



January 6, 2011

Karl Hartkopf, Director  
Office of Smart Growth  
Department of State  
225 West State Street  
PO Box 204  
Trenton, NJ 08625-0204

**RE: Comments of the South Jersey Bayshore Coalition  
Middle Township Master Plan materials for Plan Endorsement**

Dear Mr. Hartkopf:

Please accept these comments by the undersigned groups of the South Jersey Bayshore Coalition (SJBC) on Middle Township's efforts to obtain State Plan Endorsement through required updates to the town Master Plan and Land Use Plan. SJBC comprises 21 nonprofit organizations working together to preserve the environmental and cultural heritage unique to the South Jersey Bayshore region. We are writing to address significant inconsistencies between the Township's Plan Endorsement and Master Plan objectives. If not adequately corrected, these disparities could adversely impact Middle Township's long-term environmental and economic sustainability. We would like to work with the Township and OSB to address our concerns.

Of particular concern is the overall amount of growth and development called for in the proposed plan, which would result in 5,054 new houses, and over 2 million square feet of office and commercial space. The town's zoning plans call for the development of over 1,004 acres of vacant land and/or farmland within seven growth centers, and 958 acres in the environs, leaving only approximately 1,538 unconstrained acres undeveloped. Taken together, the new zoning potentially increases the town's population from 16,405 residents today to 28,029 at build-out — that is 11,624 more residents - a 70 percent increase in population. This increase does not include the 96,440 additional new summer residents projected to be visiting the county by 2025.

The benefits of high density center designation are supposed to be balanced with measures that adequately avoid sprawling and unsustainable development patterns, and at the same time conserve rural environs. We don't see how Middle can claim this has been achieved when the town's build-out calls for developing nearly as much land in the environs (958 acres) as it does in the growth centers (1,004 acres). The state agencies must ensure that the township implements sustainable land use patterns and densities that protect Middle's water resources and critical habitat in a manner that reflects the actual carrying capacity of the aquifers and natural systems they sustain. The more intensive land uses and impervious cover called for in the centers must be offset with additional conservation measures for water re-use, recharge, and reduced demand in tandem with significant reductions to density and habitat fragmentation in the environs.

The current Master Plan as proposed, fails to adequately strike this balance, and we therefore strongly oppose Middle's petition for plan endorsement until additional measures are taken to address these concerns.

Additionally, in three instances the proposed plan would extend the proposed centers into Cape May National Wildlife Refuge acquisition boundaries and to existing refuge lands. These environmentally sensitive areas were long-ago approved for inclusion within the refuge. Zoning in these areas would allow up to six units per acre and also “grandfather” lots as small as 12,000 square feet. We do not believe this is an appropriate level of density for the refuge acquisition lands and urge the Township Committee to instead place these areas within the more protective zoning of the Rural Conservation Zone (3.5 acres per unit).

According to the Land Use Plan, “the intent of the Rural Conservation area is to permit single-family residential development and related agricultural and recreational uses at a density that will ensure that the water quality of the three HUC11 Watersheds within the Township will not be substantially degraded by potential future development.” (pg 54, Draft Land Use Plan)

It also states that “the majority of publicly owned lands in the Township are located in the Rural Conservation area...environmentally sensitive lands continue to be acquired by federal, state, county, not-for-profit interest groups in an effort to preserve the critical wildlife habitat and rich natural resources they contain.” (pg 54, Draft Land Use Plan)

We believe this description for the Rural Conservation Zone best characterizes the refuge acquisition boundaries. However, despite the Middle Township Zoning Board’s denial of the Conifer Project on Railroad Ave in Cape May Court House, as well as the site’s inclusion in the congressionally approved refuge acquisition boundaries, the site remains within the proposed CMCH Center boundaries. The site is surrounded by the federal refuge on three sides in an area with documented vernal pools and state-endangered Eastern Tiger Salamanders and other listed amphibian species which spend part of their life cycles in upland habitat. Also, the surrounding habitat was given the second-highest conservation ranking (Category 4) under the *NJDEP Landscape Project*.

In addition to the Conifer site, the two other instances where the town proposes to extend the centers into the federal land acquisition boundaries include:

- 1) the triangular area between Goshen Rd. and Johnson Ave in CMCH; and
- 2) Secluded Acres, which is the area adjacent to Secluded Lane and Route 47 in Rio Grande

The 2003 Master Plan recommended that the “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.”

We do not see how the town’s selection of the Conifer site to meet its Affordable Housing obligations implements these objectives and we strongly believe that all lands within the US Fish and Wildlife Service land acquisition boundaries should not be included in centers and instead be placed in the Rural Conservation Zone.

Middle Township officials and this plan (and by extension, the state agencies involved in the negotiations surrounding the proposal) have failed to seriously consider the implications and impacts that such growth and habitat fragmentation will have on the community character, traffic, water quality, and natural resources of international importance. Indeed, the findings of the recently released report by NJDEP: *Future Water-Supply Scenarios, Cape May County, New Jersey, 2003-2050* confirms that existing development within the county has already far exceeded the carrying-capacity of the land base with severe and intensifying impacts to freshwater resources – from salt water intrusion to reduced and degraded ecological base-flow to streams and wetlands.

Based on the zoning that is being proposed in the environs, and without undertaking the State Plan-required measures, we are concerned that Middle Township will not be able to achieve meaningful preservation with balanced growth. Middle’s land use strategy falls short of accomplishing this, and will result in densely developed cores surrounded by residential sprawl. This is clearly not what was

envisioned in the center designation process, and is in fact contrary to and inconsistent with the State Plan.

We would like to help the Township meet the goals of protecting its remaining critical upland forest habitat and productive farmland by reducing the proposed zoning densities in the environs beyond those currently proposed.

Thank you for this opportunity to provide comment on this important Plan Endorsement petition. As you are aware, the natural resources – notably water resources – of the Cape May Peninsula are highly vulnerable and severely stressed. It is especially critical that communities like Middle Township use Plan Endorsement to protect these natural resources, and we have specific ideas about how that can be achieved. The South Jersey Bayshore Coalition stands ready to assist the Office of Smart Growth and Middle Township in planning for sustainable economic growth through this process. If we can assist, please do not hesitate to contact Sandy Batty, Executive Director of the Association of New Jersey Environmental Commissions at 973-539-7547.

Sincerely,

Sandy Batty  
Association of New Jersey Environmental Commissions

Matt Blake, Manager  
American Littoral Society

Margaret O’Gorman, Director  
Conserve Wildlife Foundation

Fred Akers, River Administrator  
Great Egg Harbor Scenic and Recreational River Council

Eric Stiles, Vice President for Conservation and Stewardship  
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Susan De Lanzo, Mayor