



## State of New Jersey

DEPARTMENT OF STATE  
NEW JERSEY STATE PLANNING COMMISSION  
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CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Lieutenant Governor*

GERRY SCHARFENBERGER, PH.D.  
*Director*

Resolution No. 2015-06  
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Date: December 2, 2015

### RESOLUTION

#### APPROVING THE PETITION TO AMEND THE PLANNING IMPLEMENTATION AGREEMENT AND CENTER BOUNDARY SUBMITTED BY THE TOWNSHIP OF MIDDLE TOWNSHIP

**WHEREAS**, the State Planning Commission (Commission), pursuant to its responsibilities under the State Planning Act, N.J.S.A. 52:18A-196 *et seq.*, has prepared and adopted a State Development and Redevelopment Plan (State Plan); and

**WHEREAS**, pursuant to its authority under N.J.S.A. 52:18A-203, the Commission has adopted State Planning Rules, set forth in N.J.A.C. 5:85-7.1 *et seq.*, that establish procedures for filing Petitions for Plan Endorsement with the Commission for the purpose of encouraging consistency of submitted plans with the goals and policies of the State Plan in order to foster sound and comprehensive planning and cooperation and coordination of planning activities between State agencies and county and local governments; and

**WHEREAS**, the Township of Middle submitted a Petition for Initial Plan Endorsement to the Commission pursuant to the provisions of the State Planning Rules at N.J.A.C. 5:85-7.1 *et seq.*, seeking approval of its Petition and endorsement of its plan; and

**WHEREAS**, on September 28, 2011, the Commission approved the Township of Middle's Plan Endorsement and designated Center Boundaries for two Regional Centers, Cape May Court House and Rio Grande-Whitesboro Burleigh; four Villages, Del Haven, Green Creek, Swainton, Hildreth; and one Hamlet, Goshen in Resolution No. 2011-05; and

**WHEREAS**, the endorsement of the Township of Middle has been contingent upon adoption and implementation of an agreed upon Planning Implementation Agreement (PIA), which was developed in conjunction with the petitioner, Staff of the Office of Smart Growth (predecessor to the Office for Planning Advocacy) and relevant State agencies; and

**WHEREAS**, the Township of Middle has continued to fulfill its obligations to implement the agreed upon PIA; and

**WHEREAS**, pursuant to N.J.A.C. 5:85-7.24, the Commission is authorized to consider petitions to amend PIAs and Center Boundaries from petitioners in the biennial report; and

**WHEREAS**, on May 14, 2014, pursuant to N.J.A.C. 5:85-7.24, the Township of Middle submitted a biennial report to the Commission as required, including a petition to amend the PIA, which is incorporated by reference hereto as **EXHIBIT A Township of Middle Biennial Report & Petition for Centers Boundary Amendment**, (full copies of the exhibits to the Biennial Report are available on the Office for Planning Advocacy's website); and

**WHEREAS**, also on May 14, 2014, pursuant to N.J.A.C. 5:85-7.24(b) the Township of Middle has submitted a statement and report regarding its petition to amend its Center Boundaries as shown in **EXHIBIT A Township of Middle Biennial Report**; and

**WHEREAS**, pursuant to N.J.A.C. 5:85-7.24(g), State agencies have had more than the allotted time to review pertinent documents; and

**WHEREAS**, comments were received from the New Jersey Department of Transportation (NJDOT) and those comments were used to update the PIA where appropriate; and

**WHEREAS**, on April 7, 2014, the governing body of the Township of Middle held a public meeting at which it approved the petition to amend the PIA and Center Boundaries; and

**WHEREAS**, on December 2, 2015, pursuant to N.J.A.C. 5:85-7.24(j), the Executive Director presented a report containing findings and conclusions concerning the consistency of the subject of the petition to amend with the State Plan and recommending that the petition to amend the PIA and Center Boundaries be approved by the Commission, which is incorporated by reference hereto as shown in **EXHIBIT B Commission Middle Township, Cape May Biennial Monitoring Report Memorandum**; and

**WHEREAS**, the Executive Director recommends that portions of Block 321.01, Lots 2 & 3 and Block 132.01, Lot 28 be added to the Cape May Courthouse Center as shown in **EXHIBIT B Commission Middle Township, Cape May Biennial Monitoring Report Memorandum, Appendix C Kindle Property and Appendix D Burke Property** with modifications as recommended by the Planning Implementation Committee (PIC); and

**WHEREAS**, on December 2, 2015, pursuant to N.J.A.C. 5:85-7.24(l), the Commission held a hearing to consider the petition to amend and affirmed the report made by the Executive Director finding that the petition to amend is consistent with the State Plan.

**NOW THEREFORE BE IT RESOLVED**, that the petition to amend the PIA and Center Boundaries is hereby approved contingent upon receipt of a certified resolution from the governing body approving the petition to amend and a copy of the meeting minutes at which the resolution was considered with a summary of public comments made at the meeting and copies of any written comments submitted to the governing body regarding the petition to amend; and

**BE IT FURTHER RESOLVED**, these boundaries and the land therein may be subject to local regulations; infrastructure negotiations; and regulations promulgated by the New Jersey Department of Environmental Protection, the NJDOT and other State agencies; and in the case of the Kindle property, other measures required by the settlement agreement dated April 16,

2003 (Exhibit BB to the Township of Middle Biennial Report, available on the Office for Planning Advocacy's website);

**BE IT FURTHER RESOLVED**, that the Chairman of the Commission and the Executive Director of the Office for Planning Advocacy are hereby authorized to execute such documents and to take such other actions as may be necessary or appropriate to amend the PIA and Center Boundaries and implement this Resolution.