

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
ORDINANCE**

**ORDINANCE NO. 014-2024**

**RE: AN ORDINANCE ADOPTING AN AMENDMENT TO THE  
REDEVELOPMENT PLAN FOR BEESLEY’S POINT REDEVELOPMENT AREA  
WITHIN THE TOWNSHIP OF UPPER,  
COUNTY OF CAPE MAY, STATE OF NEW JERSEY**

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**WHEREAS**, in order to facilitate the development, redevelopment, and rehabilitation of the Township of Upper, County of Cape May, State of New Jersey (the “Township”), by way of Resolution No. 30-2021 adopted on January 11, 2021, the Mayor and Committee of the Township of Upper (the “Township Committee”) declared Block 479, Lots 76, 76.01, 94.01, 106.02, 107, 107.01, 108, and 108.01 within the Township as a Condemnation Area in Need of Redevelopment (the “Redevelopment Area”) pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-7, a Governing Body may adopt, revise or amend a redevelopment plan for an “area in need of redevelopment”; and

**WHEREAS**, in order to facilitate the redevelopment and rehabilitation of the Township, on January 25, 2021, the Township adopted by way of Ordinance No. 001-2021, a redevelopment plan entitled “Beesley’s Point Redevelopment Plan Block 479, Lot 76, 76.01, 94.01, 106.02, 107, 107.01, 108, and 108.01” (the “Redevelopment Plan”), dated January 2021, for the Redevelopment Area; and

**WHEREAS**, on February 27, 2023 the Township adopted, by way of Ordinance No. 001-2023, an amendment to the Redevelopment Plan entitled, “Redevelopment Plan Amendment Beesley’s Point Redevelopment Area,” dated January 2023; and

**WHEREAS**, the Redevelopment Plan provides a broad overview for the planning, development, redevelopment and rehabilitation of the Redevelopment Area for purposes of improving conditions within the Township; and

**WHEREAS**, the Township Committee has determined that it is in the best interest of the Township to amend the Redevelopment Plan; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-7, the Township Committee adopted a Resolution referring the plan amendment to the Township of Upper Planning Board (the “Planning Board”) for review, comment and a finding of consistency with the Township Master Plan following introduction and first reading; and

**WHEREAS**, the Planning Board held a public hearing and, finding the plan amendment to be consistent with and/or designed to effectuate the Township Master Plan, recommended that the plan amendment be adopted, via Resolution No. \_\_\_\_ - \_\_\_\_\_, which shall be considered the report of the Planning Board to the Township Council as required by N.J.S.A. 40A:12A-7(e) (“Planning Board Report”); and

**WHEREAS**, the Township Committee has reviewed the recommendation of the Planning Board and the plan amendment and has determined that it is in the best interest of the Township to adopt the plan amendment in order to effectuate the redevelopment and rehabilitation of the Redevelopment Area.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee, in the Township of Upper, County of Cape May and State of New Jersey, as follows:

**SECTION 1.** The above-mentioned recitals are incorporated herein as though fully set forth at length.

**SECTION 2.** The Redevelopment Plan is hereby amended to include the following under “Land Use and Building Requirements:”

Before any application is made to the Planning Board for development approvals for property in the Beesley’s Point Redevelopment Area, an Applicant must have entered into a Redevelopment Agreement with the Township. Execution of a Redevelopment Agreement shall be a mandatory checklist item for any application for development as the term is defined in N.J.S.A. 40:55D-3 for any Applicant seeking land use approvals in the Beesley’s Point Redevelopment Area and any such application shall not be deemed complete pursuant to N.J.S.A. 40:55D-10.3 until proof of an executed Redevelopment Agreement has been submitted as part of the application. Only upon execution of a Redevelopment Agreement may an Applicant submit an application for land use approvals before the Planning Board.

Within the WTC portion of the Beesley’s Point Redevelopment Area any hotel development shall have a minimum height of 60-feet.

**SECTION 3.** The Governing Body of the Township of Upper shall have, be entitled to, and is hereby vested all power and authority granted by the aforementioned statutory provisions to effectuate the Redevelopment Plan.

**SECTION 4.** All ordinances or parts of ordinances which are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 5.** In the event any clause section or paragraph of this Ordinance is deemed invalid or unenforceable for any reason, it is the intent of the Township Committee that the balance of this Ordinance remains in full force and effect to the extent it allows the Township to meet the goals of the Ordinance.

**SECTION 6.** This Ordinance shall take effect after final adoption and publication according to law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 15<sup>TH</sup> DAY OF OCTOBER, 2024 AT THE TOWNSHIP HALL AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE 25<sup>TH</sup> DAY OF NOVEMBER, 2024 AT 4:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY.

JOANNE R. HERRON, TOWNSHIP CLERK  
TOWNSHIP OF UPPER