

**2018 Master Plan Reexamination Report  
Township of Upper  
Cape May County, New Jersey**

Adopted after a public hearing of the  
Township of Upper Planning Board on August 8, 2018 by Resolution # 2-2018

Certified by the Pinelands Commission on \_\_\_\_\_

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Township of Upper  
Cape May County, New Jersey**

***MAYOR***

Richard Palombo

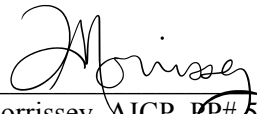
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## TABLE OF CONTENTS

<b>INTRODUCTION</b>	<b>1</b>
<b>PART I: MAJOR PROBLEMS AND OBJECTIVES</b>	<b>2</b>
Plan Endorsement	2
Recommended Changes in 2011	4
<b>PART II: CHANGES SINCE LAST REPORT</b>	<b>7</b>
Land Use Plan	7
Housing Plan	7
Circulation Plan	8
Utility Service Plan	9
Community Facilities Plan	9
Recreation Plan	9
Historic Preservation Plan	10
Stormwater Management Plan	10
Conservation Plan	10
<b>PART III: CHANGES IN ASSUMPTIONS, POLICIES AND OBJECTIVES</b>	<b>11</b>
Pinelands Comprehensive Management Plan	11
Forestry and Wetlands Management	11
Solar and Wind	11
PDC's and Alternate Design Wastewater Treatment Systems	11
Electronic Messaging Signs	12
Marijuana Legislation	12
<b>PART IV: RECOMMENDED CHANGES</b>	<b>13</b>
Marmora Town Center	13
Strathmere	13
Stormwater Management	13
Pinelands CMP	14
Signs	14
Ordinance Changes/Updates	14
Affordable Housing	15
<b>PART V: REDEVELOPMENT PLANS</b>	<b>16</b>

## **INTRODUCTION**

A vital part of any Municipality's future is its Master Plan. The Master Plan enables a municipality to plan for its future growth. A Master Plan is not a static document and should be reviewed on a periodic basis in order to address changes that inevitably occur as a municipality grows. Recognizing this, the Municipal Land Use Law (N.J.S.A. 40:55D-89) requires a re-examination of the master plan to be completed every ten years. The report must state the major land development problems and objectives present when the last report or plan was prepared and the status of these conditions today. The report must also make any recommendations for changes to the master plan or development regulations that would further achieve the original goals or address any significant changes that have occurred since the last report was adopted. This report is separated into five sections addressing each element required by the Municipal Land Use Law.

The following planning documents have been adopted since the last Reexamination Report:

- Master Plan Reexamination Report, Adopted 2011
- Affordable Housing Trust Fund Spending Plan, adopted December 2008, amended April 2012
- Traffic Analysis Report (Upper Township Form Base Code), November 2012
- Application for Access Classification Change for Marmora Town Center, December 2012
- Land Use Changes and Zone Change, 2014
- All-Hazards Mitigation Plan adopted in June 2016
- Annual Update to the All-Hazard Mitigation Plan, October 2017

**PART I:  
MAJOR PROBLEMS AND OBJECTIVES**

**40:55D-89.a.**

The major problems and objectives relating to land development in the municipality at the time of the adoption of the 2011 Master Plan Reexamination Report.

The last Reexamination Report was adopted in 2011 and several items were identified as problems and objectives at that time.

***Plan Endorsement***

The Township was granted Plan Endorsement in February of 2007 from the State Planning Commission. Subsequently the Township adopted extensive land use and zoning amendments. As a condition of the Plan Endorsement the State Planning Commission required Biennial Reviews. The Township has completed its last Biennial Review on February 17, 2011. The Township has not completed any recent Biennial Reviews.

In the 2011 Reexamination Report the following items were identified as remaining to be completed by the Township as part of the SPC action plan as a requirement 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 the Form Based Code Guidelines dated May 2010.

*The Township has not adopted the Form Based Code. This should be reevaluated to determine if the standards and recommendations remain appropriate.*

- E1 – Prepare and adopt a Recreation and Open Space Plan as an updated Master Plan Element.

*The Township has modified their ROSI in accordance with Green Acres standards. A Recreation and Open Space Plan has not been completed due to funding restrictions.*

- E2 - Target maintenance and enhance of neighborhood-level parks and recreation facilities for the centers included pedestrian and bicycle connections.

*This effort is ongoing.*

- F4- Prepare a Habitat Conservation Plan.

*This has not been completed due to a lack of funding.*

- G2- Prepare updated Circulation Plan Element of the Master Plan.

*This has not been completed due to a lack of funding.*

- G3- Construct the Petersburg/Woodbine/Tuckahoe bike path.

*This has not been completed.*

- G4 - Design and construct Palermo bike path along inactive NJ Transit rail line from Route 9 to the Inland Waterway.

*This has not been completed.*

- G5- Construct Tuckahoe train station link to Main Street.

*This has not been completed.*

- G6 - Construct Tuckahoe streetscape and Route 50 Bridge to improve access to and revitalization of the Tuckahoe Village.

*NJ Department of Transportation completed this project in 2017.*

- 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.

*This was completed in 2012.*

- G10 - Implement Route 47/ Route 55 Corridor Study improvements.

*This is 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.

*This was adopted by Cape May County and submitted to the State. The State has not acted on the plan. The County is preparing revisions which are due for completion in 2019.*

- I2- Promote community package treatment systems.

- I3- Expand sewer service on Roosevelt Blvd to include developed properties.

*This is 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.

*This has not been completed due to a lack of funding.*

- K1, K2, K3 - Undertake design charettes for the Township centers. Upper received a \$50,000 grant from NJOSG to prepare form based code guidelines which include design studies. Project completed May 2010 and Draft Form Based code received.
- L4 – Update Historic Preservation Plan of the 1993 Master Plan.

*This has not been completed due to a lack of funding.*

- L5 – Prepare design guidelines for historic properties in Tuckahoe and Petersburg villages.

### ***Recommended Changes in 2011***

- **Osprey Village**  
Rezoning Request  
(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.

*The rezoning was completed and the site is under construction. This site is discussed further in the 2018 Housing Element and Fair Share Plan.*

- **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.

*The zoning was changed as recommend.*

- **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.

*These recommended changes have been implemented in 2011 and 2017.*



- **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.

*The ordinance was updated to address travel trailers.*

**PART II:  
CHANGES SINCE LAST REPORT**

**40:55D-89.b.**

The extent to which such problems and objectives have been reduced or have increased subsequent to the adoption of last 2011 Master Plan Reexamination Report.

***Land Use Plan***

The Village of Strathmere has seen an increase of redevelopment. The Township should consider developing regulations to control the bulk dimensions of new structures. This may include implementing Floor Area Ratio standards and regulations for roof-top decks, landscaping and stormwater control.

Since 2011 several small retail buildings have been built in Town Centers of Seaville and Marmora and one in the Village of Petersburg. Residential development has been concentrated on in-fill lots throughout the Township. The 110-Unit Osprey Cove mobile home park in Seaville Town Center was started and is about 50% complete.

The Planning Board has made several Ordinance recommendations that should be implemented by the Township and should be included as part of the reexamination.

***Housing Plan***

The Township had prepared and adopted a Round Three Housing Element and Fair Share Plan on December 18, 2008. The Council on Affordable Housing (COAH) had determined the Township's petition as complete. The Supreme Court invalidated the most recent version of the regulations adopted by the New Jersey Council on Affordable Housing ("COAH") on September 26, 2013 in In re Adoption of N.J.A.C. 5:96 & 5:97 by NJ Council on Affordable Housing, 215 N.J. 578 (2013), this Affordable Housing Plan comports with COAH's rules at N.J.A.C. 5:91 et seq. and N.J.A.C. 5:93 et seq., and subsequent applicable laws and regulations such as amendments to the FHA, therefore the adopted Housing Element and Fair Share Plan was not certified by COAH.

Accordingly the Township filed a Declaratory Judgment action in July of 2015 in accordance with the NJ Supreme Court's March 10, 2015 decision. As a result of this filing the Township entered into a Settlement Agreement with Fair Share Housing Center which was approved by the Court at a Fairness Hearing under Docket CPM-303-15 on April 10, 2018. The implementation of the agreement includes the adoption of a new Housing Element, Fair Share Plan and Spending Plan. The Housing Plan includes the recommendation to create a new Marmora Town Center Zoning District to address the Township's affordable housing obligation.

### ***Circulation Plan***

The NJDOT completed the replacement of the Rt-50 bridge over the Tuckahoe River and the roadway improvements through the Village of Tuckahoe in 2017.

The Beesley's Point bridge was fully removed as part of the NJ Highway Authority project to replace the Southbound Garden State Parkway Bridge. As part of this project a multi-use path was constructed which will connect Harbor Road beach and boat ramp area to Somers Point. The bridge was opened to vehicular traffic in 2017 and the multi-use path is anticipated to open in 2019 at the completion of the rehabilitation of the Northbound Garden State Parkway Bridge. The Township has received a grant from the County Open Space Fund to create the Harbor Road Gateway project to expand the parking at Harbor Road and provide a connection into Upper Township.

The Township was awarded a Local Planning Grant from the NJDOT to create a Bicycle Plan for Upper Township. This plan is examining how to connect the Harbor Road Gateway to points in Upper Township and Cape May County. It is anticipated that the plan will be completed by end of 2018. The Bike Plan should become part of the Circulation Element of the Master Plan when complete. The County continues to work on the various transportation projects in Upper Township.

After the completion of the Route 9 Transportation Study in 2012, the NJDOT made amendments to the access standards along Route 9 in the Town Center of Marmora.

### ***Utility Service Plan***

Since 2011, water service has been extended down Stagecoach Rd from Evergreen Drive to Rt-US9 to Cedar Square Plaza in Seaville Town Center. NJ American Water has constructed a water tower at the Cedar Square Plaza.

South Jersey Gas has proposed a new pipeline to extend down Rt-49 into Village of Tuckahoe and continue through Petersburg and Marmora to the BL England Generating Station in Beesley's Pt. This pipeline is being built to provide reliability to Cape May County and to provide a fuel source for BL England Generating Station.

The Wastewater Management plan (WMP) was updated in 2012 and submitted to the Cape May County and the NJDEP. However, the NJDEP did not act upon it. It should be incorporated as an element of the Utility Service Plan. The Township is currently working with the Cape May County's consultant to update the 2012 WMP. The Township is looking at the feasibility to extend sanitary sewer service to Marmora Town Center and the Village of Strathmere

### ***Community Facilities Plan***

The Office of Emergency Management updated the Emergency Management Plan on February 24, 2017.

In May 2016 Upper Township participated with Cape May County in preparation of the Cape May County Multi-Jurisdictional All Hazards Plan. The Upper Township chapter of the All Hazards Plan included specific mitigation activities. Every year the Township reviews the All Hazards Plan and prepares an annual update, the 2017 Annual Update should be included as part of the reexamination.

### ***Recreation Plan***

Upper Township continues to focus recreational facilities on larger recreational sites as opposed to smaller neighbored fields. The Township has added several baseball fields to Amanda's Field. The Township upgraded the boat ramp in Strathmere, by increasing its length and adding a floating pier and kayak launch.

### ***Historic Preservation Plan***

No change in this plan has taken place since 2011. There has been no funding to update the Historic Preservation Plan element.

### ***Stormwater Management Plan***

The Township prepared a Stormwater Management Plan in 2005 and implemented stormwater management ordinances in 2006. The Township has been operating and maintaining their stormwater system in accordance with the Stormwater management Plan and ordinances. The Township should look to improve stormwater runoff in the Village of Strathmere by increasing onsite recharge for residential and non-residential properties.

### ***Conservation Plan***

The 2010 Conservation Plan Element and the 2006 Natural Resource Inventory (NRI) does not require an update this time. The Township should look at developing standards for dark sky lighting and car recharging stations as part multi-unit residential and non-residential developments

**PART III:  
CHANGES IN ASSUMPTIONS, POLICIES AND OBJECTIVES**

**40:55D-89.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 changes in State, county and municipal policies and objectives:

***Pinelands Comprehensive Management Plan***

The Township is subject to the rules and regulations of the Pinelands Comprehensive Management Plan (CMP). As such it is important to take notice of the changes and amendments which have been made or are proposed to the CMP. Since the last adoption of the Township's Master Plan the following changes have been accomplished or are pending under the CMP.

**Forestry and Wetlands Management**

The Pinelands Commission amended the Comprehensive Management Plan relative to forestry standards that became effective on February 1, 2010. The CMP was also amended to address wetland management practices which became effective on December 21, 2009.

**Solar and Wind**

The Pinelands Commission amended the CMP to address the appropriate location for solar and wind facilities in the Pinelands Management Areas. The changes became effective in January of 2012 and provide the municipality with the discretion to permit solar and wind facilities. If the municipality is inclined to permit these uses the established guidelines under the CMP must be followed.

**PDC's and Alternate Design Wastewater Treatment Systems**

In 2014 and 2018 the Pinelands adopted amendments to the CMP relating to fees, escrows, application requirements and procedures, public notice and mailing requirements, water quality standards, landfill closure, signs, and the Pilot Program for Alternate Design Wastewater Treatment Systems. The changes include various administrative items; clarify standards for Pinelands landfills; allow for the use of advanced treatment technologies as a means of facilitating expansion of certain

existing nonresidential uses; update and revise CMP sign standards, and recognize the successful participation of one alternate design wastewater treatment technology in a long-standing pilot program. To the extent required the Township will amend the local land use regulations to effectuate the changes to the CMP.

The Pinelands Commission recently proposed new rules that relate solely to the Pilot Program for Alternate Design Wastewater Treatment Systems. The rules are intended to modify the standards of this long-standing pilot program to allow for continued installation of certain wastewater treatment technologies in the Pinelands Area.

### **Electronic Messaging Signs**

The Pinelands Commission approved amendments to the CMP which would permit the local municipality to control where electronic messaging signs are permitted. At present they are only permitted in Pinelands Regional Growth areas, Villages and Towns. The amended permit on-site electronic messaging signs in any Pinelands Management Area.

### **Marijuana Legislation**

Recently there has been a movement at the State level to legalize the sale and production of marijuana. The impacts from the proposed legislation could be felt in the Township. It is therefore recommended that the Township follow the legislative updates and be prepared to provide and create the appropriate land use controls to minimize any detrimental land use impact in the Township. A focus should be towards guiding facilities (if required by State Law) into the existing commercial or industrial areas of the Township and regulating or prohibiting them as appropriate and permissible by statute.

## **PART IV: RECOMMENDED CHANGES**

### **40:55D-89.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.

### ***Marmora Town Center***

A new Marmora Town Center District should be created to provide for mixed-use development throughout the area as part of the implementation of the Housing Element and Fair Share Plan. The intent is to permit a residential density of up to 12 units per acre with a requirement to include non-residential land uses as part of every development proposal at a ratio of 30% residential to 70% non-residential. There is an intent to preserve and create a Route 9 streetscape which is walkable and incorporates the village and walking atmosphere of a downtown area. Therefore, no residential land uses shall be permitted on the first floor for any development with frontage along Route 9. All development along Route 9 should be focused on commercial with residential on the upper levels or rear of the site.

A revised zoning map is proposed to be adopted as part of this Reexamination Report. The new Marmora Town Center zoning district ordinance as proposed in the Housing Element and Fair Share Plan is recommended for adoption.

### ***Strathmere***

The Township has seen a recent increase of development in the Strathmere area. The size of the structures has raised some concerns. The Township believes there should be an appropriate balance in the development and controls should be reviewed to reduce overbuilding. Some items of concern include the size and the height of the structures and lot coverages. The Township is also concerned with the creation of duplex units and multiple families in a single unit. All of these items should be reviewed and controls created accordingly to preserve the character of the Strathmere area.

### ***Stormwater Management***

Additional concerns have arisen throughout the Township as they relate to on-site stormwater management controls. The Township should look into creating stormwater management controls for



residential properties to reduce the impacts onto adjoining parcels and into the public roadways. Any mechanism should incorporate the NJDEP Best Management Practices (BMP).

### ***Pinelands CMP***

The ordinances should be updated to reflect the changes to the Pinelands Comprehensive Management Plan relative to Alternative Design Treatment Systems for Septic, and Development Regulations and other administrative items as referenced above.

### ***Signs***

The Pinelands Comprehensive Management Plan was amended to allow Electronic Messaging Signs in areas that are not considered Regional Growth, Villages or Towns. The use of electronic messaging signs throughout the Township is considered a benefit for municipal, governmental and institutional uses. The Reexamination Report recommends updating the local ordinances to permit Electronic Messaging signs in all Pinelands Areas for local governmental and institutional uses. The ordinance should include controls on lighting levels, message change and other similar items.

### ***Ordinance Changes/Updates***

The following items were raised in this reexamination report and should be considered for future implementation:

- The Township is considering amendments to the Land Subdivision and Site Plan and the Zoning Code. These changes address flood elevation standards, accessory buildings, signs, lighting and change of use and zoning permit standards. The changes remain consistent with the Land Use Plan of the Master Plan and were designed to create clarification of controls and implement various changes to the flood elevations.
- The Township should look at developing standards for dark sky lighting and car recharging stations as part multi-unit residential and non-residential developments

- Vehicle Charging Stations should be permitted throughout the Township.
- The Township has not adopted the Form Based Code. This should be reevaluated to determine if the standards and recommendations remain appropriate.

### ***Affordable Housing***

The Township will need to update their affordable housing ordinances, affirmative marketing plans and development fee ordinances in accordance with the recommendations and ordinances pursuant to the approval of the Housing Element and Fair Share Plan. This includes the amendment to the Zoning Map to create the new Marmora Town Center District as discussed above.

**PART V:  
REDEVELOPMENT PLANS**

**40:55D-89.e.**

The recommendations of the Planning Board concerning the incorporation of redevelopment plans adopted pursuant to the “Local Redevelopment and Housing Law,” 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 of Upper does not have any Redevelopment Areas.