



State of New Jersey
DEPARTMENT OF STATE
NEW JERSEY STATE PLANNING COMMISSION
P.O. BOX 820
TRENTON, NEW JERSEY 08625-0820

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Governor

THOMAS K. WRIGHT
Chairman

SHEILA Y. OLIVER
LT. GOVERNOR

DONNA A. RENDEIRO
Executive Director/Secretary

Resolution No. 2022-03
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Date: February 2, 2022
Patron: Thomas K. Wright

RESOLUTION
ADOPTING THE PLAN ENDORSEMENT PETITION FOR
THE TOWNSHIP OF UPPER, CAPE MAY COUNTY
AND DESIGNATING FOUR TOWN CENTERS AND A NODE

WHEREAS, pursuant to the State Planning Act, N.J.S.A. 52:18A-196 et seq. (the Act), the State Planning Commission (the Commission) has prepared and adopted a State Development and Redevelopment Plan (the State Plan) which includes a State Plan Policy Map; and,

WHEREAS, in adopting the State Plan, the Commission has utilized the concept of centers as the organizing planning principle for achieving a more effective and efficient pattern of development in the State of New Jersey; and,

WHEREAS, the State Plan identifies five types of centers: Urban Centers, Regional Centers, Town Centers, Village Centers, and Hamlets, and sets forth policies regarding the identification, delineation, development, and redevelopment of those centers; and,

WHEREAS, the Commission is empowered, pursuant to N.J.S.A. 52:18A-203, to adopt rules and regulations to carry out and implement its statutory responsibilities and purposes; and,

WHEREAS, pursuant to its authority under N.J.S.A. 52:18A-203, the Commission has adopted regulations, set forth in N.J.A.C. 5:85, that establish procedures for filing of petitions with the Commission for the purpose of, *inter alia*, seeking Plan Endorsement, N.J.A.C. 5:85-7.1 et seq., and amendments to the State Plan Policy Map, N.J.A.C. 5:85-8.1 et seq., as a means to implement the State Plan and to foster cooperation and coordination of planning activities between relevant State agencies and county and local governments; and,

WHEREAS, Plan Endorsement memorializes and recognizes consistency of local land use practices to the State Plan and the State Plan Policy Map; and,

WHEREAS, in February, 2019 the Township of Upper (Township), in Cape May County contacted the Office of Planning Advocacy (OPA), to seek re- endorsement of their designated Centers and Plan Endorsement; and,

WHEREAS, the petition and supporting documents were received and comprehensively reviewed by the relevant State agencies represented on the Commission; and,

WHEREAS, in reviewing the petition, the Commission finds that the Township has made significant progress in the commitment to comprehensive planning and sustainable land use, which will be further advanced through receiving Plan Endorsement; and,

WHEREAS, the Township and the Staff and Executive Director of OPA, in consultation with relevant State agencies have collaborated and refined the Town Center boundaries and Planning Areas and created a new Node, as shown in the Maps, EXHIBIT A, B, C, and D attached hereto; and,

WHEREAS, at the same time, OPA prepared a Planning Implementation Agreement (PIA) in association with this Petition, which set forth the outstanding actions for relevant State agencies and the Township to take in order to retain Plan Endorsement, including the timeframe(s) for completion of those requirements and the steps to be taken by relevant State agencies to review and support the Township's Petition for Plan Endorsement; and,

WHEREAS, the PIA has been negotiated and agreed upon between the relevant State agencies and the Township, a copy of the PIA is attached as EXHIBIT E; and,

WHEREAS, on November 22, 2021, the Office presented the Recommendation Report and draft PIA to the Plan Implementation Committee (PIC), which reviewed and considered the Petition, concurred with the recommendation to approve the Petition and proposed PIA, and moved the Petition for consideration by the full Commission upon reaching consensus on the changes to the State Plan Policy Map; and,

WHEREAS, the PIC has recommended that the Commission approve the Petition, grant Plan Endorsement, and formerly amend the State Plan Policy Map, EXHIBITS A, B, C and D attached hereto; and,

WHEREAS, the Commission has determined the Petition submitted by the Township including proposed changes to the State Plan Policy Map designations and Town Center and Node boundaries as negotiated by OPA, the Township, and relevant State agencies, and shown in Exhibit A, B, C and D, is consistent with the State Plan, provided the terms of the PIA, EXHIBIT E, and this Resolution are executed by the Township within 60 days of this Resolution, pursuant to 5:85-7.15.

NOW, THEREFORE, BE IT RESOLVED, that the Commission hereby affirms the Executive Director's determination that the Petition for Plan Endorsement is consistent with the State Plan and approves the Petition for Plan Endorsement submitted by the Township; and

BE IT FURTHER RESOLVED, that the Commission acknowledges that the PIA memorializes the agreed upon planning implementation mechanisms; reflects a commitment, on the part of the Township to implement its plan; reflects a commitment on the part of the relevant State agencies to provide agreed upon benefits; and reflects a commitment on the part of the Township and relevant State agencies to work together to effectively implement the goals, strategies, and policies of the State Plan; and,

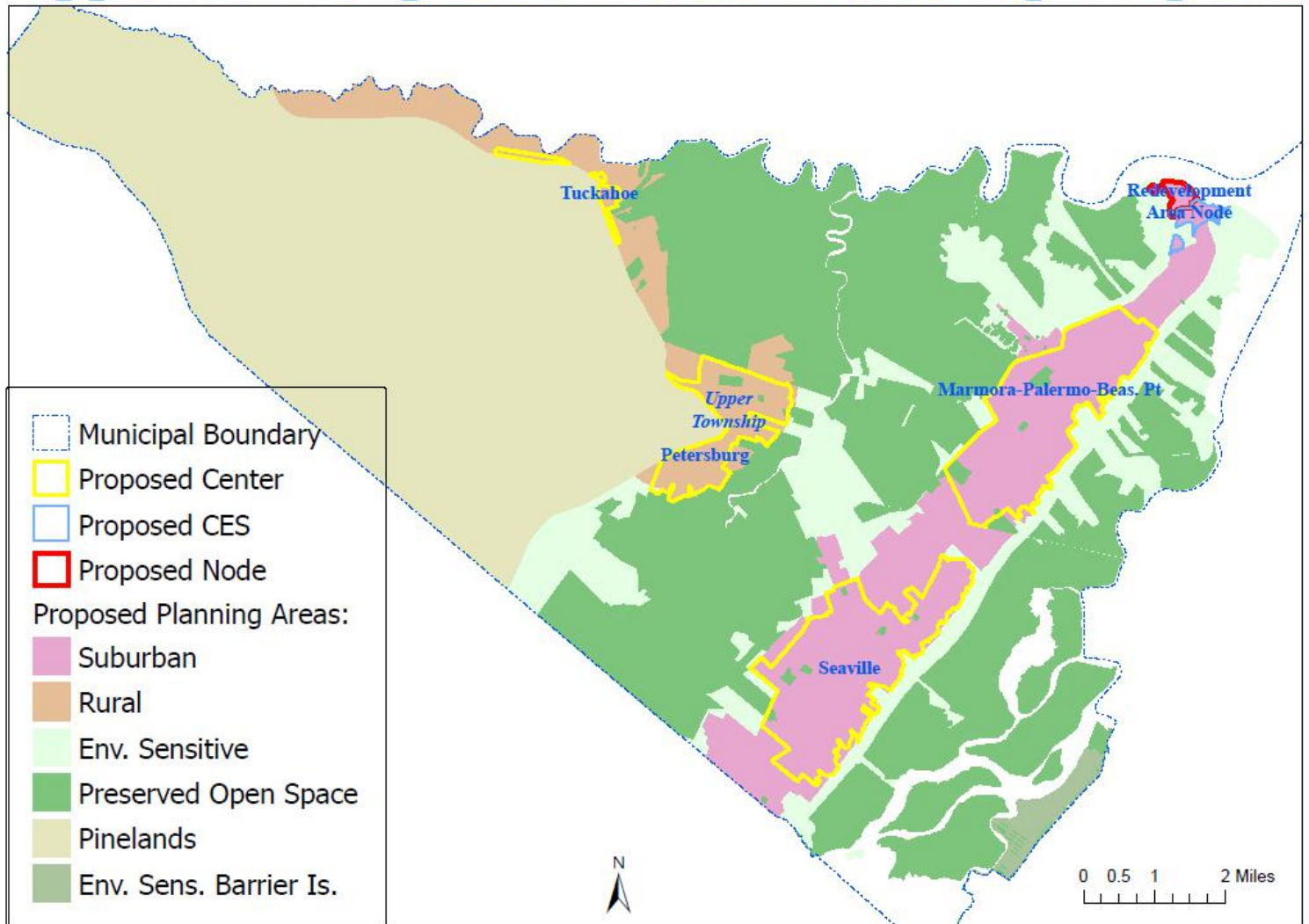
BE IT FURTHER RESOLVED, that the Commission authorizes the Executive Director to take all actions necessary to affect the Plan Endorsement approval reflected in the supporting documentation attached hereto.

BE IT FURTHER RESOLVED, that the Commission hereby authorizes formal amendments to the State Plan Map in the Township, as shown in EXHIBIT A, B, C and D; and,

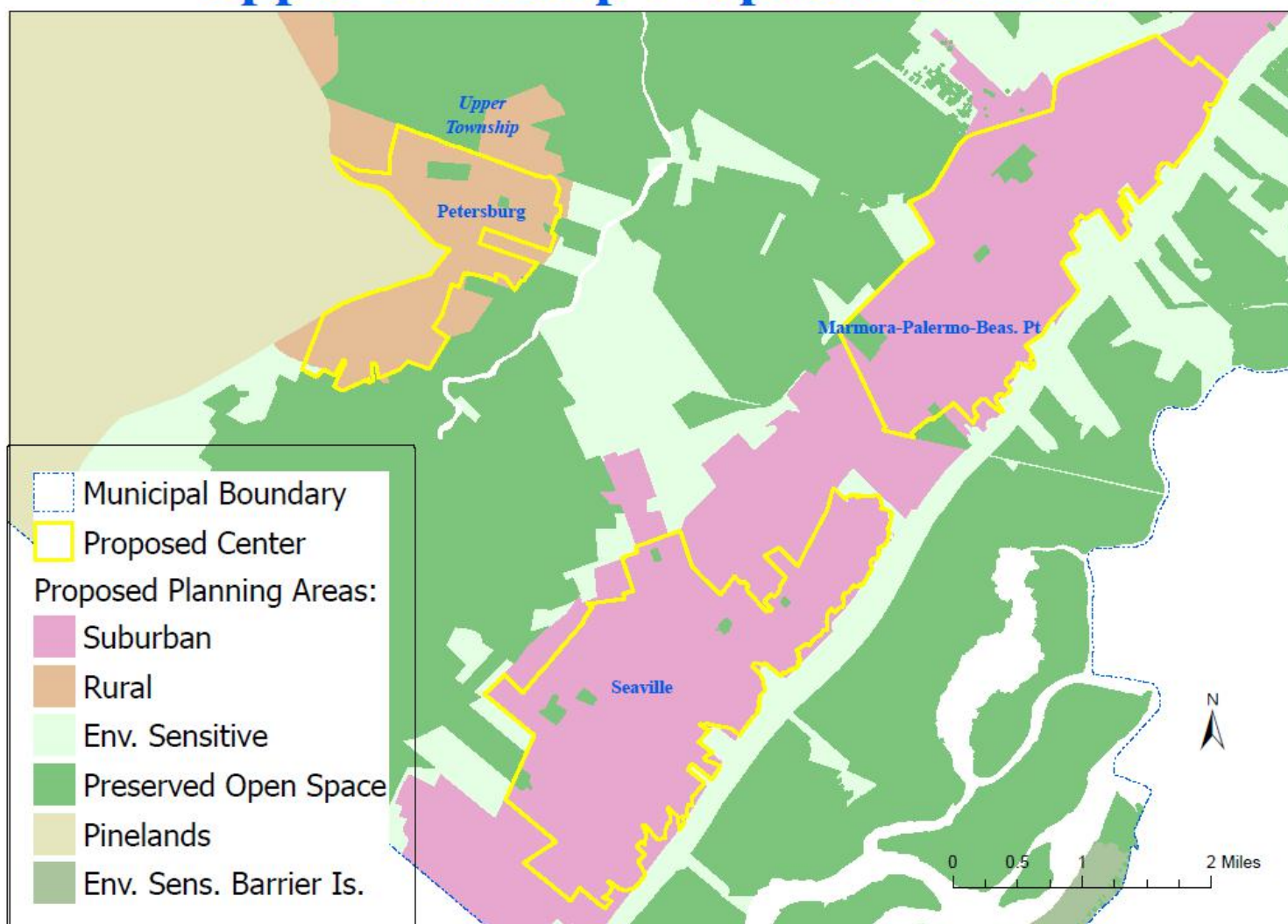
BE IT FURTHER RESOLVED, that in approving the Petition and granting Plan Endorsement, it is understood that the Commission's endorsement may be revoked if the Commission determines that the Township has made substantial changes to its endorsed plan without adhering to the rules governing Plan Endorsement, N.J.A.C. 5:85-7.1 et seq., and amending the State Plan Policy Map, N.J.A.C. 5:85-8.1 et seq., or substantially violated the terms of the PIA, EXHIBIT E, so that the plan of the Township is no longer consistent with the State Plan.

BE IT FURTHER RESOLVED, that the Commission authorizes the Executive Director to take all actions necessary to affect the Plan Endorsement approval reflected in the supporting documentation attached hereto.

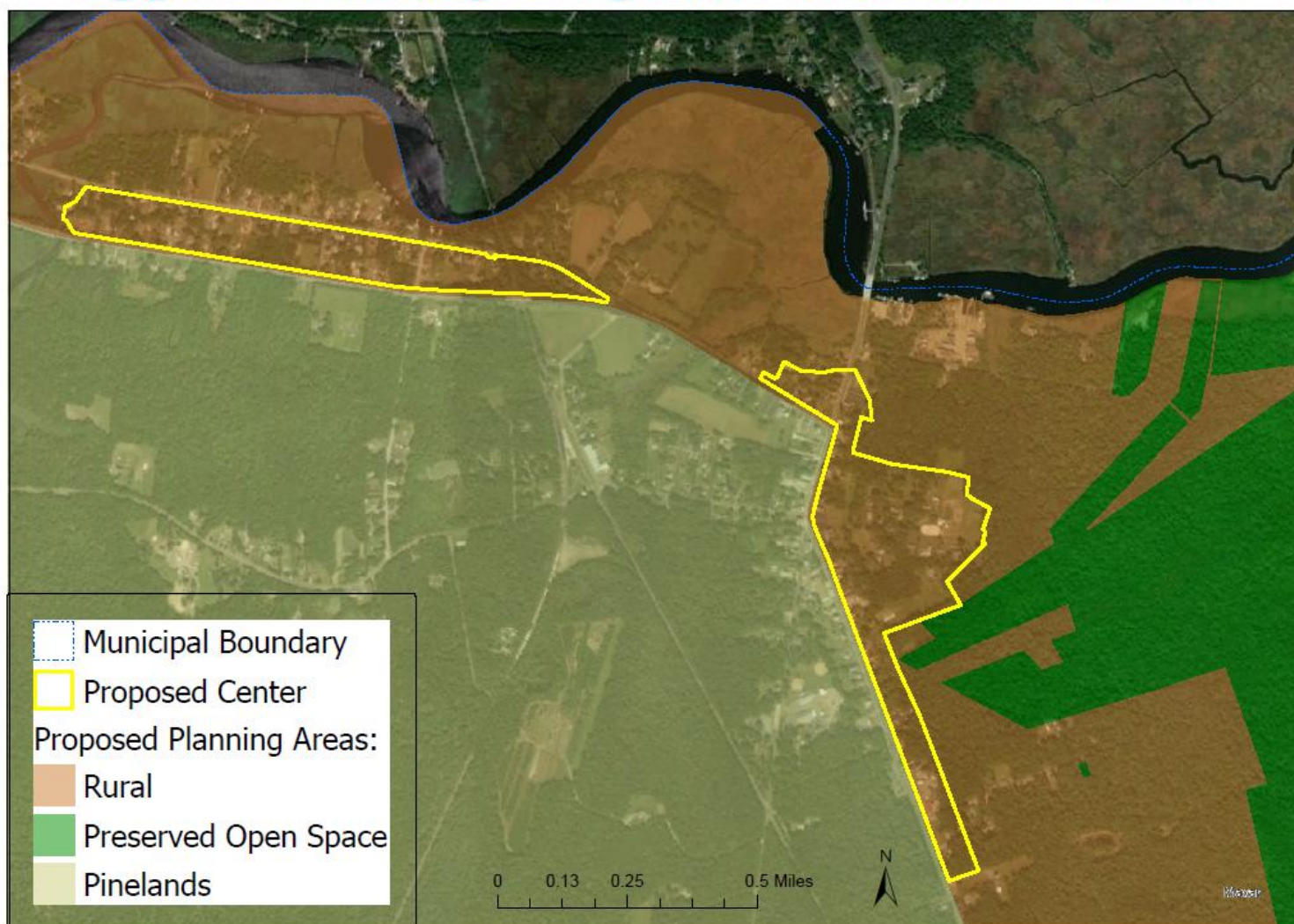
Upper Township Plan Endorsement Map Proposal



Upper Township Proposed Centers



Upper Township Proposed Tuckahoe Center



Upper Township Proposed Redevelopment Node

