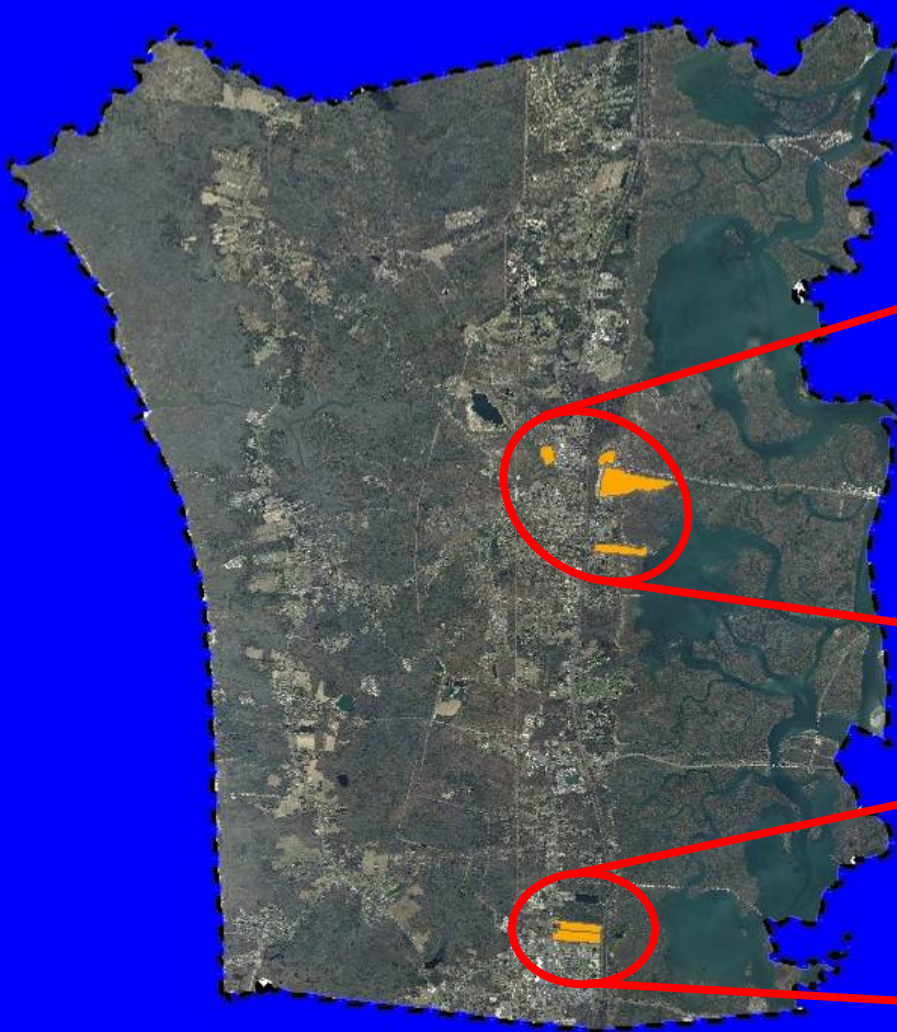


BIENNIAL REPORT & PETITION FOR CENTERS BOUNDARY AMENDMENT

*Township of Middle, Cape May County,
New Jersey*



Prepared by



Submitted for Approval: February 27, 2014
Approved for Submission by Township Committee: April 7, 2014

Prepared for





**BIENNIAL REPORT
& PETITION FOR CENTERS
BOUNDARY AMENDMENT**
*Township of Middle,
Cape May County, New Jersey*

MIDDLE TOWNSHIP COMMITTEE

**TIMOTHY C. DONOHUE,
MAYOR**

**DANIEL D. LOCKWOOD,
DEPUTY MAYOR**

**MICHAEL CLARK,
COMMITTEEMAN**

Connie Mahon, Business Administrator
Marcus H. Karavan, Township Solicitor
Kimberly Krauss, Township Clerk

The original of this document has been signed
and sealed pursuant to N.J.S.A. 45:14A-12.

Respectfully Submitted:

REMINGTON, VERNICK & WALBERG ENGINEERS

By:

A handwritten signature in blue ink, reading "Stuart B. Wiser".

Stuart B. Wiser, P.P., AICP

NJ Professional Planners License # LI005598

A handwritten signature in blue ink, reading "Marc DeBlasio".

Marc DeBlasio, P.E., P.P., C.M.E.

NJ Professional Engineer's License # 41599
NJ Professional Planners License # 33LI00560300





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1.0 INTRODUCTION

1.1 Plan Endorsement

On November 23, 2004, the Township of Middle, Cape May County, New Jersey ("Township") commenced the regulatory process under the State Planning Act¹ to have its Zoning, Land Development and related planning policies and regulations certified by the Office of Planning Advocacy ("OPA") and the State Planning Commission. Such certification, known as Plan Endorsement, signifies that a municipality's policies and regulations related to growth and land use are consistent with the New Jersey State Development and Redevelopment Plan ("State Plan"), and confers on municipalities special status as relates to permitting and development.

On December 29, 2005, the Township formally submitted a Petition for Initial Plan Endorsement to the OPA. After staff review and recommendation to the State Planning Commission, the Township's Petition was approved.

Under the Endorsed Plan, the State Planning Commission designated:

- Cape May Court House and Rio Grande ~ Whitesboro ~ Burleigh as Regional Centers;
- Del Haven, Green Creek, Swainton and Hildreth as Village Centers; and
- Goshen as a Hamlet Center.

Working cooperatively, the Township and OPA developed an Action Plan and entered into a Memorandum of Understanding ("MOU") regarding future Township actions in furtherance of the Endorsed Plan.

On December 4, 2006, the Township adopted Resolution No. 574-06, entering into the MOU with OPA. Since then, the Township has actively worked to achieve the action items agreed-upon as part of the MOU.

N.J.A.C. 5:85-7.22(b) requires, in pertinent part, that within one year from the date of Plan Endorsement, municipalities having endorsed plans must provide an annual report to the State Planning Commission on the status of their planning and implementation efforts, with biennial reports due thereafter.

This Report satisfies the biennial reporting requirements of N.J.A.C. 5:85-7.22(b).

1.2 Centers Boundary Amendment

Prior to the Plan Endorsement process:

- Cape May Court House and Rio Grande were designated as Coastal Regional Centers;
- Whitesboro ~ Burleigh and Del Haven were designated as Coastal Villages; and
- Swainton, Goshen and Green Creek were designated as Coastal Hamlets.

These designations expired on March 15, 2007.

¹ N.J.S.A. 52:18A-203



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It has come to the Township's attention that properties which were previously included in the Township's Coastal Centers were excluded from the Centers established during the Plan Endorsement process, and properties which the Township believes should have been included in the Endorsed Centers were excluded. Accordingly, these lands are not eligible for inclusion in the Township's new Sewer Service Area which, is limited by New Jersey Department of Environmental Protection ("NJDEP") to these Centers. Without sewer, otherwise developable lands can not be utilized as a productive asset for the community.

The mechanism to correct this situation is for the Township to petition the State Planning Commission for an amendment to the Endorsed Centers boundaries. Subsequent modifications to NJDEP designations necessary to expand the Sewer Service Area will follow a successful petition process.

While the Township has identified approximately 29 lots which would benefit from inclusion in an amended Center / Sewer Service Area, this Petition is limited to the following properties.

BLOCK	LOT(s)
132.01	28
312.01	2 & 3
212.03	46
335.01	5.01
1436.01	6 & 7
1436.01	11

This Report includes all necessary submission requirements under N.J.A.C. 5:85-7.24, and shall serve as the Township's formal Petition for Centers Boundary Amendments.



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2.0 BIENNIAL REPORT

2.1 Requirements

N.J.A.C. 5:85-7.22(b) requires municipalities with Endorsed Plans to submit reports to the State Planning Commission on the status of their planning and implementation efforts every two (2) years, including:

- Municipal Zoning Board Annual Reports on Variances as required by the *Municipal Land Use Law*;²
- Township Planning Board reports;
- Updates to other planning materials submitted as part of the petition for plan endorsement;
- Revised zoning ordinances and zoning maps; and
- other implementation measures, adopted since plan endorsement.

N.J.A.C. 5:85-7.22(b) further requires municipalities to addresses consistency of these items with the State Plan, the Endorsed Plan and the Planning and Implementation Agreement.

2.1.1 *TABLE 2.1.1* summarizes development activity in the Township for 2011 and 2012.³ Such activity is graphically depicted on *FIGURE 2.2.1*.

2.1.2 Since entering into the MOU in December 2006, the Township and/or Planning Board has prepared a number of reports and adopted a number of Resolutions, Ordinances and Policy Documents designed to be consistent with the State Plan and the Endorsed Plan, and to effectuate the Planning and Implementation Agreement. These are summarized in chronological order on *TABLE 2.1.2*, with the documents being included as Exhibits to this Biennial Report.

2.2 Planning & Implementation Agreement

The Memorandum of Understanding under which the Township received Plan Endorsement outlined a number of actions the Township was to take in furtherance of the Endorsed Plan. These were summarized in a matrix prepared by the Office of Planning Advocacy and are presented ~ along with the current status of each item in *TABLE 2.2*.

² N.J.S.A. 40:55D-70.1

³ Source: Middle Township Zoning Officer. Data for 2007, 2008, 2009, 2010 was not available.



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TABLE 2.1.1: Development Application Activity (2011 & 2012)

FILE	BLOCK(s)	LOT(s)	APPLICANT	PROJECT DESCRIPTION	
2011					
Site Plan Applications					
111101	212.03	46	Diagnostic Imaging	Imaging Center in Shopping Center	
111102	1511	2 & 3	FCF Realty / Coventry Place	Storage to Connect Buildings	
111103	1434	19	Frank and Monica LLC	Phase I - Remove Trailer to Metal Building	
Subdivision Applications				Existing Lots	Proposed Lots
111201	417	5	Fabio Pawlus	1	2
111202	466.01	24	Bonita Mulligan	1	4
111203	248	5-7	Louis Altobelli	3	14
111204	1410.03	1	Gary Gilbert	1	2
111205	252	10	Louis Altobelli	1	2
111206	94	50	Timothy Keane	1	7
111207	348.01	34	Edward & Kathryn Thomas	1	2
111208	348.01	35	Edward & Kathryn Thomas	1	2
111209	132.01	1, 2 & 3	Estate of Palmer Way / Estate of Ella Kay	3	10
111210	234	4	Steven O'Connor	1	2
111211	233	5	Daniel Lockwood	1	2
111212	1477	1	Walter Snyder	1	2
Variance Applications					
112301	472	74	Joann Trusiak	Hardship: Front Yard Setback	
112302	11	2	Holy Redeemer Health System	Use Variance / Minor Subdivision: 2 Lots in CB Zone	
112303	989	2	Aanya Hotel LLC	Use Variance / Major Site Plan: 3 Additional Units	
112304	1436.01	4.01	Domike LLC	Use Variance / Minor Subdivision: 2 Lots No Street	
112305	29	6	Brian Nolan	Hardship Variance: Front Yard Setback	
112306	281	32	Benjamin Haberman	Hardship Variance: Front Yard Setback & Frontage	
112307	335.01	6	Stephen Westhead	Hardship: Front Yard Setback	
112308	18	21	Ronald & Janice Hoquet	Expansion / Hardship: 2 nd Floor Addition	
112309	24	13	Michael Pensari	Hardship Variance: Side & Rear Yard Setback	
112310	1503	3	US Gas & US Food	Signage	
112311	212.03	43	Edmond & Susan Dubens	Use Variance / Major Site Plan: Convert SFD to Prof Office	
112312	165.01	112	A B Heavenly Homes	Hardship Variance: Front & Rear Yard Setback	
112313	167.01	32	Bruce & Cynthia Graf	Hardship Variance: Side Yard & Total Side Setbacks	



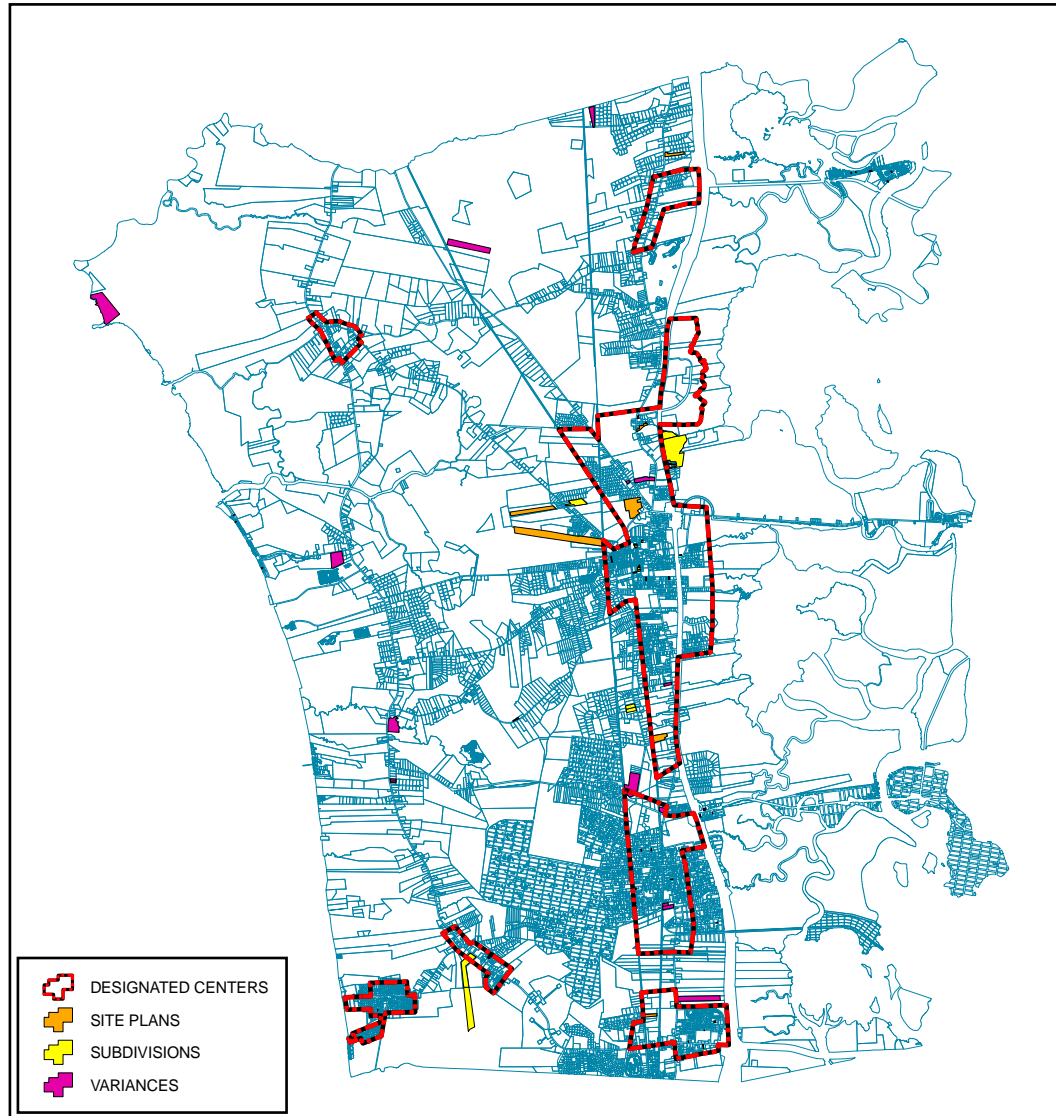
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FILE	BLOCK(s)	LOT(s)	APPLICANT	PROJECT DESCRIPTION	
2012					
Site Plan Applications					
121101	56.01	43	Moretti / Monichetti Ptnr	Major Site Plan: 45 Units Townhomes	
121102	263	4	Burkke Sales Inc.	Sign Variance: 6 Signs Proposed	
121103	355.01	25	SJ Christian Academy	Major Site Plan: 8,312 s.f. Gymnasium	
121104	13.02	18	47D3 LLC	Major Site Plan: 9,026 s.f. Retail Store	
121105	472	4	Cape Auto Sales LLC	Major Site Plan: Used Car Lot	
121106	127	4	AC Electric	Major Site Plan: 8,736 s.f. Pole Barn	
121107	1523	3 & 4	Rio Grande Housing	Major Site Plan: 112 Unit Affordable Housing	
121108	56.01	46	MT Housing Assoc. LLC	Major Site Plan: 48 Unit Affordable Housing	
121109	1048	9	Habitat for Humanity	Minor Site Plan: House Move	
121110	1480	2	Community Health Center	Site Plan Waiver: Medical in Shop Rite	
Subdivision Applications				Existing Lots	Proposed Lots
121201	985	2-5	John Newdeck	4	3
121202	949	3-5	Habitat for Humanity	3	4
121203	929	6	Bernard Dera	1	2
Variance Applications					
122301	1	17.02	Michael Tomlin	Use Variance / Site Plan Waiver: 36' x 44' Pole Barn	
122302	235	6	Michael & Shari Capriola	Hardship Variance: Separation Distance	
122303	42	7	John & Suzanne Herr	Use Variance / Site Plan: Solar Field	
122304	1135	1	William Herker	Hardship Variance: Frontage	
112305	991	3	Joseph Adams	Hardship Variance: Front Yard Setback	
122306	355.02	1	47D3 LLC	Use Variance/Minor Subdivision/Major Site Plan: Retail Store	
122307	928	4	Francis Davish	Hardship Variance: Lot Area (House Move)	
122308	9	12	Joseph Hurley & M. Wasser	Use Variance: Accessory Structure	
122309	17	44	Robert Rossetti	Hardship Variance: Front, Rear, Accessory Setbacks	
122310	126	1	William & Tracey Labrum	Use Variance / Site Plan Waiver: Day Care	
122311	117.04	4	Gerald & Frances Davis	Hardship Variance: Front & Rear Yard Setbacks	
122312	99.02	137 & 138	AtlanticCare	Use / Hardship Variance: Signage	
122313	17	35	Bradley Sotter	Hardship Variance: Front Yard Setback	
122314	1062, 1064	1, 1	Louis Altobelli	Interpretation / Appeal	
122315	117.04	25	Richard Valente	Hardship Variance: Rear Yard	
122316	117.04	83	Robert & Kathleen Smith	Hardship Variance: Rear Yard	
122317	348.02	2 & 10	Monterey Motel	Use Variance / Site Plan: 3 Uses on Lot	



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FIGURE 2.1.1: Development Application Activity (2011 & 2012)





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TABLE 2.1.2: Planning Activity Since December 2006

EXHIBIT	TITLE	DATE	STATE PLAN, ENDORSED PLAN, PIA CONSISTENCY
A	Stormwater Best Management Practices & Stormwater Control Ordinance (§218-73.1) [Includes Submission Checklist]	2/5/07	Insures that local development regulations are consistent with Stormwater Management regulations adopted by NJDEP and other applicable Agencies.
B	Evidence of Emergency Operations Plan	12/20/06	Insures appropriate procedures are in place for emergency situations, including evacuation procedures for storm-related events. Current OEM valid until February 12, 2017
C	Declaration of Encumbrance Green Acres Recreation & Open Space Inventory (ROSI)	3/13/04	Recorded document reflecting Township's Inventoried Public Open Spaces
D	Draft Wastewater Estimation Model Study Results	10/08	Documents the use and results of the Wastewater Estimation Model as a mechanism for the Township to meet the amended anti-degradation rule nitrate target concentration in anticipation of a Water Quality Management Plan that address the requirements of the 7/2008 revisions to the Groundwater Quality Standards Anti-degradation Policy, (N.J.A.C. 7:9c) and Water Quality Management Planning Rule (N.J.A.C. 7:15).
E	Township Code Chapter 250: Zoning	11/17/08	Township's Current Zoning Ordinance
F	Housing Element & Fair Share Plan	12/9/08	Provides a mechanism for the Township to address its Affordable Housing Obligations under the Fair Housing Act of 1985 and the "Mount Laurel" decisions.
G	Middle Township Vision 2030 Meeting Minutes: Goshen, Del Haven, Green Creek & Swainton Villages Regional Center	7/15/09	Public meetings to discuss the Smart Growth Visioning Process and obtain feedback as to land use and zoning issues being considered as part of the Centers designation process
H	Middle Township Vision 2030 Meeting Minutes: Cape May Court House Regional Center	7/29/09	
I	Middle Township Vision 2030 Meeting Minutes: Rio Grande Regional Center	8/6/09	
J	Middle Township Vision 2030 Meeting Minutes: Whitesboro - Burleigh Regional Center	8/12/09	
K	Draft Buildout Analysis of Future Sewer Areas	3/26/10	Buildout Analysis of the future Sewer Service Areas designed to assess the amount of remaining developable lands in the Township's future Sewer Service Areas and to evaluate the effect that proposed zoning regulations could have on the landscape if these lands were fully developed to their maximum potential
L	2010 Capital Improvement Program	6/21/10	Designed to project the capital needs of the Township as a means to direct resources in a manner that is consistent with State and local policies.
M	2010 Master Plan Reexamination Report	7/22/10	Prepared in furtherance of the MOU as part of the Plan Endorsement process in order to achieve consistency with the State Plan.
N	2010 Master Plan Land Use Plan Element Update	7/22/10	



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EXHIBIT	TITLE	DATE	STATE PLAN, ENDORSED PLAN, PIA CONSISTENCY
O	Natural Resources Inventory	7/22/10	Identification and understanding of natural systems and their inherent and regulatory limitations for development to be used to inform the planning process by providing a factual basis for land use decision-making, including, but not limited to, zoning, protection of existing natural areas, appropriate development of vacant lands and redevelopment of developed lands; and to prevent future environmental problems and associated mitigation costs and to identify possibilities for regional partnerships and planning activities that can improve environmental conditions and quality of life in the Township.
P		6/13/11	Zoning Ordinance Amendments designed to:
	Noncontiguous Parcel Cluster Regulations,		Cluster development potential from the Environs into Centers to conserve, preserve and protect the sensitive environmental features prominently found in the Environs while encouraging increased development in more suitable areas.
	Open Space Clustering Regulations		Provide a method of developing land so that desirable open spaces, conservation areas, floodplains, recreation areas, agricultural areas and other environmentally sensitive lands can be preserved.
	Overlay Zones		Protect the water quality of the watersheds within the Township.
Q	2011 Transportation Improvement Study	7/11	As part of the Township's Master Plan Update attendant to the Plan Endorsement process, evaluation of the transportation conditions and roadway network in the Township and development of strategies to enhance mobility for the different travel modes (vehicular, transit, bicycle and pedestrian) in the Cape May Court House and Rio Grande ~ Whitesboro ~ Burleigh Centers.
R	Coastal Consistency Statement	8/11	Outline of issues to be resolved via the Plan Endorsement process regarding natural resource protection and coastal management, demonstration of consistency of Township plans and ordinances with the goals of the Coastal Zone Management Program found in the Coastal Zone Management rules (N.J.A.C. 7:7E) as well as existing NJDEP rules, permits or plans, including Municipal Stormwater Regulations and Federal River Management Plans.
S	Environmental Assessment and Protection Measures Ordinance (§218-72).	7/16/11	Requires, as part of the development approval process, a written description and analysis of all possible direct and indirect effects the development will have on the site, as well as on the region, with particular attention to the potential effects on the preservation and enhancement of the natural environment and environmentally sensitive resources.
		10/17/11	
T	Resolution adopting a Complete Streets Policy	10/15/12	Establishing guiding principles and practices so that transportation improvements are planned, designed and constructed to encourage walking, bicycling and transit use while promoting safe operations for all users.



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EXHIBIT	TITLE	DATE	STATE PLAN, ENDORSED PLAN, PIA CONSISTENCY
U	Ordinance establishing an Affordable Housing Multi-Family Overlay Zone and an Affordable Housing Single and Two Family Overlay Zone.	10/15/12	Provides a mechanism for the Township to address its Affordable Housing Obligations under the Fair Housing Act of 1985 and the "Mount Laurel" decisions.
V	SAGE confirmation of Residential Rehabilitation Grant covering the period 1/1/13 to 12/31/14	Undated	
W	Schedule of Interlocal Agreements	Undated	Schedule of shared services agreements with neighboring public entities designed to reduce the burden on the taxpayer and provide more efficient and effective provision of local services.
X	2013 Open Space & Recreation Plan	4/13	Outlines municipal goals and policies designed to work in conjunction with Centers-based development policies to support appropriate growth in areas of existing infrastructure while protecting and preserving open space, recreation and agriculture in the Environs. Conforms with NJDEP Green Acres guidelines for Open Space and Recreation Plans.
Y	Proposed Ordinance Amendments Regarding Shared Parking	Undated	Designed to reduce the number of required off-street parking spaces by up to 25% in mixed-use developments; thereby decreasing the amount impervious surface and lessening the cost of development.
Z	Evidence of Status of Lower / Middle Twp Bicycle Path.	11/30/13	Report on progress toward joint bicycle path connecting Lower and Middle Townships



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TABLE 2.2: Status of PIA Activities⁴

PIA #	REQUIRED ACTIVITY	RESPONSIBLE PARTY	TIMEFRAME		STATUS
TRANSIT & TRANSPORTATION					
NJT1	Explore the feasibility of different seasonal transportation options in order to reduce seasonal traffic congestion.	SJTPO, County & Township in consultation with NJDOT & NJ TRANSIT	Medium	10/1/14	The Cape May County Engineer reports that these initiatives are ongoing.
NJT2	Explore vehicular at-grade crossings across the existing rail ROW that coordinate directly with the Township's Transportation Analysis in order to provide more efficient local circulation and alternatives to Rte 9.	Township in consultation with County, NJDOT & NJ TRANSIT	Short	10/1/12	The Cape May County Engineer reports that these initiatives are ongoing.
NJT3	Pursue improved bus transit facilities to increase route headways, increase bus pickup locations, develop central transit locations coordinated with parking.	Township & County to coordinate with NJ TRANSIT.	Short	10/24/13 11/14/13	Township routinely coordinates efforts with NJDOT to optimize bus stop locations. (Exhibit CC)
NJT4	Determine feasibility of private east-west shuttle service in coordination with the mainland and barrier island municipalities with the goal of enhancing transit service between campgrounds, mainland attractions and barrier island destinations.	County to assist in efforts to determine feasibility of private east-west shuttle service in coordination with mainland municipalities.	Medium	10/1/14	The Cape May County Engineer reports that these initiatives are ongoing.
NJDOT1	Construct improvements to key paper streets as listed in the Transportation Improvement Study	Township	Long	10/1/17	Under Evaluation
NJDOT2	Develop western alternative roadway to Rte 9	Township in coordination with landowners	Long	10/1/17	Under Evaluation
NJDOT3	Develop new roadway of Honeysuckle Lane extension	Township	Long	10/1/17	Under Evaluation
NJDOT4	Develop new roadway of Shunpike Road extension	County or Township	Long	10/1/17	The Cape May County Engineer reports that the County will participate in Township-led efforts. Under evaluation by Township
NJDOT5	Plan for other roadway connections in general locations	Township in coordination with landowners	Long	10/1/17	
NJDOT6	Coordinate with K-Mart Plaza landowners to plan alternative access	Township, NJDOT	Long	10/1/17	Under Evaluation

⁴ Adopted by the State Planning Commission on 9/28/2011



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PIA #	REQUIRED ACTIVITY	RESPONSIBLE PARTY	TIMEFRAME		STATUS
NJDOT7	Explore installation of new median on Rte 47 in coordination with prospective developers & other agencies	NJDOT	Long	10/1/17	
NJDOT8	Install signage directing motorists to Rio Grande Avenue	County	Short	10/1/12	The Cape May County Engineer reports that Rio Grande Avenue is a State roadway. Initiative is therefore NJDOT's. The Township requests that the PIA be amended to reflect this responsibility.
NJDOT9	Pursue addition of southbound left turn lane.	NJDOT in coordination with Wal-Mart developers	Medium	10/1/14	
	Modify signal timing at Rte 9 & Rte 47				
NJDOT10	Investigate modification of signal timing at Rte 9 and Stone Harbor Boulevard	Township in coordination with NJDOT	Short	10/1/12	In Progress
NJDOT11	Evaluate one-way treatment for Mechanic Street and Hand Avenue	County, Township	Short	10/1/12	Cape May County Engineer reports that Township has placed this initiative on hold
NJDOT12	Pursue installation of bulb-outs or median islands on Rte 9 in Cape May Court House.	Township in coordination with NJDOT	Short	10/1/12	The Township Engineer reports that Rte 9 is a State roadway. Initiative is therefore NJDOT's. The Township requests that the PIA be amended to reflect this responsibility.
	Pursue stripe parking spaces through state and federal funding sources				In Progress
NJDOT13	Install parking lot signage to County Lot	County	Short	10/1/12	The Cape May County Engineer reports that NJDOT is completing this early in 2014. The Township requests that the PIA be amended to reflect NJDOT responsibility.
NJDOT14	Adopt Complete Streets policy	Township	Short	10/1/12	Adopted via Township Resolution No. 509-12 on 10/15/12 (Exhibit T)
NJDOT15	Adopt Access Management Ordinance	Township	Short	10/1/12	In Progress
NJDOT16	Adopt Shared Parking Ordinance	Township	Short	10/1/12	Proposed Ordinance Drafted (Exhibit Y)



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PIA #	REQUIRED ACTIVITY	RESPONSIBLE PARTY	TIMEFRAME		STATUS
NJDOT17	Adopt Street Connectivity Ordinance	Township	Short	10/1/12	In Progress
NJDOT18	Investigate development of bicycle network; phasing in physical improvements	NJDOT, County, Township	Long	10/1/17	Township is currently in discussions with Lower Township to establish a bicycle path connecting the Cape May Lewis Ferry terminal to the Cape May County Zoo. Application has been made for funding (Exhibit Z).
NJDOT19	Pursue installation of sidewalks on priority roadways	NJDOT, County, Township	Long	10/1/17	The Cape May County Engineer reports that County effort is ongoing for County roadways via the Subdivision / Site Plan Review process.
NJDOT20	Investigate signal optimization along Rte 9 on summer weekends	Township in coordination with NJDOT	Short	10/1/12	In Progress
NJDOT21	Modify the Transportation Improvement Analysis by adding MLUL requirements for a Circulation Plan Element.	Township	Short	10/1/12	In Progress
	Adopt the Circulation Plan Element.				In Progress
NJDOT22	Strongly request that New Jersey Highway Authority proceed with the planned grade separated interchange at Crest Haven Boulevard, Stone Harbor Boulevard and Shell Bay Avenue along with the elimination of other at-grade intersections.	SJTPO, Regional Transportation Plan (RTP) - NJ Turnpike Authority	Long	10/1/17	The Cape May County Engineer reports that this initiative is under construction.
NJDOT23	Extend Mechanic Street eastwardly to Bayberry Drive to provide secondary ingress/egress to schools and assess related access roads improvements.	NJ Turnpike Authority and County	Long	10/1/17	The Cape May County Engineer reports that this initiative is no longer viable due to the Garden State Parkway overpass project. The Township requests that this initiative be removed from the PIA.
NJDOT24	Provide southbound on/off ramps at Shell Bay Avenue to reduce traffic through the Cape May Court House area.	SJTPO, Regional Transportation Plan (RTP) - NJ Turnpike Authority	Long	10/1/17	The Cape May County Engineer reports that this initiative is under construction.



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PIA #	REQUIRED ACTIVITY	RESPONSIBLE PARTY	TIMEFRAME		STATUS
NJDOT25	Revise the Township's Land Development Ordinance to comply with the MLUL requirement that municipal zoning conform with the State Highway Access Management Code. The Township can address this issue 4 different ways: Wait for Main Street designation in the Access Management Code, create an Access Management Plan with NJDOT to make a DTS change or wait for NJDOT to create an Access Management Guide.	Township, in coordination with NJDOT	Medium	10/1/14	In Progress
NJDOT26	Prepare and implement Rte 9 Cape May County Access Management Plan with other Mainland Rte 9 communities to reduce congestion along corridor.	County to coordinate Regional Access Plan with mainland municipalities.	Medium	10/1/14	The Cape May County Engineer reports that the County will be updating the Transportation Element of the County Comprehensive Plan and will seek to improve regional coordination where possible.
INFRASTRUCTURE					
CMC1	Prior to CAFRA center designation, the County shall prepare and submit a Wastewater Management Plan for the Township that implements the 2011 Master Plan and that is in compliance with the NJDEP WQMP rules. Service areas will include all lands within planned Centers except Goshen Hamlet and the Mattera Farm in Rio Grande.	Township & County (with NJDEP technical assistance)	Very Short	12/15/11	The Cape May County Engineer reports that the County's Planning Department has been working with the municipalities for several years to develop a new Water Quality Management Plan. Maps went through public hearing process in February 2013 and are now awaiting NJDEP adoption. Once adopted, the County will complete the WQMP and hold public hearings.
CMC2	Prior to CAFRA Center Designation, identify existing and proposed water supply sources and strategies that document how water supply capacity will exist for the amount of growth detailed in the Endorsed Master Plan, referencing the USGS-published Future Water-Supply Scenarios, Cape May County, New Jersey, 2003-2050 and 7:15-5.25(f) for guidance on the necessary submittals.	Township & County (with NJDEP technical assistance)	Very Short	12/15/11	The Cape May County Engineer reports that the Water Supply Plan is the responsibility of NJDEP and that they have been waiting for additional information, including cost estimates since 2010. The Township requests that the PIA be amended to reflect this responsibility.



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PIA #	REQUIRED ACTIVITY	RESPONSIBLE PARTY	TIMEFRAME		STATUS
CONSERVATION					
DEP4	Prepare a Recreation & Open Space Inventory (ROSI) as an updated Master Plan element. Use Plan to prioritize open space and farmland preservation acquisition efforts. Coordinate efforts with County Farmland Preservation Plan, County Open Space and Recreation Plan and other planning efforts including Priority Aquifer Recharge sites.	Township	Short	10/1/12	ROSI prepared as part of Township's Open Space & Recreation Plan, adopted by the Planning Board on 4/25/13 (Exhibit X).
DEP4	Prioritize acquisition of open space in coordination with State and Federal agencies and not-for-profit groups.				Under Evaluation
	Submit ROSI to NJDEP to enable funding.				Last ROSI filed with NJDEP is dated 3/13/04 (Exhibit C). Aforementioned will be filed in the near future.
DEP5	Outline a strategy that allows developers in the Center to share centralized stormwater collection basins that serve as pleasant water features for citizens to enjoy. These larger, shared water features will maximize efficiency by preventing unsightly retention basins in each development.	NJDEP technical assistance.	Short	10/1/12	In Progress
HOUSING					
DCA1	Continue to provide for the rehabilitation of affordable housing units through State and Federal grants	Township will seek funding for rehabilitation grants for this area to support low / moderate income families.	Medium	10/1/14	\$200,000 CDBG Home Rehabilitation Grant secured for 2013 - 2014 funding round. (Exhibit V). Status: Ongoing (via annual Township funding request.)
DCA2	Continue to foster innovative policies that enhance the diversity of housing products available in the Township, ensuring that the Township remains an attractive place for all people in all stages of life.	Township	Medium	10/1/14	Housing Element & Fair Share Plan adopted 12/9/08 (Exhibit F). Ordinance 1428-12 (adopted 10/15/12) Creating an Affordable Housing Multi-Family Overlay and a Single & Two-Family Overlay (Exhibit U)



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3.0 CENTERS BOUNDARY AMENDMENT PETITION

3.1 Amendments

N.J.A.C. 5:85-7.24 provides, in pertinent part, that Petitions to amend previously designated Centers may be submitted by the original petitioner in its annual report. The requirements for a Petition are found at N.J.A.C. 5:85-7.24(b).

3.2 This Petition

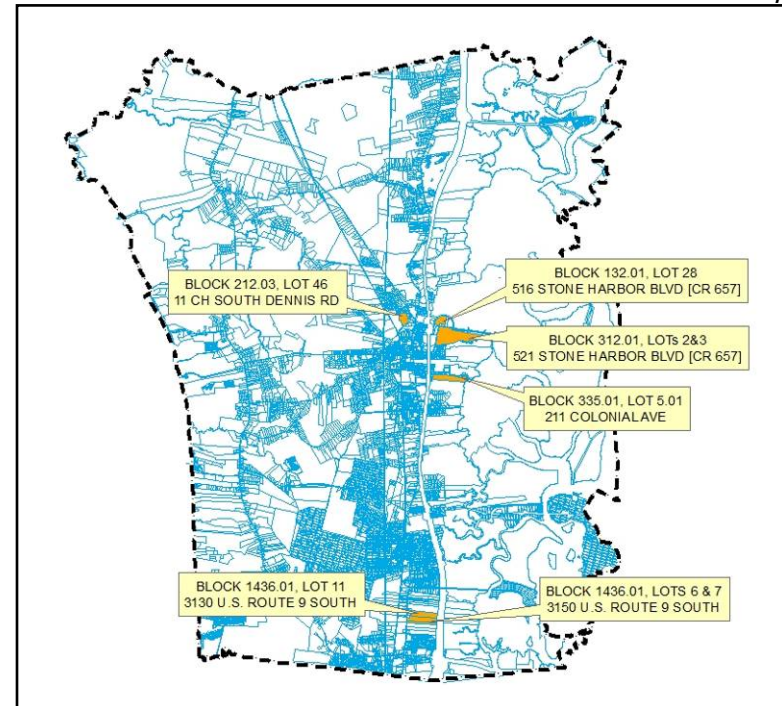
3.2.1 The purpose of this Petition is to expand certain of the Township's designated Centers in order to permit six (6) properties to be eligible for inclusion in the to-be-adopted NJDEP Sewer Service Area in order to support economic development projects on those properties.

3.2.3 The specific Blocks and Lots subject to this Petition are presented in *TABLE 3.2* and *FIGURE 3.2A* through *FIGURE 3.2D*.

TABLE 3.2: Centers Boundary Amendment Petition: Subject Lots

BLOCK	LOT(s)	STREET ADDRESS
132.01	28	516 Stone Harbor Boulevard [CR 657]
312.01	2 & 3	521 Stone Harbor Boulevard [CR 657]
212.03	46	11 CH So Dennis Road
335.01	5.01	211 Colonial Avenue
1436.01	6 & 7	3150 U.S. Route 9 South
1436.01	11	3126 U.S. Route 9 South

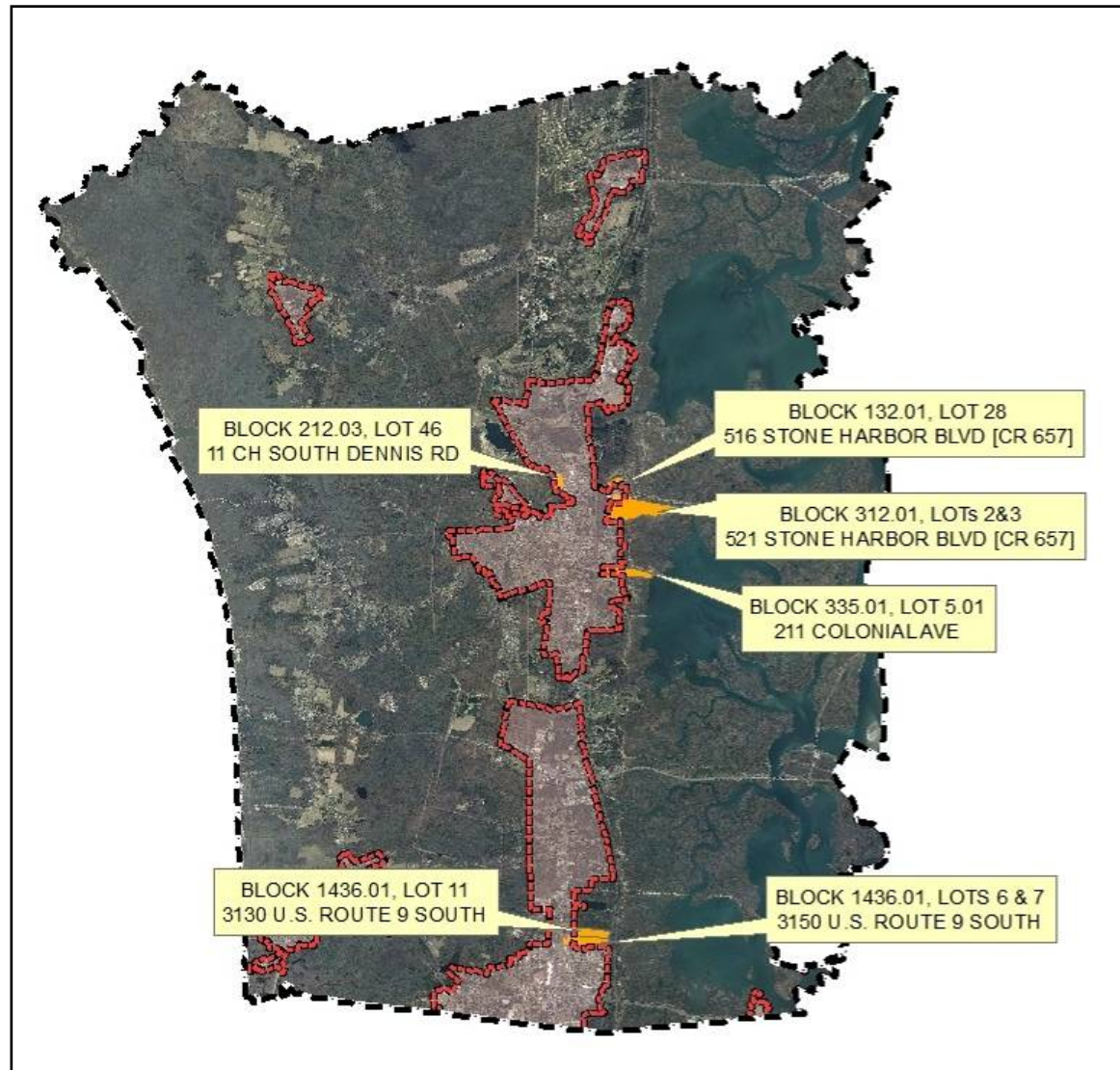
FIGURE 3.2A: Tax Map





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FIGURE 3.2B: Subject Lots & Existing Centers





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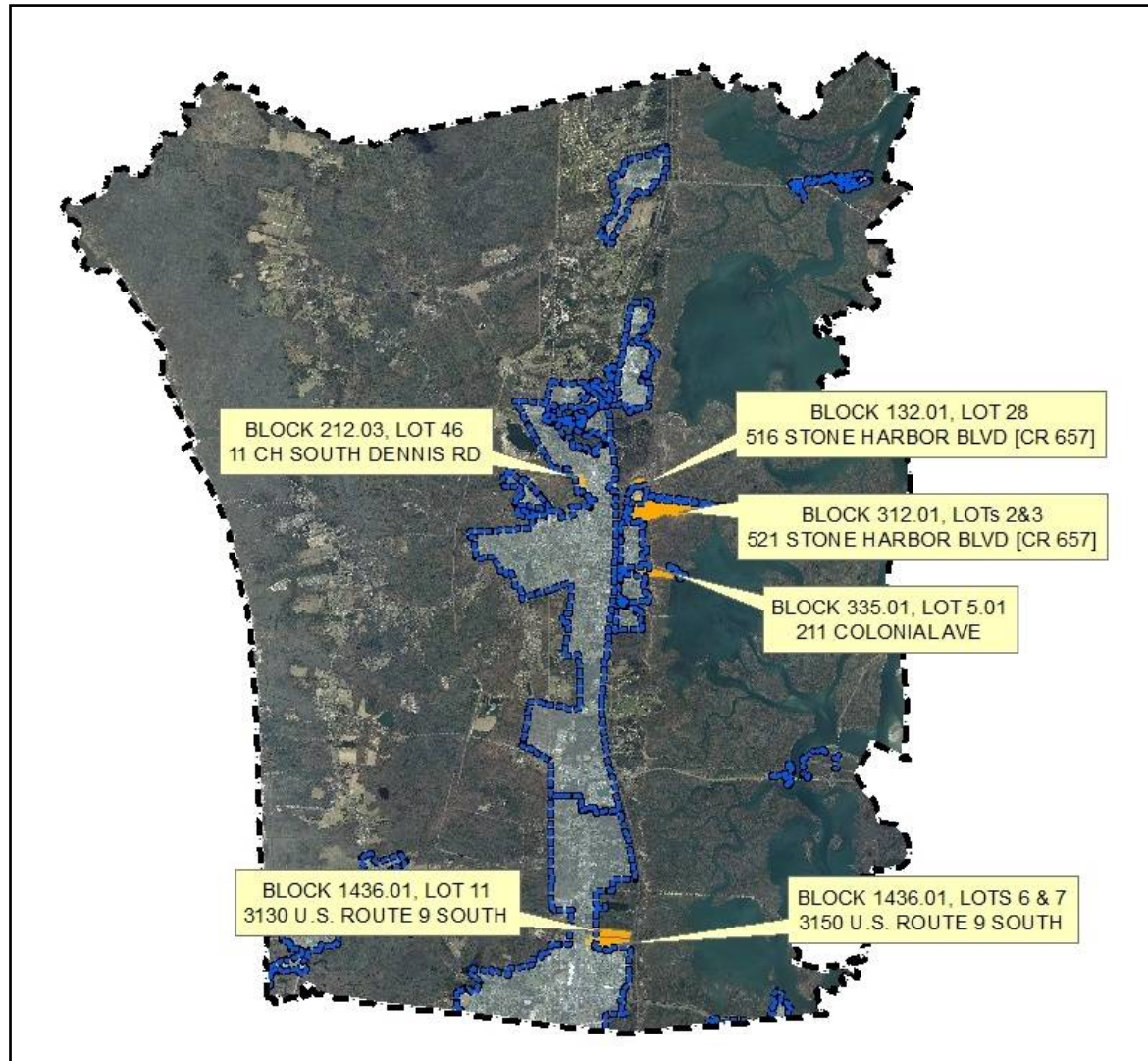
FIGURE 3.2C: Subject Lots & Former Sewer Service Area





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FIGURE 3.2D: Subject Lots & New⁵ Sewer Service Area



⁵ Approved by NJDEP 11/6/13. Notice of adoption to be published in New Jersey Register in December 2013 or January 2014.

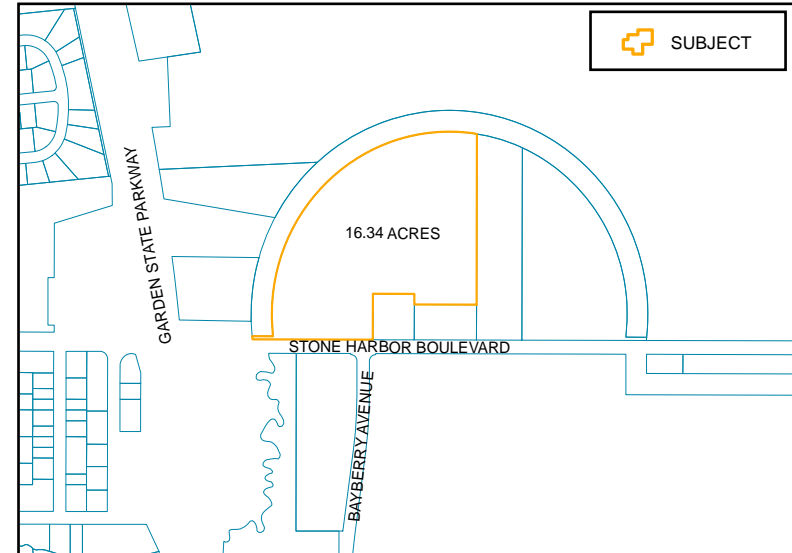


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3.3 Individual Site Analysis

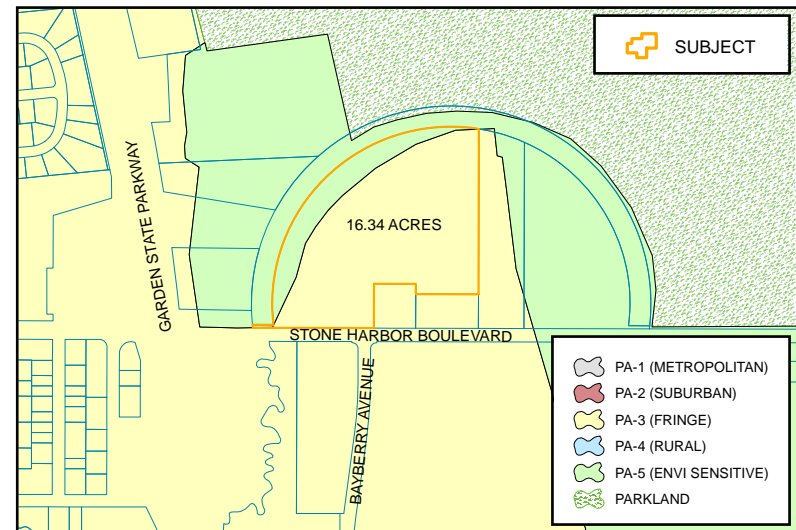
3.3.1 Block 132.01, Lot 28: 516 Stone Harbor Boulevard [CR 657]

A. Subject is an 16.345-acre partially-developed property located 0.1 miles to the east of Garden State Parkway exit 10.



B. While the northern edge of the Subject is located in a PA~5 (Environmentally Sensitive) Planning Area, the majority of the lot is classified PA~3 (Fringe).

There are no Natural Heritage Priority sites adjacent or in proximity to the Subject.





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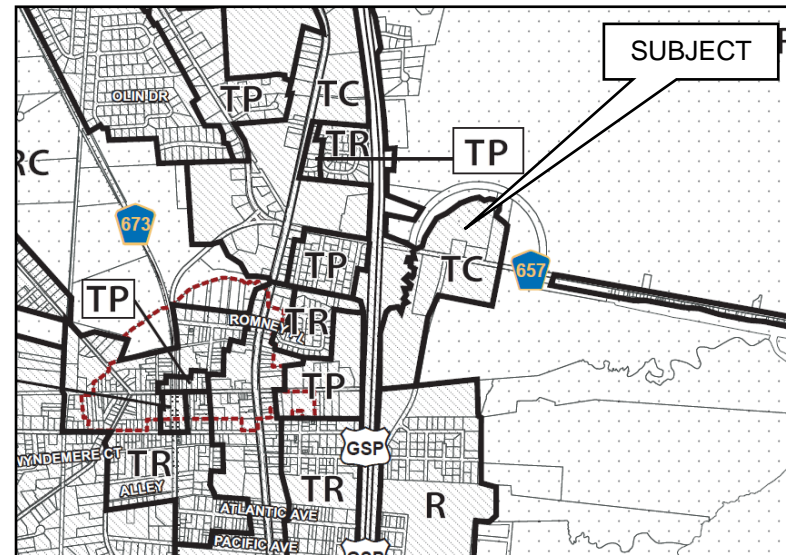
- C. Subject ~ which is bordered by wooded and wetland areas to the north and west and commercial development to the east and across Stone Harbor Boulevard to the south ~ hosts a used automobile sales operation as part of the Burke Motor Group, whose new car sales and service facilities are located to the south (diagonally across Stone Harbor Boulevard [CR 657]).

Significantly, Subject is located across Stone Harbor Boulevard [CR 657] from the primary Burke Motor Group and the Kindle Ford (section 3.3.2 herein) automotive facilities.



- D. Subject is located in the Township's Town Center (TC) Zoning District, whose purposes is to promote a desirable mix of commercial, office, civic and residential land use within a compact, vibrant, pedestrian-friendly, town center environment, with an emphasis on uses that serve the community and regional needs where there is adequate road infrastructure.

Permitted uses include retail sales and service; restaurants; professional offices, banks and financial institutions; business offices, health care facilities and offices; hotels; studios; recreational, cultural and entertainment facilities; automobile, camper, and boat sales; and shopping centers on 1-acre lots. Mixed-use development is permitted on minimum 5-acre lots (10 acres with non-contiguous parcel clustering).



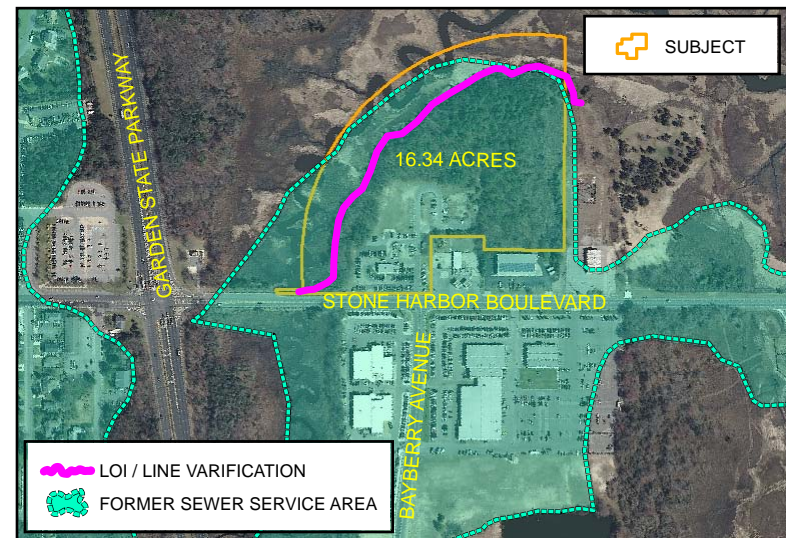
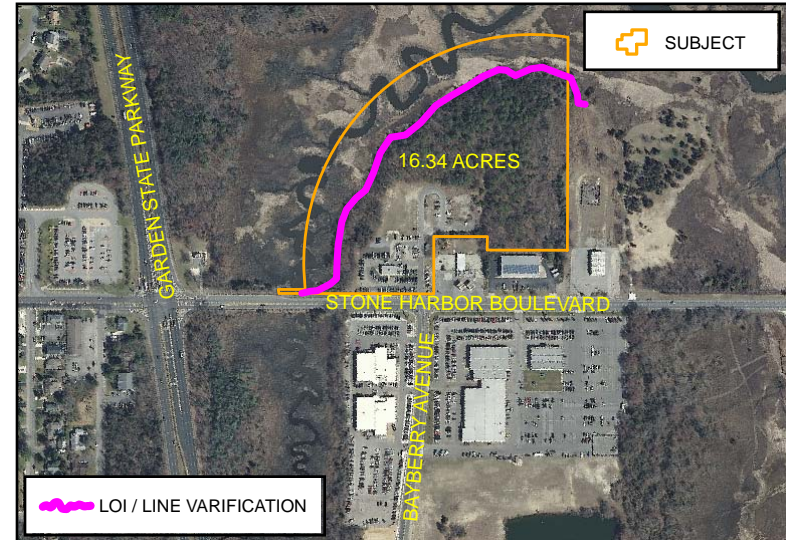


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E. In April 2010, NJDEP issued a Letter of Interpretation⁶ ("LOI") for the Subject; thereby establishing the wetlands boundaries and setting the developable section of the lot. Such LOI, which was modified in May 2010, was valid for 5 years.

In September 2011, NJDEP issued a revised LOI and a Line Verification for the property.⁷ Such LOI was amended in September 2011. Such determination(s) remain(s) valid until September 1, 2016.⁸

Such LOI is generally consistent with ~ albeit is somewhat more conservative than ~ the Sewer Service Area in existence prior to NJDEP's 2013 SSA Amendments.



⁶ File #0506-09-0072.1 / FWW090001

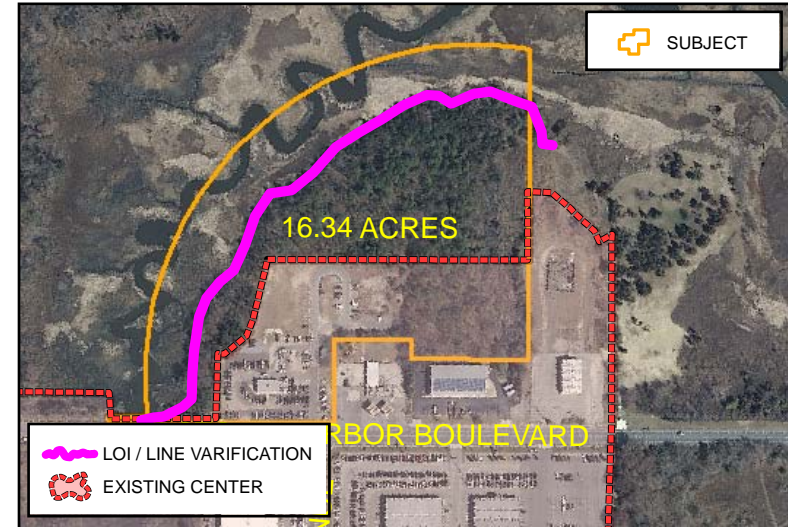
⁷ File #0506-09-0072.1 / FWW110001

⁸ Exhibit AA

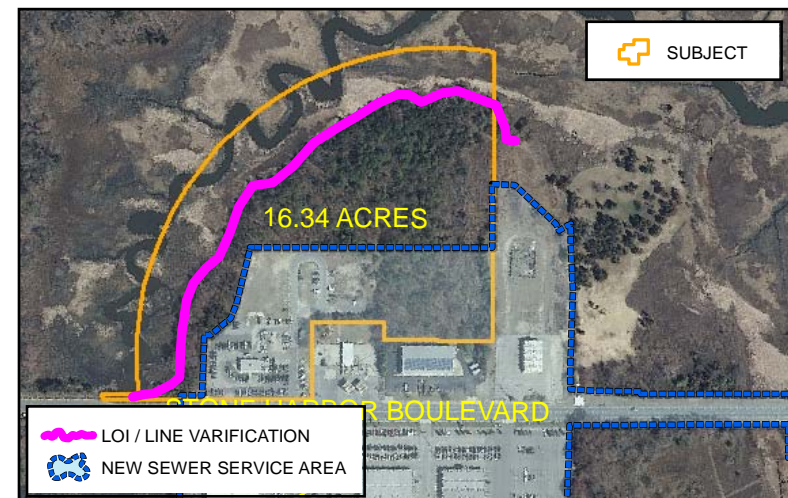


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F. At time of this Petition, the existing Center is generally limited to the disturbed section of the Subject, although it does include a wooded area to the east of the site.



G. The new Sewer Service Area at the Subject corresponds to the Center boundaries.





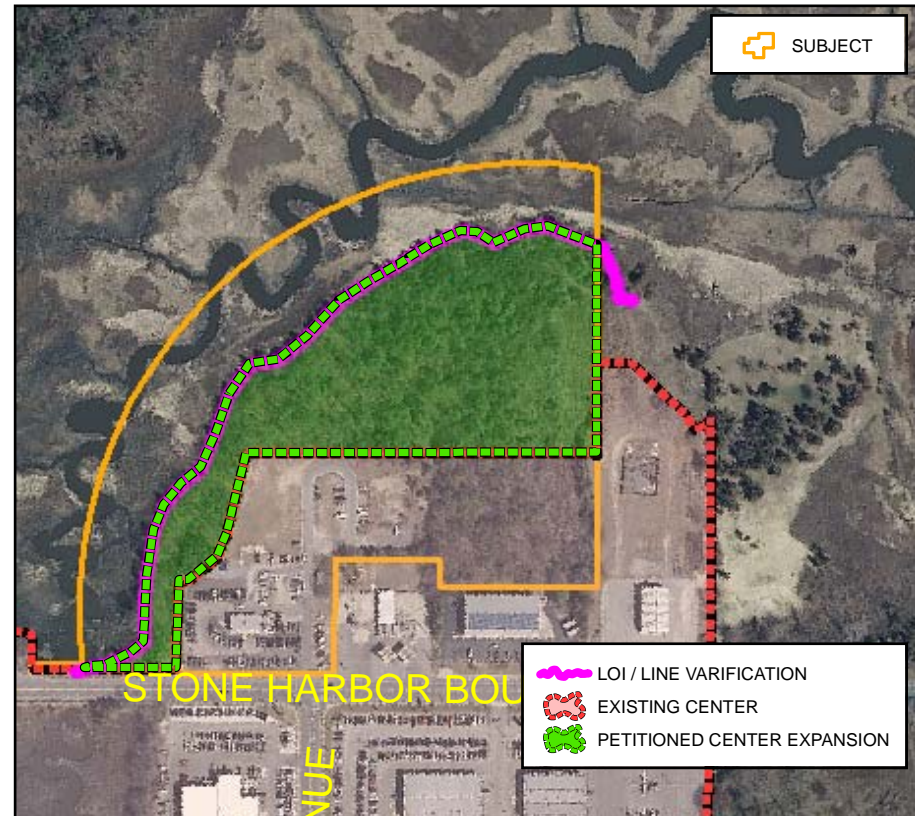
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H. Requested Action

Expand the boundaries of the Cape May Court House Regional Center to coincide with the approved LOI in order to permit expansion of the existing automobile facility as well as new development on the previously disturbed, undeveloped portion of the site consistent with the desires of Township Policymakers as expressed by existing (TC) Zoning.

An expansion of the existing commercial facility ~ which is located on and in direct proximity to significant, high-intensity commercial corridors⁹ ~ can be accommodated on-site, utilizing existing infrastructure; thereby reducing development pressures on other lands while providing for an anticipated 110-120 new, permanent jobs (plus an unknown number of construction-related jobs).

Ownership will remain responsible to work within the existing regulatory framework, including the Coastal Zone Management Rules and the Freshwater Wetlands and Flood Hazard Area programs, in order to address any limited pockets of environmentally-sensitive areas that may exist.



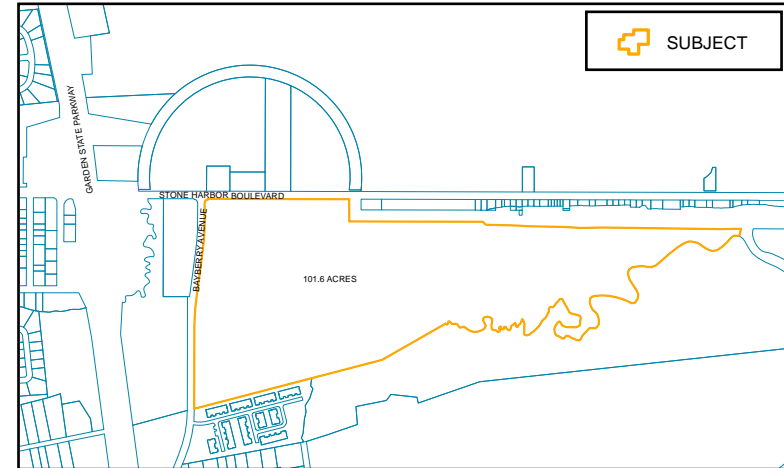
⁹ The Garden State Parkway, U.S. Route 9 and Stone Harbor Boulevard.



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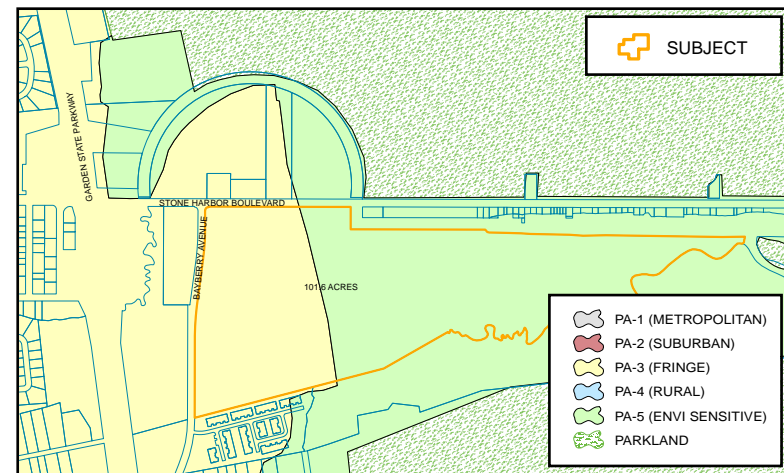
**3.3.2 Block 321.01, Lots 2 & 3: 521 Stone Harbor Boulevard
[CR 657]**

- A. Subject is an 101.6-acre partially developed property located 0.23 miles to the east of Garden State Parkway exit 10.



- B. While the eastern edge of the Subject is located in a PA~5 (Environmentally Sensitive) Planning Area, the western portion of the lot is classified PA~3 (Fringe).

There are no Natural Heritage Priority sites adjacent or in proximity to the Subject.





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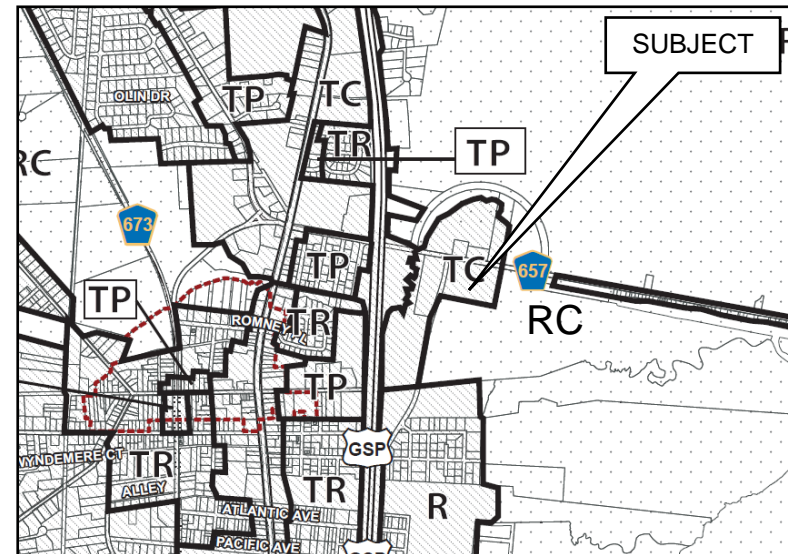
- C. Subject ~ which is bordered by wooded and wetland areas to the east, residential development to the south and commercial development to the west and across Stone Harbor Boulevard to the north ~ hosts the Kindle Ford, Mercury and Lincoln automobile sales and service facility ("Kindle").

Significantly, the Kindle facility is located across Bayberry Drive and Stone Harbor Boulevard [CR 657] from the Burke automotive facilities (section 3.3.1 herein).



- D. The western portion of the Subject is located in the Township's Town Center (TC) Zoning District, whose purposes is to promote a desirable mix of commercial, office, civic and residential land use within a compact, vibrant, pedestrian-friendly, town center environment, with an emphasis on uses that serve the community and regional needs where there is adequate road infrastructure.

Permitted uses include retail sales and service; restaurants; professional offices, banks and financial institutions; business offices, health care facilities and offices; hotels; studios; recreational, cultural and entertainment facilities; automobile, camper, and boat sales; and shopping centers on 1-acre lots. Mixed-use development is permitted on minimum 5-acre lots (10 acres with non-contiguous parcel clustering).

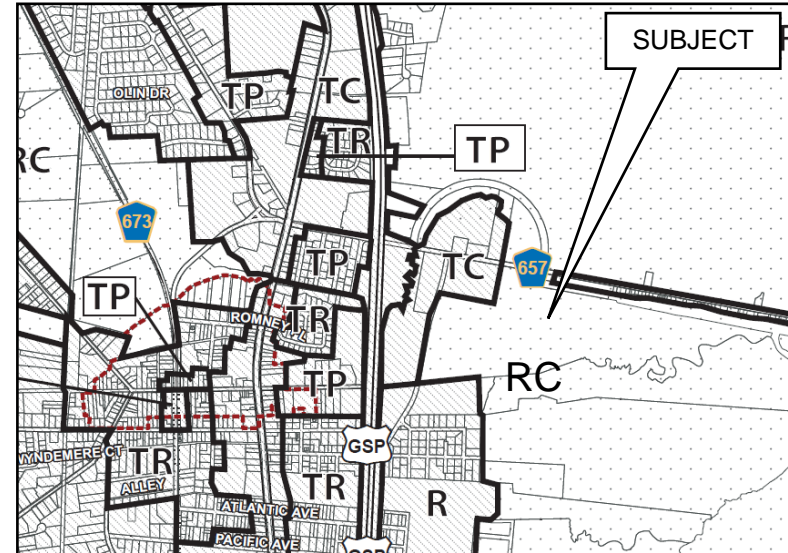




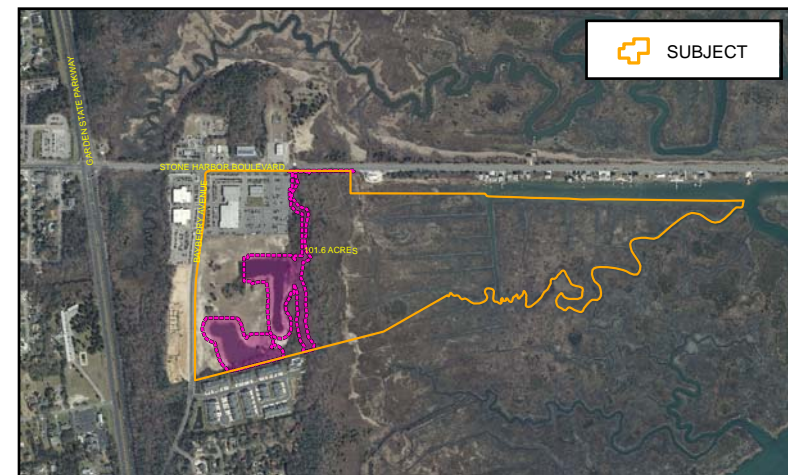
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The eastern portion of the Subject is located in the Township's Rural Conservation (RC) Zoning District, whose purposes is to retain the essential rural character of the Township and encourage continuation of agricultural uses and protection of vital natural resources.

Permitted uses are limited to single-family dwellings; agriculture, horticulture, silviculture and aquaculture farms on a minimum of 10 acres; golf courses on a minimum of 50 acres; horse farms on a minimum of 5 acres; and kennels and animal shelters on a minimum of 5 acres.



- E. In April 2003, NJDEP and Kindle entered into a *Mediation and Settlement Agreement in Lieu of a Permit*¹⁰ ("Agreement") whereby, in pertinent part, NJDEP agreed to allow Kindle to construct a project on the Subject and Kindle agreed to deed-restrict certain portions of the site containing wetlands and transition areas against further development, and undertake other environmental mitigation measures.

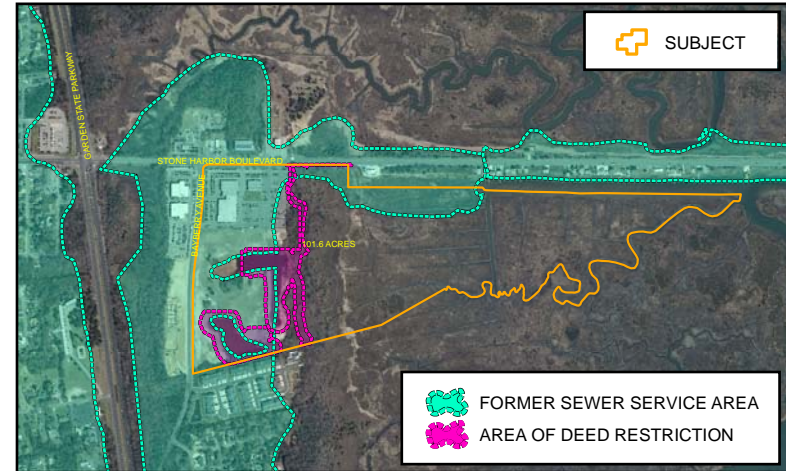


¹⁰ Exhibit BB

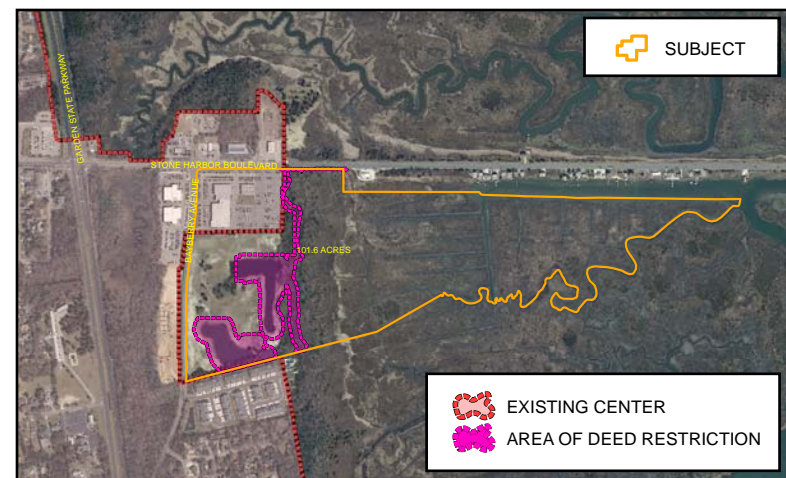


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Such deed restricted area is generally consistent with ~ albeit is somewhat more conservative in places and somewhat more permissive in others ~ the eastern boundary of the Sewer Service Area in existence prior to NJDEP's 2013 SSA Amendments.



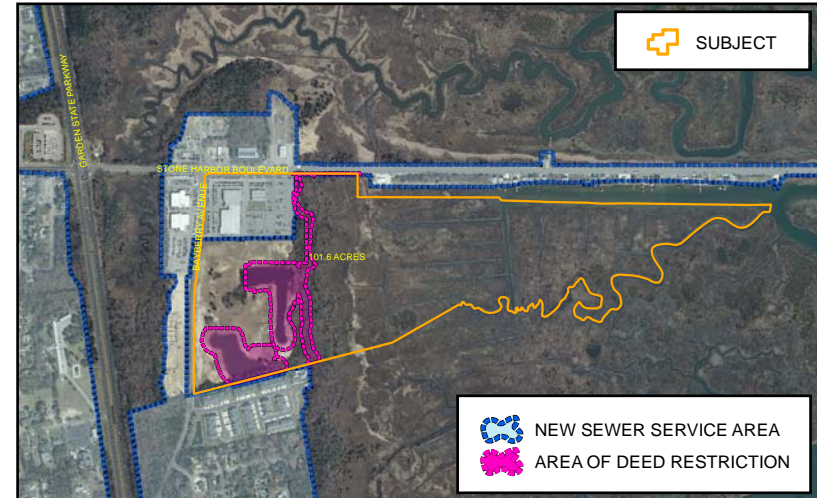
- F. At time of this Petition, the existing Center is generally limited to the disturbed section of the Subject, although it does include a wooded area to the south and west of the site.





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G. The new Sewer Service Area at the Subject corresponds to the Center boundaries.





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H. Requested Action

Expand the boundaries of the Cape May Court House Regional Center and the Sewer Service Area to coincide with the deed restricted area in order to permit activities consistent with the Mediation and Settlement Agreement and the desires of Township Policymakers as expressed by existing adjacent (TC) Zoning.

An expansion of the existing commercial facility ~ which is located on and in direct proximity to significant, high-intensity commercial corridors¹¹ ~ can be accommodated on-site, utilizing existing infrastructure; thereby reducing development pressures on other lands while providing for an as-yet unknown number of new, permanent and construction-related jobs.

Ownership will remain responsible to work within the existing regulatory framework, including the Coastal Zone Management Rules and the Freshwater Wetlands and Flood Hazard Area programs, in order to address any limited pockets of environmentally-sensitive areas that may exist.



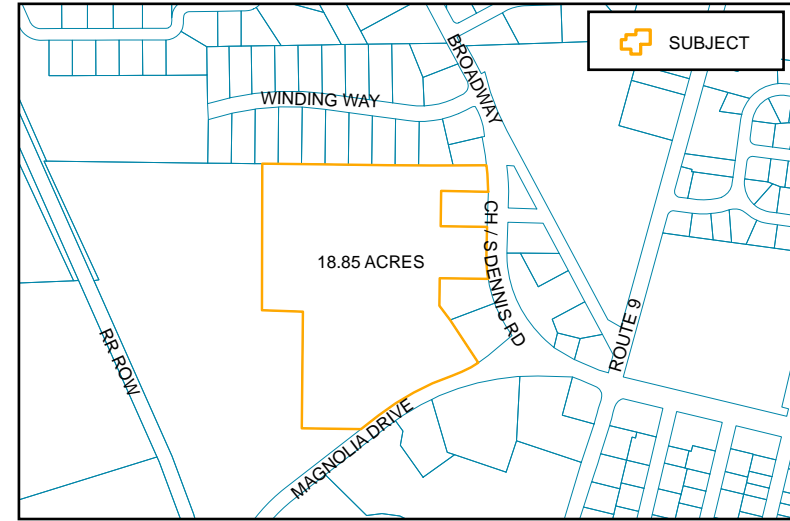
¹¹ The Garden State Parkway, U.S. Route 9 and Stone Harbor Boulevard.



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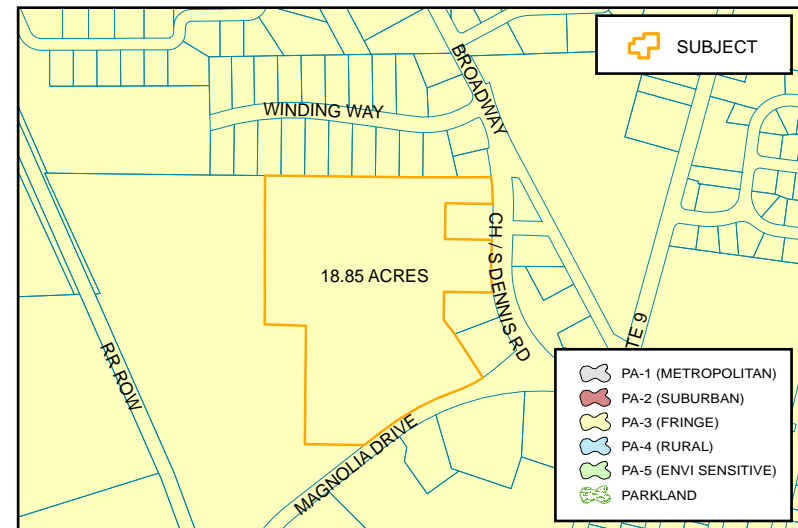
3.3.3 Block 212.03, Lot 46: 11 CH So Dennis Road

- A. Subject is an 18.85-acre nearly fully developed property located 0.3 miles to the west of Garden State Parkway exit 10....



...3 within a PA~3 (Fringe) Planning Area.

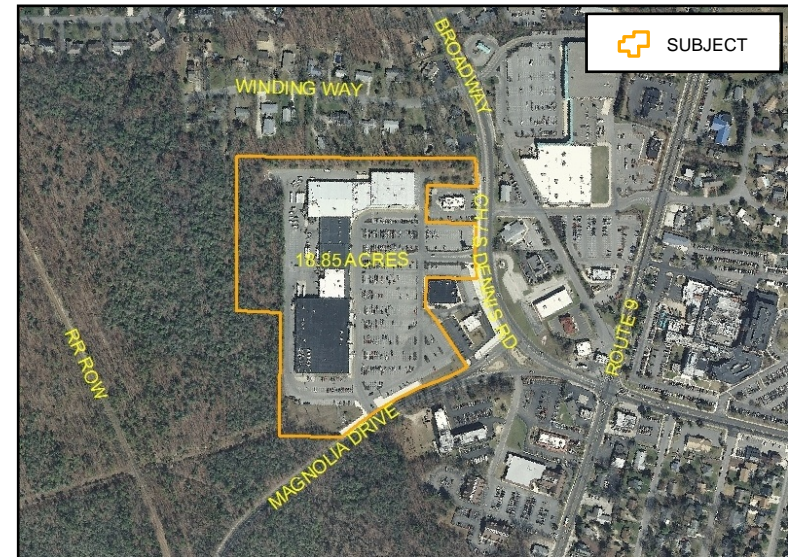
There are no Natural Heritage Priority sites adjacent or in proximity to the Subject.





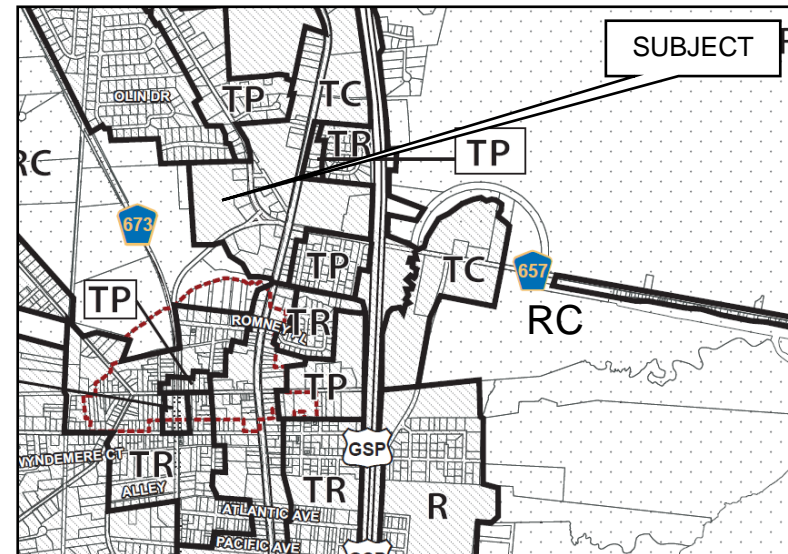
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B. Subject ~ which is bounded by residential development to the north and commercial development to the east and south ~ hosts a regional shopping center that includes a supermarket, an office supply store, a discount department store, a 24-hour pharmacy and an urgent care medical facility.



C. Subject is located in the Township's Town Center (TC) Zoning District, whose purposes is to promote a desirable mix of commercial, office, civic and residential land use within a compact, vibrant, pedestrian-friendly, town center environment, with an emphasis on uses that serve the community and regional needs where there is adequate road infrastructure.

Permitted uses include retail sales and service; restaurants; professional offices, banks and financial institutions; business offices, health care facilities and offices; hotels; studios; recreational, cultural and entertainment facilities; automobile, camper, and boat sales; and shopping centers on 1-acre lots. Mixed-use development is permitted on minimum 5-acre lots (10 acres with non-contiguous parcel clustering).





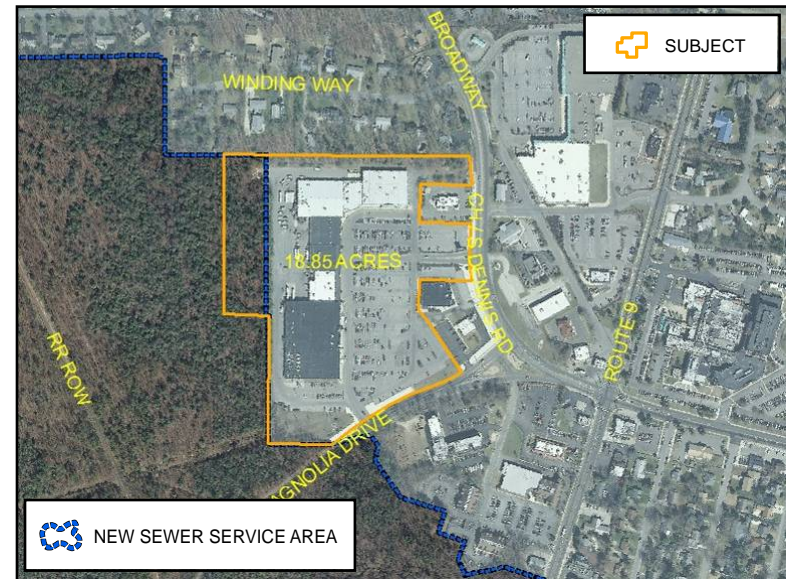
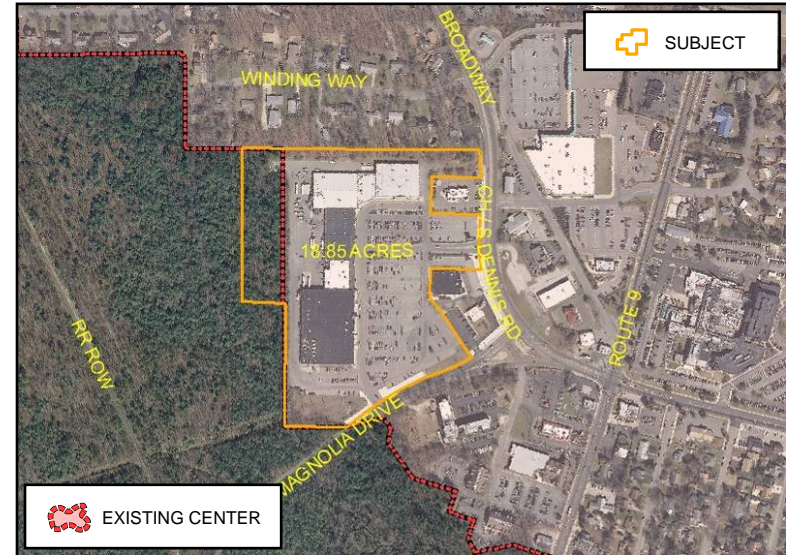
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- D. With an (approximate) 119,498 s.f. wooded area along its western lot line, an (approximate) 36,719 s.f. grassed area along Magnolia Drive and an (approximate) 47,500 s.f. wooded buffer along its northern line, Subject is (approximate) 75% impervious.¹²

To date, no LOI has been obtained for this parcel. Subject contains ample developable uplands which are situated outside of a potential 150' transition buffer from off-site wetlands.

At time of this Petition, the existing Center is limited to the disturbed section of the Subject, although it does include the Magnolia Drive grassed area.

- E. The new Sewer Service Area at the Subject corresponds to the Center boundaries.



¹² Area calculations were developed from scaled measurements taken from Cape May County's G.I.S. Parcel mapping and NJDEP's 2012 aerial photography. Information is therefore deemed accurate to the level of the scale. A Boundary Survey of the Subject, performed by a licensed Land Surveyor, is required for precise measurements.



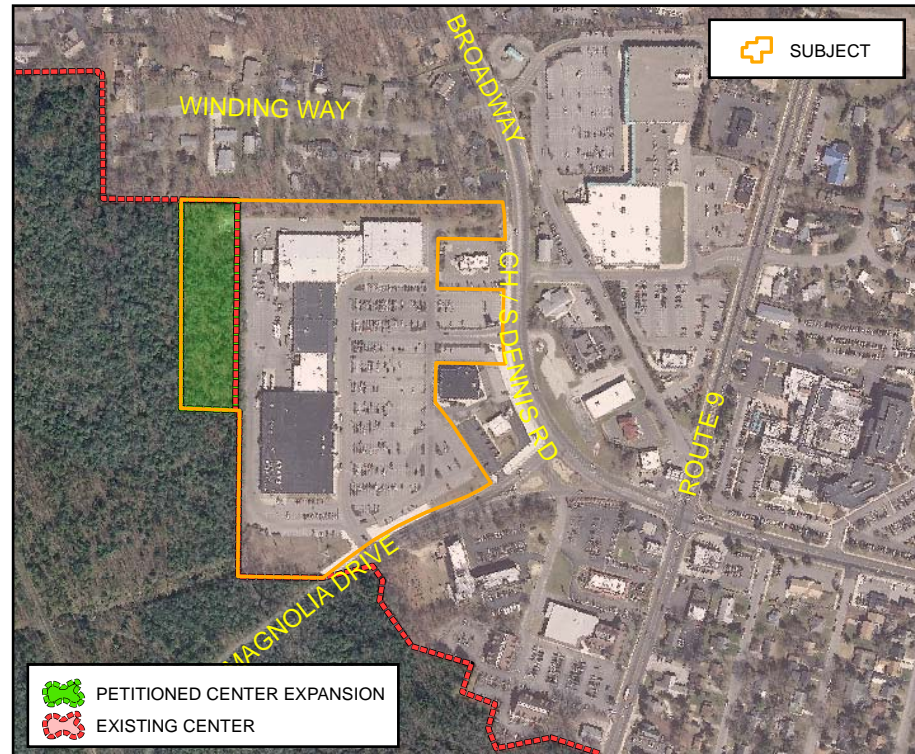
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F. Requested Action

Expand the boundaries of the Cape May Court House Regional Center and the Sewer Service Area on the Subject's western side to be contiguous with the lot boundary line in order to permit future reconfiguration and / or expansion of the existing commercial facility and thereby improve the parcel's internal circulation and maximize its development potential consistent with the desires of Township Policymakers as expressed by existing (TC) Zoning.

An expansion of the existing commercial facility ~ which is located in direct proximity to significant, high-intensity commercial corridors¹³ ~ can be accommodated on-site, utilizing existing infrastructure; thereby reducing development pressures on other lands while providing for an anticipated 55-65 new, permanent jobs (plus an unknown number of construction jobs).

Ownership will remain responsible to work within the existing regulatory framework, including the Coastal Zone Management Rules and the Freshwater Wetlands and Flood Hazard Area programs, in order to address any limited pockets of environmentally-sensitive areas that may exist.



¹³ The Garden State Parkway and, U.S. Route 9.



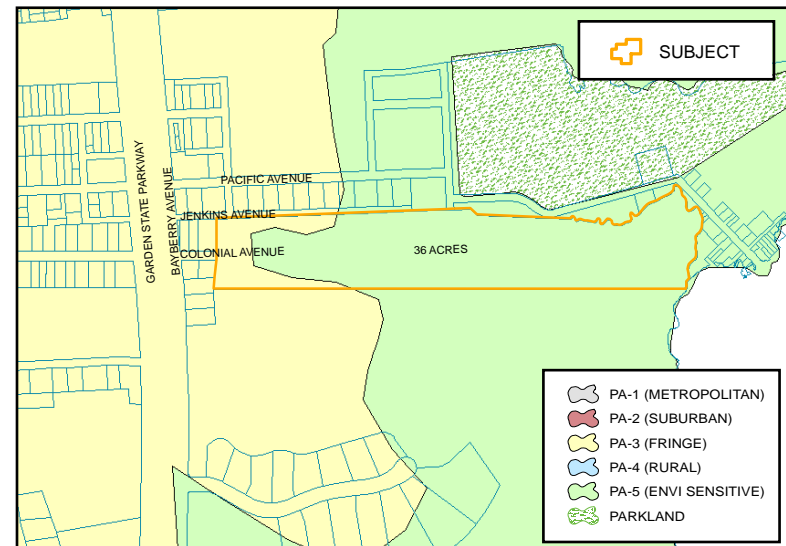
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3.3.4 Block 335.01, Lot 5.01: 211 Colonial Avenue

A. Subject is a 36-acre vacant property located (approximately) 300' from the Garden State Parkway, (approximately) 1.1 miles south of Parkway Exit 10.



B. The westerly edge of the Subject is located in a PA~3 (Fringe) Planning Area while the easterly portion is located in a PA~5 (Environmentally-Sensitive) Planning Area.

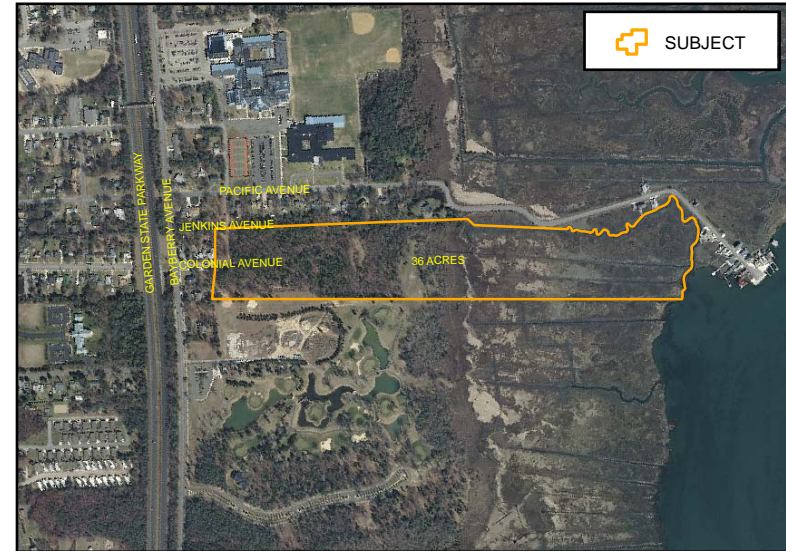




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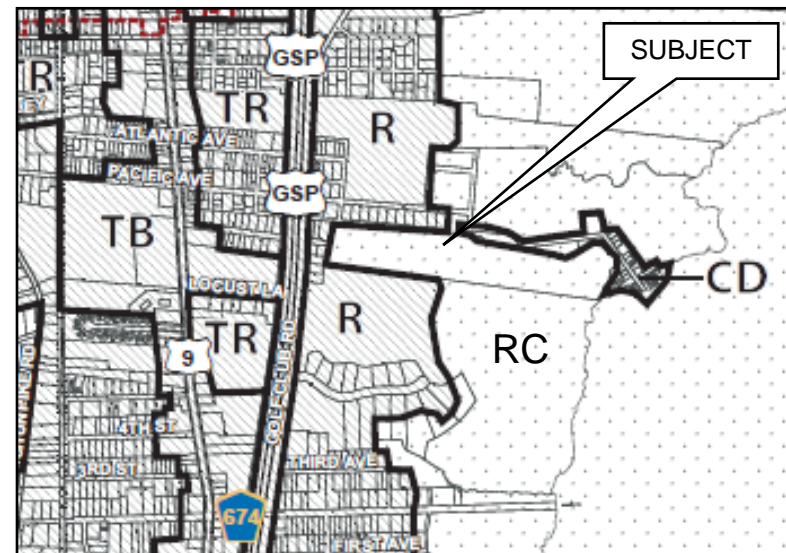
- C. Subject, which is bounded by residential and commercial development and a school with recreational facilities to the north, residential development to the west, a golf course to the south and the bay to the east, was previously an excavation site and contains several borrow pits as well as wooded lands and marine tidal marshes.

Subject previously experienced routine and significant flooding in and around the excavation ditches due to a lack of drainage from clogged and inoperable mosquito canals to the property's east. With the clearing of these canals, Subject now drains properly and what was thought to be wetlands are dry.



- D. Subject is located in the Township's Rural Conservation (RC) Zoning District, whose purposes is to retain the essential rural character of the Township and encourage continuation of agricultural uses and protection of vital natural resources.

Permitted uses are limited to single-family dwellings; agriculture, horticulture, silviculture and aquaculture farms on a minimum of 10 acres; golf courses on a minimum of 50 acres; horse farms on a minimum of 5 acres; and kennels and animal shelters on a minimum of 5 acres.





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The property owner desires to utilize the Subject to expand the adjacent golf course facility for a driving range, clubhouse, parking, storage and traditional ancillary uses. Limited residential development is proposed in accordance with existing zoning.

E. At time of this Petition, no LOI has been obtained for this parcel. Discussion with the property owner's environmental consultant undertaken for this Petition reveals:

- Seasonal high water-table monitoring has been completed for the past 6 years. The resulting hydrographs confirm that NJDEP's presumption of the extent of freshwater wetlands on this parcel is exaggerated in the 2007 mapping. A large portion of the site was disturbed in the 1950s and used as a borrow pit, then left to naturalize ~ without appropriate restoration practices and maintenance of existing drainage features.
- While NJDEP mapping reflects this history, it does not recognize existing site conditions.

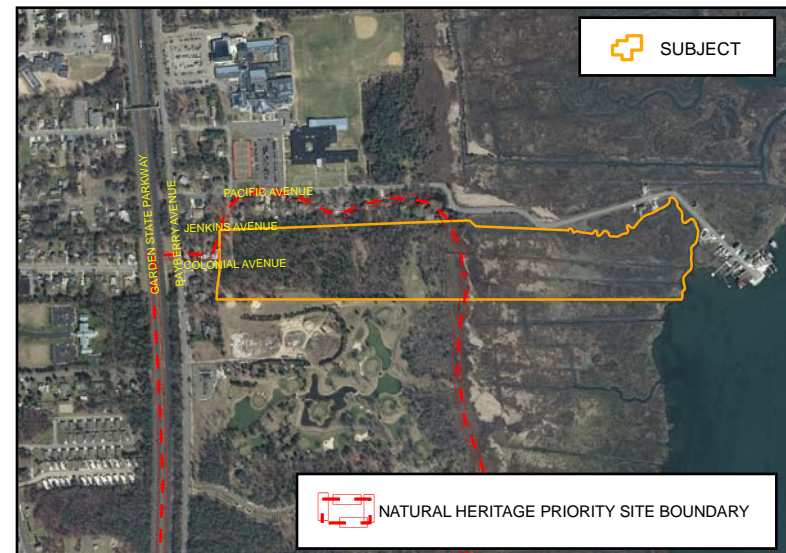
NJDEP-mapped on-site features include ditches, only portions of which contain wetlands. Given their origins as ditches, these wetlands are anticipated to be classified as Ordinary Resource Value (with no associated transition area) once an LOI is issued.

The balance of these features consists of uplands swales which are unregulated by NJDEP.

- At time of this Petition, the property owner was in the process of delineating these features and will submit an application to NJDEP to formalize the regulatory limits once the analyses are complete.

Ownership will remain responsible to work within the existing regulatory framework in order to address any pockets of environmentally-sensitive areas that may exist.

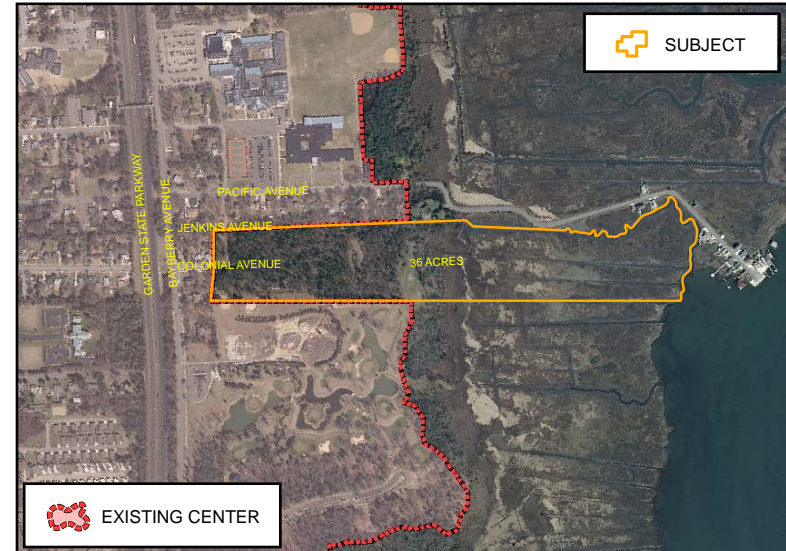
- The fact that the western portion of the Subject is located within the Mayville Natural Heritage Priority site ("MNHPS") should not limit the activities proposed. The MNHPS includes existing developed lands surrounding the Subject, as well as portions of the Garden State Parkway travel lanes.



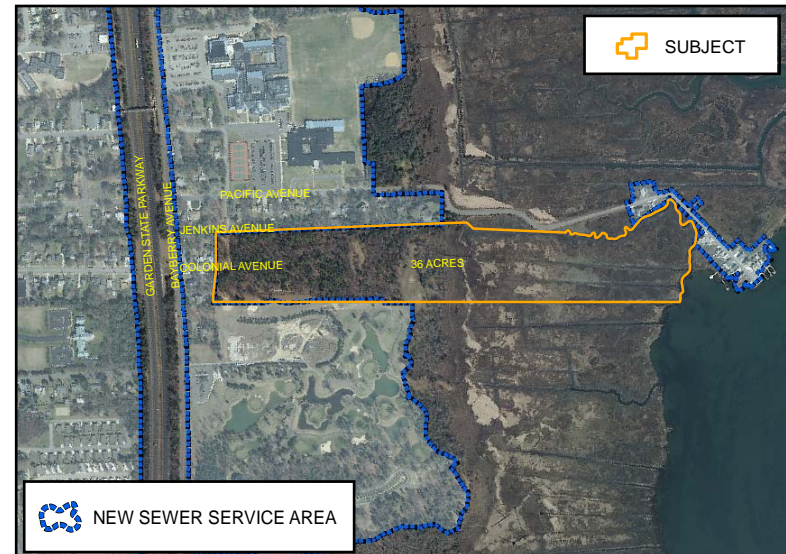


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F. At time of this Petition, the existing Center excludes the Subject but includes development similar that what is proposed for this parcel.



G. The new Sewer Service Area at the Subject corresponds to the Center boundaries.



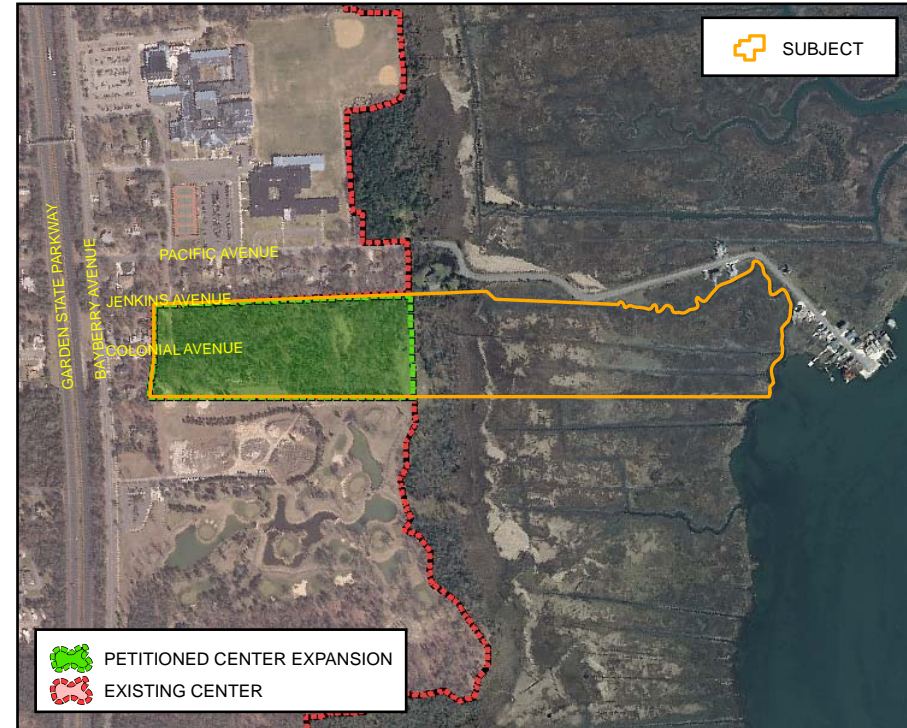


H. Requested Action

Expand the boundaries of the Cape May Court House Regional Center and Sewer Service Area consistent with Center / SSA boundaries for adjacent, contiguous properties in order to permit an expansion of the adjacent golf course facility for recreation and limited residential development, along with traditional ancillary uses, in accordance with the desires of Township Policymakers as expressed by existing (RC) Zoning.

The proposed activities on the Subject ~ which is located in direct proximity to significant, high-intensity commercial corridors¹⁴ ~ can be accommodated on-site, utilizing existing infrastructure; thereby reducing development pressures on other lands. In addition to expanding the recreational opportunities in the region, such development is anticipated to provide approximately 5 new, permanent jobs (plus an unknown number of construction jobs).

Ownership will remain responsible to work within the existing regulatory framework, including the Coastal Zone Management Rules and the Freshwater Wetlands and Flood Hazard Area programs, in order to address any limited pockets of environmentally-sensitive areas that may exist.



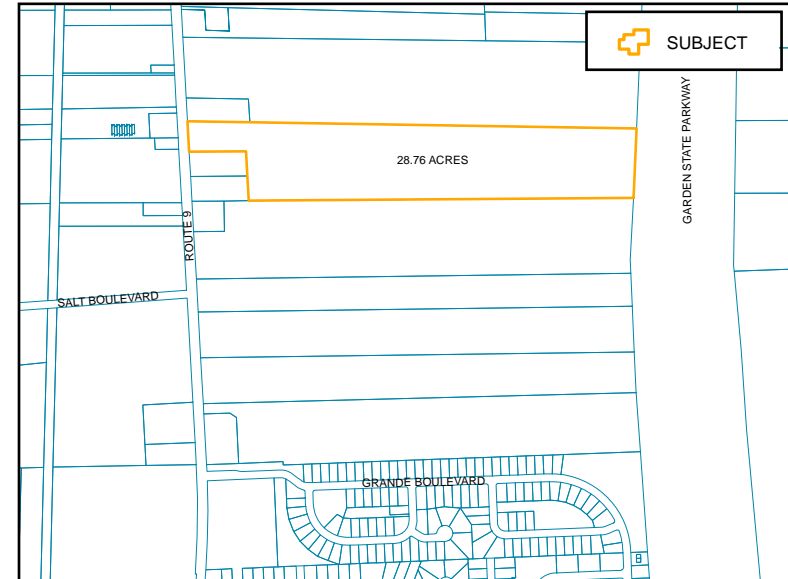
¹⁴ The Garden State Parkway and U.S. Route 9.



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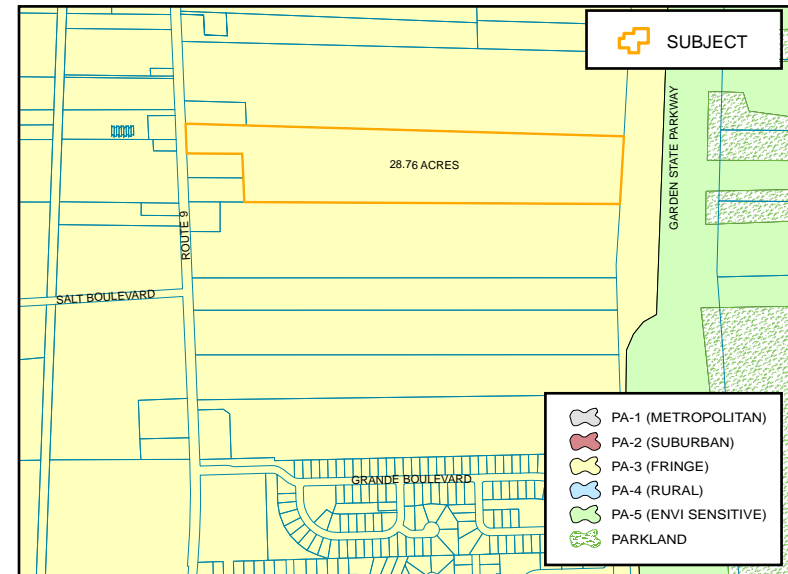
3.3.5 Block 1436.01, Lot 11: 3126 Route 9 South

A. Subject is a 28.76-acre partially-developed / disturbed property abutting the Garden State Parkway and U.S. Route 9. Subject is located approximately 1.3 miles north of Parkway exit 4A.



B. Subject is located in a PA~3 (Fringe) Planning Area.

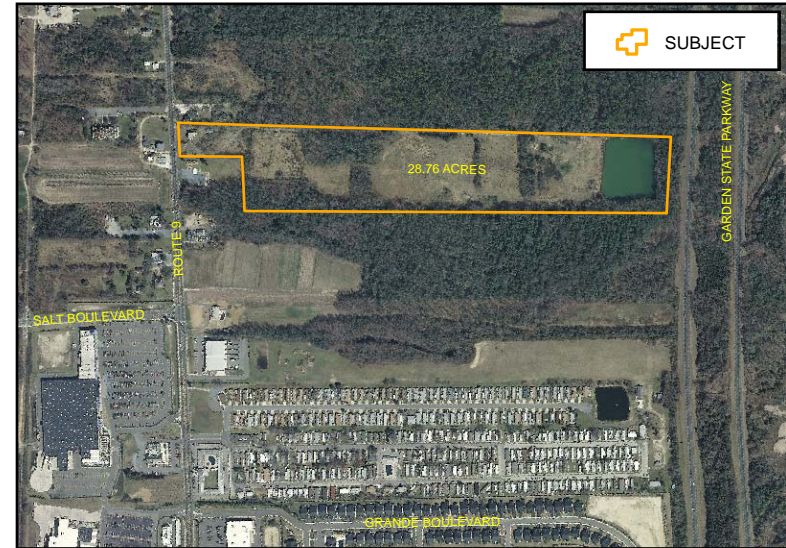
There are no Natural Heritage Priority sites on or adjacent to the Subject.





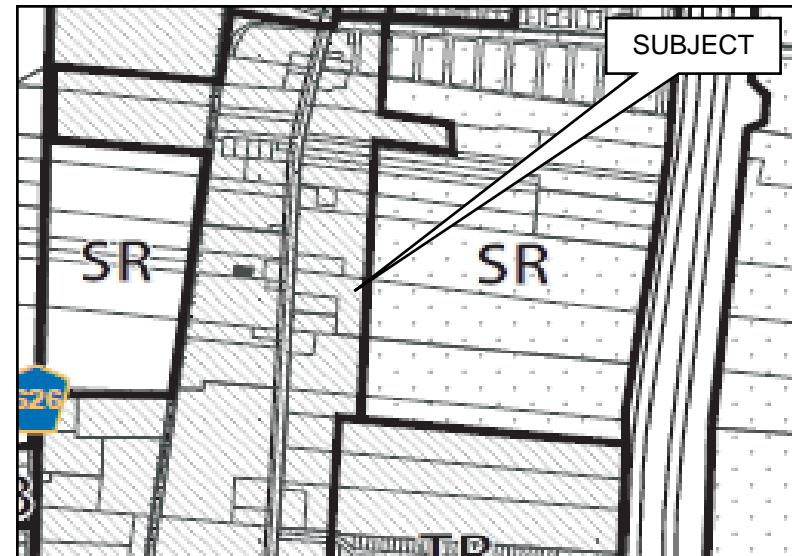
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C. While Subject, which is bounded by natural vegetation to the north and south, the Garden State Parkway to the east and Route 9 to the west, shows signs of having been at least partially cleared and utilized, the nature of such use, if any, is not known.



D. The Subject's Route 9 frontage is located in the Township's Town Center (TC) Zoning District, whose purposes is to promote a desirable mix of commercial, office, civic and residential land use within a compact, vibrant, pedestrian-friendly, town center environment, with an emphasis on uses that serve the community and regional needs where there is adequate road infrastructure.

Permitted uses include retail sales and service; restaurants; professional offices, banks and financial institutions; business offices, health care facilities and offices; hotels; studios; recreational, cultural and entertainment facilities; automobile, camper, and boat sales; and shopping centers on 1-acre lots. Mixed-use development is permitted on minimum 5-acre lots (10 acres with non-contiguous parcel clustering).

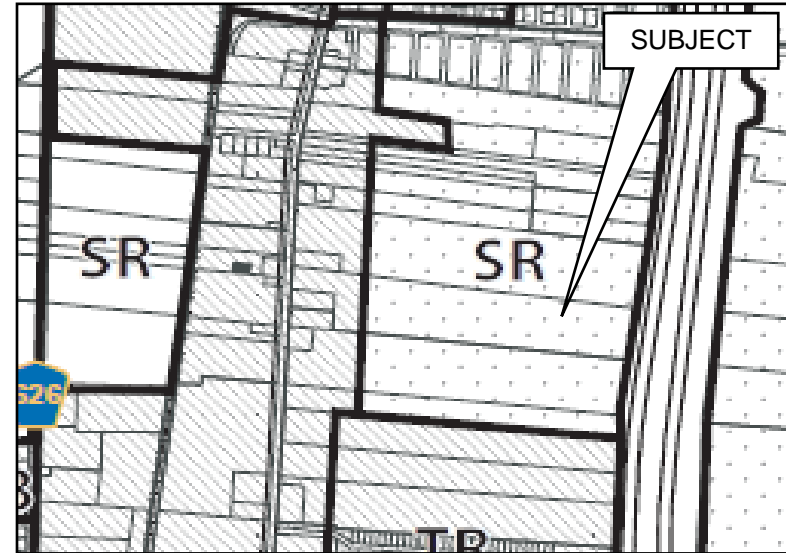




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The easterly portion of the Subject is located in the Township's Suburban Residential (SR) Zoning District, whose purposes is to recognize developed residential neighborhoods outside Centers that are not sewered and to act as a transitional residential area between higher density development within the Centers and rural density development within the Environs.

Permitted uses include single-family dwellings on 1-acre lots; agriculture, horticulture, silviculture, and aquaculture farms on a minimum of 10 acres; golf courses on a minimum of 50 acres; horse farms on a minimum 5 acres. Conditional uses include campgrounds, public purpose uses, public utility uses and religious uses.

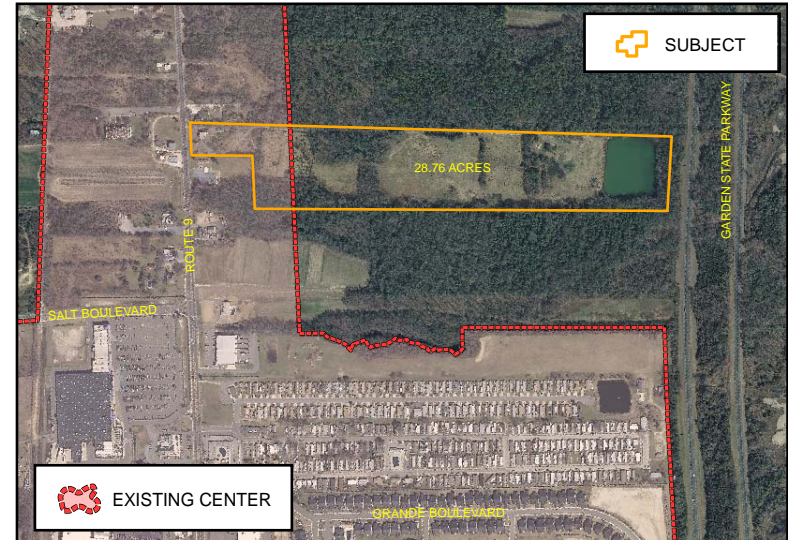


- E. While mapping and other paperwork was not available for this Petition, it has been confirmed that an LOI for this parcel has been issued, verifying the extent of freshwater wetlands and transition areas. Further, the property owner has obtained Preliminary Major Subdivision approval for a mixed use development on this site. Such development was designed to be consistent with NJDEP transition area waiver standards.



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F. At time of this Petition, the existing Center is limited to the Subject's Route 9 frontage and the lands immediately behind this frontage.



G. The new Sewer Service Area at the Subject corresponds to the Center boundaries.





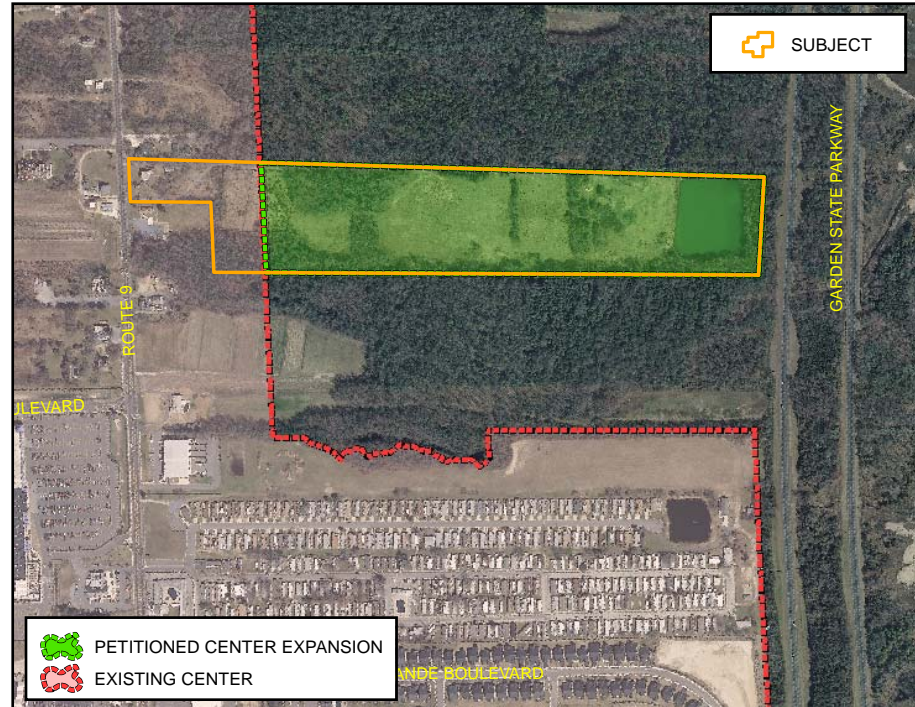
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H. Requested Action

Expand the boundaries of the Rio Grande Regional Center and the Sewer Service Area to be contiguous with the lot boundary line and to be consistent with Center / SSA boundaries for nearby properties in order to permit development in accordance with the desires of Township Policymakers as expressed by existing TC Zoning.

Expanding the Center to include this acreage ~ which is located on or in direct proximity to significant, high-intensity commercial corridors¹⁵ ~ will permit development that will utilize existing infrastructure; thereby reducing development pressures on other lands while providing for an anticipated 15-25 new, permanent jobs (plus an unknown number of construction jobs).

Ownership will remain responsible to work within the existing regulatory framework, including the Coastal Zone Management Rules and the Freshwater Wetlands and Flood Hazard Area programs, in order to address any limited pockets of environmentally-sensitive areas that may exist.



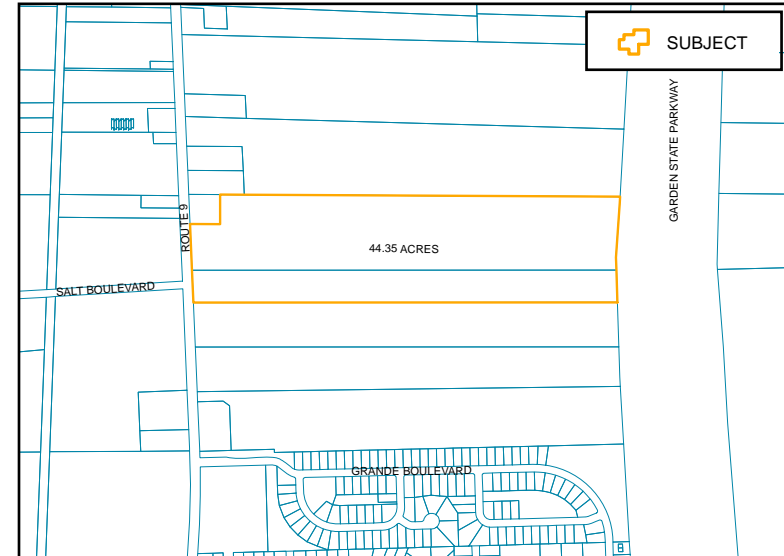
¹⁵ The Garden State Parkway and U.S. Route 9.



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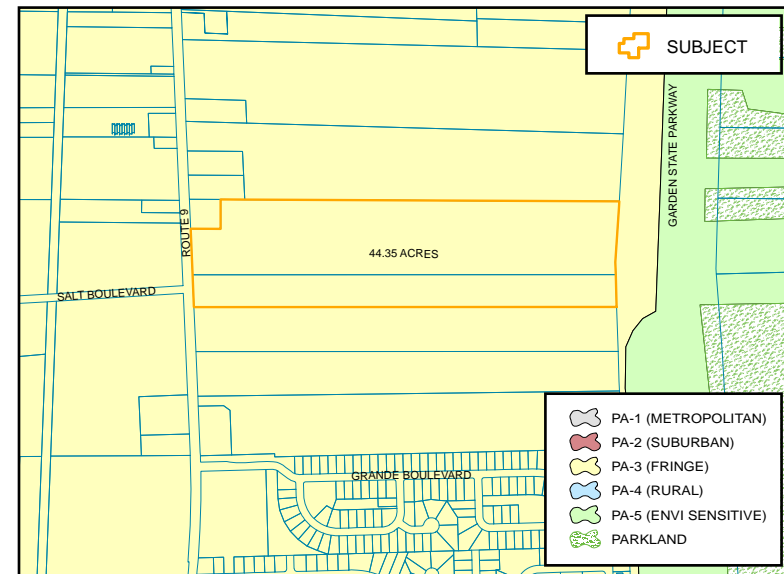
3.3.6 Block 1436.01, Lots 6 & 7: 3150 Route 9 South

A. Subject is a 44.35-acre partially-developed / disturbed property abutting the Garden State Parkway and U.S. Route 9. Subject is located approximately 1.1 miles north of Parkway exit 4A.



B. Subject is located in a PA~3 (Fringe) Planning Area.

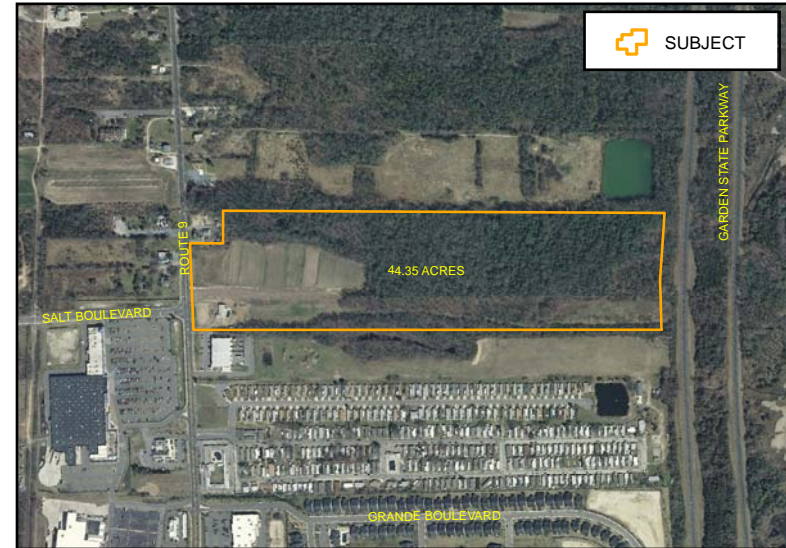
There are no Natural Heritage Priority sites on or adjacent to the Subject.





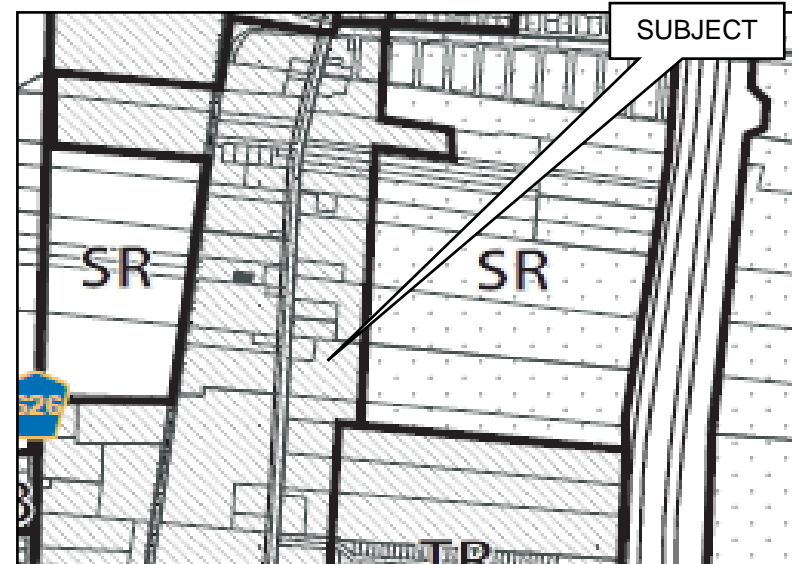
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- C. Subject, which is bounded by natural vegetation and cleared but undeveloped lands to the north, residential development and cleared but undeveloped lands to the south, the Garden State Parkway to the east and Route 9 to the west, shows signs of having been at least partially farmed in the past.



- D. The Subject's Route 9 frontage is located in the Township's Town Center (TC) Zoning District, whose purposes is to promote a desirable mix of commercial, office, civic and residential land use within a compact, vibrant, pedestrian-friendly, town center environment, with an emphasis on uses that serve the community and regional needs where there is adequate road infrastructure.

Permitted uses include retail sales and service; restaurants; professional offices, banks and financial institutions; business offices, health care facilities and offices; hotels; studios; recreational, cultural and entertainment facilities; automobile, camper, and boat sales; and shopping centers on 1-acre lots. Mixed-use development is permitted on minimum 5-acre lots (10 acres with non-contiguous parcel clustering).

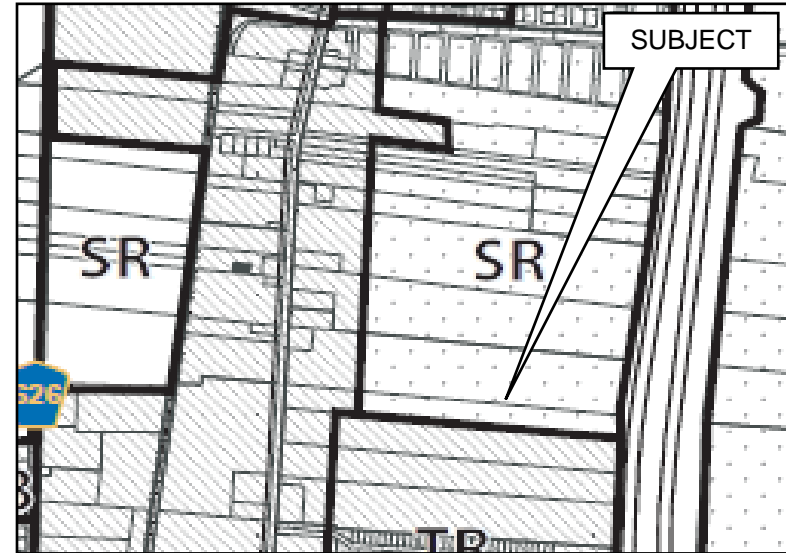




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The easterly portion of the Subject is located in the Township's Suburban Residential (SR) Zoning District, whose purposes is to recognize developed residential neighborhoods outside Centers that are not sewered and to act as a transitional residential area between higher density development within the Centers and rural density development within the Environs.

Permitted uses include single-family dwellings on 1-acre lots; agriculture, horticulture, silviculture, and aquaculture farms on a minimum of 10 acres; golf courses on a minimum of 50 acres; horse farms on a minimum 5 acres. Conditional uses include campgrounds, public purpose uses, public utility uses and religious uses.



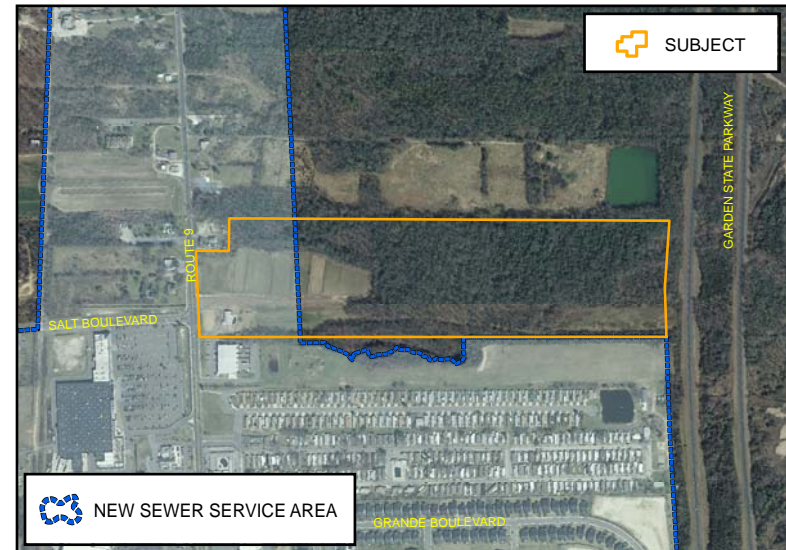
- E. At time of this Petition, the existing Center is limited to the Subject's Route 9 frontage and the lands immediately behind this frontage.





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F. The new Sewer Service Area at the Subject corresponds to the Center boundaries.





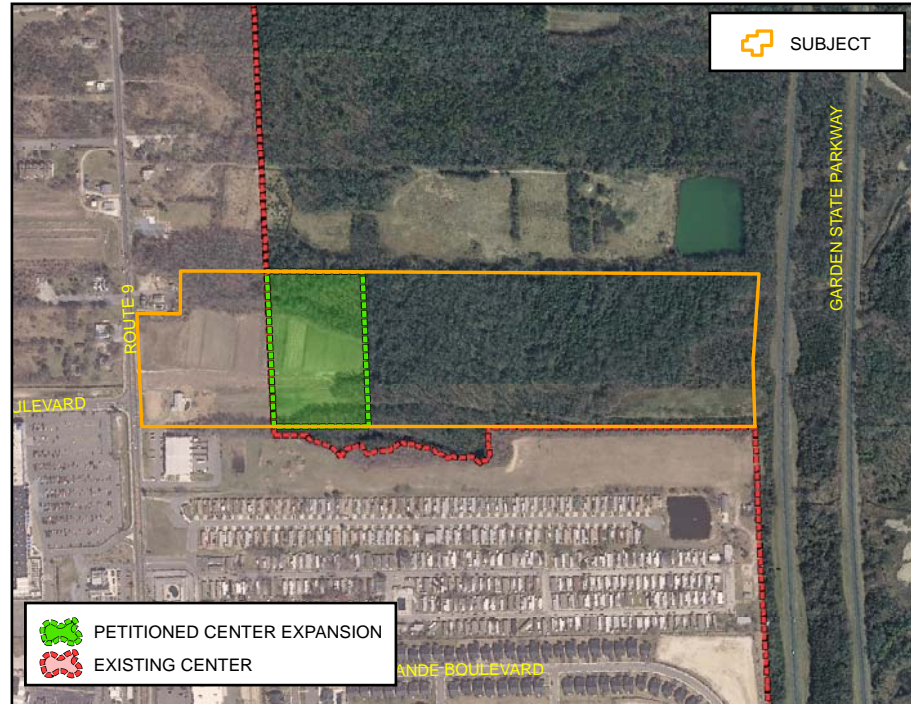
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G. Requested Action

Expand the boundaries of the Rio Grande Regional Center and the Sewer Service Area to include the cleared lands on this property in order to permit development in accordance with the desires of Township Policymakers as expressed by existing TC Zoning.

Expanding the Center to include this acreage ~ which is located on or in direct proximity to significant, high-intensity commercial corridors¹⁶ and is directly adjacent to and across Route 9 from existing commercial development ~ will permit development that will utilize existing infrastructure; thereby reducing development pressures on other lands while providing for a minimum of 10 and as many as 75 new, permanent jobs (plus an unknown number of construction jobs).

Ownership will remain responsible to work within the existing regulatory framework, including the Coastal Zone Management Rules and the Freshwater Wetlands and Flood Hazard Area programs, in order to address any limited pockets of environmentally-sensitive areas that may exist.



¹⁶ The Garden State Parkway and U.S. Route 9.



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4.0 PETITION SUBMISSION REQUIREMENTS

N.J.A.C. 5:85-7.24(b) details the requirements for a Centers Boundary Amendment Petition. Specifically:

4.1 Self-Assessment Report

N.J.A.C. 5:85-1.4 defines a Self Assessment Report as *"an overview and analysis of existing conditions of the petitioner, as well a review of existing plans, and an assessment of the consistency of a petitioner's plans and implementation mechanisms with the goals, policies and strategies of the State Development and Redevelopment Plan"*.

- A. The overview and analysis of existing conditions in the Township are contained in the Plan Endorsement Agreement, the Memorandum of Understanding and section 2.0 (Biennial Report) herein.
- B. The review of existing plans is contained in section 2.0 (Biennial Report) herein.
- C. The plans and implementation mechanisms for the Township's Endorsed Plan have been agreed-upon via the Memorandum of Understanding. The status of these mechanisms is detailed in *TABLE 2.2* herein. As such, all such plans and mechanisms are designed to be fully consistent with the State Plan.

4.2 Statement Updating Latest Annual Report (if Petition not proposed as part of a Biennial Report)

This Petition is being submitted as part of the Township's Biennial Report.

4.3 Documents Submitted

EXHIBIT	TITLE
A	Stormwater Best Management Practices & Stormwater Control Ordinance (§218-73.1) [Includes Submission Checklist]
B	Evidence of Emergency Operations Plan
C	Declaration of Encumbrance Green Acres Recreation & Open Space Inventory (ROSI)
D	Draft Wastewater Estimation Model Study Results
E	Township Code Chapter 250: Zoning
F	Housing Element & Fair Share Plan
G	Middle Township Vision 2030 Meeting Minutes: Goshen, Del Haven, Green Creek & Swainton Villages Regional Center
H	Middle Township Vision 2030 Meeting Minutes: Cape May Court House Regional Center
I	Middle Township Vision 2030 Meeting Minutes: Rio Grande Regional Center
J	Middle Township Vision 2030 Meeting Minutes: Whitesboro - Burleigh Regional Center
K	Draft Buildout Analysis of Future Sewer Areas
L	2010 Capital Improvement Program
M	2010 Master Plan Reexamination Report
N	2010 Master Plan Land Use Plan Element Update
O	Natural Resources Inventory
P	Noncontiguous Parcel Cluster Regulations, Open Space Clustering Regulations, Overlay Zones
Q	2011 Transportation Improvement Study
R	Coastal Consistency Statement



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EXHIBIT	TITLE
S	Environmental Assessment & Protection Measures Ordinance (§218-72).
T	Resolution adopting a Complete Streets Policy
U	Ordinance establishing an Affordable Housing Multi-Family Overlay Zone and an Affordable Housing Single and Two Family Overlay Zone.
V	SAGE confirmation of Residential Rehabilitation Grant covering the period 1/1/13 to 12/31/14
W	Schedule of Interlocal Agreements
X	2013 Open Space & Recreation Plan
Y	Proposed Ordinance Amendments Regarding Shared Parking
Z	Evidence of Status of Lower / Middle Twp Bicycle Path.
AA	LOI Documentation for Block 132.01, Lot 28: 516 Stone Harbor Boulevard [CR 657]
BB	<i>Mediation and Settlement Agreement in Lieu of Permit</i> Block 321.01, Lots 2 & 3: 521 Stone Harbor Boulevard [CR 657]
CC	NJDOT Bus Stop Elimination Documentation
DD	Letter of Consistency and support from Cape May County Department of Planning

4.4 Affidavit of Publication: Notice of Petition Submission

Affidavit of Publication is included herein as Exhibit EE.

4.5 Certified Governing Body Resolution Approving Petition to Amend, Authorizing Submission & Executing any Requested or Required Amendment

Certified Resolution No. _____ is included herein as Exhibit FF.

4.6 Minutes of Public Meetings / Hearings at which Petition was Reviewed; Resolution Approving Petition was Approved; Summary of Public Comments and Copies of Written Comments

Meeting minutes are included herein as Exhibit GG.

4.7 Digital Files of Proposed and Current State Plan Policy Map Boundaries depicting where Changes to the State Plan Policy Map are Proposed

No changes to the State Plan Policy Map are proposed.

4.8 Color Hard Copy & Electronic Copy of Proposed Amendment

This full-color document represents the required hard copy. The enclosed CD includes this document in electronic (.pdf) format.

4.9 Narrative Description of Public Participation and Planning Coordination Efforts Used to Prepare and Submit the Petition to Amend

As detailed in section 1.2 herein, this Petition is submitted to correct what the Township believes to be errors or oversights in the initial Plan Endorsement process as well as the NJDEP update to the Sewer Service Area mapping. As such ~ other than ongoing consultation and coordination with the Office of Planning Advocacy and NJDEP, the gathering of information from many of the impacted property owners and their consultants, and the public hearing required by law ~ no **new** planning or public participation was conducted.



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**4.10 Statement Describing How Amendment Promotes
Local, Regional and State Goals and Objectives**

The amendments requested by this Petition are:

- *Block 132.01, Lot 28: 516 Stone Harbor Boulevard:* Expand the boundaries of the Cape May Court House Regional Center to coincide with the approved LOI in order to permit expansion of the existing automobile facility as well as new development on the undeveloped portion of the site consistent with existing Zoning.
- *Block 321.01, Lots 2 & 3: 521 Stone Harbor Boulevard:* Expand the boundaries of the Cape May Court House Regional Center and the Sewer Service Area to coincide with the deed restricted area order to permit activities consistent with the Mediation and Settlement Agreement and existing zoning.
- *Block 212.03, Lot 46: 11 CH So Dennis Road:* Expand the boundaries of the Cape May Court House Regional Center and the Sewer Service Area on the Subject's western side to be contiguous with the lot boundary line in order to permit future reconfiguration and/or expansion of the existing commercial facility and thereby improve the parcel's internal circulation and maximize its development potential.
- *Block 335.01, Lot 5.01: 211 Colonial Avenue:* Expand the boundaries of the Cape May Court House Regional Center and Sewer Service Area to eliminate what may be described as a gore in the Center / SSA in order to permit an expansion of the

adjacent golf course facility for a driving range, clubhouse, parking, storage and residential development and traditional ancillary uses in accordance with existing zoning.

- *Block 1436.01, Lot 11: 3126 Route 9 South:* Expand the boundaries of the Rio Grande Regional Center and the Sewer Service Area to be consistent with Center / SSA boundaries for nearby properties in order to permit development in accordance with TC Zoning.
- *Block 1436.01, Lots 6 & 7: 3150 Route 9 South:* Expand the boundaries of the Rio Grande Regional Center and the Sewer Service Area to include the cleared lands on this property in order to permit development in accordance with TC Zoning.

Part and parcel of these requests is the understanding that any pockets of environmentally-sensitive areas impacted by development on these properties will be addressed within the existing regulatory framework.

4.10.1 Local Goals & Objectives

As required by the Memorandum of Understanding, the Township undertook a reexamination of its Master Planning documents in 2010.¹⁷

¹⁷ Master Plan Reexamination Report, Township of Middle Cape May County, New Jersey & Master Plan -- Land Use Plan Update, Township of Middle, Cape May County, New Jersey. May 2010. (Adopted by the Middle Township Planning Board: 7/22/10)



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As part of this process, the Future Land Use Plan refines the Township's expectations for future development patterns, population density and environmental protection, and incorporates the Township's planning goals and objectives as part of its recommendations. It is expected that these will form the foundation for the Township's development patterns in the future. The *2010 Land Use Plan* addresses the Centers, including updating the land use requirements to better direct growth into the Centers. Further, the plan encourages development that will create walkable and diverse community Centers with mixed uses and multimodal transportation facilities to create attractive places to live and work.

The *2010 Land Use Plan* also addresses the need to better protect areas outside of the Centers in the Environs, to provide natural buffers or green areas around the Centers and to reduce development within the Environs through various regulatory and zoning provisions.

4.10.2 Regional Goals & Objectives

Regional goals and objectives for Cape May County are embodied in the County's Comprehensive Plan. Such Plan, which was last amended in February 2005, remains unchanged since the Township's initial Plan Endorsement Petition.

The existing Center Boundaries were found to promote the goals and objectives of the Cape May County Comprehensive Plan when they were first established.

A. As established, Middle Township's Centers include the developed, ***but not the developable***, portions of:

- Block 132.01, Lot 28: 516 Stone Harbor Boulevard [CR 657] (section 3.3.1);
- Block 312.01, Lots 2 & 3: 521 Stone Harbor Boulevard [CR 657] (section 3.3.2); and
- Block 212.03, Lot 46: 11 CH So Dennis Road (section 3.3.3).

With no change in the County's Comprehensive Plan, the basis for the County's support of the Township's 2005 Plan Endorsement petition remains unchanged.

Accordingly, the relatively minor expansion of the Center Boundaries to include the developable portions of these properties ~ while respecting the existing regulatory regime to protect environmentally-sensitive lands ~ continues promote the goals and objectives of the Comprehensive Plan.

B. As established, Middle Township's Centers include the Route 9 frontages of:

- Block 1436.01, Lot 11: 3126 U.S. Route 9 South (section 3.3.5); and
- Block 1436.01, Lots 6 & 7: 3150 U.S. Route 9 South (section 3.3.6).

With no change in the County's Comprehensive Plan, the basis for the County's support of the Township's 2005 Plan Endorsement petition remains



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unchanged. Accordingly, expanding the Center Boundaries to expand the development envelope on these properties ~ while respecting the existing regulatory regime to protect environmentally-sensitive lands ~ continues promote the goals and objectives of the Comprehensive Plan.

- C. As established, Middle Township's Centers surround, but do not include Block 335.01, Lot 5.01: 211 Colonial Avenue (section 3.3.4).

With no change in the County's Comprehensive Plan, the basis for the County's support of the Township's 2005 Plan Endorsement petition remains unchanged.

Accordingly, expanding the Center Boundaries to effectively provide a direct connection with the Centers Boundaries for contiguous properties ~ while respecting the existing regulatory regime to protect environmentally-sensitive lands ~ continues promote the goals and objectives of the Comprehensive Plan.

A letter from the Cape May County Planning Department in support of this Petition is included herein as Exhibit DD.

4.10.3 State Goals & Objectives

State goals and objectives are embodied in the New Jersey State Development & Redevelopment Plan.¹⁸

The State Plan classifies the Lots which are subject to this Petition as either fully within the PA~3 (Fringe)

Planning Area or split between the PA~3 and PA~5 (Environmentally Sensitive) Planning Area.

A. Fringe (PA~3) Planning Areas¹⁹

Subject Lots fully within the Fringe Planning Area are:

- Block 212.03, Lot 46: 11 CH So Dennis Road (section 3.3.3).
- Block 1436.01, Lot 11: 3126 U.S. Route 9 South (section 3.3.5); and
- Block 1436.01, Lots 6 & 7: 3150 U.S. Route 9 South (section 3.3.6).

The guiding philosophy underpinning the Fringe Planning Area may be described as follows:

More compact, deliberately designed community patterns can reduce land conflicts and encourage the preservation of rural character. A well-planned and managed Fringe Planning Area may be an effective buffer between more intensely developed urban and suburban areas and the agricultural and environmentally sensitive lands. As a transition area, it is likely to accommodate a greater intensity of development than the Rural and Environmentally Sensitive Planning Areas and less than the Metropolitan and Suburban Planning Areas.

Significantly, the State Plan states:

¹⁸ "State Plan" adopted March 2001.

¹⁹ State Plan: pp. 169-173



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Development within the Fringe Planning Area should be concentrated in or adjacent to existing Centers or in planned new Centers.

This Petition requests the expansion of **existing Centers** in order to **concentrate development** and create **compact nodes of activity** along or in proximity to **County and State highways** while **protecting natural resources**.

The granting of this Petition will promote State Plan Policy Objectives for the Fringe Planning Area by:

Land Use: Focusing development on lands now partially within or directly adjacent to existing Centers.

Economic Development: Expanding the existing Centers in order to increase opportunities for economic development on currently developed or disturbed lands partially within and/or directly adjacent to existing Centers that, due to existing sewer service restrictions, are currently too small to accommodate expansion of existing uses or new activities.

Transportation: Focusing development along or in proximity to County and State highways, thereby reducing traffic in the Environs, linking Centers to each other and to Metropolitan and Suburban Planning Areas and maximizing the potential for public transportation.

Redevelopment: Supporting Center-based development, utilizing existing infrastructure and

reinforcing compact development patterns so as to reduce dependency on the automobile.

Intergovernmental Coordination: Coordinating efforts of the Office of Planning Advocacy, NJDEP, Cape May County and Middle Township as part of the Plan Endorsement process as a regional approach to planning. With the owners of the Subject Lots, creating public / private partnerships to locate, facilitate, coordinate and implement new development and redevelopment as part of the Centers process.

B. Environmentally-Sensitive (PA~5) Planning Areas²⁰

Subject Lots split between the Fringe and Environmentally-Sensitive Planning Areas are:

- Block 132.01, Lot 28: 516 Stone Harbor Boulevard [CR 657] (section 3.3.1);
- Block 312.01, Lots 2 & 3: 521 Stone Harbor Boulevard [CR 657] (section 3.3.2); and
- Block 335.01, Lot 5.01: 211 Colonial Avenue (section 3.3.4).

The existing Centers, as currently configured, encroach into the PA~5 Planning Area at or directly adjacent to these locations.

The guiding philosophy underpinning the Environmentally-Sensitive Planning Area may be described as follows:

²⁰ State Plan: pp. 185-189



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The ecological systems of the Environmentally Sensitive Planning Area should be protected by carefully linking the location, character and magnitude of development to the capacity of the natural and built environment to support new growth and development on a long-term, sustainable resource basis.

Significantly, the State Plan states:

Any new development that takes place in the Environmentally Sensitive Planning Area should capitalize on the inherent efficiencies of compact development patterns found in existing Centers.

Strategic planning and investing also can accommodate beneficial development and redevelopment in Centers, both efficiently and equitably.

Development and redevelopment should be guided to Centers with capacity to absorb growth in cost-effective ways that minimize impacts on environmentally sensitive features.

The requested expansion of the **existing** Center encroachment into the Environmentally-Sensitive Planning Area represents a de minimis action that will permit **concentrated development** and **compact nodes of activity** along or in proximity to **County and State highways** while **protecting natural resources**.

The granting of this Petition will promote State Plan Policy Objectives for the Environmentally-Sensitive Planning Area by:

Land Use: Focusing development on lands which are or are adjacent to developed or disturbed lands within or directly adjacent to existing Centers and the Fringe Planning Area, while protecting natural systems and environmentally sensitive features via existing environmental regulations.

Economic Development: Expanding the existing Centers in order to increase opportunities for economic development on currently developed or disturbed lands partially within and/or directly adjacent to existing Centers.

Transportation: Focusing development on lands which are or are adjacent to developed or disturbed lands along or in proximity to County and State highways; thereby utilizing the existing transportation system and protecting the Environs from scattered and piecemeal development and linking Centers to each other within and between Planning Areas.

Natural Resource Conservation: Limiting encroachment to the very edges of the PA~5 / PA~3 boundary in order to permit development on already developed or disturbed lands while protecting and preserving large, contiguous tracts and corridors of open space that protects natural systems and sensitive natural resources.

Redevelopment: Encouraging environmentally appropriate (re)development that will support Center-based activities, utilizing existing infrastructure and reinforcing compact development patterns so as to reduce dependency on the automobile.



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Intergovernmental Coordination: Coordinating efforts of the Office of Planning Advocacy, NJDEP, Cape May County and Middle Township as part of the Plan Endorsement process to permit (re)development while ensuring that State and local policies and programs support environmental protection.

4.11 Statement Describing How Amendment Will Impact Public Sector Decisions

Municipal public sector decision-making related to land use in New Jersey is guided by the state's *Municipal Land Use Law*²¹. *MLUL* Section 2 enumerates 15 items as the "intent and purpose" of the act:

Pertinent to this Petition, the requested actions will permit the expansion of existing or new development to lands partially within or directly adjacent to existing Centers; thereby directing development to existing transportation routes and protecting other, more environmentally-sensitive lands.

Such actions will assist the Township's decision making process by:

- A. Guiding the appropriate use or development of lands in a manner which will promote the public health, safety, morals, and general welfare; thereby satisfying *MLUL* Purpose 'a'.
- B. To provide adequate light, air and open space; thereby satisfying *MLUL* Purpose 'c'.

- C. Encouraging the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies; thereby satisfying *MLUL* Purpose 'f'.
- D. Providing sufficient space in appropriate locations for a variety of residential, recreational, commercial and industrial uses and open space according to their respective environmental requirements; thereby satisfying *MLUL* Purpose 'g'.
- E. Utilizing existing transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight (or undue impact to the environment; thereby satisfying *MLUL* Purpose 'h'.
- F. Conserving open space and valuable natural resources while preventing urban sprawl and degradation of the environment through improper use of land; thereby satisfying *MLUL* Purpose 'j'.
- G. Coordinating various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land; thereby satisfying *MLUL* Purpose 'm'.

4.12 Reason(s) Amendment Cannot Wait Until Next Revision of State Plan

State Policymakers have been attempting to update the State Plan since approximately 2002. While progress has been made, it is not clear when the next draft will be made public, and if that draft will ultimately be approved.

²¹ N.J.S.A. 40:55D-1 et seq. ("*MLUL*")



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The properties in question have been and remain unutilized / underutilized. In their current state, they are unproductive / underproductive lands which, other than their natural resource value, do not contribute to the health, safety and welfare of the community.

The owners of the properties in question have considerable investments in these lands, but can not maximize their potential due to state regulations.

Given the unknowns related to an updated State Plan ~ and regardless of whether or not this Petition is ultimately successful ~ the owners and community deserve timely consideration regarding the future of these properties.

4.13 Reason(s) Amendment is Not Proposed as part of Biennial Report (if not so proposed)

This Petition is being submitted as part of the Township's Biennial Report.

4.14 Report Describing how Proposed Amendment is Consistent with State Plan

Consistency with the State Plan is detailed under section 3.4.10 C. herein.

4.15 Report Describing how Amendment Helps Municipality, County, Regional & State Agencies Achieve Consistency with State Plan & Endorsed Plan

Consistency with the State Plan is detailed under sections 3.4.10 through 3.4.11 herein.

This Petition does not change the relationship of these entities to the State Plan and Endorsed Plan from that which exists at time of initial Plan Endorsement. Accordingly, the relationships detailed in the Endorsed Plan and the Memorandum of Understanding remain.

4.16 Report Describing why Current Planning & Implementation Agreement item that is Proposed to be Changed cannot be Implemented & why the Proposed Change will Accomplish the Same Purpose as well or better as the Original Agreement

This Petition does not involve an amendment to a specific item in the Planning and Implementation Agreement or the Memorandum of Understanding.



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EXHIBITS



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**STORMWATER BEST MANAGEMENT PRACTICES &
STORMWATER CONTROL ORDINANCE (§218-73.1)
[INCLUDES SUBMISSION CHECKLIST]**



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**EVIDENCE OF EMERGENCY
OPERATIONS PLAN**



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**DECLARATION OF ENCUMBRANCE
GREEN ACRES RECREATION &
OPEN SPACE INVENTORY (ROSI)**



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**DRAFT WASTEWATER ESTIMATION
MODEL STUDY RESULTS**



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**TOWNSHIP CODE CHAPTER 250:
ZONING**



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**HOUSING ELEMENT &
FAIR SHARE PLAN**



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**MIDDLE TOWNSHIP VISION 2030 MEETING MINUTES:
GOSHEN, DEL HAVEN, GREEN CREEK &
SWAINTON VILLAGES REGIONAL CENTER**



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**MIDDLE TOWNSHIP VISION 2030 MEETING MINUTES:
CAPE MAY COURT HOUSE REGIONAL CENTER**



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**MIDDLE TOWNSHIP VISION 2030 MEETING MINUTES:
RIO GRANDE REGIONAL CENTER**



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**MIDDLE TOWNSHIP VISION 2030 MEETING MINUTES:
WHITESBORO - BURLEIGH REGIONAL CENTER**



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**DRAFT BUILDOUT ANALYSIS:
FUTURE SEWER AREAS**



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2010 CAPITAL IMPROVEMENT PROGRAM



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**2010 MASTER PLAN
REEXAMINATION REPORT**



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**2010 MASTER PLAN
LAND USE PLAN ELEMENT UPDATE**



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NATURAL RESOURCES INVENTORY



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**NONCONTIGUOUS PARCEL CLUSTER REGULATIONS,
OPEN SPACE CLUSTERING REGULATIONS
OVERLAY ZONES**



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**2011 TRANSPORTATION
IMPROVEMENT STUDY**



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COASTAL CONSISTENCY STATEMENT



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**ENVIRONMENTAL ASSESSMENT &
PROTECTION MEASURES ORDINANCE
(§218-72)**



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**RESOLUTION ADOPTING
COMPLETE STREETS POLICY**



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**ORDINANCE ESTABLISHING AN
AFFORDABLE HOUSING MULTI-FAMILY OVERLAY ZONE &
AN AFFORDABLE HOUSING SINGLE & TWO FAMILY
OVERLAY ZONE**



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**SAGE CONFIRMATION OF
RESIDENTIAL REHABILITATION GRANT
COVERING THE PERIOD 1/1/13 TO 12/31/14**



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**SCHEDULE OF
INTERLOCAL AGREEMENTS**



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2013 OPEN SPACE & RECREATION PLAN



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**PROPOSED ORDINANCE AMENDMENTS
REGARDING SHARED PARKING**



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**EVIDENCE OF STATUS OF
LOWER / MIDDLE TWP BICYCLE PATH**



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**LOI DOCUMENTATION:
BLOCK 132.01, LOT 28
516 STONE HARBOR BOULEVARD
[CR 657]**



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**MEDIATION & SETTLEMENT AGREEMENT IN LIEU OF PERMIT
BLOCK 321.01, LOTS 2 & 3
521 STONE HARBOR BOULEVARD
[CR 657]**



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**NJDOT BUS STOP
ELIMINATION DOCUMENTATION**



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**LETTER OF SUPPORT FOR PETITION:
CAPE MAY COUNTY PLANNING DEPARTMENT**



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**AFFIDAVIT OF PUBLICATION
NOTICE OF PETITION SUBMISSION**



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**CERTIFIED RESOLUTION
APPROVING THE PETITION TO AMEND,
AUTHORIZING SUBMISSION &
EXECUTING ANY REQUESTED OR
REQUIRED AMENDMENT**



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**MEETING MINUTES OF PUBLIC MEETINGS / HEARINGS
AT WHICH PETITION WAS REVIEWED;
RESOLUTION APPROVING PETITION WAS APPROVED;
SUMMARY OF PUBLIC COMMENTS & COPIES OF WRITTEN COMMENTS**