

BOROUGH OF CAPE MAY POINT

Planning Board

Meeting Minutes

Tuesday, April 18, 2023, 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 publication in the Cape May Star and Wave Newspaper and continuous posting of the scheduled meeting dates on the official Municipal Bulletin Board at 215 Lighthouse Avenue, Borough of Cape May Point, New Jersey.

Roll Call

Present: Ms. Kelly, Mayor Moffatt, Comm. vanHeeswyk, Mr. Remy, Mr. Murphy, Ms. Bassett, Mr. Brown, Mrs. Leming, Mr. Wallace, Ms. Geiger

Absent: None

Also Present: Mrs. Rhiannon Worthington, Secretary; Mr. Nathan Van Embden, Esq., Attorney, Mr. Dale Foster P.E, Engineer., Mrs. Kate Dunn, Deputy Secretary

Minutes

Mrs. Worthington described corrections to the draft minutes circulated prior to the meeting as proposed by members, As a result the minutes from the March, 21, 2023, were approved as corrected on a motion by Comm. vanHeeswyk and second by Ms. Bassett. All present voted aye except for Mr. Wallace who abstained.

Business

1. Oath of Office was verbally administered to Ms. Geiger. Mrs. Worthington was witness.
2. Special Resolution SR PB2023-02: Appointment of Chairperson and Vice Chairperson
 - a. Chairperson
 - i. Mr. Brown was nominated by Comm. vanHeeswyk for Chairperson; Mayor Moffatt second.
 - ii. All present voted aye, except for Mr. Brown who abstained.
 - b. Vice Chairperson
 - i. Mr. Wallace was nominated by Comm vanHeeswyk for Vice Chairperson; Mayor Moffatt second.
 - ii. All present voted aye, except for Mr. Wallace who abstained.
3. Special Resolution SR PB2023-03: Schedule of Planning Board Meetings 2023-2024 and Designation of Official Newspaper
 - a. Mr. Brown suggested changing language in items 3 and 4, that allows video use but also potential to return to in-person or hybrid-format meetings. Mr. Van Embden suggested the resolution be amended to suggest potential of hybrid meetings and identify where access information is available.
 - b. Members identified corrections to the proposed meeting calendar. Ms. Bassett noted that December 17th was incorrect and should be the 19th. Mr. Murphy stated the third Tuesday would be November 21st, not November 19th as listed but Mrs. Worthington stated the 14th (second Tuesday of the month

is usually preferable since many board members are busy with the holidays. May meeting date was corrected from the 18th to the 16th. By Barb Bassett. The schedule was amended accordingly.

- c. Motion was made by Comm. vanHeeswyk and second by Ms. Bassett to memorialize the amended resolution with the details above all present voted aye.
- d. Motion was made by Comm. vanHeeswyk and Ms. Bassett second to adopt designated paper as Cape May Star and Wave.

Special Resolution SR PB2023-04: Appointment of Board Professionals

- e. Comm. vanHeeswyk made a motion to nominate all existing professionals; second by Mrs. Leming. All present voted aye.

4. Special Resolution SR PB2303-05: Adoption of Annual Report 2022.

- a. Motion was made by Comm. vanHeeswyk; Mayor Moffatt second.
- b. All present voted aye.

5. Hearing for Application PB2022-03: 412 Yale Avenue, Block 14, Lot 5&6

- a. Mr. Murphy inquired as to whether or not the application was deemed complete. There were some procedural items requiring waivers that he felt were outstanding. Mr. Van Embden determined the application was ready for hearing and procedural waivers would make it complete. Mr. Foster believes all areas of concern have been addressed. The applicant had requested a site plan waiver and although the building has historically been treated as a municipal service despite ownership; Mr. Murphy made a motion to accept the application as complete, Mr. Wallace second. All present voted aye except for Mayor Moffatt and Comm. VanHeeswyk who abstained.
- b. The application was presented by Mr. Morris of Karavan and Morris. The application was initially submitted by Mr. Mike Mahon and Mr. Jim Smith.
- c. Mr. Morris stated the property was located in an R-1 zone although the fire house serving the community is not a residence. The property was the subject a hearing from 1991 and resolution wherein the quasi-public use of the facility was referenced and non-conformity of front yard rear yard setbacks and building height was approved. The 1991 resolution also approved variances for lot coverage building coverage and floor area ratio. Beyond the existing non-conformities, the applicant will require a variance for building coverage, lot coverage, and FAR.
- d. Mr. Mahon, President of the Volunteer Fire Co. 1 testified that the building modification proposed seeks to add a new equipment bay to the building, to enable to position sea rescue equipment for rapid deployment. Currently existing sea rescue equipment which takes time to move before a sea rescue can commence.
- e. Borough Engineer Dale Foster testified that the applicant's statements were accurate and that he had no additional concerns to highlight.
- f. Mr. Morris stated that the Property was located in an R-1 Zone. The R-1 zone has an exception for municipal buildings.
Professionals: Mr. Joseph Mohnack of DeBlasio and Associates was sworn and presented his credentials. The Engineer was accepted as an expert by the Chairperson.
- g. Mr. Morris reviewed the MLUL requirements for the approval of a "C" variance or a "D" variance.
- h. The purposes of zoning, benefits and detriments should be advanced per MLUL for approval of variances.
- i. Mr. Foster was sworn and stated all code issues have been identified and discussed.

6. Mr. Murphy asked Mr. Foster if his review note regarding Utility locations were addressed. Mr. Foster indicated it was not required, just preferable to be shown.

- a. Board Questions
- b. Mr. Brown asked if the water rescue would only be stored there. Mr. Mahon indicated there may be some moving of equipment during winter months.

- c. Mr. Brown asked if there were any concern regarding the roof line and water flow. Mr. Mohnack stated the building was designed with scuppers, also known as crickets tied into the underground drainage system.
- d. Beyond the existing non-conformities, the applicant will require a variance for building coverage, lot coverage and FAR. The permitted building coverage is 30% existing coverage is 41.3 % and the proposed coverage is 55.8%, The permitted lot coverage is 40%. The existing lot coverage is 57% The proposed coverage is 71%. The permitted FAR is 42% the proposed FAR is 79%.

Public Comment 200 Feet

- e. Public comment was opened at 8:34pm on a motion by Mr. Murphy and second by Mr. Remy second.
- f. No comment.

Public Comment

- a. Public comment was opened at 8:35pm on a motion by Mrs. Leming and second by Mr. Murphy second.
- b. Ed Barnhart – 312 South Lake Drive CMP
 - a. Architect for project since he was not previously recognized and he offered to be a resource for further detailed description of the project.
 - b. No further comment.
- c. Public comment was closed at 8:36 pm on a motion by Mr. Murphy and Mr. Wallace second.

Findings of Fact

- a. The Board engaged in discussion to summarize the facts and context around this application, centering on the inherent public benefit of having a nearby firefighting and safety organization enabling speed of response and cost effectiveness for the Borough the community utilization for public meetings and events was noted. The proposed changes to the previous non-conforming lot coverage and building coverage and floor area ratio were summarized. Mr. Van Embden summarized the findings.
- b. A motion in the affirmative was made by Mrs. Leming to approve the requested lot coverage and building coverage variances as well as FAR and also acknowledging the pre-existing non-conformities. Mr. Remy second. All present voted aye except for Mayor Moffatt and Comm. vanHeeswyk who abstained.

Board Information

1. Mr. Brown greeted all existing members, particularly new member, Ms. Geiger. He also thanked Ms. Kelly and Dr. Pfindner for their past service to the Board.
 - a. Mr. Brown noted that the Board operates as a Combined Planning and Zoning Board consistent with MLUL.
 - b. Mr. Brown appreciates and respects the contribution of all participants, including volunteers, members, Board professionals and Borough Officials. The public is welcome to participate.
 - c. This Board welcomes applicants who follow the processes that fair governance asks.
 - d. The group briefly discussed the process for finalizing meeting minutes. If a board member feels the posted finalized minutes were not accurate, the minutes may be modified and re-posted as amended. This has not occurred to date. However, it is noted that there is no required time frame for minutes to be available to the public. Due to many residents leaving the area during winter months, it is preferred the minutes be finalized, within a few weeks or at the following meeting
2. Mrs. Worthington summarized the status of vacancies on subcommittees. The departure of Ms. Kelly leaves an opening on the Light & Noise subcommittee.
3. Comm. vanHeeswyk informed the Board that Mr. Van Embden will lead the Board through the annual JIF training, Land Use Liability Training

4. Mr. Brown asked ABOUT item 6 on the agenda, regarding early start to reexamination process, Previous Chairperson, Ms. Kelly, had wanted to discuss at May meeting but the item had not been removed despite her resignation.

Public Comment

- a. Public Comment was opened at 8:35on a motion Comm. VanHeeswyk and second by Mayor
- b. No comment
- c. Public Comment was closed at 8:36on a motion by Comm. VanHeeswyk and second by Mr. Brown

Adjournment

The meeting adjourned at 8:38 pm on the motion by Mayor Moffatt and Mr. Remy second. All present voted aye.

Respectfully Submitted by:

Rhiannon Worthington

Board Secretary

Approved by Board 5 /16 /2023