

BOROUGH OF CAPE MAY POINT

Planning Board

Meeting Minutes

Wednesday, October 16, 2019 at 7:00 pm

Cape May Point Fire Hall

Pledge of Allegiance

Opening

In compliance with the Open Public Meetings Act, adequate notice of this session has been provided by official announcement in the Star and Wave Newspaper and posting of the scheduled meeting dates on the official Municipal Bulletin Board, 215 Lighthouse Avenue, Borough of Cape May Point, New Jersey.

Roll Call

Present: Mayor Moffatt, Mrs. Busch, Mrs. Leming, Mr. Yunghans, Mr. Keosky, Mr. Hood, Comm. vanHeeswyk, Mr. Casey, Mr. Murphy

Absent: Mr. Greenberg, Mr. Fraatz

Also Present: Rhiannon Worthington, Secretary; Mr. Nathan Van Embden, Esq., Attorney

Minutes

The minutes from the September 18, 2019 meeting were reviewed and approved on a motion by Mayor Moffatt and second by Comm. vanHeeswyk. All present voted aye except for Comm. vanHeeswyk, Mr. Hood, Mr. Casey, Mr. Keosky and Mr. Murphy who abstained.

Business

1. Historic Preservation Subcommittee Update

a. Mr. Yunghans advised the board and public that Mr. Kinney was unavailable to attend the scheduled October or November meetings, and therefore is currently scheduled to provide public presentation regarding historic preservation within the state of New Jersey at the December 17th meeting.

i. Several board members expressed concern about scheduling a presentation intended to inform both the public and Board about historic preservation at a meeting that had historically low attendance by both.

i. There was discussion of different meeting dates that would increase likelihood of public attendance, including a special session on a Saturday. It was decided that a Saturday on holiday weekend in January or February would be ideal for public attendance.

ii. Mr. Yunghans said he would reschedule with the state depending on date(s) provided to him by the Board. He noted that the state employees were generally 9-5, Monday thru Friday and Saturday may not be an option.

iii. Mrs. Busch asked about the intent of the presentation, as to whether it was to educate the public or the board members. It was confirmed that the intent was to educate the board members, although a public hearing would be held if the Board decided to move ahead with recommendations to the Borough.

iv. Mr. Hood noted that based on his interactions with the State, he feels that requesting a second presentation for members of the public at a later date would not be an issue,

however it is important for the Board members to get this information as soon as possible to assist the Board in decision making regarding historic preservation.

- v. Per board agreement, Mr. Yunghans is to return to the state and request presentation rescheduled for Saturday, February 15, 2020 at 10 am. If this is not agreeable to the state, Mr. Yunghans will obtain the availability of the state representative for consideration by the Board at an upcoming meeting.
- ii. Mr. Van Embden reminded Mr. Yunghans that this is a political decision, not a legal one, and that the decision needed to be made if a grace period was something the town wanted at all. Mr. Van Embden provided additional information regarding MLUL and preservation of public areas, referenced in the presentation, and how this may apply to preservation of private areas.
- iii. Mr. Casey requested that any requests for action made to the commissioners be brought through the Board, not direct from the subcommittee. Mr. Yunghans clarified his intent.
- iv. Mr. Yunghans informed the Board that he was provided copy of historic preservation ordinance from a town called Millburn, in North Jersey, that was described as “similar to ours.” He said that if the Borough decided to proceed with historic preservation, there was a lot of applicable work already done in this ordinance.
- v. Mr. Yunghans informed the Board that in a town the size of Cape May Point, the Borough could put the responsibility of Historic Preservation on the Planning Board, instead of a separate commission.
- vi. Mr. Casey asked about possibility to live stream or record the presentation for sharing with the public. It was acknowledged that the Borough currently does not have the capability to live stream meetings; however, recording and posting a meeting could be possible.
 - i. Board was referred to contact Mr. Shustack of City of Cape May regarding their technology for live stream meetings.
 - ii. Mr. Casey made a motion requesting the subcommittee use the extended time until the presentation to investigate and confirm how the presentation could be recorded and posted to the Borough website for viewing by members of the public who are unable to attend. Mr. Murphy second. All present voted aye.
- vii. Mr. Yunghans agreed to request a synopsis of the presentation for public distribution as well as copy of the presentation for Board member review.
 - i. Mr. Yunghans informed the Board that the meeting with Mr. Kinney had occurred on September 27, 2019 as scheduled. In response to questions from board members and the public about how to address a demolition grace period, Mr. Yunghans distributed a part of a presentation viewed at the state offices to all board members.

2. Lighting Discussion

- a. Mrs. Worthington summarized that, pursuant to the Board’s request at the last meeting, information had been obtained from Mr. Graham regarding other adopted ordinances and example ordinances to address exterior lighting throughout the state. She stated that the distributed information included both actual and model ordinances as well as referral to other resources such as the Dark Sky Initiative discussed previously. Mrs. Worthington noted that she that she had followed up with City of Cape May Construction Office for ordinance information on residential lighting and they responded that they did not have one.
- b. Several board members stated that the documents seemed to address mostly commercial concerns, and not the residential concerns that were being expressed within the borough. Board members specified the concern is lighting trespass, primarily from exterior flood lights which are unshielded.
- c. Mrs. Busch identified some definitions and ordinance specifics which seemed applicable to Cape May Point and should be included in any recommendations made to the Borough. Mr. Van Embden noted that improvements and new construction should be considered to address existing issues.
- d. Mr. VanEmbden informed the board that he had followed up with Mr. Marcolongo for background information about the last time the board had discussed this topic, and Mr. Marcolongo believed the

Board had drafted an ordinance at that time. He will provide copy of the draft ordinance to Mrs. Worthington for distribution to the Board.

- e. Mr. VanEmbden verbally summarized the Board's objective: A modest exterior lighting ordinance recommendation to address residential lighting to promote downward and boundary observing planning, inclusive of new and modified, existing lighting with rebulbing considered modification.
- f. Mr. Yunghans suggested that the Board review the website for Volt Lighting for an example spec for the type of light fixtures they were referencing. It was noted that an ordinance could not specify or mandate use of a specific manufacturer but could detail material specifications that would be required of light fixtures.

Public Comment

1. Public comment was opened at 7:56 pm on a motion by Comm. vanHeeswyk and second by Mayor Moffatt.
2. Constance Campanella – 503 Lighthouse Avenue CMP
 - a. Mrs. Campanella asked if the previously suggested survey was still pending.
 - i. Mr. Yunghans responded it was not and the subcommittee was working off the existing historic surveys obtained by the Borough.
 - ii. It was clarified that this was not the survey in reference, which was the public survey suggested at a previous meeting. Mr. Yunghans confirmed it had not yet been determined if that public survey would be completed, however, it would not be done prior to the state presentation.
3. Public comment was closed at 7:58 pm on a motion by Mayor Moffatt and second by Comm. vanHeeswyk.

Board Information

1. Mrs. Worthington informed the board members of an upcoming Complete Streets Workshop being held in Ocean City. Information will be distributed via email after the meeting if anyone is interested in attending.
2. Comm. vanHeeswyk reminded board members about NJSLOM coming up in November. Mrs. Worthington noted that pre-registration had closed and if board members were interested in attending they would need to register and pay at the conference.

Adjournment

The meeting adjourned at 7:59 pm on the motion by Comm. vanHeeswyk. All present voted aye.

Respectfully Submitted by:

Rhiannon Worthington

Board Secretary

Approved by Board 11/20/2019