

MASTER PLAN REEXAMINATION REPORT

TOWNSHIP OF UPPER CAPE MAY COUNTY, NEW JERSEY



January 2011

**Adopted by the Upper Township Planning Board on:
February 17, 2011**

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*The original of this document has been signed
and sealed in accordance with New Jersey Law.*

ACKNOWLEDGEMENTS

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2011 MASTER PLAN REEXAMINATION REPORT

INTRODUCTION

This report was prepared to enable a reexamination of the Upper Township Master Plan in accordance with State requirements. A 2011 Conservation Element of the Master Plan has also been prepared as an update to the Township's 1993 Master Plan Conservation Plan Element. This Conservation Plan Element will be adopted together with the 2011 Master Plan Reexamination Report. The Reexamination Report also provides recommendation for future planning efforts, zoning amendments for signage regulations, and limited zone district and zone map changes.

PLANNING HISTORY

The first Township Master Plan was adopted in 1975. The subsequent *1993 Master Plan* included a comprehensive planning review including a Land Use Plan, Housing Plan, Circulation Plan, Utility Service Plan, Community Facilities Plan, Recreation Plan, Historic Conservation Plan, Economic Plan and Recycling Plan in addition to the assumptions that formed the basis of the Plan and Goals and Policy Objectives as require by the MLUL.

Since the *1993 Master Plan*, a number of planning efforts have been underway in the Township. In November 2002, the Strathmere Beach Management Plan was prepared. In 2004, a Draft *Housing Element and Fair Share Plan* ("HEFSP") was prepared; however, this Housing Plan was not adopted since it was predicated on confirmation of the Township Centers which was on placed on hold by the New Jersey Office of Smart Growth ("NJOSG"). In 2005, the Township prepared a *Storm Water Management Plan* and proposed regulations. In September 2005, the Township adopted an *Area in Need of Redevelopment Study for Beesley's Point*.

In November 2006, the Township Planning Board adopted a 2006 Master Plan Reexamination Report and Master Plan Land Use Plan Amendment, Natural Resources Inventory and Updated Plan Endorsement Petition Report. At the same time, the Township adopted an updated Housing Element and Fair Share Plan to meet the New Jersey Council of Affordable Housing third round rules. These planning documents were required to address the State plan endorsement process and allow the Township to obtain designation of its centers.

Since November 2006, a number of planning activities have taken place. These are documented in the planning history as listed below and further discussed where appropriate in this Reexamination Report.

- 1975 Master Plan
- 1989 Housing Element and Fair Share Plan
- 1993 Master Plan, adopted July 21, 1994 consisting of the following elements:
 - Goals and Policy Objectives
 - Land Use Plan
 - Housing Plan

- Circulation Plan
 - Utility Service Plan
 - Community Facilities Plan
 - Recreation Plan
 - Historic Preservation Plan
 - Conservation Plan
 - Economic Plan
 - Recycling Plan
- Center Designation Petition for Upper Township, dated January 1999
 - Master Plan and Reexamination Report and Master Plan amendment, adopted July 19, 2001
 - Master Plan Amendment of Land Use Plan Element, adopted June 20, 2002
 - Strathmere Beach Management Plan, November 5, 2002
 - Housing Element and Fair Share Plan – Draft, 2004, (not adopted)
 - Area in Need of Redevelopment – Beesley’s Point, adopted September 2005
 - Stormwater Management Plan, adopted 2005
 - Plan Endorsement Petition, Upper Township. Prepared as part of the Route 9 Corridor Smart Growth Study for Dennis , Middle and Upper Townships, September 2005
 - Stormwater Management Ordinance amendments, adopted by the Township Committee on June 12, 2006.
 - Natural Resource Inventory, dated November 2006
 - Master Plan Reexamination Report and Master Plan Land Use Plan Amendment, adopted November 2006
 - Plan Endorsement Petition Update, adopted November 16, 2006
 - Housing Element and Fair Share Plan, adopted November 16, 2006
 - Stormwater Management Plan Update, adopted 2007
 - Proposed Amendment to the Upper Township Master Plan Reexamination Report and Land Use Plan Amendment of November 2006, adopted July 19, 2007
 - Zoning Amendments to Chapter 19 & 20 to address Master Plan recommendations reviewed by the Planning Board and adopted by the Township Committee on October 9, 2007.
 - Upper Township Housing Element and Fair Share Plan, adopted December 18, 2008.
 - Township of Upper, Beach Management Plan, dated November 2009
 - Upper Township Form Based Code, dated May 11, 2010 (Draft) (Reviewed by the Planning Board on May 20, 2010.)
 - Upper Township Conservation Plan Element, dated January 2011 (Draft)

Reexamination Report Requirements

The Municipal Land Use Law (“MLUL”) requires a periodic reexamination of the Master Plan (NJSO 40:55D-89) at least once every six years. The MLUL (C.40:55D-89) provides that the reexamination report consider five area which includes:

- a. *The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.*

- b. *The extent to which such problems and objectives have been reduced or have increased subsequent to such date.*
- c. *The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection , disposition , and recycling of designated recyclable materials, and change in State, county and municipal policies and objectives.*
- d. *The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.*
- e. *The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the “Local Redevelopment and Housing Plan,”P.:L.1992, c.79 (C.40A:12A-1 et al.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.*

The following sections discuss each of the five areas since the November 2006 Master Plan Reexamination Report was prepared. It is formatted to reflect the 2006 Master Plan Reexamination Report organization by master plan topic; i.e. land use, housing, circulation, utility service, community facilities, recreation, historic preservation, stormwater management and conservation. It should be noted that in July 2007, the Township Planning Board adopted an Amendment to the Upper Township Reexamination Report and Land Use Plan Amendment of November 2006. This amendment was limited in scope to minor land use and zoning amendments. Therefore the 2006 Master Plan Reexamination Report is considered as the primary planning review documentation for this Reexamination Report.

Evaluation of Conditions since the 2006 Master Plan

LAND USE PLAN

PLAN ENDORSEMENT /CENTER DESIGNATION PROCESS AND UPDATE

Since 1999, the Township had been engaged in the process of obtaining first Center Designation and later defined as Plan Endorsement for the New Jersey State Planning Commission. The Township originally submitted a Centers Designation petition to the New Jersey Office of Smart Growth (NJOSG) in 1999; however, it was not acted upon by the State. NJOSG established the Plan Endorsement Process in 2004 which folded the centers designation into a broader evaluation of a municipality. For the Township, this process also included required approvals of these centers by the New Jersey Department of Environmental Protection (NJDEP) which would terminate the interim CAFRA centers and establish adopted centers.

In 2004, the Township received a smart growth grant to prepare a Plan Endorsement Petition as part of a “Smart Growth Study for the Route 9 Corridor in Dennis, Middle and Upper Townships”. Upper prepared their *Initial Plan Endorsement Petition* and filed it with NJOSG in September 2005. This Petition included four proposed Township centers: Marmora Palermo and Beesley’s Point Town Center, Seaville Town Center, Petersburg Village Center and Tuckahoe Village Center.

On January 20, 2006 the Township’s petition was declared complete. In April 2006, the NJOSG adopted additional consistency threshold requirements as part of the Plan Endorsement Guidelines. This was especially critical for the Township where the Township centers were required to have both State Planning Commission approval and the subsequent approval of the NJDEP confirming the centers in CAFRA areas. On April 21, 2006, the NJOSG declared the petition was inconsistent with the State Plan policies.

For the Township to maintain their interim centers, a number of actions were needed. The Township entered into a Memorandum of Understanding (MOU) with the NJOSG detailing an Action Plan to meet the timetable to gain Plan Endorsement for the Township and subsequently to address NJDEP requirements. As part of this MOU, the Township agreed to prepare a Natural Resources Inventory, update their Land Use Plan, prepare and adopt a Housing Element and Fair Share Plan and prepare and adopt zoning amendments to implement the Land Use Plan recommendations. These reports were prepared and adopted as part of the November 2006 Master Plan Reexamination Report actions.

Since November 2006, a number of important planning actions have occurred. In February 2007, the Township was granted Plan Endorsement by the State Planning Commission (SPC). Upper Township was the first municipality in the State to be granted this designation.

In October 2007, the Township adopted extensive land use and zoning amendments to address the four Township centers and the lands outside of the centers.

The Plan Endorsement certification required that the Township adopted an action plan to undertake a number of planning activities to become compliant with the SPC approvals. This action plan required a biennial review with SPC. The Township presented its Biennial Review Report to the State Planning Commission and it was accepted. The Biennial Review report indicated that many action plan items were completed; however, a number of items are still outstanding. It should be noted that many items had been delayed due to funding limitations. The SPC had granted extensions of the action plan schedule in March 2009. The next SPC Biennial Review is due February 21, 2011.

PLAN ENDORSEMENT – ACTION PLAN STATUS

The following items still remain to be completed by the Township as part of its SPC action plan. These are required to maintain the Township’s Plan Endorsement status.

- C2 - Prepare residential design guidelines to support housing diversity and links to services and amenities. These were included in Form Based Code Guidelines dated May 2010.
- E1 - Prepare and adopt Recreation and Open Space Plan as an updated Master Plan Element.

- E2 - Target maintenance and enhance of neighborhood-level parks and recreation facilities for the centers included pedestrian and bicycle connections.
- F4 - Prepare a Habitat Conservation Plan.
- G2 - Prepare updated Circulation Plan Element of the Master Plan.
- G3 - Construct the Petersburg/Woodbine/Tuckahoe bike path.
- G4 - Design and construct Palermo bike path along inactive NJTransit rail line from Route 9 to the Inland Waterway.
- G5 - Construct Tuckahoe train station link to Main Street.
- G6 - Construct Tuckahoe streetscape and Route 50 Bridge to improve access to and revitalization of the Tuckahoe Village.
- G8 - Implement Route 9 Cape May County Access Management Plan. Route 9 transportation study is now underway with the Municipal Land Use Center and NJDOT
- G10 - Implement Route 47/ Route 55 Corridor Study improvements. (ongoing)
- H1 - Coordinate and implement regional shuttle service in coordination with mainland municipalities, campgrounds and the County.
- H2 - Pursue improved bus transit facilities.
- H3 - Complete rail line between Cape May City and Tuckahoe Village.
- H4.1, H4.2 - Conduct feasibility study for potential expansion of the rail line from Tuckahoe to Atlantic City rail line.
- I1 - Prepare and submit a Wastewater Management Plan. (Cape May County is now preparing the Wastewater Management Plan.)
- I2 - Promote community package treatment systems.
- I3 -Expand sewer service on Roosevelt Blvd to include developed properties. (ongoing)
- I4 - Encourage water line extensions by New Jersey American Water Company with Township Centers.
- J1 - Promote Tuckahoe Village Revitalization through coordinated planning efforts with business and property owners.
- J2 - Prepare and adopt a Farmland Preservation Plan.
- K1, K2, K3 - Undertake design charrettes for the Township centers. Upper received a \$50,000 grant from NJOSG to prepare form based code guidelines which included design studies. Project completed May 2010 and Draft Form Based Code received.

- L4 - Update Historic Preservation Plan of the 1993 Master Plan.
- L5 - Prepare design guidelines for historic properties in Tuckahoe and Petersburg villages.

DEVELOPMENT TRENDS AND ACTIVITY SINCE 2006

Since 2006, the Marmora Town Center has seen changes with the opening of Shop Rite Shopping Center on Roosevelt Boulevard. Additionally, a Burger King restaurant and CVS were both recently approved for Marmora. Future development changes are anticipated with the closure in 2007 of three car dealerships along the Route 9 frontage in Marmora. These properties represent large land holdings and there has been interest expressed by developers in developing these properties and adjoining lands within the Town Center Core area.

No major development has occurred in Seaville Town Center core since 2006. However, in August 2010 a proposal for manufactured housing (Osprey Village) has been reviewed by the Township Planning Board for rezoning.

For Tuckahoe Village, limited development changes have occurred since 2006. The planned Tuckahoe Village streetscape study recommended in the 2006 Master Plan and which is part of the SPC Action Plan has not yet been funded. The planned extension of the Cape May Seashore line from Tuckahoe to Cape May Courthouse was discussed in 2006 and it is still under discussion and waiting funding for repair to the existing rail infrastructure. Limited changes have occurred in Petersburg Village as well.

CORBIN CITY ANNEXATION PLAN

In July 2009, the *Corbin City – Upper Township Consolidation Study Report* was issued. The focus of this preliminary study was to determine the feasibility of consolidating Corbin City, located in Atlantic County, with Upper Township in Cape May County. The study goal was to help identify key issues in the process and to help determine the feasibility of consolidation. On October 26, 2009, the Upper Township Committee discussed the report and determined that that it is not feasible at this time to consider the annexation.

STRATHMERE DE-ANNEXATION

In 2007, the Citizens for Strathmere and Whale Beach filed a petition for de-annexation from Upper Township to allow annexation by Sea Isle City. The Planning Board held 18 hearings on the matter and prepared a report to the Township Committee recommending against the de-annexation, since it would not be of benefit to the Township. In May 2009, the Township Committee voted against the petition. The denial was immediately appealed by the Citizens for Strathmere and Whale Beach. The Superior Court upheld the Township Committee's decision to deny the petition for de-annexation on October 25, 2010 in which it found that the Township Committee and the Planning Board duly considered the petition for de-annexation, made proper findings of fact before making its decision. On November 24, 2010, the Citizens for Strathmere and Whale Beach appealed the decision of the Superior Court and the matter is now pending before the Appellate Division.

MARMORA REZONING STUDY

Rezoning Request
Marmora /Tuckahoe Road
Block 652.01

In February 2008, a Zoning Study was prepared for the Upper Township Planning Board, as requested by the Township Committee, to evaluate the rezoning of Block 652.01. This block is located between Tuckahoe Road (CR631), Tuckahoe Road Extension (CR662), Stagecoach Road and Roosevelt Boulevard within the Marmora center. This study reviewed the viability of a change from residential to commercial zoning for the entirety of Block 652.01. There is one commercial use (Ralph's Bagels) and 15 existing residential lots within this block.

Due to the nature of the existing lots, redevelopment of these existing residences for commercial would require at least some lot assemblage under a private redevelopment project as the lots are too small to be redeveloped by right. The study acknowledged that there was potential for private redevelopment and land assemblage in the study area; however, the timing was considered premature. The recommendations were to retain the current R - Center Residential District zoning designation. However, if at some point in the future, as redevelopment of the existing Town Center Core TCC district occurs, there may be pressure for redevelopment of this area with a consolidation of the existing small lots. At this time, should this occur, the feasibility of a zoning change should be revisited.

The Cape May County Engineer's Office has recommended that a portion of Block 652.01 along Tuckahoe Road be rezoned. The Planning Board at their December 2010 and January 2011 regular meetings reviewed public comments and concluded that the development pressures do not warrant rezoning at this time.

PATTERSON REZONING STUDY

Rezoning Request /Patterson Property
Block 453, Lot 176

A zoning study was prepared for the Upper Township Planning Board to review the appropriateness of a zoning change of Block 453, Lot 176, at 140 N.J. Route 50 from conservation to commercial zoning. The property contains a bakery and fish raising business, both of which uses are part-time and seasonal. Prior to the comprehensive 2007 ordinance amendments, the property was located within a commercial zone district. It was replaced with the C- Conservation District.

A wider study area was assessed as part of this Patterson Property zoning assessment. This study revealed that most lands are either under public ownership through the U.S. Fish and Wildlife Service, or are severely constrained by the wetlands and transitional buffers associated with the Great Cedar Swamp.

The existing development pattern within the study area is at very low densities with a large lotting pattern, consistent with the "C" Conservation District. The exception is the Patterson Property, Block 453, Lot 176, which is primarily unconstrained and is in fact developed with existing commercial, residential and agricultural uses.

The study recommended that the majority of Block 453, Lot 176 be rezoned to CM2 Commercial with the remaining area south of the high tension electric utility easement on the south side of the property to remain in the C – Conservation district. On February 23, 2009, the Township Committee adopted Ordinance 004-2009 amending the zoning map.

FORM BASED CODE GUIDELINES STUDY – MARMORA AND SEAVILLE TOWN CENTER
CORE AREAS

In 2008, Upper Township was awarded a Smart Future Planning Grant from the New Jersey Office of Smart Growth to prepare form-based code guidelines for the core area of two of the Township's designated Centers – Marmora and Seaville. A thorough background analysis was completed, which included photographing existing buildings, mapping environmental constraints and gathering data on existing uses and demographic conditions within the Centers. Next, a public workshop was held to gather information from participants through various exercises, which included a Community Vision (CV) survey, questionnaires and group mapping exercises. Then the data was analyzed, which provided information on density, height, building size, etc. Draft Form Based Code guidelines were subsequently prepared, which included a vision statement, bulk standards with graphic illustrations, open space and park standards, signage standards and architectural guidelines. The guidelines also contain street and circulation standards, which propose to transform existing automobile-oriented streets to multi-modal, pedestrian-friendly streets. Guidelines were also prepared on landscaping, lighting and street furniture to enhance the aesthetics and safety of the Township's existing streets.

During the process of reviewing the two Township Centers, as part of the Form Based Code Guidelines Study, it was apparent that further work was needed on the traffic network serving the Centers and the ultimate configuration of this network including Route 9. The Form Based Code Guidelines provided a recommended Street Regulating Plan for the Centers. Also sidewalks, bicycle facilities and streetscape improvements were part of the Guidelines. In 2010, the Township received a grant from the New Jersey Municipal Land Use Center to assess transportation conditions within and adjoining the two Town Centers. This study may either confirm the suggested transportation improvements or provide alternative recommendations. This will be important information to use to finalize the Form Based Code Guidelines.

On May 20, 2010, the Upper Township Planning Board conducted a review of the Form Based Code Guidelines at a public meeting. No action was taken by the Planning Board at that time since the Township had now undertaken a transportation study of the two Town Centers in conjunction with the Municipal Land Use Center. The Route 9 Transportation Study will evaluate the proposed street network and its impact to the Route 9 corridor. The findings of the Route 9 Transportation Study could then be developed into a codified land use ordinance.

The Form Based Code Guidelines Study recommended a 3-story height limit on mixed-use buildings and 5-story height limit on Hotels in the TC & TCC Zones. The Township may want to consider amending that limitation in order to promote commercial development and ratables which will not significantly impact the Township's requirements to provide increased municipal services.

ZONING CHANGES ADOPTED SINCE 2007

On February 23, 2009 the Township adopted Ordinance 004-2009. Which included Block 453, Lot 176 (aka Patterson Property) on the south side of Route 50 in the Greenfield area outside of the Seaville Center. The property zoning was changed from the C – Conservation District to the CM 2 – Commercial 2 District. The zoning change was recommended for approval by the Planning Board.

RECOMMENDED ZONING CHANGES

1. Osprey Village

Rezoning Request
Osprey Village (Block 561, Lot 25)

In August 2010, the Planning Board reviewed a proposed request for a zone change from TCC Town Center Core to MH Mobile Home Zone designation for Block 561, Lot 25, a 20.9 acre property located within the Seaville Town Center. The applicant was interested in constructing an age-restricted mobile home development in compliance with the MH Mobile Home Zone requirements. Also, the applicant was interested in working with the Township to transfer these rental family units to Woodbine Borough as part of a Regional Affordable Housing Development and Planning Program (RAHDPP). The Planning Board determined that MH Mobile Home use would be appropriate for this tract and that the site meets New Jersey Council on Affordable Housing site selection criteria. This is consistent with prior recommendations in both the adopted 2006 Housing Element and Fair Share Plan (HEFSP) and the draft 2009 HEFSP recommendations which considered this site for mobile home use with an affordable housing component. The Planning Board recommended that the Township Committee consider rezoning this property to the MH Mobile Home Zone; however, regarding the RAHDPP, the Planning Board recommended that the Township Committee not undertake negotiations with Woodbine Borough until the COAH regulations regarding RAHDPP are resolved. (See Proposed Zone Changes Map.)

2. Strathmere

Zoning Change
Block 754, Lots 1 – 8

In Strathmere, Block 754, Lots 1 through 8, located along Commonwealth Avenue, between Polk Avenue and Taylor Avenue, are currently zoned C – Conservation. These properties are developed residential lots and were improperly mapped during the 2007 zone change. The zoning should be amended and replaced with the RR Resort Residential zone district. (See Proposed Zone Changes Map.)

3. Sign Amendments

Signage amendments have been discussed by the Planning Board to address questions raised in recent applications and from the business community.

Additional revisions to the sign code under Section 20.5.10 are recommended eliminate the use of large freestanding pole signs or ‘pylon’ signs in the TC and TCC zone districts. Monument type signs are currently recommended for these districts but the regulations need clarification including definitions. These signs would have a base with the sign located on the base or near ground level.

The maximum height of the sign should be of a ‘pedestrian scale” and the base material should be solid, permanent and compatible with architecture of the principal building. This would encourage an improved visual climate within the business zones in the Marmora and Seaville Town Center areas.

Sign definitions should be amended include additional definitions of awning signs, directory signs, freestanding signs, monument signs, pole signs and pylon signs.

For service stations, the regulations should be clarified to refer to the underlying sign regulations under Section 20-5.10.

Other sign revisions have been discussed in the Form Based Code Guidelines Study (Draft), dated May 11, 2010. The Township Planning Board has had several discussions with the Upper Township Business Association regarding developing revisions to the sign regulations. These proposed revisions should include regulations that would permit temporary signage such as banners and A-Frame type signs.

The following changes are recommended to the sign regulations. (Note that revisions are underlined and **highlighted**; removed words are ~~strike-through~~.)

- 1. Amend Section 20-2.1 Definitions of Township Wide-Application** to include additional definitions of signs including awning signs, directory signs, freestanding signs, monument signs, pole signs and pylon signs as follows:

Sign, awning shall mean a sign that is mounted, painted or attached to an awning or other window or door canopy that is otherwise permitted by ordinance.

Sign, directory shall mean a sign listing the tenants or occupants of a building or group of buildings and that may also indicate their respective professions or business activities.

Sign, freestanding shall mean any non-movable sign not affixed to a building.

Sign, monument shall mean a freestanding sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground. The base of the freestanding sign shall be of permanent materials such as stone, brick, decorative block compatible with the architecture of the principal building.

Sign, pole shall mean a sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign is 6 feet or more above grade.

Sign, pylon shall mean a pole sign.

- 2. Amend Section 20-5.10. Signs** as follows to address monument and pylon signs in the TC and TCC zones:

Section 20-5.10.a.2. Shall be amended to read: Freestanding signs, where permitted, shall be supported by one (1) or more columns or uprights which are firmly embedded in the ground, **except within the TC and TCC zone districts, pole signs shall not be permitted.** Exposed guy wires, chains or other connections shall not be made in permanent support of the freestanding signs.

Section 20-5.10.a 3. Height. No freestanding or attached sign shall be higher at any point than the roofline of the building except that no sign shall exceed any lesser height if particularly specified in Section 20-4 **or in this Section 20-5.10.** In addition, no attached sign shall project into or hang over a street right-of-way, and no sign shall project beyond a building in a manner placing it above an area traversed by motor vehicles, such as, but not limited to, driveways and parking areas. Where signs project beyond a building facade or wall over a pedestrian way, the lowest portion of the sign shall be at least eight (8') feet above the walkway.

Section 20-5.10.b.3. Commercial "TC," "TCC," "CM2," "CM4," and "CMP" District (lot size under three (3) acres).

- (b) Freestanding signs: One (1) unlighted or lighted freestanding sign for each principal building or group of attached principal buildings (except auto service stations) **except all freestanding signs in the TC or TCC zones shall be monument signs.**
- (1) Height: Thirty-five (35') feet or the height of the principal building, whichever is shorter **except within the TC or TCC zone where the height shall not exceed eight feet (8').**
- (2) Setback: At least twenty (20') feet from all street lines and fifty (50') feet from all side property lines. Where existing development or roadway alignment prevent adequate visibility of signs meeting the setback requirements of this Chapter, signs may be constructed up to the street line provided that ~~any such sign is located at least eight (8') feet above grade and supported by no more than two (2) six (6") inch diameter supporting members~~ **adequate sight distance is provided** and further provided that no portion of any sign extends beyond the street line.

Section 20-5.10.b.4. Commercial "TC," "TCC," "CM2," "CM4," and "CMP" District (lot size of three (3) acres).

- (a) Attached signs: One (1) unlighted or lighted sign for each occupant of the building. The total sign area of the sign shall not exceed ten (10%) percent of the areas of the face of the store wall upon which such sign is attached or seventy-five (75) square feet, whichever is smaller. Where building(s) is (are) designed for rear or side entrances, one (1) unlighted sign may be attached flat against the building at the rear and side entrances, each sign not to exceed an area equivalent to half that of the sign on the front of the building.
- (b) Freestanding signs: One (1) unlighted or lighted free-standing sign for each principal building or shopping Center **except all freestanding signs in the TC or TCC zones shall be monument signs.**
- (1) Height: Thirty-five (35') feet or the height of the principal building, whichever is shorter **except within the TC or TCC zone where the height shall not exceed eight feet (8').**
- (2) Setback: At least thirty (30') feet from any street or lot line. Where existing development or roadway alignment prevent adequate visibility of signs meeting the

setback requirements of this Chapter, signs may be constructed up to the street line provided that ~~any such sign is located at least eight (8') feet above grade and supported by no more than two (2) six (6") inch diameter supporting members~~ **adequate sight distance is provided** and further provided that no portion of any sign extends beyond the street line.

Section 20-6.4.e.7. Auto service stations shall be permitted the following signs:

- (a) One (1) freestanding sign advertising the name of the station or garage and the principal products sold on the premises, including any special company or brand name, insignia or emblem, provided that each such sign shall not exceed thirty-five (35') feet in area on a side and shall be set back twenty (20') feet from street lines and fifty (50') feet from side lot lines and provided further that the sign shall be not less than ten (10') feet, nor more than twenty (20') feet above the ground **and provided that said sign comply with all provisions of Section 20-5.10.**

4. Accessory Uses

Chapter 20 Zoning of the Township's Land Use Ordinance, Schedule A – Residential Districts, Note #4 addresses travel trailers and campers parked on residential lots. It is noted that the first sentence of this note is incomplete. It should be rewritten to state:

Travel trailers and campers to be parked or stored **in the rear and side yards only.** Their dimensions shall not be counted in determining total building coverage and they shall not be used for temporary or permanent living quarters while situate on a lot.

HOUSING PLAN

In 1989, the Upper Township Planning Board adopted a Housing Element and Fair Share Plan (HEFSP) and filed a petition for substantive certification with the New Jersey Council on Affordable Housing (COAH). However, on October 28, 1991, the Township Committee adopted a resolution withdrawing its petition from COAH due to a lack of resources to fund the required rehabilitation of 105 indigenous housing units.

The 1993 Master Plan included a Housing Plan Element, but the Housing Plan was not filed with COAH.

The 2001 Master Plan Reexamination Report stated that the Township was now pursuing certification from the Council on Affordable Housing. In 2004, a *Draft HEFSP* was prepared, but not adopted by Township since it was directly tied to the designation of the Township's centers which were on hold by the NJOSG.

In December 2004, COAH adopted new rules ("Third Round Plan") which established for Upper Township a precertified affordable housing obligation of 341 new construction units and 0 rehabilitation units to meet the 1987 to 1999 affordable housing ("Prior Rounds") obligation. The Third Round Plan also forecast future growth between 2004 and 2014 as part of the Growth Share

obligation based upon actual housing and non-residential development to be constructed during this time frame.

On November 16, 2006, the Township adopted a HEFSP to address its Third Round obligation. This HEFSP was filed with COAH. However, in 2008 the COAH rules were amended due to litigation by various parties and court direction. The new COAH rules required a new HEFSP be filed for Upper Township to be compliant.

On December 18, 2008, the Township Planning Board adopted a revised HEFSP to address the updated COAH rules. On December 22, 2008, the revised HEFSP was submitted to COAH by the Township Committee for certification. The HEFSP was deemed complete by COAH. At this time, it is still under review by COAH.

Throughout the Township there are numerous existing non-conforming undersized lots. The Township should develop standards with regard to isolated undersized lots to allow for the development of affordable housing. This would provide an opportunity for moderate and low income families to construct or rent a home on an undersized lot at a reduced cost. The Township should develop an inventory of said lots during development of an appropriate ordinance.

CIRCULATION PLAN

The 1993 Master Plan included a Circulation Plan Element. The Township currently maintains 71 miles of local roads.

TRANSPORTATION IMPROVEMENTS/PROBLEMS IDENTIFIED IN 2006

The 2006 Reexamination Report identified a number of transportation improvements or problems which are listed below and their current status indicated.

1. The GSP is a major statewide north-south roadway. Upper Township is the northernmost GSP exit in Cape May County. The Township has requested that the New Jersey Highway Authority evaluate constructing a full interchange at Milepost 20 in Seaville to alleviate traffic congestion along the Route 9 corridor heading north from Seaville to Marmora and Exit 25. The Township believes that this is probably the most important transportation issue currently facing Upper Township. No positive action has been taken on this request by the New Jersey Highway Authority.
2. As of 2001, the NJDOT replacement of the Route 50 Bridge over the Tuckahoe River and the roadway improvements through Tuckahoe to Marshall Avenue were highlighted in the Reexamination Report. This work is now scheduled to begin in the Spring 2012.
3. As identified in the 2001 Reexamination Report: "In the past, the Township has allowed the improvement of a number of older right-of-ways with gravel surfaces. Because of the problems associated with the maintenance of these roads and problems caused by the tracking of dirt onto adjoining roads, the Township should avoid allowing this practice in the future." It is noted that the Township's road standards do not permit gravel roads. The

Township should strongly encourage construction of all road improvements to adopted standards which is of benefit to all residents.

4. The 2006 Reexamination Report noted that the Beesley's Point Bridge (US Route 9) over the Great Egg Harbor Bay was closed in June 2004. The status of this bridge and whether and when it will be repaired is an important transportation circulation issue that was highlighted in the 2006 Reexamination Report. In January 2009, Cape May County took control of the Beesley's Point Bridge. The County prepared an updated engineering evaluation report and the estimated costs to repair the bridge are over \$30 million. The final recommendations on the bridge have not yet been made by NJDOT. Should the bridge be torn down, the Township should consider making a strong recommendation to the New Jersey Highway Authority that transportation conditions on the Garden State Parkway (GPS) with the bridge closure be thoroughly assessed. This may potentially include adding lanes or an exit in Beesley's Point.
5. The 2006 Reexamination Report stressed the need for pedestrian and bicycle improvement to connect community activity areas with residential areas. This would be especially important to connect Amanda's Field in Petersburg with the Woodbine bike path. An Upper Township component of the larger County bike path system was identified as being needed. For the Township Centers, providing pedestrian improvements were considered a critical element to both provide connections and to create a walkable environment. These transportation recommendations are still outstanding. As noted in the prior section, they are also identified in the 2007 Upper Township Action Plan as with NJOSG still requiring completion.
6. The 2006 Reexamination Report noted that the NJDOT was scheduled to replace the Route 49 Bridge over the Conrail Railroad in Tuckahoe in 2007. The bridge was completed in 2009.
7. Replacement of the Tuckahoe Road (CR 631) Bridge over Cedar Swamp Creek has been placed on the back burner due to the project cost. The damming effect of raising the roadway to the 100-year flood elevation would require the replacement bridge to be approximately 2,000 feet long, thus driving up the project costs greatly according to the County Engineer.
8. Cape May County is still proposing to install traffic signals at the intersection of Tuckahoe Road (CR 631) and Tuckahoe Road Extension (CR 662) in Marmora. Right-of-way acquisition problems have delayed the installation.
9. Currently, Cape May County has no plans to replace the Marshallville Road Bridge over Mill Creek due to the inability to obtain a consensus of the neighborhood on the bridge width. Given the condition of the bridge, the County may remove the bridge due to liability concerns.

CURRENT COUNTY TRANSPORTATION PROJECTS IN UPPER TOWNSHIP

At this time, the County is working on the following projects:

1. Hope Corson Road (CR 671) reconstruction if a reasonable solution can be obtained to address the stormwater runoff ponding near the Route NJ 50 intersection. Also, NJDOT is proposing to install a traffic signal at the intersection of State Highway Route 50 and Hope Corson Road (CR 671) in Greenfield.
2. Corsons Tavern Road (CR 628) improvements sometime in 2015.
3. New Bridge Road (CR 628) reconstruction and widening.
4. Roosevelt Boulevard (CR 623) improvement study.
5. Corsons Inlet Bridge railing improvements and railing strengthening in 2010-2011.

ROUTE 9 TRANSPORTATION STUDY

In 2010, the Municipal Land Use Center received funding from NJDOT to work with Upper Township to assess transportation conditions along the Route 9 corridor. This study will assess the future development of both the Marmora and Seaville Town Center Core areas where commercial and mixed use development is planned. Additionally it will evaluate the impact of a new street network and the highway access code. This study is a continuation of the Township's planning effort which began with Plan Endorsement and continued with the Form Based Code Guidelines Study. The Form Based Code Guidelines Study identified a conceptual transportation network for these center cores with revised street standards. The core areas of these Town Centers were part of the 2006 Land Use Plan recommendations and were implemented in the 2007 land use ordinance changes.

When the Route 9 Transportation study is completed, its findings will then require further action by the Township and the NJDOT. These actions may include the NJDOT amending the access standards along the Route 9 corridor in Upper Township. The Township may also have to make modifications to the Form Based Code Guidelines and then prepare an amendment to the Land Use Development Ordinance.

UTILITY SERVICE PLAN

WATER SERVICE

The 2006 Reexamination Report stated that limited water service was provided through New Jersey American in Beesley's Point and Marmora. New Jersey American is currently looking at expanding the water main heading south along Stagecoach Road to Route 9 and Route 50 and then continuing south along Corson Tavern Road, constructing a water tower in Upper Township then continuing into Dennis Township and into Middle Township to connect to the Cape May Court House System.

NATURAL GAS SERVICE

South Jersey Gas has done major expansions of their system in Beesley's Point and Marmora in 2009 and is proposing expansions in Petersburg in 2010/2011.

WASTEWATER TREATMENT

The 2006 Reexamination Report recommended that the Township update its Wastewater Management Plan (WMP) to allow for on-site sewage disposal systems with flows greater than 2,000 gallons per day to accommodate commercial and mixed use growth in the proposed Centers. At this time Cape May County is taking the lead to prepare a County WMP. The Township's requirements for community wastewater disposal systems will be included in the future WMP.

COMMUNITY FACILITIES PLAN

Currently the Township does not provide police services and relies on State Police services. The Township has prepared an Emergency Management Plan dated July 22, 2004, which was submitted and approved by the New Jersey State Police.

In January 2009, the Cape May County Multi-Jurisdictional All Hazards Mitigation Plan was prepared in response to the Disaster Mitigation Act of 2000 (DMA 2000). DMA 2000 requires states and local governments to prepare all hazard mitigation plans in order to remain eligible to receive pre-disaster mitigation funds that are annually appropriated or made available in the wake of federally-declared disasters. The Upper Township chapter of the DMA included specific mitigation sections. Upper Township passed a resolution approving the DMA.

In August 2010, the Upper Board of Education released a plan to build a new 65,545 square feet elementary school on the current elementary school site and to upgrade the primary and middle school facilities. No other major community facilities improvements were identified.

RECREATION PLAN

The Township has continued with its approach to focus recreational facilities on larger recreational sites as opposed to smaller neighborhood fields. Since 2001, the Township has continued to develop Amanda's Field recreation complex, located on Route 50 in Petersburg. Amanda's Field includes a variety of recreational facilities including a 1.3 mile bicycle/jogging path, a skate park, soccer fields, an indoor batting cage facility, a playground and swings, a concession stand with restrooms, a maintenance building and an in-line hockey rink.

HISTORIC PRESERVATION PLAN

The 2006 Natural Resources Inventory included a listing of historic buildings prepared in consultation with the Upper Township Historical Preservation Society, Inc. The NJOSG Action Plan includes the recommendations to update the Historic Preservation Plan of the 1993 Master Plan. This has not yet been prepared since funding has been limited.

STORMWATER MANAGEMENT PLAN

The Township prepared a Stormwater Management Plan in 2005 and implemented stormwater management ordinances in June 2006. The Township has been operating and maintaining their stormwater system in accordance with the management plan and ordinances.

CONSERVATION PLAN

In 2006, the Township has prepared a *Natural Resources Inventory* which was adopted as part of the *2006 Master Plan Update*. The Township's regulations and Master Plan have been certified by the Pinelands Commission and these regulations continue to provide for protection of the critical pinelands resources.

PINE BARRENS SCENIC BYWAY

In November 2009, the Pine Barrens Scenic Byway Corridor Management Plan, prepared for the New Jersey Pinelands Commission and the Southern Pinelands Natural Heritage Trail Committee, was released. The Southern Pinelands Natural Heritage Trail (Pine Barrens Scenic Byway) was approved by the New Jersey Department of Transportation as a New Jersey Scenic Byway with a designated route totaling approximately 130 miles including a northern loop, a southern loop and a central connecting route.

The Pine Barrens Scenic Byways within Upper Township is focused on Tuckahoe and the Route 47 corridor area. The Township Committee adopted Resolution No. 178-2009 to support the Pine Barrens Byway Corridor Management Plan.

2011 CONSERVATION PLAN ELEMENT

The 2011 Conservation Plan Element of the Master Plan was prepared to update the 1993 Master Plan Conservation Plan Element. This Conservation Plan together with the 2006 Upper Township Natural Resources Inventory provide the structure for the protection, preservation, conservation and utilization of natural and cultural resources, including energy, open space, water supply, forests, soils, marshes, wetlands, rivers, fisheries, endangered or threatened wildlife species and other resources. The Conservation Plan discusses each resource, provides defined goals and objectives and includes recommended strategies to address these objectives. It is recommended that the Planning Board adopt the 2011 Conservation Plan Element as an updated element of its Master Plan.

In addition, the Conservation Plan Element recommends that ordinances be adopted. These include the following actions:

1. Implement a small scale renewable energy system ordinance to enable residents to utilize sustainable energy tools supporting the recommendations of the Conservation Plan Element. A draft ordinance should be developed that meets the needs to provide an opportunity for renewable energy in Upper Township while balancing the land use and public acceptance issues that are considered in the Conservation Plan.

2. Amend the Flood Damage Control Ordinance to provide an additional level of protection to homes in the Special Flood Hazard Area, which would provide protection and lower flood insurance premiums.

RECOMMENDED CHANGES TO MASTER PLAN AND REGULATIONS

40:55D-89d. *The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.*

As identified in the prior sections of this report, there are a number of actions recommended to update the Master Plan and development regulations.

MASTER PLAN ELEMENTS AND PLANNING

1. The 2011 Conservation Plan should be adopted together with this Reexamination Report.
2. The Form Based Code (FBC) Guidelines Study addresses the mixed use core areas of the Marmora and Seaville Centers. The study, together with the Route 9 Transportation Study, should be evaluated and used to develop land use ordinances that support the development of livable, walkable and economical viable Town Centers within Marmora and Seaville areas. It should provide a diversity of uses within both mixed-use and commercial buildings, establish build-to-lines, develop a new street network, open spaces with connectivity among areas and uses, and off-street parking in the rear of buildings.
3. The Township should undertake the SPC Biennial Review of its Action Plan by February 2011. The remaining action plan items under the Township's jurisdiction should be undertaken subject to funding availability. These items are further detailed below:
 - The Circulation Plan should be updated to address multimodal improvements including planning for bicycle and pedestrian improvements. This planning should be coordinated with the County bicycle planning efforts. It should also incorporate the Route 9 Transportation Study currently underway. This is consistent with the NJOSG Action Plan Item G2 (Circulation Plan), G3 (Petersburg/Woodbine/Tuckahoe bike path) G4 (Palermo bike path) and G5 (Tuckahoe train station link). It should also consider transit recommendations under NJOSG Action Plan Items H1 - H4.
 - The Township should update the *1994 Recreation Facilities Plan* to prepare a *Recreation and Open Space Plan* which can be submitted to NJDEP Green Acres to facilitate funding of land acquisition and construction of parks and open space areas. This is consistent with the NJOSG Action Plan Item E1 and E2.
 - Funding should be sought from NJDEP to prepare A Habitat Conservation Plan. (Action Plan Item F4.)

- A *Farmland Preservation Plan* should be considered to inventory and prioritize the estimated 115 farmland parcels for acquisition and preservation. This is consistent with the NJOSG Action Plan Item J2.
- An updated *Historic Preservation Plan* should be prepared. This plan can provide useful recommendations for renovations of historic properties and new construction within historic areas. This is consistent with the NJOSG Action Plan Item L4.
- A Tuckahoe Village Plan should be prepared to comprehensively address streetscape improvements, architectural design, signage, lighting and other improvements. This effort should be coordinated with the Greater Area Tuckahoe Management Committee and the NJDOT. This is consistent with the NJOSG Action Plan Item J1.

RECOMMENDED ZONING AMENDMENTS

The Upper Township Planning Board recommends that the following zoning amendments be considered by the Township Committee:

1. Rezone Block 561, Lot 2, from the Town Center Core District (TCC) to the Mobile Home District (MH) (see attached map).
2. Rezone from Block 754, Lots 1 through 8, from the C – Conservation District to the RR District (see attached map).
3. Amend Chapter 20, Schedule A, Note #4 to read: Travel trailers and campers to be parked or stored in the rear and side yards only. Their dimensions shall not be counted in determining total building coverage and they shall not be used for temporary or permanent living quarters while situate on a lot.
4. Amend Land Development Ordinance Section 20-5.21 to include regulations on small scale renewable energy system to support solar and small wind turbines.
5. Amend the Flood Damage Control Ordinance to provide an additional level of protection to homes in the Special Flood Hazard Area.
6. Amend signage standards as detailed in this Reexamination Report.
7. Consider amending the height limitation in the TC & TCC Zones in order to promote commercial development and ratables which will not significantly impact the Township's requirement to provide increased municipal services.
8. Develop an ordinance that would create an opportunity for affordable housing on isolated undersized lots.
9. Amend land use development ordinance based on the recommendations from the Route 9 Transportation Study and the Form Based Code Guidelines Study as recommended by this Reexamination Report in order to promote commercial development and ratables which

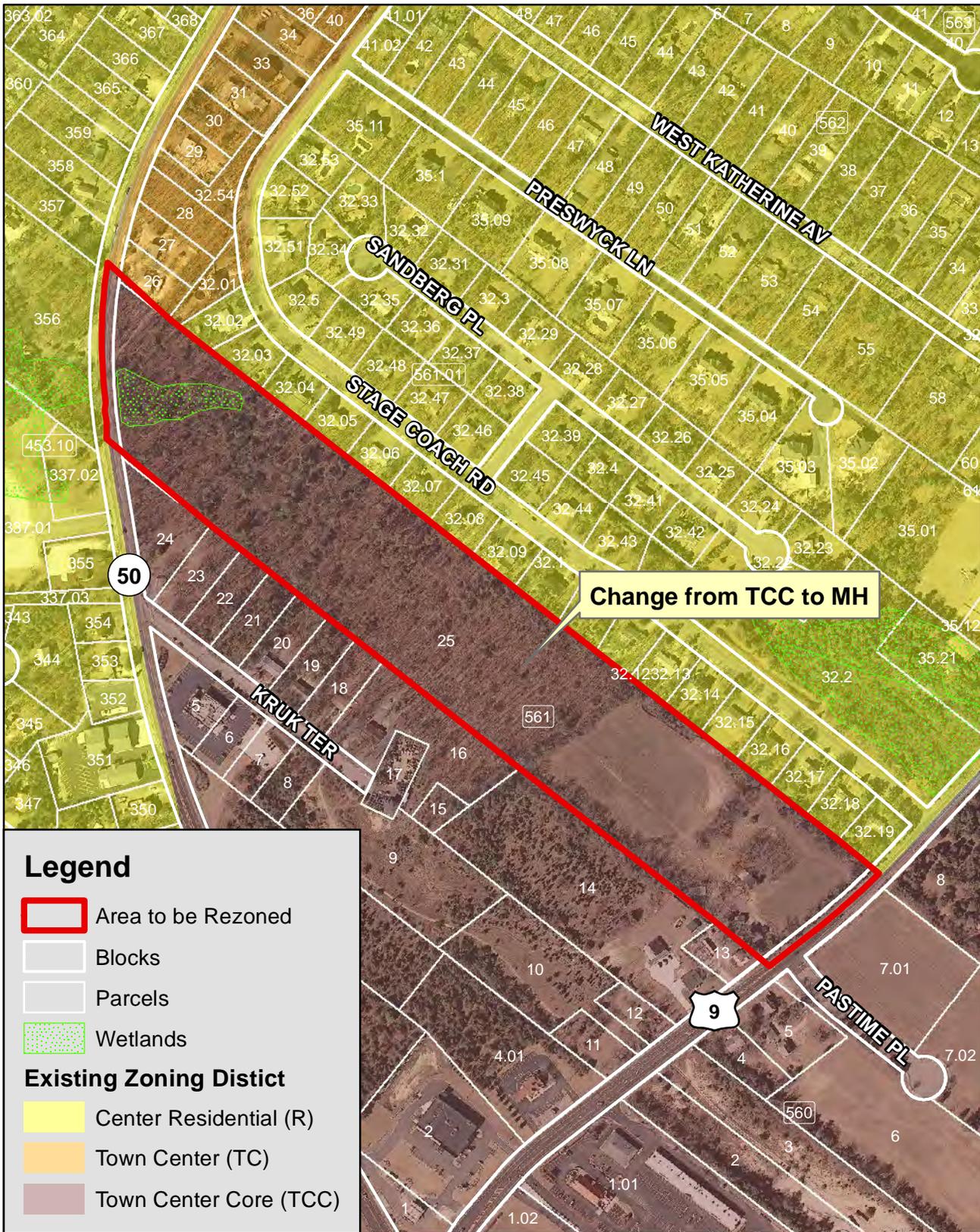
will not significantly impact the Township's requirements to provide increased municipal services.

Redevelopment Plans

40:55D-89e. *The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Plan," P.L.1992, c.79 (C.40A:12A-1 et al.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.*

The Township has no adopted redevelopment plans. In 2005, the Township identified the Beesley's Point area as being a potential candidate for redevelopment. The Atlantic City Electric ("ACE") Company which owned the B. L. England Power Plant planned to sell the facility. The plant was in the process of environmental cleanup with NJDEP oversight. In September 2005, the Township adopted a *Determination of an Area In Need of Redevelopment Study* for the ACE property and surrounding lands in Beesley's Point. As of September 2006, the ACE announced that the B.L. England facility was being sold to Rockland Capital Energy Investments (now known as RC Cape May) who have proceeded with the NJDEP approved environmental recommendation plan. After the plant takeover by alternative providers, a redevelopment plan was not considered necessary. No other areas for possible redevelopment have been identified at this time.

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Legend

- Area to be Rezoned
- Blocks
- Parcels
- Wetlands

Existing Zoning District

- Center Residential (R)
- Town Center (TC)
- Town Center Core (TCC)



1 inch = 400 feet

Proposed Rezoning

Osprey Village

Block 561, Lot 25

Township of Upper

Cape May County, New Jersey



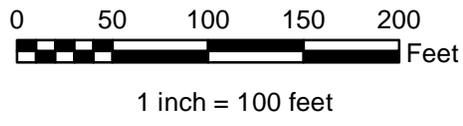
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Legend

- Area to be Rezoned
- Blocks
- Parcels
- Wetlands
- Existing Zoning District**
- Conservation (C)
- Resort Residential (RR)

Change from C to RR



Proposed Rezoning
 Strathmere
 Block 754, Lots 1 - 8
 Township of Upper
 Cape May County, New Jersey



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