

BOROUGH OF CAPE MAY POINT

Planning Board

Meeting Minutes

Wednesday, October 20, 2021 at 7:00 pm

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 Cape May 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: Ms. Kelly, Dr. Pfendner, Comm. vanHeeswyk, Ms. Bassett, Mr. Murphy, Mr. Sowers, Mr. Remy, Mrs. Leming, Mr. Wallace

Absent: Mr. Hood, Mayor Moffatt

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

Minutes

The minutes from the September 15, 2021 meeting were postponed for review on a motion by Ms. Kelly and second by Dr. Pfendner. All present voted aye except for Mr. Sowers who voted nay and Mr. Wallace who abstained.

Business

1. Dr. Pfendner inquired with other Board members about an interest in changing the format of the minutes.
 - a. Mr. VanEmbden believes the minutes are often too dense and the purpose is a record of the proceedings, not documentation of the thought processes those present. Ms. Kelly stated that she finds the current format difficult to read.
 - b. Mr. Sowers and Ms. Bassett felt the minutes are appropriate as is. Comm. vanHeeswyk agreed with Mr. VanEmbden regarding detail but deferred to Mrs. Worthington as the Board Secretary.
 - c. Ms. Kelly advised that other municipalities make transcripts of the meeting as well as the recording available to the general public. Mr. VanEmbden responded that automated transcripts are often inadequate. Mrs. Worthington advised that meetings are available for the public upon request and destroyed after 1 year if they do not involve a hearing. Comm. vanHeeswyk indicated accommodations could be made to allow public access despite the offices being closed to public at this time.
 - d. Mrs. Kelly requested an editable copy of the September meeting minutes to produce an example for review by the Board members. Mrs. Worthington confirmed it would be provided.
2. Resolution for Application PB2021-02: 310 Stites Avenue, Block 9 Lot 21
 - a. There was significant discussion regarding amending the conditions to include a statement made by Mr. DeLosso regarding the applicant's intent to not enclose the porch in the future.
 - b. Mr. VanEmbden felt the additional condition was appropriate as it was represented by the applicant's professional and was not denied by any member of the applicant's party. The condition is incorporated by inclusion in the record even if not specified in the resolution.
 - c. Mrs. Worthington asked if it was enforceable. Mr. VanEmbden stated no permits can be issued to enclose the porch if the resolution restricts it.
 - d. Paragraph 8c of the resolution will be modified to include the restriction.

- e. Motion was made to accept the resolution as corrected by Mr. Murphy and second by Dr. Pfendner. Ms. Kelly, Dr. Pfendner, Mr. Murphy, Mr. Remy and Mr. Sowers voted in the affirmative.
- 3. Mr. Wallace jointed the meeting at 7:31 pm.
- 4. Resolution SR PB2021-06: Consideration of Proposed Ordinance 08-2021
 - a. Motion was made to accept the resolution by Dr. Pfendner and second by Mr. Sowers. All present voted aye except for Mr. Wallace who abstained.
- 5. Resolution SR PB2021-07: Appointment of Board Engineer
 - a. Mrs. Worthington explained that due to retirement of which she was not informed until after it occurred; Mr. Bruce Graham would no longer be the Board Engineer. Mr. Brian Prohovich had been assigned all of Mr. Graham's clients and would be working with Mr. Graham for a smooth transition.
 - b. Ms. Kelly requested a resume for Mr. Prohovich and a resignation letter, if available from Mr. Graham.
 - i. Mrs. Worthington explained that Mr. Graham had retired completely therefore there was no formal resignation letter for this Board. She also stated that she had requested the resume per Ms. Kelly's request earlier that day, but had not yet received it due to computer issues as the engineer's offices.
 - c. Comm. vanHeeswyk expressed concern about not having an engineer appointed and the potential implications if an application is received.
 - d. Motion was made to accept the resolution by Mr. Sowers and second by Mr. Remy. Mr. Murphy asked for amendment to motion to initiate RFP process. The amendment was withdrawn to be discussed separately.
 - e. Ms. Kelly expressed concern about appointing an engineer whose resume had not been provided and requested the reference to "qualifications review" be removed from the third section. Mr. Van Embden agreed.
 - f. Motion was made to accept the resolution as corrected by Mr. Sowers and second by Mr. Remy. All present voted aye.
- 6. Request for Proposal – Board Engineer
 - a. Mrs. Worthington advised that an RFP had not been done since she started with the Board in 2012. Suggested starting RFP process in December or January if the Board was interested.
 - b. Motion was made to start the Request for Proposal (RFP) process for Board Engineer by Mr. Murphy and second by Mr. Remy.

Board Information

- 1. Mrs. Worthington welcomed Mr. William Wallace to the Board.
- 2. Ms. Kelly asked about information on previous board variances due to inquiries from residents. She indicated she would like to review the approved variance in comparison to what was actually constructed.
 - a. Mr. Van Embden instructed Ms. Kelly that the Planning Board was not an enforcement body.
 - b. Comm. vanHeeswyk advised Ms. Kelly she also receives those inquiries and residents should be directed to Mr. McGraw.
 - c. Ms. Kelly indicated the review was for her own education. Mr. VanEmbden stated that this could not be done on behalf of the Planning Board or as a member, but by OPRA request as a resident.
 - d. Dr. Pfendner indicated that it was the responsibility of the Planning Board to ensure that structures are compliant with the Master Plan.
 - e. Mr. VanEmbden stated that the responsibility of the Chairperson of Planning/Zoning Board is to hear applications and determine if the variance from the norm is permitted in a planning or zoning context, apply the rules and laws as presented. He stated again that all resolutions are public record and easily reviewed.
- 3. Mr. Sowers asked about tutorial regarding lot and vegetative coverages, which was discussed at a previous meeting. The intent is to alleviate Board confusion during review regarding pavers, crushed stone and grass calculations. He requested visual examples be included.
 - a. Mrs. Worthington offered to make arrangements for an upcoming meeting, but Mr. Van Embden noted that it could be challenging to explain by Zoom and recommended waiting for in-person meetings to

resume. Mrs. Worthington indicated she was unsure when that would occur, likely not prior to the Commissioners returning to in-person meetings.

Public Comment

1. Public comment was opened at 8:04 pm on a motion by Comm. vanHeeswyk and second by Mr. Sowers.
2. No comment was made.
3. Public comment was closed at 8:04 pm on a motion by Mr. Murphy and second by Mr. Sowers.

Adjournment

The meeting adjourned at 8:05 pm on the motion by Ms. Kelly and second by Dr. Pfendner. All present voted aye.

Respectfully Submitted by:

Rhiannon Worthington

Board Secretary

Approved by Board 11/17/2021