

The Township of Upper
Cape May County, New Jersey

Master Plan Reexamination
Of
Land Use Plan Element

Adopted June 20, 2002

INTRODUCTION

The Upper Township Committee has directed the Upper Township Planning Board to re-examine the Land Use Element of the Master Plan and Master Plan Reexamination adopted July 19, 2001, and to make a recommendation on the revised proposed zone changes to the Pinelands Area in Tuckahoe and Petersburg. In the July 2001 Reexamination the Planning Board recommend certain zone changes as outlined on the map in Appendix I. The Township Committee held several public meetings during the review of the July 2001 Reexamination and requested the Township Engineer to prepare a revision and ask the Pinelands Commission to review the revised proposed zone change (see letter dated December 13, 2001 – Appendix II).

The Pinelands Commission reviewed the request and responded to the Township Committee (see letter dated March 4, 2002 - Appendix III). The Planning Board has reviewed the request based on technical review prepared by the Township Engineer (see letter dated March 21, 2002 – Appendix IV).

ZONE CHANGE

This proposed zone change would create a new zone "F10". This new zone encompasses two areas: first, several properties on the Westerly side of Mt-Pleasant Tuckahoe Road which were proposed to be rezoned to F25 and second several properties on the Easterly side of Mt-Pleasant Tuckahoe Road which were not part of the original proposed rezoning as recommended in the July 2001 Reexamination.

The proposed F10 Zone would permit lot size to be 10 acres in size. However, the proposed F10 Zone would allow for density transfer within the F10 & F25 Zones to permit residential dwelling units on 5 acres provided that additional contiguous or noncontiguous land is acquired would total 10 acres if transferred from within the proposed F10 Zone or 17.5 acres if transferred from within the F25 Zone.

This proposed F10 Zone will effect the following properties currently in the RD Zone: Lots 15, 16, 20 and 21 in Block 247 and Blocks 356-361, 364-369, 372, 373, 375, 376, 378-381 and 383-413. A detailed lot-by-lot analysis is included in Appendix IV.

RECOMMENDATION

The Upper Township Planning Board recommends to the Township Committee the creation of this proposed F10 Zone as outlined above. This new zone will maintain an area for future residential development while maintaining the overall residential density in the Pinelands protection area.

APPENDIX I

PROPOSED F25

RD

F25

PROPOSED F25

F25

RD

PROPOSED RD

WASHINGTON STREET	AVENUE
ADAMS STREET	AVENUE
JEFFERSON STREET	AVENUE
MADISON STREET	AVENUE
MONROE STREET	AVENUE
JACKSON STREET	AVENUE
HARRISON STREET	AVENUE

RD

CM

R

PV

PV

R

C

CM

R

AR

CM

C

TV

R

TV

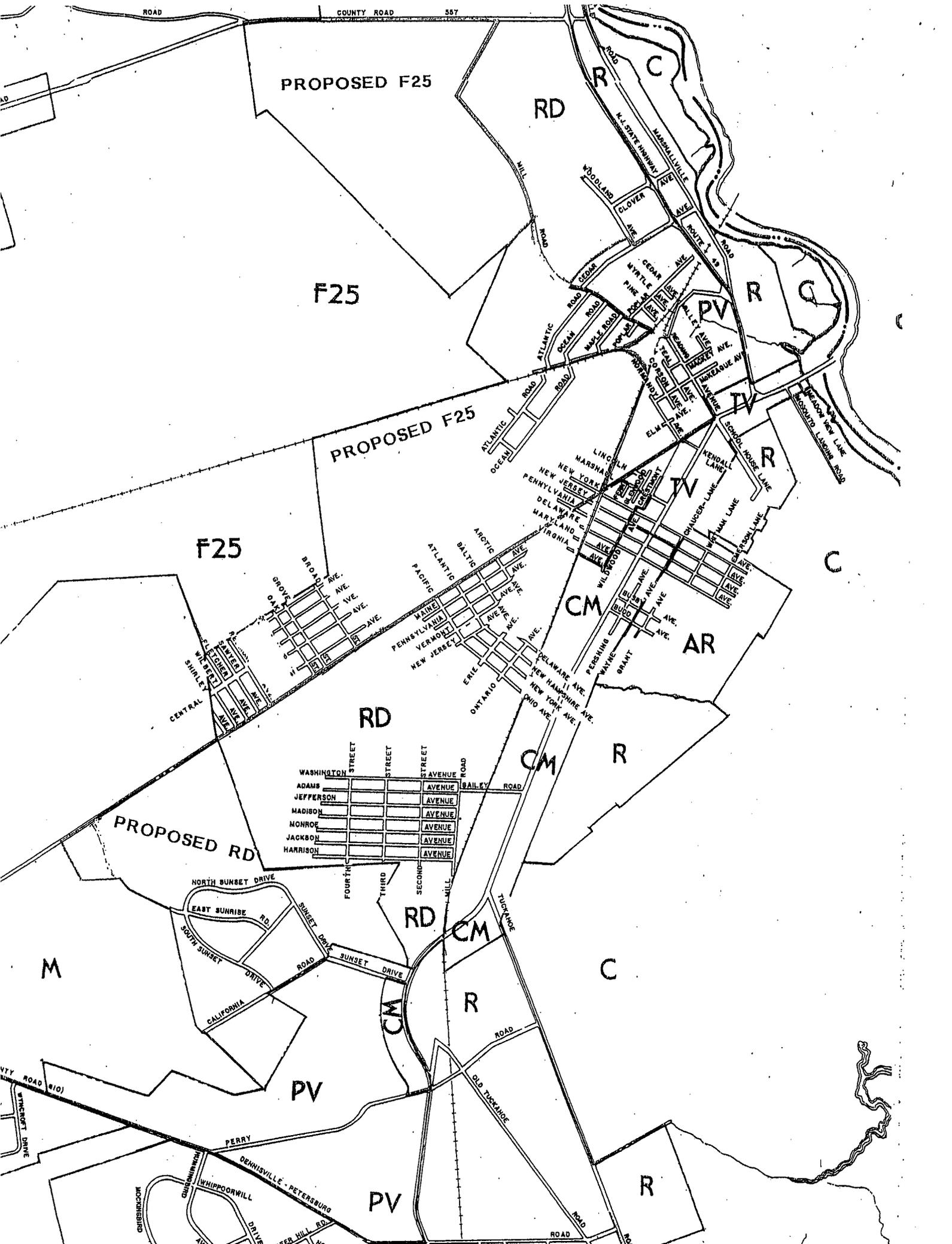
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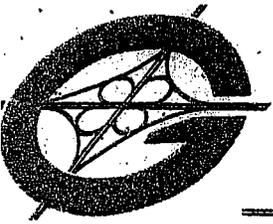
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R

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APPENDIX II



GIBSON ASSOCIATES, P.A., Consulting Engineers and Surveyors

4211 Landis Avenue • Sea Isle City, N.J. 08243-1921

609-263-3178 • Fax: 609-263-3981 • mgibson@gibsonassoc-nj.com

December 13, 2001

Susan Grogan
Pinelands Commission
PO Box 7
New Lisbon, NJ 08064

Re: Re-zoning
Township of Upper
Cape May County

Dear Ms. Grogan,

As you are aware the Township of Upper is requesting a re-zoning of a portion of the Pinelands Management Area within Upper Township in the Tuckahoe and Petersburg sections and the Planning Board has approved the re-zoning as part of the Master Plan re-examination. The Township Committee has held three public meetings prior to introducing the ordinance for the re-zoning and revisions to the Land Use ordinance. The Committee has received numerous public comments regarding several developed properties along Mill Road and several vacant parcels along Mt. Pleasant-Tuckahoe Road.

Based on these public comments, the Township Committee would like the Pinelands Commission to review an amended area as shown on the attached Tax Map copies. The Township proposes two changes, first maintain a portion of the existing developed properties along Mill Road within the RD Zone for an area 500' wide along Lots 73, 74, 75, 76, 77, 81, 83.01 and 83.02 in Block 31; second, create an F5 Zone, which includes Lots 15, 16, 20 and 21 in Block 247 and Blocks 356-361, 364-369, 372-376, 373-380 and 383-413.

The proposed F5 Zone would create a transition from the F25 Zone to RD Zone.

Please call me to discuss this revised request.

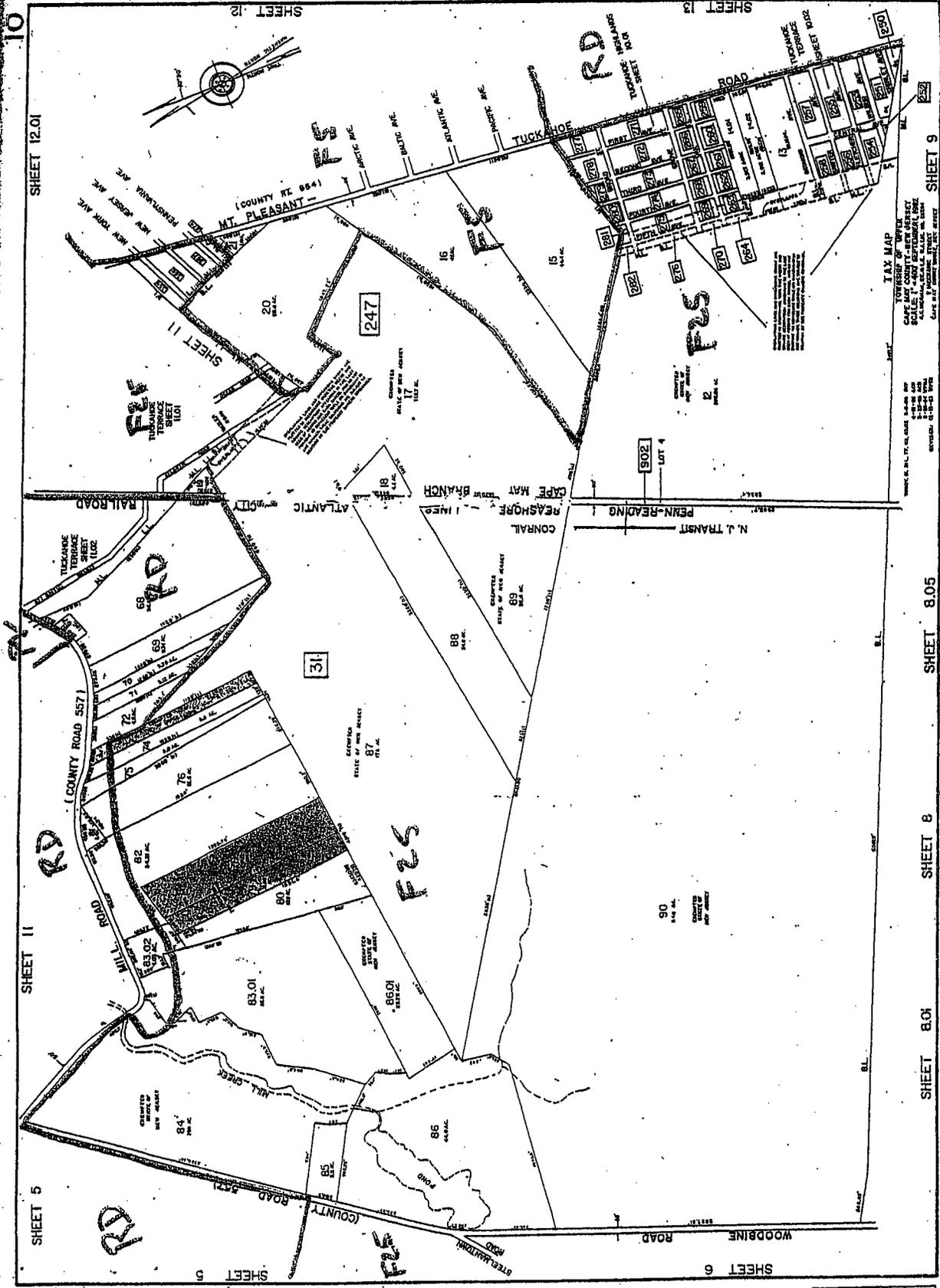
Thank you in advance for your prompt attention to this request.

Very truly yours,

Paul E. Dietrich, Sr., P.E.
Upper Township Engineer

c. Upper Township Committee

./Files/ut/ordinance/dec11



TAX MAP
 TOWNSHIP OF TUCKALOEE
 CAPE MAY COUNTY - NEW JERSEY
 AS SHOWN ON THE TAX MAPS
 OF THE YEAR 1950
 MADE BY THE TUCKALOEE
 TAX MAP COMMISSION
 OF THE YEAR 1950

THIS MAP IS THE PROPERTY OF THE TUCKALOEE TAX MAP COMMISSION AND IS LOANED TO YOU FOR YOUR INFORMATION ONLY. IT IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE COMMISSION. ANY REPRODUCTION OR COPIING OF THIS MAP WITHOUT THE WRITTEN PERMISSION OF THE COMMISSION IS STRICTLY PROHIBITED AND WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW.

STATE AND COUNTY OFFICIALS
 TUCKALOEE TAX MAP COMMISSION

SHEET 12.01 SHEET 12 SHEET 13 SHEET 9

SHEET 11 SHEET 8 SHEET 8.05 SHEET 10

SHEET 5 SHEET 6 SHEET 5 SHEET 5

APPENDIX III



State of New Jersey

THE PINELANDS COMMISSION

PO Box 7

NEW LISBON NJ 08064

(609) 894-7300

March 4, 2002

AMES E. MCGREEVEY
Governor

ANNETTE M. BARBACCIA
Executive Director

Mayor Richard Palumbo
Upper Township
P.O. Box 205
Tuckahoe, NJ 08250

Dear Mayor Palumbo:

As discussed at our meeting with you last month, we understand that the Township may be interested in considering two revisions to its Pinelands Area rezoning proposal. These revisions involve the creation of a new F5 Zone within the Forest Area on both sides of Mt. Pleasant-Tuckahoe Road and the retention of a 500 foot strip of land along Mill Road in the RD Zone within the Rural Development Area.

With respect to the F5 Zone proposal, our suggestion is that the Township consider establishing a new zoning district in the Forest Area in which the maximum permitted residential density would be one unit per 10 acres and the creation of 5-acre lots would be permitted under a density transfer program. This "F10 Zone" could encompass the properties identified in Mr. Dietrich's December 13, 2001 letter (approximately 185 privately owned acres as well as perhaps as much as 100 acres of municipally owned land). Subdivision and development on five acre lots would be permitted if five noncontiguous acres elsewhere in the new F10 Zone were permanently protected for each lot being created. The municipally owned lands included in F10 Zone could be used for this purpose, as could any of the privately owned lands in the new zone. Non-contiguous lands in the F25 Zone could also be utilized to meet the density requirement (in which case 12.5 acres would be required for each five-acre lot being created in the F10 Zone). If the Township decides to proceed with this alternative, we'd be happy to help in drafting the necessary ordinance provisions.

The Township's proposal to retain an area 500 feet in width along the south side of Mill Road in the RD Zone is more problematic. The establishment of such a zoning boundary would not result in the creation of conforming lots, nor would it otherwise appear to affect the development potential of the properties involved due to their significant environmental limitations. Because the proposed zoning line seems to have little purpose or basis from a land use perspective, we are not in a position to recommend its approval by the Commission.

<http://www.state.nj.us/pinelands/>

E-mail: Info@njpines.state.nj.gov

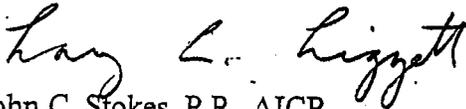
The Pinelands—Our Country's First National Reserve and a U.S. Biosphere Reserve

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I hope this helps to clarify our response. If you have questions or concerns, please feel free to contact Mr. Larry Liggett or Ms. Susan Grogan of our staff.

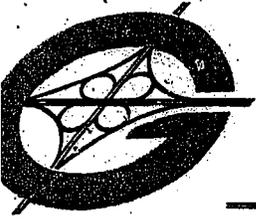
Sincerely,


for John C. Stokes, P.P., AICP
Assistant Director

-SRG/CUP

c: Paul Dietrich, Township Engineer
Annette M. Barbaccia, Executive Director

APPENDIX IV



GIBSON ASSOCIATES, P.A., Consulting Engineers and Surveyors

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March 21, 2002

Upper Township Committee
2100 Tuckahoe Road
Petersburg, NJ

RE: Proposed Zoning Change
Pinelands Area
Tuckahoe – Petersburg
Upper Township

Dear Gentlemen:

I have reviewed the Pinelands Commission response dated March 4, 2002 in response to my request to revise the proposed rezoning in the Tuckahoe-Petersburg area. Enclosed is the letter dated December 13, 2001 to the Pinelands Commission, a color map outlining the proposed zoning change areas and proposed ordinance language for the F10 Zone outlining the density transfer language.

The proposed F10 Zone differs from the F5 Zone that I recommended in that the permitted lot size would be 10 acres in lieu of 5 acres. However, the proposed F10 Zone would allow for density transfer within the F10 & F25 Zones to permit residential dwelling units on 5 acres provided that additional contiguous or noncontiguous land is acquired would total 10 acres if transferred from within the proposed F10 Zone or 17.5 acres if transferred from within the F25 Zone.

This proposed F10 Zone will effect the following properties currently in the RD Zone: Lots 15, 16, 20 and 21 in Block 247 and Blocks 356-361, 364-369, 372, 373, 375, 376, 378-381 and 383-413. The following is a breakdown on how each lot will be effected by this proposed zone change:

- Lot 15 in Block 247 (Braverman): This lot is currently vacant and has 44.4 Acres and 1,190 ft. of roadway frontage. The property has about 7 acres which have plotted wetland and/or soil environmental restrictions. RD Zone would permit approximately 11 new lots with the construction of a roadway. Proposed F25 Zone would permit 2 new lots with the redemption of Pinelands Development Credits. Proposed F10 Zone would permit 4 – 10acre lots which could be developed without requiring a new road. Proposed F10 Zone would permit 8 –

5acre lots with the acquisition and/or deed restriction of an additional 40 acres within the F10 zone or 100 acres within the F25 Zone.

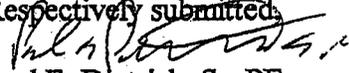
- **Lot 16 Block 247 (Bright):** This lot currently has one residential dwelling and has 45 acres and 1,210 ft. of roadway frontage. The property has about 11 acres of ground approximately 1,100 ft. off the existing road and the remainder of the site has plotted wetland and/or soil environmental restrictions. Any new additional residential dwellings constructed on this property would have to be constructed in this area which is approximately 1,100 ft. off the existing road. RD Zone would permit the 10 additional lots with the construction of a new road and the homes would be clustered in the area where there are no environmental restrictions. Proposed F25 Zone would permit 1 additional lots with the redemption of Pinelands Development Credits. Proposed F10 Zone would permit 3 new 10acre lots which could be developed with a new road. Proposed F10 Zone would permit 8 new 5acre lots with the acquisition and/or deed restriction of an additional 40 acres within the F10 zone or 100 acres within the F25 Zone.
- **Lot 20 Block 247 (Yank):** This lot currently has one residential dwelling and has 38.8 acres and 560 ft. of roadway frontage. The entire site has plotted wetland and/or soil environmental restrictions which would preclude further development regardless of the zoning.
- **Lot 21 Block 247 (Wheaton):** This lot is currently vacant and has 1.61 acres and 5860 ft. of roadway frontage. The entire site has plotted wetland and/or soil environmental restrictions which would preclude any development regardless of the zoning. One residential dwelling may be permitted with the redemption of Pineland Development Credits.
- **Lot 1 Block 383 (Wheaton):** This lot is currently vacant and has 33 acres and 710 ft. of roadway frontage. The entire site has plotted wetland and/or soil environmental restrictions which would preclude any development regardless of the zoning. One residential dwelling may be permitted with the redemption of Pineland Development Credits.
- **Lot 2 Block 383 (McDaniels):** This lot is currently vacant and has 16.8 acres and has no improved roadway frontage, the lot does have access via several unimproved. The property has about 3.6 acres which have plotted wetland and/or soil environmental restrictions. Any new development would require the construction of a new road. RD Zone would permit the 3 lots. This property would not be changed to the Proposed F25 Zone. Proposed F10 Zone would permit 1 new 10acre lots and possibly 2 new 10-acre lots with the redemption of Pineland Development Credits. Proposed F10 Zone would permit 3 new 5acre lots with the acquisition and/or deed restriction of an additional 13.2 acres within the F10 zone or 35.7 acres within the F25 Zone.
- **Lot 3 Block 383 (Yank):** This lot is currently vacant and has 1.1 acres and 460 ft. of roadway frontage. The entire site has plotted wetland and/or soil environmental restrictions which would preclude any development regardless of the zoning. One residential dwelling may be permitted with the redemption of Pineland Development Credits.

- The remainder Lots in Blocks 356-361, 364-369, 372, 373, 375, 376, 378-381 and 384-413 consist of small 25'x100' lots fronting on unimproved roads. These lots have a mixture of ownership between private owners and Township owned. These lots irrespective of zoning would be able to be developed if the soil and/or wetland environmental restrictions permitted it and they meet the conditions of Ordinance Section 20-6.6 (most of the lot owners would meet those conditions).

The above analysis is based on NJDEP plotting of Freshwater Wetlands and Soils (Hammonton, Pocomoke, Muck and Peat are not suitable for building and have a depth to seasonal high water table of less than 4 ft). Under Pinelands regulations any lot requiring a waiver of strict compliance may not be further subdivided. Therefore any new lots would be required to have at least 5 ft to seasonal high water table otherwise that new lot could not be created.

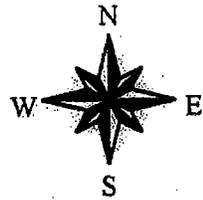
Bulk standards for the Proposed F10 Zone would have to be developed. This proposed zone is a substantive change from the Planning Board recommendation that the Planning Board should review this potential change as well as the revised land use ordinance revisions.

Respectively submitted,


Paul E. Dietrich, Sr. PE
Upper Township Engineer



Proposed Zoning Change Pinelands Area Tuckahoe-Petersburg



- F25 to M
- Roadway Network
- Highway
- Railroad
- Road
- Proposed F10
- Proposed PV
- Proposed F25 to RD
- Proposed RD to F25
- Block Limits
- Land Base
- Lakes
- Streams
- Township Zoning
- Agriculture
- Ag/ Low Density SF Res
- Conservation
- Commercial District
- Low Density Forest
- Moderate Density Forest
- Mining
- Pinelands Village
- Moderate Density Res
- Resort Commercial
- Rural Development
- Resort Residential
- Resort Village
- Tuckahoe Village
- Utility



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Sea Isle City, NJ, 08243

