

MASTER PLAN REEXAMINATION REPORT

TOWNSHIP OF MIDDLE

CAPE MAY COUNTY, NEW JERSEY



May 2010

**Adopted by the Middle Township Planning Board on:
JULY 22, 2010**

Prepared by:



Marcia R. Shiffman, PP, AICP, LLA
NJ Professional Planner's License #02428

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

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Steve Wilson, *Public*

MASTER PLAN CONSULTANT

Maser Consulting, P.A.

Marcia R. Shiffman, AICP, PP, LLA, *Project Manager*
Daniel N. Bloch, PP, *Project Planner*
Darlene A. Jay, PP, AICP, *Senior Planner*



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INTRODUCTION

The Municipal Land Use Law requires that a master plan must be reexamined at least once every six years. The last Master Plan for Middle Township was completed in 2003. This Reexamination Report is prepared in concert with the *2010 Master Plan - Land Use Plan Update* and the *Natural Resource Inventory* (dated November 2007, revised May 2010). These planning documents were undertaken by Middle Township as part of a comprehensive planning process to update their master plan to achieve Plan Endorsement by the State Planning Commission.

REEXAMINATION REPORT REQUIREMENTS

When the Municipal Land Use Law ("MLUL") (N.J.S.A. 40:55D-1 et seq.) was adopted in August 1976, the enabling legislation that governed municipal planning and zoning was completely revised. A major change was the provision that required the reexamination of master plans and development regulations at least once every six years pursuant to the provision of N.J.S.A. 40:55D-89. The reexamination report is prepared by the Planning Board and adopted by resolution and distributed to the County Planning Board and the Municipal Clerks of the adjoining municipalities. The most recent amendments to N.J.S.A. 40:55D-89 require five elements in the reexamination report, as follows:

1. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
2. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
3. 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.
4. 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.
5. 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.

A master plan reexamination report may recommend changes to specific amendments to both the master plan and zoning and site plan ordinances. An amended zoning ordinance text and zoning map may also be part of the reexamination report. According to N.J.S.A. 40:55D-62.1 and 40:55D-63, the statutory requirement for the giving of personal notice within a district of zoning ordinance amendment proposing a change to the classification or boundaries of a zoning district is not applicable to changes made as a result of a master plan reexamination.



MIDDLE TOWNSHIP PLANNING DOCUMENTS

The following lists the master plan documents adopted or prepared by Middle Township.

- September 1991 *Middle Township Master Plan*
- July 1996 *Middle Township Master Plan Reexamination Report*
- August 2003 *Township of Middle Master Plan*
- December 2005 *Plan Endorsement Petition to the State Planning Commission*
- December 2005 *Housing Element and Fair Share Plan*
- December 2008 *Housing Element and Fair Share Plan*
- 2006 *Storm Water Management Plan*
- November 2007, revised May 2010 *Natural Resources Inventory*

Since the adoption of the *2003 Master Plan*, there have been zoning amendments adopted in 2004 (Ordinance 1163-04) and 2005 (Ordinance 1198-05) to implement certain recommendations of the Master Plan. In addition, storm water management regulations were adopted in 2007 (Ordinance 1247), as required by the New Jersey Department of Environmental Protection (NJDEP).

The *2003 Master Plan* consisted of the following plan elements:

- Land Use Plan
- Housing Plan
- Infrastructure Plan
- Community Facilities Plan
- Recreation Plan
- Conservation Plan
- Economic Development Plan
- Historic Preservation Plan
- Recycling Plan
- Farmland Preservation Plan
- Compatibility with Other Planning Efforts

Since 2006, the Township has been working on an update to its Master Plan – Land Use Plan. This was required by the New Jersey State Planning Commission (SPC) in accordance with its 2006 Memorandum of Understanding (MOU) with the Township for completion of Plan Endorsement to enable its Centers to be approved and to achieve consistency with the State Development and Redevelopment Plan (SDRP). The Township adopted an Action Plan as part of this MOU as required by the SPC. This Action Plan required a number of planning activities, including an updated Land Use Plan, a Master Plan Reexamination Report, Housing Element and Fair Share Plan and Natural Resources Inventory, and other requirements. This *2010 Master Plan Reexamination Report* has been prepared together with the *2010 Master Plan - Land Use Plan Update (2010 Land Use Plan)* and the *Natural Resources Inventory (NRI)*. The NRI provides comprehensive environmental documentation for the Township as a background resource to the *2010 Land Use Plan Update*. The Township has already adopted two *Housing Element and Fair Share Plans* (2005 and 2008) to address the New Jersey Council of Affordable Housing (COAH) regulations in effect at that time.



The Housing Plan has been updated as of December 2008. Other required elements, such as a statement of the master plan's relationship to other jurisdictions, a statement of population density and development intensity and a statement of assumptions are included in the *2010 Land Use Plan Update*. All other Master Plan elements are part of the current Master Plan until such time as these plan elements are updated through either a new Master Plan element or through a Reexamination Report such as this document. The *Storm Water Management Plan* was adopted in 2007 and is not part of the *2003 Master Plan*. The following elements of the 2003 Master Plan are still current:

- Infrastructure Plan
- Community Facilities Plan
- Recreation Plan
- Conservation Plan
- Economic Development Plan
- Historic Preservation Plan
- Recycling Plan
- Farmland Preservation Plan

MAJOR PROBLEMS SINCE LAST MASTER PLAN REPORT AND HOW THEY HAVE BEEN ADDRESSED

In accordance with the MLUL master plan reexamination report requirements, this Reexamination Report assesses the major problems and objectives relating to land development in Middle Township since the adoption of the latest Master Plan Reexamination Report in 2003. The extent to which these major problems and objectives have been reduced or have increased after 2003 is also evaluated.

2003 MASTER PLAN GOALS

The 2003 Master Plan contains 13 goals relating to the various master plan elements, as follows:

1. Maintain the character and integrity of each community within the Township.
2. Protect the quality of the environment such as groundwater resources and wetlands and encourage cooperation with organizations that promote the same.
3. Encourage the conservation of the area's natural resources including farmland, water supply, and open spaces.
4. Encourage development in areas where adequate infrastructure and public services exist and/or are planned.
5. Encourage and provide opportunities for affordable housing.
6. Provide the opportunity for the improvement of the highways and alternative transportation networks (i.e. bicycle and pedestrian facilities) to provide safe and efficient access throughout the region.
7. Encourage public transportation.
8. Promote the diversification and expansion of the local economy through appropriate development and redevelopment techniques.
9. Promote interaction, consistency and cooperation among local, county, regional and state regulatory bodies.
10. Preserve and enhance the historic, cultural, and recreational aspects and the visual environment of the Township.
11. Maintain adequate services for the projected growth of the Township.
12. Promote a balanced variety of residential, commercial, light industrial, recreational, public and conservation land uses.
13. Develop and maintain adequate services to meet the transportation, economic and social needs of senior citizens and low/moderate income families.



2003 TOWNSHIP PLANNING AREA OBJECTIVES

The *2003 Master Plan* divided the Township into 13 Planning Areas and listed objectives for each Planning Area, as follows:

Goshen

- Maintain the rural character of this area
- Preserve active farms
- Encourage clustering or the transfer of development rights as a means to protect farmland and environmentally sensitive areas
- Preserve the historical sites located in this area
- Increase the lot areas in appropriate zoning districts

Swainton

- Maintain the residential character of this area
- Limit or prevent the expansion of the sewer service area
- Encourage clustering or the transfer of development rights as a means to protect farmland and environmentally sensitive areas
- Encourage a proper use of land and the preservation of property owner's rights through the implementation of zoning standards which are suitable to this area of the Township
- Provide opportunities of low intensity commercial development only in areas with adequate, existing infrastructure capable of supporting proposed development
- Increase lot areas in appropriate zoning districts

Delaware Bay

- In cases of existing campgrounds, encourage adequate buffering to adjacent residential uses
- Restrict future development
- Provide for public access to the bay
- All development and expansions must conform to septic system standards
- Encourage clustering or the transfer of development rights as a means to protect farmland and environmentally sensitive areas

Court House West

- Maintain the residential character of this area
- Preserve wetlands and environmentally sensitive areas
- Increase lot areas in appropriate zoning districts
- Support the expansion of the sewer service areas in this Planning Area

Court House North

- Investigate and pursue a variety of mechanisms for preserving and enhancing the integrity of the historic area, including but not limited to the potential establishment of design standards, the establishment of a historic district, and the creation of a historic main street



- Encourage infill development within the Commercial Districts in the Court House area
- Provide for senior citizen housing in close proximity to commercial establishments and medical and government services
- Establish a design and parking plan for the Court House area, incorporating ideas such as consolidating parking areas and design standards which include provisions for clear signage to designate parking areas
- Devise ways of reducing congestion and consider the establishment of a Transportation Improvement District to fund planned road improvements
- Include pedestrian and circulation elements within planned and funded road improvement designs
- Provide for medical/office uses north of the hospital area on Route 9 while addressing the specific needs of same day surgery facilities within design standards
- Eliminate, where possible, light industrial districts in residential areas of Court House
- Include existing uses within the County complex as permitted uses
- Encourage mass transit
- Encourage the elimination of existing at-grade crossing on the Garden State Parkway
- Support the construction of sidewalks in highly dense residential areas

Court House South

- Provide for infill housing and protect the intensity and current density of development in this area
- Encourage the development of single-family dwellings
- Require adequate lots sizes for duplex development
- Protect the existing integrity of this established community
- Support the construction of sidewalks in highly dense residential areas

Avalon Manor

- Provide for infill development only
- Restrict future commercial growth
- Maintain existing land uses (single-family detached uses only)
- Encourage the consideration of existing environmental constraints for all future land use development, including the preservation of freshwater and coastal wetland areas
- Explore the possibility of a signalized intersection at Avalon Boulevard and the entry road to Avalon Manor

Stone Harbor Boulevard

- Encourage new development along Stone Harbor Boulevard
- Encourage infill development in Stone Harbor Manor
- Re-examine existing zoning for the Hotel/Motel District and encourage residential development in these areas
- Encourage the consideration of existing environmental constraints for all future land use development, including the preservation of freshwater and coastal wetland areas
- Examine the feasibility of a bikeway or walking trail along the trolley right-of-way along Stone Harbor Boulevard
- Encourage water dependent uses



Burleigh

- Provide for generous buffers between industrial, commercial and residential land uses
- Provide for light industrial development in non-sewered areas
- Maintain adequate acreage for high density residential development to provide for affordable housing within sewer service areas
- Further extend sewer infrastructure into this planning area
- Encourage the utilization of the existing rail line
- Devise ways of reducing congestion and consider the establishment of a Transportation Improvement District to fund planned road developments

Green Creek

- Preserve active farms
- Preserve wetlands and environmentally sensitive areas
- Maintain the residential character of this area
- Increase lot areas in appropriate zoning districts

Whitesboro

- Maintain the residential character of this area
- Provide for the rehabilitation of affordable housing units through the procurement of State and Federal Grants
- Evaluate State requirements for providing sewer service to this planning area in order to ensure that sewer is equitably provided and that the needs of all citizens are met
- Provide opportunities for low-intensity commercial development only in areas with adequate, existing infrastructure capable of supporting proposed development

Del Haven

- Encourage the provision of sewer service for existing homes
- Provide for limited infill development
- Preserve wetlands and environmentally-sensitive areas
- Encourage the redevelopment and rehabilitation of existing dwelling units
- Increase the lot area requirements for site within the sewer service area to 6,000 square feet

Rio Grande

- Devise ways of reducing congestion and consider the establishment of a Transportation Improvement District or other methods for transportation improvement within the entire Township
- Explore the possibility of providing alternate access to circumvent the Route 9/Route 47 intersection in order to alleviate traffic congestion and supply an alternative route from the Court House area to Rio Grande
- Encourage the provision of recreation facilities in this area
- Encourage the provision of a secondary police substation for emergency service to this planning area
- Encourage the provision of mass and public transportation
- Encourage the redevelopment of commercial areas
- Support the construction of sidewalks in highly dense residential areas



2003 LAND USE PLAN RECOMMENDATIONS

In 2003, two major land use issues in Middle Township were the development of homes on uplands adjacent to environmentally sensitive areas and development in areas without sewer service. Recommendations to alleviate these problems and the status of actions taken are noted.

Sensitive Lands

- SL District Zoning should be changed from minimum of 1 acre to 10 acres; non-conforming lots would be grandfathered. *Minimum lot size was not changed. This is now addressed in the 2010 Land Use Plan which establishes a RC Rural Conservation District with a minimum 3.5 acre lot size.*

Residential

- Rural Residential District should be changed from a minimum of 1 unit per acre to 1 unit per 3 acres. *Minimum lot size was not changed. This is now addressed in the 2010 Land Use Plan which establishes a RC Rural Conservation District with a minimum 3.5 acre lot size.*
- Rural Residential District should increase the minimum cluster lot size to 1 acre with a minimum parcel size of 20 acres. *This was addressed in Section 250-46.*
- Building setbacks from wetlands buffer should be established in the RR District. *This is addressed under NJDEP regulations.*
- Suburban Residential District lots without sewer should be increased from 35,000 s.f. to 1 acre. *Minimum lot size was not changed. This is now addressed in the 2010 Land Use Plan, which establishes a SR Suburban Residential District with a minimum 1.0 acre lot size which addresses the nitrate dilution model requirements.*
- Suburban Residential District should consider permitting multi-family residential development on large tracts. *This was not addressed and is no longer valid since SR District is now outside of a sewer area and could not support multi-family development.*
- Planned Development District parcels outside sewer areas should be rezoned. *This was not changed and is now addressed in the 2010 Land Use Plan. Higher density planned development is not to be permitted outside of the Centers.*
- In the Residential Business District home occupations should be encouraged, particularly along Route 47 and Route 9. *Home occupations are now permitted in this district.*

Business/Commercial

- The intensity of commercial development in the Community Business District should be reduced. *This is being addressed in the 2010 Land Use Plan*
- The permitted uses in the Community Business zone should be limited to smaller retail establishments. *This is being addressed in the 2010 Land Use Plan.*

Industrial

- Reducing the size of the existing Restricted Industrial District should be explored. *The Restricted Industrial District is proposed for elimination under the 2010 Land Use Plan.*



2003 HOUSING PLAN RECOMMENDATIONS

The major problems relating to housing were related to satisfying the affordable housing obligations allocated by COAH. Recommendations to address these issues and their status are:

- Prepare an Affordable Housing Plan to address COAH obligations. A Housing Element & Fair Share Plan was adopted in 2005 and amended in 2008. The Plan will need to be revised in the future to address changing COAH regulations and affordable housing sites that no longer present a realistic opportunity for affordable housing.
- Future zoning must take into account the Township's COAH obligation and methods for meeting this need will be implemented. The 2008 Housing Element & Fair Share Plan recommends certain zone changes to provide opportunities for affordable housing. These sites have yet to be rezoned.

2003 TRANSPORTATION PLAN RECOMMENDATIONS

The major problems relating to transportation included summertime congestion, overall traffic growth and how to accommodate it, and limited transit service. Recommendations to address these issues and their status are:

- Establish a new hierarchy for roadways. Road hierarchy is included in Section 218-76.
- Implement various transportation improvements (roadway widening, traffic signal upgrades, improved signing, etc.). This is on-going.
- Traffic impact studies should be required for any new development applications. A Traffic Study is required for major site plan applications.
- Area-wide transportation plans should be conducted to assess the cumulative impacts of new development in specific planning areas. Still to be addressed.
- The Township should encourage Cape May County to develop Transportation Development Districts (TDD). No action taken to implement a TDD.
- A by-pass route alignment should be identified for the western half of the Cape May Court House area. Still to be addressed.
- Improve bus and rail service by developing a public or private bus service system. Still to be addressed.
- Evaluate parking alternatives for County facilities. Still to be addressed.
- Township should design and establish a comprehensive and coordinated parking plan for the Court House area. Still to be addressed.

2003 INFRASTRUCTURE PLAN RECOMMENDATIONS

In 2003 there was a concern over the proper management of stormwater runoff as development continues in the Township. Recommendations related to infrastructure included:

- Township should pursue funding for sewer extension projects along Goshen Rd. and Shunpike Rd. and future water extensions to service designated growth areas. On-going sewer extension projects being implemented by the Township. Public water extension to service Del Haven is still an issue. New Jersey American Water Company is planning interconnection of the Neptune and Ocean City water service area to expand service.
- Township should prepare a stormwater management plan and a stormwater management ordinance. Township adopted storm water management ordinances in 2007 in accordance with the Storm Water Management Plan.



2003 COMMUNITY FACILITIES PLAN RECOMMENDATIONS

One of the major community facility problems in 2003 was the municipal parking lot in Cape May Court House. This area is a major center of activity which causes traffic congestion. Recommendations related to community facilities included:

- Township should redesign and expand the municipal parking lot and pedestrian access along Mechanic Street. Still to be addressed.
- Township should explore the possibility of requiring developers to anticipate impacts to the local school system through fiscal impact studies. A community impact statement is required for preliminary major site plans.

2003 RECREATION PLAN RECOMMENDATIONS

With regard to recreation, shortages existed for volleyball courts, baseball fields, tennis courts and a community swimming pool. Recommendations related to recreation facilities included:

- Township should explore the possibility of constructing a skate park at Clarence Davis Complex and continue to expand the complex. The skate park has been constructed.
- Township should continue their joint effort with Cape May County to further expand the existing bike path. This is an on-going effort to expand the bike path.

2003 CONSERVATION PLAN RECOMMENDATIONS

The 2003 Master Plan recommended that the Township continue to support the County, State and Federal efforts to acquire and preserve open space. The following specific recommendations were identified:

- Program of preservation by other agencies should be encouraged in order to provide for even greater areas of unfragmented, open space extending from Beaver Swamp State Wildlife Areas to the multiple drainage basins. This is an on-going effort.
- Township should continue to protect and enhance the Cape May National Wildlife Refuge by supporting the protection of natural resources and water quality of lands adjacent to this area. Township adopted a residential cluster ordinance. This is being further addressed in the 2010 Land Use Plan with limitation to development in the areas outside of the Centers i.e. the Environs and proposed tools such as planned residential open space cluster and noncontiguous parcel density cluster.
- Township should consider local water quality issues when planning for future development. This is being addressed in the 2010 Land Use Plan as part of the buildout assessment.

2003 ECONOMIC DEVELOPMENT PLAN RECOMMENDATIONS

Recommendations for economic development include ways to enhance the Township's economic climate:

- Township should continue to support provision and maintenance of adequate infrastructure to support commercial development and to assist in redevelopment of existing properties. This is an on-going effort.



- Township will promote the expansion of the regional public transportation network with New Jersey Transit to facilitate employer and employee connections. *This is an on-going effort.*
- Township should continue to work with schools and business community to enhance skills and training bases. *Atlantic Cape Community College has opened a new campus in Cape May Court House with programs that support this objective.*

2003 HISTORIC PRESERVATION PLAN RECOMMENDATIONS

Recommendations on historic preservation included:

- A Township Historic Commission should be appointed. *This is still needed.*
- A Township-based inventory of historic sites and structures should be prepared. *This is still needed. The Natural Resources Inventory provides some documentation on historic sites but a more detailed inventory is needed.*

2003 RECYCLING PLAN RECOMMENDATIONS

Concerns relating to energy use and landfill space spurred the following recommendations:

- Township should continue to evaluate market conditions to assure the greatest monetary return for recycled materials.
- Township should try to utilize recycled material when possible.
- Township should continue to monitor and enforce the regulatory aspects of the recycling ordinances. *The Township's recycling program is handled through Public Works.*
- Township Ordinance requiring approval of subdivisions and site plans should include provisions that insure conformity with them municipal recycling ordinance and should include requirements for recycling of designated recyclable materials. *Site Plans require showing methods of solid waste disposal.*

2003 FARMLAND AND PRESERVATION PLAN RECOMMENDATIONS

Preservation was and continues to be very important to the Township; one recommendation was listed in the 2003 Master Plan:

- Township should continue to support the County's efforts to acquire and preserve existing farmland. *There are currently 32 preserved farms totaling approximately 1,765 acres in Middle Township.*



SIGNIFICANT CHANGES IN THE ASSUMPTIONS, POLICIES AND OBJECTIVES

As required under the MLUL, a reexamination report must discuss 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.

STATE DEVELOPMENT AND REDEVELOPMENT PLAN

The New Jersey State Planning Commission adopted the *2001 New Jersey State Development and Redevelopment Plan* ("SDRP"), which established eight policy planning goals to guide development activity in the State. A number of these goals are particularly relevant to the physical conditions of Middle Township and the Township's focus on its Centers and protection of the Environs through 'smart growth' planning tools.

The SDRP established planning areas throughout the State that share common development and environmental characteristics. These planning areas serve as the framework for application of the policies of the State Plan. Each planning area has policy objectives that guide growth. Like most of Cape May County, a large portion of Middle Township is designated as PA5 due to coastal or tidal wetlands, Wildlife Management Areas, and other state or federal lands. The bulk of the Township development areas, which are located along the US Route 9 Corridor, are designated as PA3. PA4 designations are located along State Route 47 and other connecting county roads.

The SDRP guides development and economic expansion in each of the planning areas and encourages compact forms of development that consume less land, deplete fewer natural resources and are more efficient in the delivery of public services. These areas are known as Centers and are categorized as Regional Centers, Towns, Villages and Hamlets. The New Jersey Office of Smart Growth (NJOSG) classifies each of these Centers as Designated, Proposed or Identified in the 2001 SDRP. Six Centers were identified in Middle Township in the 2001 SDRP: Cape May Court House Regional Center, Rio Grande Regional Center, Whitesboro-Burleigh Village, Del Haven-Green Creek Village, Goshen Village and Swainton Hamlet. These areas represent the greatest concentration of development within the Township. Only through the Plan Endorsement Process are Designated Centers formally adopted and officially recognized by the NJOSG. The SDRP is currently undergoing the Cross Acceptance Process, which began in 2004 and will ultimately update the SDRP and the Policy Map.

The SDRP is discussed in greater detail in the *2010 Land Use Plan*. The Land Use Plan is consistent with the policies of the SDRP by planning for future development with the Centers and continues to restrict development outside of the Centers to low density suburban residential development, low density business use and rural conservation.

Changes are recommended to the *State Development and Redevelopment Plan - Policy Map* to be consistent with the proposed implementation of the *2010 Land Use Plan*. These changes will be made as part of the Plan Endorsement Petition update. They include designation of the proposed Centers. The PA-3 Fringe Area should be expanded or refined to include the Regional Centers and the surrounding Suburban Residential and Residential Business areas along the US Route 9 corridor. Planning Area boundaries should be aligned to the parcel boundaries, where appropriate. PA-8 Parks and Natural Areas should be updated to include all public lands.



THE STATE PLAN ENDORSEMENT PROCESS

In 2004, the New Jersey Office of Smart Growth (NJOSG) established an alternative process for reviewing and adopting Centers through a review of not only the development Centers, but also through review of the entire municipality. This is called the "Plan Endorsement Process". In 2004, Middle Township was awarded a grant, together with Dennis and Upper Townships, to undertake the *US Route 9 Corridor Smart Growth Study*. This study culminated in Middle Township submitting a Petition for Plan Endorsement to the NJOSG in February 2006. This Petition was reviewed by the State Planning Commission, which determined that the Petition was not consistent with the State Plan. A Memorandum of Understanding (MOU) was adopted between the Township and the State Planning Commission on December 20, 2006, which established an Action Plan of planning activities required to complete their petition and to obtain Plan Endorsement. Through Plan Endorsement, boundaries may be established as Designated Centers where future development and redevelopment activities could take place. These boundaries would represent the areas most compatible for growth, with minimal environmental constraints and existing public services. As identified in the Township's Action Plan with the State Planning Commission, the Township Plan Endorsement Petition will be updated to provide for refined Centers and changes within the Planning Areas. This Action Plan required a number of planning activities including adoption of a Natural Resources Inventory, an updated Land Use Plan, and a Housing Element and Fair Share Plan, among other items. The Township adopted an updated *Housing Element and Fair Share Plan* in December 2008. A *Natural Resource Inventory* was prepared in November 2007, revised in May 2010, and will be adopted concurrently with the *2010 Land Use Plan Update*. Upon adoption of the *2010 Master Plan – Land Use Plan, Reexamination Report* and *Natural Resources Inventory*, the Township will need to adopt the zoning amendments to implement the Land Use Plan and Reexamination Report recommendations.

NEW JERSEY COASTAL AREA FACILITIES REVIEW ACT (CAFRA)

Middle Township is almost completely encompassed within the NJDEP Coastal Zone, subject to CAFRA (N.J.S.A. 13:19), with the exception of approximately 240 acres of land adjacent to the Cape May Airport and Industrial Park at the southerly border of the Township, to the south of State Route 47 and west of US Route 9. CAFRA administers restrictions on the intensity of development in each of the various Planning Areas. Consistent with the State Plan, CAFRA regulations encourage growth within Centers and minimize development potential outside these Centers by imposing more stringent regulations.

As of February 2006, the CAFRA Centers were to be eliminated and incorporated into the NJOSG Centers via the Plan Endorsement process. In 2006, municipalities who were in the NJOSG Plan Endorsement Petition process were given an additional year until March 2007 to complete the Plan Endorsement Petition process, which has been extended. In 2008, the NJ Permit Extension Act (P.L. 2008, c.78) temporarily extended the Coastal Centers designation for those municipalities that were in the NJOSG Plan Endorsement Process. These Coastal Centers are now extended until the end of 2010. However, these Centers will be replaced by the proposed Centers through the Plan Endorsement process. After completion of the Action Plan and approval of Middle Township's Petition, the NJDEP will review the Centers within the Coastal Zone for consistency with the NJDEP CAFRA guidelines. With its approval, the Centers will then be officially designated.

The *2010 Land Use Plan* was prepared to respond to NJOSG and NJDEP requirements to achieve Plan Endorsement. Once the Township has adopted the Land Use Plan, any zoning amendments required to implement the plan recommendations within the Township must be adopted prior to NJDEP acting on and approving the Township's Centers.



STATE STORM WATER MANAGEMENT REGULATION

In 2004, the NJDEP adopted new stormwater management regulations which required plans be prepared by all New Jersey municipalities. A Storm Water Management Plan was adopted by the Planning Board as an element of the Township's Master Plan. Subsequently, the Township adopted the related regulating ordinances (Ordinance 1247) in February 2007.

AFFORDABLE HOUSING REGULATIONS

COAH's Third Round Substantive Rules (N.J.A.C. 5:97) were adopted in October of 2008, which require that a municipality's fair share consist of three elements, the third of which was added in 2004 and amended in 2008:

1. The remaining obligation from prior rounds that was not constructed or provided for;
2. Rehabilitation share;
3. Growth share
 - a. For every five market residential units that receive a certificate of occupancy one new affordable housing unit must be created.
 - b. For every sixteen jobs created upon receipt of COs as a result of non-residential new construction or expansion of existing residences, one unit affordable to households of low or moderate income must be created using COAH formulae relating built space to number of employees

Middle Township had a Housing Plan Element as part of their *2003 Master Plan*. In December 2005, the Township adopted and submitted to COAH a Housing Element & Fair Share Plan (HE&FSP), which addressed the then current regulations at that time (N.J.A.C. 5:93). In December 2008, the Township adopted a revised HE&FSP, which addressed the present COAH regulations (N.J.A.C. 5:97). The COAH regulations are in litigation and it is likely that they will change again and the HE&FSP will need to be amended. The 2008 HE&FSP is currently under review by COAH.

As a part of the Township's MOU with the NJSPC, preparation of a Housing Element & Fair Share Plan was required and has been accomplished twice over. The HE&FSP will need to be revised again in the future to address changing COAH regulations and affordable housing sites that no longer present a realistic opportunity for affordable housing.

2010 LAND USE PLAN

The Future Land Use Plan refines the Township expectations for future development patterns, population density and environmental protection. It incorporates the Township's planning goals and objectives as part of the land use recommendations which will form the foundation for the Township's development patterns in the future. The *2010 Land Use Plan* has been written to address the Middle Centers including updating the land use requirements to better direct growth into the Centers. Also this plan encourages development that will create walkable and diverse community Centers with mixed uses and multimodal transportation facilities (motor vehicles, bicycles and pedestrian connections) to create attractive places to live and work. Seven Township Centers are proposed as part of the Future Land Use Plan:

- Cape May Court House Regional Center
- Rio Grande Whitesboro Burleigh Regional Center
- Swainton Village Center
- Del Haven Village Center
- Green Creek Village Center



- Hildreth Village
- Goshen Hamlet

The 2010 Land Use Plan also addressed the need to better protect the Township areas outside of the Centers in the Environs to provide natural buffers or green areas around the Centers and to reduce development within the Environs through various regulatory and zoning provisions including through updated environmental assessment regulations which were a requirement of the Action Plan with the SPC. Noncontiguous parcel density cluster is recommended as well as updated open space residential cluster ordinances to offer the tools needed to protect these sensitive areas.

CHANGES RECOMMENDED FOR NEW MASTER PLAN OR DEVELOPMENT REGULATIONS

A reexamination report must address any specific changes recommended for the master plan or development regulations, if any, or whether a new plan or regulations should be prepared.

The 2003 Master Plan has been updated through the 2010 Land Use Plan, which is under review concurrently with this Reexamination Report. The 2010 Land Use Plan includes significant recommendation in terms of the planning goals and objectives and zoning changes to implement the Land Use Plan recommendations. These are summarized below and the 2010 Land Use Plan is incorporated in its entirety by this reference. In addition to the 2010 Land Use Plan Recommended Zoning Changes, other changes recommended by other Master Plan Elements are included.

Recommended Changes

- Create Regional Centers with the following zone districts:
 - R Residential District
 - TR Town Residential District
 - TB Town Business District
 - TP Town Professional District
 - TC Town Center District
- Create Village and Hamlet Centers with the following zone districts:
 - VR Village Residential District
 - VC Village Commercial District
 - HV Hildreth Village District
- Create the RC Rural Conservation District in the Environs
- Create the B Business District from the CB Community Business District outside of the Centers
- Amend the SR Suburban Residential District boundaries and standards
- Amend the RB Residential Business District boundaries and standards
- Amend the CR Coastal Residential District boundaries and standards
- Amend the CD Coastal Development District boundaries and standards
- Eliminate the following zone districts:
 - RI Restricted Industrial District
 - RGB Regional General Business District
 - SL Sensitive Lands District
 - RR Rural Residential District
 - RD Rural Development District
 - PD Planned Development District



- AR Amusement And Entertainment District
- HMM Hotel/Motel/Marina District
- Amend ordinance to permit planned residential open space cluster under planned development.
- Amend ordinances to permit noncontiguous parcel density cluster under planned development.
- Create Cape May Bays and Tributaries East Overlay Zone.
- Create Cape May Court House Overlay Zone.
- Create Cape May Goshen Overlay Zone.
- Adopt an Environmental Assessment checklist and related ordinance should be adopted to address the Township's goal to "preserve the unique natural resources and habitat that are an integral aspect of the Township's quality of life".
- Adopt zoning to provide for affordable housing, as follows:
 - Diocese of Camden, 100% affordable age-restricted development
 - Tower/Carpino (Indian Trail), inclusionary development
 - Affordable apartments in commercial zones above commercial uses
- Amend home occupation standards
- Consider adopting solar and wind energy standards

RECOMMENDATIONS CONCERNING REDEVELOPMENT PLANS

A reexamination report must include any recommendations of the planning board concerning the incorporation of adopted redevelopment plans 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.

There is no redevelopment site planned at this time.

