

BOROUGH OF CAPE MAY POINT

Planning Board

Final Meeting Minutes

Tuesday, November 14, 2023 at 7:00 pm

HELD VIA ZOOM VIDEO/AUDIO CONFERENCE

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: Mayor Moffatt, Comm. VanHeeswyk, Mr. Remy, Mr. Brown, Mrs. Leming, Mr. Wallace, Ms. Geiger, Ms. Bassett,

Absent: Mr. Murphy, Dr. Farrell

Also Present: Mr. Nathan Van Embden, Esq., Attorney, Mrs. Kate Dunn, Deputy Secretary

Mr. Brown gave a brief introduction. He stated that this is a combined Planning and Zoning Board that operates in accordance with the MLUL and the chartering authority of Borough governance. Cape May Point is a small community with a variety of opinions and respect for each other. Together, the volunteer members,

Borough Officials and professional staff within the board conduct board business and welcome applicants following the operational processes that fair governance asks. And we welcome public input.

Minutes

Mr. Brown asked if there were any further comments on the revised draft minutes for October 17, 2023 that were circulated to the board members from the board secretary prior to this meeting. No further corrections were noted and as a result the minutes from October 17, 2023 were approved on a motion from Anita VanHeeswyk and a second from Mayor Moffatt.

Business

1. Hearing for PB 2023-02-Phyllis Graham and Melissa Bailey-**Adjourned until December 19, 2023.**
 - A. At the request of the applicant and their attorney, this application was adjourned until December 19, 2023. No further notice will be required at this time.
2. Lot Coverage Awareness Subcommittee-Proposal: Thresholds for new Landscaping & Vegetation Plan during Major Renovations.
 - A. Mr. Brown informed the board that Mr. Remy has volunteered to join the Lot Coverage Awareness Subcommittee.
 - B. Mr. Brown stated that the slides that are being presented today are on one specific topic that was introduced back on June 20, 2023 and bring it forward for a specific proposal to the board. The LCA Subcommittee raises topics to the Planning Board for potential code attention. The Planning Board does not have the authority to change code. However, the outcome of this presentation, if supported by Planning Board, will be a proposal to the Commissioners for action in a specific area of the code.

- C. Mr. Brown discussed slide number 2. He stated this slide captures some facts as we perceive them. Cape May Point has a mix of new and older homes. Many of the older homes are smaller cottages and the increasing home values in the area including Cape May Point, continue to change expectations of what homeowners are looking for, including modern conveniences and more floor space. Older homes are often renovated to meet the evolving needs of homeowners and that results in sometimes major renovations or partial tear-downs. Many of these older properties have been grandfathered from current codes. The Master Plan indicates that maintaining the character of Cape May Point is desirable and that character includes diversity of architecture and green space.
- D. Mr. Brown discussed slide 3 which is the same example that was introduced back in June. This property is an example where a major renovation had taken place and an 2nd floor was added. The yard is essentially stones with some pavers in the middle of it. It does not appear to have 60% vegetative coverage. In the current code language, the addition of a 2nd floor did not trigger the need for the homeowner to submit a new vegetative plan.
- E. Mr. Brown discussed slide 4. Slide 4 shows the specific code and shows the triggers for when a landscaping/vegetative plan would be required. The triggers include an increase in lot coverage of in excess of 10%, construction of a new unit, or removal of more than 25% of the existing vegetation covering the lot.
- F. Mr. Brown discussed slide 5 which shows conclusions the LCA Subcommittee came to. He stated that in the current code, smaller houses can be converted into larger ones and significant renovations can be done without any landscaping or vegetative plan. The LCA Committee made some recommendations to change the wording of the code to create an advanced threshold to trigger compliance with the vegetative plan. The proposal from the LCA Committee would be to add a threshold criterion related to floor area increase to trigger a new vegetative plan.
- G. Mr. Brown discussed slide 6 which shows again what the current code is and also what the LCA committee would propose to the Commissioners. The proposal says: An addition or alteration which increases the livable floor area in excess of 10%, based on original floor area prior to renovation.
- H. Mr. VanEmbden discussed the fact that it may not be possible for some of the older structures to comply with the 60% vegetative coverage. He questioned what the Zoning Officer would do in the circumstance that a property can not comply with the code.
- I. After discussion about interior renovation and expansion, Mr. Brown noted that this specific proposal today focuses on a type of renovation that would be governed by the Zoning Official because of the expansion of floor area. Having said that, the LCA Committee was trying to seek other definitions for major renovations that might also apply which could be discussed at a future meeting.
- J. Ms. Geiger asked if it was perceived that there are a lot of non-compliant lots when it comes to vegetative coverage. The LCA perception is that it could be 10% to 20%, not trivial and does have some significance.
- K. Mr. Remy stated that after discussions with the Zoning Officer, a neighboring Municipality uses a 5% trigger instead of 10%.
- L. Mr. VanEmbden discussed the wording of the code and what the review means. He suggested that it should be stated in the code that if the property is not able to come into compliance with the landscaping or vegetative coverage, that they shall try to bring the property into more compliance in consultation with the Zoning Officer. Mr. Brown stated that the text on slide 6 that is in white, is the current code and that the text in yellow is the proposal from the LCA Subcommittee. The proposal for adding a new trigger does not change how the Zoning Officer would act in this case and it is not proposing a change to how the code is enforced and implied.
- M. Mr. Wallace described an option for taking out the word substantial and making the enforcement stricter and requiring a variance for properties that can't meet the code. Mr. Brown stated that another approach would be to leave the word substantial in the code and recognize that leaves the Zoning Officer with some discretion to negotiate with a homeowner to bring their property more in compliance.
- N. Ms. Bassett stated that code should be enforced consistently throughout the town.

- O. Ms. Leming stated that if you are not increasing your lot coverage, then one shouldn't have to worry about increasing the vegetative coverage. She is not in favor of additional trigger when increasing the floor area. Ms. Bassett spoke in favor of the proposed trigger.
- P. Ms. Geiger likes the concept of the additional trigger in order to get more compliance with the code. However, with this trigger she questions whether we are potentially forcing more non-compliant properties. Mr. Brown stated that the intent is to force more compliance and not more noncompliance.
- Q. Mr. Remy questioned if there was a better way to word the proposal? Mr. VanEmbden suggested that it would make it easier for the Zoning Official if the proposal stated "any increase."
- R. Mr. Brown discussed his view on the percentage increase. He does not favor a 0% increase. Mayor Moffatt would support 5% as the trigger and for any Planning Board recommendation, he would like this information to be passed onto the Commissioners so that it could be discussed with the general public at a Borough meeting. Comm. VanHeeswyk agreed that she would like it to go to the Commissioner's so it can be continued.
- S. Mr. Wallace moved that the board vote on the proposal that is written with the percentage at 10%. Ms. Geiger seconded the motion. **The proposal was approved** as 5 members voted aye (Bassett, Brown, Geiger, Remy, Wallace) and 1 member voted nay (Leming).

3. Subcommittee Updates:

- A. Completeness Subcommittee: Mr. Brown informed the board that there are no new applications in the pipeline.
- B. Lot Coverage Awareness Subcommittee: Mr. Brown stated that Joe Remy has volunteered to join the committee.

Board Information: Comm. VanHeeswyk thanked the board for this information and stated that it's helpful to the Commissioners to approach it this way. Mayor Moffatt agreed.

Public Comment

- a. Public Comment was opened at 8:11 on a motion by Joe Remy and second by Mayor Moffatt.
- b. No comment
- c. Public Comment was closed at 8:13 on a motion by Comm. Vanheeswyk and second by Mayor Moffatt.

Adjournment

The meeting adjourned at 8:13 pm on the motion by Comm. Vanheeswyk and second by Mayor Moffatt.

Respectfully Submitted by:

Kate Dunn

Deputy Board Secretary

Approved by Board 01/16/2024