

# **BOROUGH OF CAPE MAY POINT**

## **Planning Board**

### **Meeting Minutes**

**Wednesday, June 17, 2020 at 7:00 pm**

**Cape May Point Municipal Offices - ZOOM**

#### **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: Mr. Greenberg, Comm. vanHeeswyk, Mayor Moffatt, Mr. Casey, Mr. Keosky, Mrs. Busch, Mr. Yunghans, Mr. Murphy, Mrs. Leming, Ms. Kelly, Mr. Sowers

Absent: Mr. Hood

Also Present: Rhiannon Worthington, Secretary; Mr. Nathan Van Embden, Esq., Attorney; Mr. Michael Sullivan, ASLA, AICP, Planner

#### **Minutes**

The minutes from the May 20, 2020 meeting were reviewed. Mr. Casey requested modification of item 1.a. which he felt did not accurately represent the statement he made. Mrs. Worthington advised she would review the recording and revise and provide update to him for review. Once revision is finalized, it will be distributed to all Board members for reference in addition to usual posting on website.

The minutes were approved pending the correction on a motion by Mr. Greenberg and second by Mr. Casey. All present voted aye.

#### **Business**

1. Mr. Keosky arrived at the meeting at 7:07 pm.
2. Resolution SR PB2020-06: Municipal Public Access Plan Recommendation
  - a. Mr. Sullivan summarized what the Municipal Public Access Plan is, it's current status, and what action was being requested of the Board. The end result is that there would be an amendment to the Master Plan to create a Public Access Element. This has become necessary in order for towns to obtain permits for beach maintenance and replenishment. The Borough Engineer is eager to receive this plan so pending permits can be requested and issued for beach projects.
  - b. Comm. vanHeeswyk added that many of the revisions required since this process started in 2013 were due to administrative changes in Trenton and template revisions.
  - c. Mr. Casey expressed concern regarding inconsistencies with the zoning map in the plan and that in the municipal code. Mrs. Kelly stated some technical questions which were explained to be due to this process being completed slightly out of order at the moment. There was also discussion regarding the referenced "public restrooms" as prompted by Mrs. Kelly.

- d. To most efficiently address these questions, it was requested that all questions be provided to Mrs. Worthington in writing as soon as possible so they could then be provided to Mr. Sullivan for review.
  - e. Mr. Van Embden advised the Board that this was between first and second hearings by the Commissioners so board members should address any significant concerns during this meeting and in writing to Mr. Sullivan so that they can be addressed as appropriate in any upcoming revisions before adoption. He noted that a resolution had been prepared in the event the Board chose to take action at this meeting regarding the item.
    - i. Comm. vanHeeswyk clarified that this was not an ordinance, so there would be no second reading, and was memorialized at the last Commissioners meeting on May 14, 2020.
    - ii. Mr. Van Embden felt the resolution language was still consistent.
  - f. There was discussion as to whether or not questions should be addressed specifically during the meeting to ensure that they were captured properly in the resolution. Comm. vanHeeswyk indicated she was fairly confident the document would be returned for further revision, which would allow the Planning Board to revisit to ensure their concerns are addressed.
  - g. Comm. vanHeeswyk also noted that this document was necessary for the beach maintenance permit being submitted in July. Mr. Casey asked about repercussions of not having this document available to include with the submission. She indicated the Borough may not receive the permit. She said this had not been a requirement previously.
  - h. There was further discussion about the Board's purpose of approval, which Mr. Sullivan confirmed is not confirm consistency with the Master Plan, but to add a new Element to the Master Plan.
  - i. Mr. Van Embden noted that as with any component of the Master Plan, the Planning Board could revisit it and recommend revisions to the Commissioners. Mr. Casey asked and Mr. Sullivan confirmed that any changes to this particular element, even superficial regarding format or grammar, would have to be resubmitted to NJDEP for approval but would likely be considered perfunctory.
  - j. Motion was made by Comm. vanHeeswyk for the Board to adopt the Municipal Public Access Plan as Element 17 of the Master Plan in accordance with the preliminary resolution already provided; motion was second by Mr. Keosky.
    - i. Mr. Casey asked if the process of addressing the comments being provided to Mr. Sullivan could be formalized. Mr. Sullivan advised he would review all questions and where appropriate, modify the plan in address inquiries. Mrs. Worthington requested response be provided by Mr. Sullivan to each question indicating why it was or was not applicable to the plan so it could be provided to the Board members as well.
    - ii. Mr. Sullivan exited the meeting.
  - k. Mr. Van Embden suggested a modification to the previous motion, indicating that this resolution would be adopted subject to an addendum in conformance with all comments made at this meeting. Comm. vanHeeswyk reaffirmed her motion, Mr. Keosky second. All present voted aye.
3. Resolution SR PB2020-05: Historic Preservation Recommendation
- a. Motion made by Mr. Casey and second by Mr. Greenberg. All present voted aye except for Mr. Keosky who abstained.
4. Discussion of Planning Board Capital Improvement Planning Duties
- a. Mrs. Worthington reminded the Board that at the previous meeting, Mr. Casey had expressed concern about the duties of the Board associated with Capital Improvement Planning not being addressed. For this meeting, Mr. Casey provided a summary of the Board's responsibilities regarding Capital Improvement Planning per MLUL and Borough Code for review by the other members of the Board.
  - b. Mr. Van Embden advised the Board that he had received feedback from the Municipal Clerk indicating that there an item to be added to an upcoming agenda for a Commissioners' meeting to review modification of the ordinance to remove the authorization created in the Borough code.

- c. Mr. Casey asked Mayor Moffatt and Comm. vanHeeswyk if this was correct, and Comm. vanHeeswyk advised that he should check with the Municipal Clerk regarding agenda items.
- d. Mr. Van Embden agreed it was not a necessary task of the Planning Board in a municipality of this size.
- e. Comm. vanHeeswyk suggested the process was transparent as the Planning Board would review the Capital Improvement budget annually and provide comment as appropriate. It was suggested that this text was carried over when the zoning code was generated.
- f. Mr. Casey agreed it was a mute point if the ordinance was modified and adopted by Council.

### **Public Comment**

1. Public comment opened at 7:44 pm on a motion by Mr. Greenberg and second by Comm. vanHeeswyk.
2. Public comment closed at 7:45 pm on a motion by Mr. Greenberg and second by Comm. vanHeeswyk.

### **Board Information**

1. Mrs. Worthington reviewed a memo distributed to the Planning Board members at the request of the Municipal Clerk, which referenced of Council regarding adopted New Jersey Wildlife Management Plan. This memo was distributed via email only.
  - a. Mrs. Busch added that a review of the applicable sections of the Master Plan was also completed during the creation of this plan.

### **Adjournment**

The meeting adjourned at 7:46 pm on the motion by Mrs. Busch. All present voted aye.

Respectfully Submitted by:

Rhiannon Worthington

Board Secretary

Approved by Board 9/16/2020