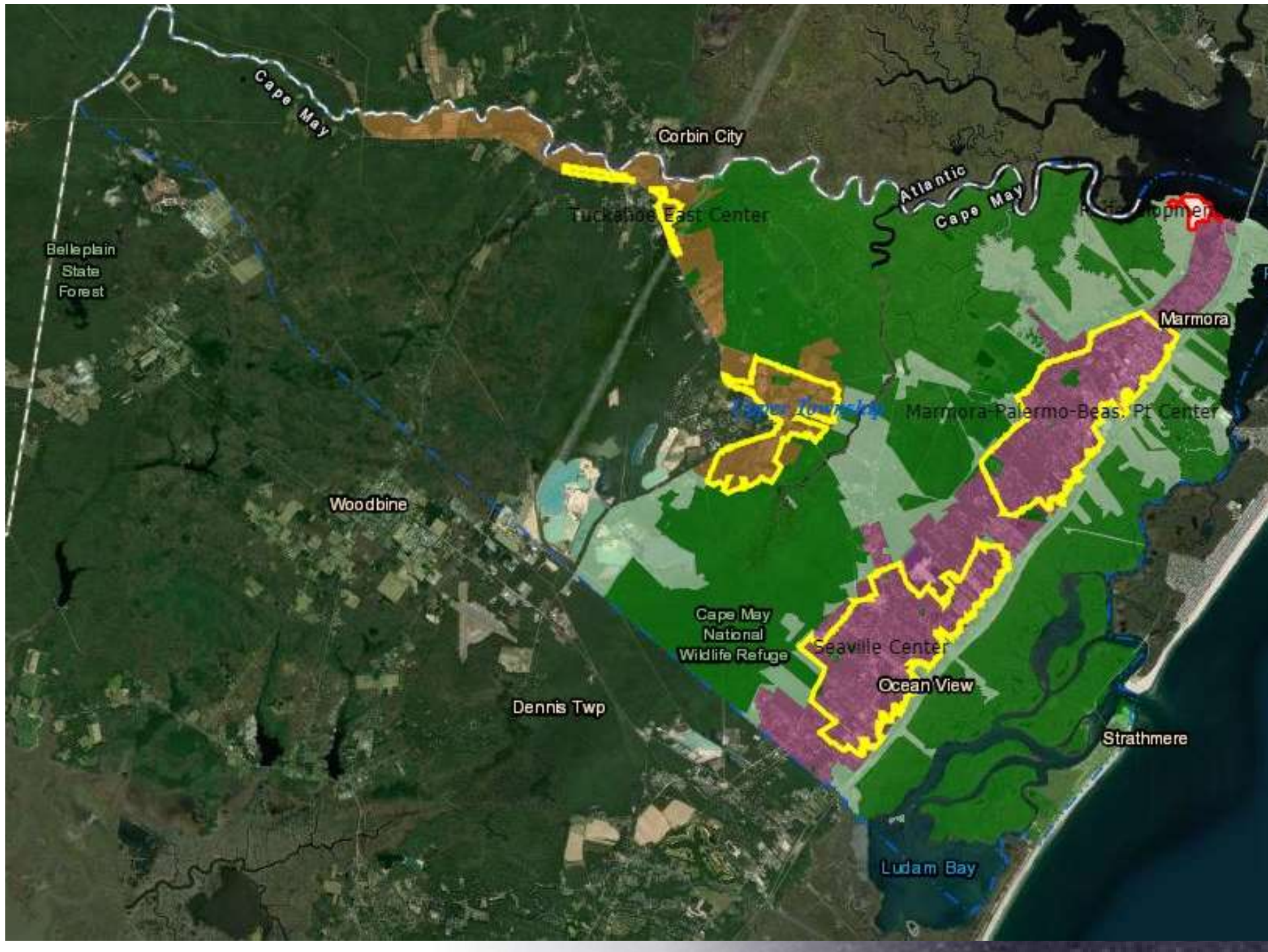


UPPER TOWNSHIP

Shop

Save

Support





We are working toward map consensus with DEP and the Township. Of particular interest is the future of the recently closed B.L England site.



Next Steps

Should Waivers for Step 4 Opportunities & Constraints and Step 6 Consistency review be granted, OPA and the partner agencies would need to follow the proposed expedited renewal process including:

1. OPA & Agencies review/ analyze all documents and identify any additional issues for PIA;
2. OPA , Agencies & Upper Twp reach consensus on final map;
3. OPA , Agencies & Upper Twp reach consensus on final PIA;
4. PIC review recommendation
5. SPC approve Endorsement



Upper Township 2007 Planning and Implementation Agreement (PIA)

February 2021 Status Update

Adopted by the State Planning Commission on February 21, 2007

2/21/2007

9/8/2021

Topic	#	Subtopic	Activity (local action unless otherwise indicated)	State/County Assistance	Timetable	Status
General	A1	CAFRA Center Boundary, revised planning area boundaries	Submit drafts of all new and revised planning documents required by this PIA to OSG, DEP and the Pinelands Commission.	OSG, DEP and Pinelands Commission to provide technical assistance	20 days prior to adoption by township	4/9/07, complete
General	A4	CAFRA Center Boundary & revised planning area boundaries	DEP to provide the requisite notice concerning designated center and revised planning area boundaries in the NJ Register. As part of this process, the Pinelands Commission will provide general comment to DEP regarding the petition per the MOU between the two agencies.	DEP, Pinelands	5/23/2007	4/2/2008 complete
General	A5	Plan Endorsement review	By February 21, 2009 and biennially thereafter, the Township shall submit a report to OSG and the public concerning the terms of this PIA and related efforts pursuant to NJAC 5:85-7.12(c).		2/21/2009 and biennially thereafter	Ongoing
General	A7	Revised Plan Endorsement Process	Once the new Plan Endorsement process is in place, the Township will have the option to work with state agencies to outline an action plan and timetable to attain the new standard for the benefit of additional state assistance. This action plan may be merged with this PIA, due to overlapping activities.	OSG and other state agencies	90 days after new rules and guidelines are adopted	Ongoing
General	A8	Inter-governmental coordination	Coordinate with planning efforts of adjoining municipalities, the County and State and regional planning efforts particularly concerning: regional planning, transportation, economic development, tourism, natural resource protection and open space and recreation.	County Planning Board, OSG, DOT, DEP	Ongoing	Ongoing
Land Use & Zoning	B1	Land Use Regulations	Update zoning regulations to implement land use plan and support center-based development. Eliminate discrepancies between the land use plan, zoning plan and CAFRA requirements to enable planning consistency. Provide preservation of the environs through refined zoning standards, and development cluster and transfer mechanisms.	OSG, DEP, Pinelands Commission	4/22/2007	10/9/2007 complete

Upper Township 2007 Planning and Implementation Agreement (PIA) February 2021 Status Update

Adopted by the State Planning Commission on February 21, 2007

2/21/2007

9/8/2021

Topic	#	Subtopic	Activity (local action unless otherwise indicated)	State/County Assistance	Timetable	Status
Land Use & Zoning	B2	Stormwater Management	Adopt ordinance changes required to implement new Stormwater Management Rules	DEP	Completed	6/12/2006 complete
Land Use & Zoning	B3	TDR Plan	Create TDR plan element in coordination with County Smart Future project.	OSG, SADC, County (subject to funding)	2/20/2009	County-wide project?
Housing	C1	COAH Plan	Finalize and adopt Housing Element and Fair Share Plan. Coordinate housing site selection with centers. Petition COAH for substantive certification.	COAH	180 days after COAH has finalized any necessary rule and/or guideline amendments following court decision.	12/22/2008; final JOR from Superior Ct and settlement agreement with Fair Share Housing 6/30/2020 complete
Housing	C2	Residential Design	Incorporate housing design into design guidelines (K2) to support housing diversity and links to services and amenities.	OSG (subject to funding)	6/22/2008	Need Funding
Redevelopment	D1	Beesley's Point	Investigate Beesley's Point redevelopment options to promote suitable mixed use waterfront based development in this Center. This effort will provide for reutilization of this prime economic resource for the Township. (This item depends on future status of B.L. England plant).	OSG, DEP	2/20/2009	Ongoing Rezoned area for Waterfront Towncenter on 5/26/20. Approved Condemneation Redevelopment Area on 1/22/21. Incorporate area as a State Redevelopment Node

Upper Township 2007 Planning and Implementation Agreement (PIA) February 2021 Status Update

Adopted by the State Planning Commission on February 21, 2007

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Topic	#	Subtopic	Activity (local action unless otherwise indicated)	State/County Assistance	Timetable	Status
Open Space & Recreation	E1	Recreation and Open Space Plan	Prepare and adopt Recreation and Open Space Plan as updated Master Plan element. Use the Plan to prioritize open space and farmland preservation acquisition efforts. Coordinate efforts with County Farmland Preservation plan. Prioritize acquisition of open space in coordination with State and Federal agencies and not-for-profit groups. Prepare Recreation and Open Space Inventory (ROSI) and submit to NJDEP to enable funding.	DEP Green Acres	2/20/2009	ROSI And Open Space Plan Complete MPAP approved by DEP 5/20
Open Space & Recreation	E2	Recreation and Open Space Plan	Target maintenance and enhancement of neighborhood-level parks and recreation facilities for Centers. Pedestrian and bicycle connections between residential areas and these facilities shall be a key part of the strategy.	OSG	2/20/2009	ongoing NJDOT funded Bike Plan 4/2019
Environmental Resources	F1	Coastal Consistency Statement	The Township shall prepare a statement that addresses natural resource protection and coastal management demonstrating consistency of local plans and ordinances with the goals of the Coastal Zone Management Program.	DEP technical assistance	4/7/2007	3/30/2007 completed
Environmental Resources	F2	Local Environmental Review	Adopt Environmental Review regulations to protect environmental sensitive lands as a condition of Plan Endorsement. Provide environmental maps for Township construction and zoning officials to use to identify critical land and to inform public.	DEP technical assistance	4/7/2007	3/30/2007 completed
Environmental Resources	F3	Dredging	Undertake regional dredging effort, obtain funding for equipment, and identify spoil sites as part of an overall regional plan.	County coordination of regional plan. DEP assistance with funding and site selection.	2/20/2009	Ongoing CM County held task force, OC and Strathmere projects
Env Resources	F4	Threatened & Endangered Species	Prepare Habitat Conservation Plan and protection measures to maintain habitat.	DEP technical assistance and funding	2/20/2010	Partial, need funding

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Transportation & Circulation	G1	Access Management	Revise the Township's LDO to comply with the MLUL requirement that municipal zoning regulate land adjacent to State highways in conformity with the State Highway Access Management Code.	DOT technical assistance*.	4/7/2007	10/7/2007 complete
Transportation & Circulation	G10	Route 47/55	Implement Route 47/Route 55 Corridor Study improvements to reduce congestion (except a Route 55 bypass).	NJ Turnpike Authority funding DOT/SJTPO TIP	Ongoing	complete
Transportation & Circulation	G2	Circulation Plan	Prepare updated Circulation Plan Element of the Master Plan. This element shall justify investments proposed in other Transportation PIA items, including alternative transportation modes.	DOT technical assistance	2/20/2009	Partial - Town Center Road Network Map Complete Streets Policy 8/2019
Transportation & Circulation	G3	Bicycle Paths	Construct Petersburg /Woodbine /Tuckahoe bike path. Secure funding to design and construct bike path to connect to Woodbine from Amandas Field and connecting north to Tuckahoe Village.	DOT TE funds, DOT Bicycle and Pedestrian funds*, DEP wetlands permits	2/21/2012	Bike Plan prepared; need funding for implementation
Transportation & Circulation	G4	Bicycle Paths	Design and construct Palermo bike path along inactive NJTransit rail line from Route 9 to the Inland Waterway.	DOT TE funds, DOT Bicycle and Pedestrian funds*, DEP wetlands permits.	2/21/2012	NJT no response - permitting use of inactive rail line.
Transportation & Circulation	G5	Tuckahoe rail station	Construct Tuckahoe train station link to Main Street. In coordination with County, design and construct sidewalk improvements along Reading Avenue from Route 50 to the Tuckahoe Train Station to support economic development efforts.	NJDOT Bike and Pedestrian funds; NJDOT Local Aid funds*.	2/20/2009	Need County and NJDOT for \$.

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Transportation & Circulation	G6	Routes 50 and 49 (Tuckahoe)	Construct Tuckahoe streetscape and Route 50 bridge improvements as key to revitalization of the Tuckahoe Village. Extend improvements to the section of Route 49 within Village center.	DOT project under design. Funds and fast track improvements to support Tuckahoe Village economic development efforts. TE and/or NJDOT Local Aid for Centers of Place funds for to extend streetscape improvements along Route 49 and to provide streetscape enhancements in the Village*.	2/20/2009	complete.
Transportation & Circulation	G7	Beesley's Point Bridge	Coordinate bridge improvements with Somers Point, DOT and any related redevelopment activity (D1). Alternative funding mechanisms may be explored in conjunction with state agencies if DOT funding does not exist for the improvements.	Beesley's Point Bridge Company, OSG	12/1/2007	complete
Transportation & Circulation	G8	Garden State Park - Exit 20	Install full interchange at Exit 20 of the Garden State Parkway. This is the highest priority Township transportation improvement project to reduce congestion.	NJ Turnpike Authority funding DOT/SJTPO TIP	2/21/2012	NJHA Project
Transportation & Circulation	G9	Route 9	Implement Route 9 Cape May County Access Management Plan to reduce congestion along corridor.	County coordinate regional access plan with mainland municipalities. DOT Local Planning Assistance funds*.	2/21/2012	County Project

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Transit	H1	Regional Shuttle Service	Plan and implement regional shuttle service between campgrounds and beaches and other recreational opportunities in coordination with mainland municipalities campgrounds and County. Shuttle service will provide transit service between campgrounds, mainland attractions and barrier island destinations. This needs to be coordinated by the County.	Request funding through NJ Transit for system planning and purchase of shuttle vans (which can be used off season for other transit services (seniors, van pools, dial a ride programs); coordinate with SITPO or TIP	2/20/2010	Regional Project awaiting funding
Transit	H2	Bus Service	Pursue improved bus transit facilities to increase route headways, increase bus pickup locations, develop central transit locations coordinated with parking.	Coordinate between Twp, County, NJ	2/21/2012	N Transit Project
Transit	H3	Rail Service	Complete rail line between Cape May City and Tuckahoe Village. Excursion rail service will support planned economic development activities around restored Train Station and Tuckahoe Village. The retention of the rail spur to Beesley's Point as part of redevelopment plan can further expand the excursion rail line route thereby reducing vehicular traffic through Route 9 corridor.	Cape May Seashore Line shall take the lead in this effort. DOT funds for rail line improvements; Transportation	2/20/2014	Cape May Seashore Lines Project awaits funding
Transit	H4.1	Rail Service	Conduct feasibility study for potential expansion of rail line from Tuckahoe to the Atlantic City Rail Line. This rail line can provide connection to NJTransit/PATCO service to Philadelphia and enable alternative travel modes, reducing congestion for summer visitors. (The rail line is also part of the excursion rail line link from Cape May to Tuckahoe Village.)	Municipalities, County and NJ Transit	2/20/2010	Regional Project
Transit	H4.2	Rail Service	Depending on results of feasibility study, expand rail line connection from Tuckahoe to the AC Rail Line.	Municipalities, County and NJ Transit	Long term	Regional Project

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Topic	#	Subtopic	Activity (local action unless otherwise indicated)	State/County Assistance	Timetable	Status
Infrastructure	11	Wastewater Management Plan	Prepare and submit a Wastewater Management Plan Amendment consistent with the revised land use element and Centers & Planning Areas. The WMP will identify the areas the Township intends to encourage wastewater treatment systems, namely portions of the two Town Centers, and areas that will be served by individual septic systems.	Cape May County, NJDEP permits.	4/7/07 (contingent on timetable of coordination with DEP)	Complete; Awaiting NJDEP approval of submitted plan.
Infrastructure	12	Community Package Treatment Systems	Promote private alternative sewer systems in Centers. Coordinate between larger development or redevelopment area for joint infrastructure facilities.	DEP	Ongoing	ongoing
Infrastructure	13	Sewer service on Roosevelt Blvd	Expand sewer service area to include developed properties on Roosevelt Blvd. The Township agreed to exclude these properties from the Marmora Center in lieu of extending public sewers to serve this area which has failing septic systems. Consent Order provides for the sewer service area extension.	DEP permits for sewer extension to service existing development.	2/21/2012	ongoing
Infrastructure	14	Public Water	Encourage water line extensions by New Jersey American Water Company within Centers to support increased development density and to improve fire suppression capabilities. Work with utility to plan and improve waterline network.	DEP	Ongoing	NJ American plans extension
Infrastructure	15	Gibson Bill Study	Once water supply scenarios are presented, the Township shall work with DEP, USGS, County and other municipalities to select the most feasible, cost-effective solution.	DEP, OSG, County, other stakeholders	2/21/2008	complete
Infrastructure	16	Southeastern NJ Alternative Water Supply Feasibility Study	Continue to coordinate with DEP, USGS, County and other municipalities on regional water supply studies.	DEP, OSG, County, other stakeholders	2/20/2010	Complete

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Topic	#	Subtopic	Activity (local action unless otherwise indicated)	State/County Assistance	Timetable	Status
Economic Development	J1	Tuckahoe Village Revitalization	Promote Tuckahoe Village Center Revitalization through coordinated planning efforts with business and property owners. Develop plans for revitalization of Tuckahoe Village to support economic development initiatives including façade and rehabilitation grant program, wayfinding signs, coordinated marketing efforts, etc. Evaluate land use and zoning for train station area.	OSG, Main Street NJ, historic preservation trust grants and revolving loan program. (subject to funding)	8/22/2009	Awaits Funding
Economic Development	J2	Agriculture	Prepare and adopt a Farmland Preservation Plan. Coordinate efforts with County Farmland Preservation plan.	NJDA	2/20/2009	Works with County Funding
Community Design / Sense of Place	K1	Design Charrettes	Undertake design charrettes for Seaville, Marmora/Palermo/Beesley's Point, Tuckahoe, and Petersburg Centers. Use design workshops to refine Vision for zoning and design standards for Centers and planned Cores in Marmora and Seaville.	OSG (subject to funding)	6/22/2008	5/9/2011 complete
Community Design / Sense of Place	K2	Design Guidelines	Adopt design guidelines to support and enhance centers development. Provide design guidelines suitable for each unique Township Center. Create user friendly design guidebook to inform on guidelines. Incorporate guidelines into LDO.	OSG (subject to funding)	6/22/2008	5/9/2011 complete
Community Design / Sense of Place	K3	Walkable Neighborhoods	Create pedestrian friendly centers through appropriate site design standards. Amend land use regulations to provide for vehicular interconnections and pedestrian facilities within centers.	OSG, DOT*	6/22/2008	Study 20210 Form-based code ordinances 5/9/2011 Complete streets ord 2019
Historic and Cultural Resources	L1	Amendments to review process	Develop procedures to ensure Historic Preservation Society input for any development application or permit that affects identified historic properties.	OSG, DEP	4/7/2007	3/30/2007 complete

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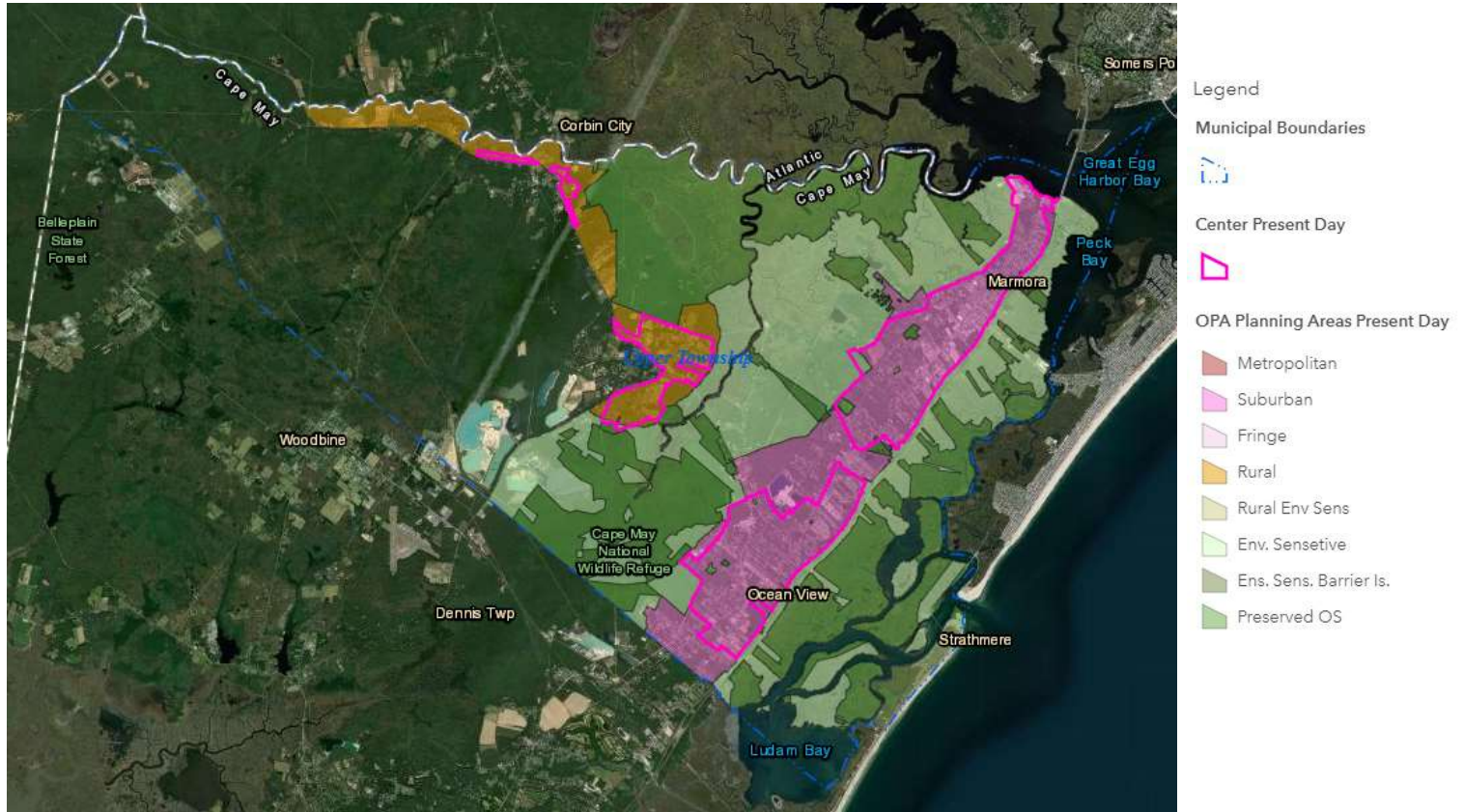
9/8/2021

Topic	#	Subtopic	Activity (local action unless otherwise indicated)	State/County Assistance	Timetable	Status
Historic and Cultural Resources	L2	Amendments to review process	Require a cultural resources assessment for identified historical properties as part of Environmental Review checklist.	OSG, DEP	4/7/2007	3/30/2007 complete
Historic and Cultural Resources	L3	Historic Site Inventory	Update existing historic properties inventory and include as updated section of Township Master Plan. Coordinate efforts with Upper Township Historic Preservation Society.	OSG, DEP	Complete	complete
Historic and Cultural Resources	L4	Historic Preservation Plan	Update Historic Preservation Plan of the Master Plan. Coordinate efforts with Upper Township Historic Preservation Society.	OSG, DEP	1/20/2010	Funding
Historic and Cultural Resources	L5	Design Guidelines	Promote awareness of historic resources of Township through design guidelines to encourage preservation and appropriate rehabilitation of properties and compatible infill. Develop design guidelines in coordination with Historic Preservation Society and as part of the proposed planning charettes for the Tuckahoe and Petersburg villages. Adopt guidelines as part of LDO.	OSG (subject to funding)	1/20/2010	Funding

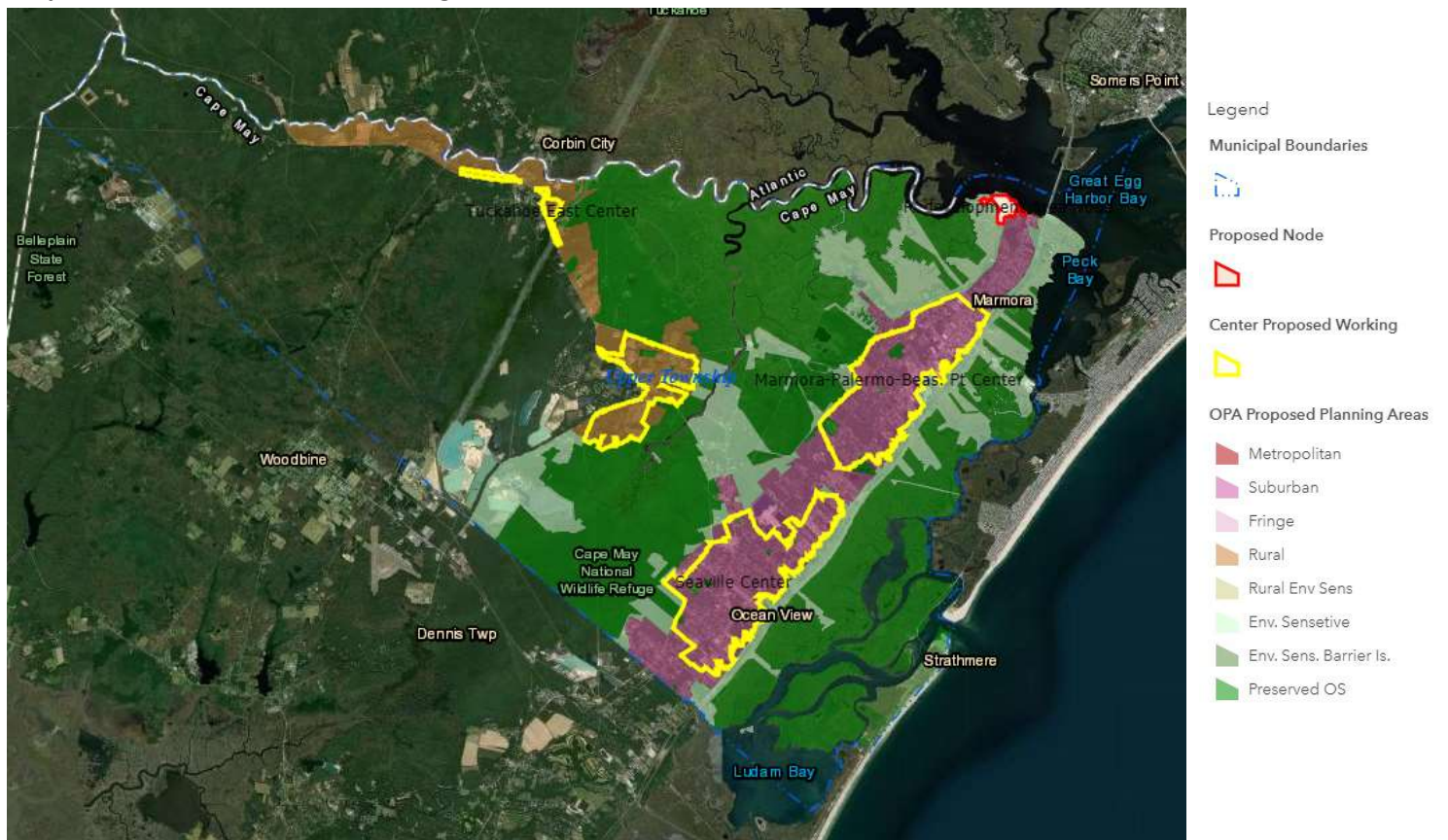
* When requested, NJDOT will give priority consideration to providing technical assistance consistent with program requirements and subject to the availability of state resources.

	Green denotes project/action awaiting funding.	7 Actions
	No highlight denotes completed, ongoing or partially completed action/project.	32 Actions
	Yellow denotes project/action held up by state or county agency(s).	9 Actions
		49 Total Actions

Existing Centers and Planning Areas (Expiring January 11, 2022)



Proposed Centers/Node and Planning Areas





THE TOWNSHIP OF UPPER

2100 Tuckahoe Road, Petersburg, NJ 08270
PO Box 205, Tuckahoe, NJ 08250-0205

August 23, 2021

Office of Planning Advocacy
Secretary of State
NJ Department of State
P.O. Box 820
Trenton, NJ 08625-0820
ATTN: Meghan Wren, Area Planner

RE: Request for Waiver from PE Process
Upper Township, Cape May County

Dear Ms. Wren:

Upper Township would like to request for a waiver for the following three Plan Endorsement (PE) steps; Step 2 Plan Endorsement Citizens' Advisory Committee (N.J.A.C. 5:85-7.8), Step 4 Opportunities and Constraints Report; and Step 5 Visioning.

A waiver for Step 2 Citizens' Advisory Committee is justified because Upper Township has been committed to public engagement in our planning activities which have been numerous over the past ten years including recent opportunities for citizen involvement in the Municipal Self Assessment (MSA), Masterplan Reexaminations in 2018 & 2020, Bicycle Plan and the All-Hazard Mitigation Plan.

A waiver from Step 4 is justified because there have not been significant changes to Upper Township's status and trends since our original PE in 2007. The current build-out analysis prepared in 2019 as part of the wastewater management plan was done with more detail than OPA's in 2019. Upper Township has made significant and meaningful progress on our PIA and are prepared to adopt the new priorities of the state in the way of a revised PIA reflecting key State priorities.

Upper Township has have been a good partner/participant in resiliency planning, affordable housing, and other key interests of the state, implementing center-based development through municipal planning and zoning, incorporating CAFRA requirements into our zoning, adopting relevant ordinances for cluster development, resource protection and other key land use issues; working closely with Cape May County and other regional efforts; and taking a leadership role in resiliency through Coastal Coalition other collaborations. Upper Township is also a Class 5 Community in the FEMA's Community Rating System (CRS) and after adoption a watershed

management plan later in 2021 we will become a Class 4 Community. The Township has also adopted numerous ordinances that enhance resiliency in our Special Flood Hazard Area including a mandatory bulkhead height of Elevation 8, minimum ground floor/ garage elevation of Elevation 7, and a freeboard requirement of 3-feet above the base flood elevation.

A waiver for Step 5 is justified because the Township has been doing numerous planning activities related to our original plan endorsement petition approval on February 21, 2007. The visioning the Township did as part of the original PE process remains the vision for Upper Township.

Upper Township included thoughts on visioning in our Municipal Self Assessment (MSA) and we have worked on numerous planning efforts to support and enhance our initial vision include:

- Fair Share Plan in 2008 and updated in 2020 after receiving a Final Judgement of Compliance and Repose from the Court
- Conservation Plan in 2011
- Marmora Transportation Plan in 2012
- Getting to Resiliency in 2015
- Township formed an Economic Development Council to work with the business community in 2107
- Working with National Wildlife Foundation in Building Ecological Solutions to Coastal Community Hazards in 2016/2017
- Wastewater Management Plan update which included build-out analysis in 2012 & 2019
- 2018 & 2020 Master Plan Reexaminations where the Planning Board and Township Committee held public meetings to discuss Plan Endorsement, MSA and the vision of the Town Centers
- Prepared a Bicycle Plan in 2019
- All-Hazard Mitigation Plan in 2020
- Prepared a Redevelopment Plan for BL England in 2021

Thank you for considering these waiver requests. I appreciate this opportunity to continue to work with the Office of Planning Advocacy. Please contact me or Paul Dietrich, Township Engineer, if you have any questions or need any additional information.

Respectively submitted,



Richard Palombo
Mayor