RESOLUTION
ADOPTING PLAN ENDORSEMENT WAIVERS FOR
THE TOWNSHIP OF UPPER, Cape May COUNTY

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, 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 the filing of petitions with the Commission for the purpose of, inter alia, seeking Plan Endorsement and amendments to the State Plan Policy Map 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, in October 2006, the Commission passed Resolution 2006-04 extending deadlines for initial Plan Endorsement for petitioners interested in continuing to work toward Plan Endorsement conditioned upon entering into a Memorandum of Understanding (MOU) and Action Plan with the Office of Smart Growth (OSG) for so long as petitioners exert good faith efforts to work toward Plan Endorsement as determined by the Executive Director of the OSG, now known as the Office of Planning Advocacy (OPA); and

WHEREAS, Upper Township entered MOU with OPA including an Action Plan to address issues outlined in the Consistency Review letter dated April 26, 2006 so that the Township’s petition could be endorsed by the Commission, with its Centers recognized thereafter by DEP’s CAFRA rules. A report from OPA was considered by the Plan Implementation Committee (PIC) on January 24, 2007; and

WHEREAS, on February 21, 2007, the Commission adopted Resolution 2007-02 endorsing Upper Township’s plans and establishing two Town Centers, Marmora-Palermo-Beesley’s Point (Marmora) and Seaville, and two Village Centers, Petersburg and Tuckahoe, with a ten-year expiration; and
WHEREAS, at the same time, OPA prepared a Plan Implementation Agreement (PIA), attached hereto and marked as EXHIBIT A, which set forth additional commitments for State agencies and Upper Township; and

WHEREAS, through a series of legislative actions and executive orders, all endorsed communities have been granted extensions for their endorsements. Upper Township’s endorsement is scheduled to expire January 11, 2022; and

WHEREAS, Upper Township submitted a petition for renewal of its Plan Endorsement in May 2019; attended a Prepetition meeting on June 26, 2019; submitted a Municipal Self-Assessment Report on September 17, 2020; and requested a waiver of the Plan Endorsement Advisory Committee, visioning, and the opportunities and constraints report on August 23, 2021; and

WHEREAS, pursuant to her authority under N.J.A.C. 5.85-7.6[a], the Executive Director granted a waiver of appointment of a Plan Endorsement Advisory Committee, in recognition of Upper Township’s rich history of public engagement that has satisfactorily complied with the intent of this step; and

WHEREAS, also pursuant to N.J.A.C. 5.85-7.6[a], the Executive Director granted a waiver of visioning in recognition of Upper Township’s vision as articulated in its Master Plan, reexamined in 2018 and 2020, which remains the core value driving its planning and development; and

WHEREAS, pursuant to N.J.A.C. 5.85-7.6(f), any of the requirements of plan endorsement may be waived at the discretion of the Commission, based on a written request by petitioner and a written recommendation by the Executive Director in consultation with any relevant State agencies.

WHEREAS, on September 15, 2021, the OPA presented a Recommendation Report to the PIC, which reviewed and concurred with the recommendation to approve the waiver requests for the Opportunities and Constraints Report and the Consistency Review, and moved the recommendation for consideration by the full Commission at its next regularly scheduled meeting; and

WHEREAS, Upper Township and the Staff and Executive Director of the OPA, in consultation with relevant State agencies, have collaborated and are refining the Town Center boundaries and Planning Areas to be presented for consideration upon reaching consensus; and

WHEREAS, the OPA is preparing a PIA, which will set forth the outstanding actions for relevant State agencies and Upper Township to take in order to maintain consistency with the State Plan, including the timeframe(s) for completion of those actions and the steps to be taken by relevant State agencies to review and support the Township’s continued consistency; and

WHEREAS, in reviewing the submitted materials, 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 renewing their Plan Endorsement; and

NOW, THEREFORE, BE IT RESOLVED, that the Commission hereby affirms the Executive Director’s recommendation for waivers of Plan Endorsement Opportunities and Constraints Report, and the Consistency Review, as Upper Township’s planning activities are consistent with the intent of the required Plan Endorsement process and approves these waivers for Upper Township; and
BE IT FURTHER RESOLVED, that notwithstanding the Commission's waiver authorizations, Upper Township must still achieve mapping consistency with the State Plan and commit to a PIA that encompasses the current requirements of Plan Endorsement prior to achieving a renewal of its Plan Endorsement.

I hereby certify that this resolution was duly adopted by the State Planning Commission at its meeting on October 6, 2021

[Signature]
Donna A Rendeiro, Secretary
State Planning Commission

Dated: October 6, 2021
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<tr>
<th>Status</th>
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**Mechanisms:** Standards, development cluster and transfer

- Support center-based development
- Eliminate discrepancies
- Develop minimum plan and Zoning
- Plan and related procedures

- Coordinate with planning efforts of adjoining municipalities
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- Review Board, OSG, DEP, and other state agencies
- Revise the new plan
- Endorsement process is in place
- The new plan is endorsed
- The new plan is endorsed
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- Certification of the service through regional zoning
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<tr>
<th>Node</th>
<th>Text</th>
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<tbody>
<tr>
<td>Redevelopment area on 1/22/21</td>
<td>5/26/09 Redevelopment Commission approves New Victory on downtown site parking study.</td>
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<tr>
<td>Ongoing RFPs</td>
<td>Invest in Beefsteak Point, redevelopment options to include mixed-use wetlands and development promotion.</td>
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<tr>
<td>Need Funding</td>
<td>OSG Dep. 6/22/2008</td>
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<tr>
<td>Funding</td>
<td>OSG (subject to future decision)</td>
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<tr>
<td>Complete 6/30/2020 Housing Fair Share agreement with settlement was finalized on March 20, 2008.</td>
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<td>Complete 6/12/2006 DEP</td>
<td>COAH for Substantive Certification.</td>
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<td>9/6/2007</td>
<td>Create TDR plan element in coordination with County Smart OSG, SADC.</td>
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<tr>
<td>2/20/2009</td>
<td>Complete project funded (subject to future decision)</td>
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**February 2021 Status Update**

Upper Township 2007 Planning and Implementation Agreement (PIA)
<table>
<thead>
<tr>
<th>Project</th>
<th>Funding Need (2/2010)</th>
<th>DEP Technical Assistance Required</th>
<th>Project Duration</th>
<th>DEP Green Acres (2/2009)</th>
<th>NDDOT Funded</th>
<th>Status</th>
<th>Activity (local action unless otherwise indicated)</th>
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<tbody>
<tr>
<td>Ongoing</td>
<td>DEP funded, NDDOT funded</td>
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<td>4/2009</td>
<td>2/2009</td>
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<td>NDDOT to enable funding. Per DEP and NDDOT agreement, the project will be completed in April of 2009.</td>
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<tr>
<td>Completed</td>
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<td>3/30/2007</td>
<td>4/2007</td>
<td>DEP funded</td>
<td>Completed</td>
<td>The Township will prepare a statement that addresses and necessary State and National policies and procedures.</td>
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<td>Complete</td>
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February 2021 Status Update

Upper Township 2007 Planning and Implementation Agreement (Pla)
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<th>Topic</th>
<th>Status</th>
<th>Action</th>
<th>Start Date</th>
<th>End Date</th>
<th>AssistsANCE</th>
<th>DOT Funds</th>
<th>Other Incentives</th>
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<tr>
<td>1. Tuckahoe Trail Station Development</td>
<td>Permanent</td>
<td>Technical Assistance</td>
<td>2/20/2009</td>
<td>2/21/2012</td>
<td>Transportation Capital Projects</td>
<td>DOT Local Aid</td>
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**Upper Township 2007 Planning and Implementation Agreement (P&I) Update**

Adopted by the State Planning Commission on February 21, 2007

February 2014 Status Update
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## Transportation 2007 Planning and Implementation Agreement (P&A) Update
February 2021 Status Update

- **Transportation, Planning, and Implementation Agreement:**
  - **2007 Planning and Implementation Agreement (P&A):**
    - **Goals:**
      - Implement Plan A
      - Plan B
    - **Actions:**
      - Improve access to Route 9
      - Enhance connectivity
      - Support local development

**Table:**

<table>
<thead>
<tr>
<th>County Project</th>
<th>County of Bergen</th>
<th>DOT Project Number</th>
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</table>

**Notes:**
- **Transportation 2007:**
  - **Improvements:**
    - Plan to reduce congestion along corridor
    - Implement Route 9 Cape May County Access Management Plan
  - **Authority Funding:**
    - DOT/STIP TP
  - **Installation:**
    - Full interchange at exit 20 of the Garden State Parkway
  - **Subtopics:**
    - Transportation improvements may be explored in conjunction with the Garden State Parkway and any related redevelopment activity.

**Project Timeline:**
- 2/1/2007: Ongoing
- 6/2/2021: Assistance
- 8/8/2021: Complete
| Region | Project | Long Term | Midterm | Short Term | Activity (local action unless otherwise indicated) | Topic | Supportive
|--------|---------|-----------|---------|------------|--------------------------------------------------|-------|----------
|        |         |           |         |            | Assistance (local action unless otherwise indicated) |       |          

**June 2021 Status Update**

Upper Township 2007 Planning and Implementation Agreement (PIA)

[Adopted by the State Planning Commission on February 21, 2007]
<table>
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<tbody>
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**Upper Township 2007 Planning and Implementation Agreement (PIA)**

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