

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

Adopted after a public hearing of the
Township of Upper Planning Board on _____ by Resolution # _____

Certified by the Pinelands Commission on _____

PREPARED BY:

Tiffany A. CuvIELLO, PP, LLC
Community Development and Planning

7 Equestrian Drive • Galloway, NJ 08205
Phone (609) 652-0271 or (856) 912-4415
tcuvIELLO@comcast.net

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Prepared By:

Tiffany A. Morrissey, AICP, PP# 5533

The original of this document was signed and
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INTRODUCTION

In August of 2018 the Township of Upper adopted a Reexamination Report and Housing Element/Fair Share Plan and Spending Plan. Subsequently the Township recognized that the Reexamination Report as adopted did not express all of the required updates, which were included in the Housing Element and Fair Share Plan. This amendment to the recently adopted Reexamination Report is intended to address the full Housing Element and Fair Share Plan recommendations.

**PART II:
CHANGES SINCE LAST REPORT
November 2018 Amendment**

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.

The Reexamination Report was adopted in August of 2018. The Housing Element and Fair Share Plans were subsequently presented to the Court for Certification where it was noted that the Township had not fully implemented the zoning recommendations. The Housing Element and Fair Share Plan recommends the adoption of a zoning amendment to permit age-restricted apartments on Township owned property on Stagecoach Road to address the Township's affordable housing obligation. This was included in the Township's 2008 Plan and was never fully implemented. The Housing Element also addresses the creation of a conditional use standard for the Hidden Pond and Heritage Links developments. These sites received Board approvals for age-restricted housing with affordable housing set-asides. The Housing Element and Fair Share Plan recommend updating the ordinances to permit these age-restricted inclusionary developments in accordance with previously approved development plans.

**PART IV:
RECOMMENDED CHANGES
November 2018 Amendment**

Stagecoach Road

Upper Township owns a 58.64 acres site (Block 549, Lots 70, 87, 102-104) on Stagecoach Road. This Housing Plan includes this site as a senior rental apartment development. The development would include a minimum 79 rental age-restricted affordable units plus 1 manager's apartment. The site has direct access through Lot 87 to Stagecoach Road, which connects to US Route 9. Lot 87 abuts a developed single-family residential area along Linda Lane and Evergreen Drive. Lot 87 of the tract is currently located in the R Moderate Density Residential Zone District, which requires residential uses to have a minimum of 40,000 square feet of lot area. The rear lots are currently within the AR Agriculture & Low Density Residential Zone District, which requires lots to have a minimum of 3 acres. The site is being proposed to permit a conditional use for Affordable Senior Housing.

The tract is located in PA2 Suburban Planning Area on the 2001 State Development and Redevelopment Plan Policy Map. It is outside of the Seaville Town Center. Sites within PA2 are considered suitable locations for affordable housing. Development of this site will be subject to NJDEP permitting.

The property is located within the proposed Seaville Sewer Service Area in the Township 2006 Master Plan, which would allow for wastewater treatment facilities through a community package treatment plan with a proposed amendment to the Wastewater Management Plan. Public water through New Jersey American Water is available along Stagecoach Road and could be extended to serve this site.

Approximately 32 acres to the rear of the site are constrained by wetlands, C-1 waters or flood prone areas as regulated by the NJDEP and are subject to on-site wetlands delineation to determine developable upland areas, leaving approximately 26 developable acres. An NJDEP wetlands letter of interpretation/line verification letter ("LOI") will be provided as part of the site development process. There are no other known site constraints.

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 and amendments to the ordinance to create a conditional use for property on Stagecoach Road as discussed above.

The Housing Element and Fair Share Plan also include the development of two previously approved senior housing developments with an affordable housing set-aside. These are known as Hidden Pond and Heritage Link. The ordinance will also need to be amended to permit the proposed developments as a conditional use for Age Restricted Communities. This will ensure that the intent of the prior approvals to include affordable housing units remain in effect through the local ordinances.

APPENDIX
Proposed Ordinances