

# **BOROUGH OF CAPE MAY POINT**

## **Planning Board**

### **Final Meeting Minutes**

**Tuesday, April 16, 2024 at 7:00 pm**

**HELD VIA ZOOM VIDEO/AUDIO CONFERENCE & AT THE CAPE MAY POINT FIRE COMPANY**

#### **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, Mr. Rusnak, Mr. Wallace, Ms. Geiger, Dr. Farrell, Mr. Murphy, Ms. Bassett

Absent: None

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

Mr. Brown welcomed back Mr. Murphy for another term as he was reappointed to the board by the Mayor and also welcomes Mr. Rusnak as our first alternate to a two-year term.

#### **Minutes**

Mr. Brown asked if there were any further comments on the revised draft minutes for March 19, 2024 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 March 19, 2024 were approved on a motion from Mr. Remy and a second from Ms. Geiger. All present voted Aye except Ms. Bassett who abstained from the vote.

#### **Business**

##### **1. Annual Reorganization of the Board:**

- A. SR PB 2024-01-Appointment of Chair & Vice Chair: Comm. VanHeeswyk nominated Mr. Brown as Chair for the 2024-2025 term. Mayor Moffatt seconded the motion. There were no other nominations for chair. All present voted Aye except Mr. Brown who abstained from the vote. Mr. Brown was appointed as Chair. Appointment of Vice Chair: Comm. VanHeeswyk nominated Mr. Wallace for Vice-Chair for the 2024-2025 term. Mayor Moffatt seconded the motion. There were no other nominations for Vice Chair. All present voted Aye except Mr. Wallace who abstained from the vote. Mr. Wallace was appointed as Vice Chair.

- B. SR PB-2024-02: Schedule of Planning Board Meeting dates for 2024-2025 and Designation of Official Newspaper: Mr. Brown pointed out a couple of corrections; he suggested making the numbering of the resolutions uniform and in section 3, he proposed that we modify the language in this section to include the information about hybrid meetings. Comm. VanHeeswyk suggested making the meetings at 6:00pm instead of 7:00pm. The board decided to keep the meetings with a start time of 7:00pm. It was noted that the November 2024 PB meeting date is the same day as the NJ Conference of Municipalities and the group agreed to monitor activities to minimize any direct conflicts. Mr. VanEmbden suggested adding in section 5a that the meeting dates be posted on the bulletin board and the Boroughs Website. Comm. VanHeeswyk made a motion to approve the resolution with the suggested changes. Ms. Bassett seconded the motion. All present voted Aye.
- C. SR PB-2024-03: Appointment of Board Professionals: Mr. Brown nominated the following for the term 2024-2025: Board Attorney, Mr. Nathan Van Embden Esq., Board Engineer, Mr. Dale Foster, Board Planner, Mr. Michael Sullivan and Planning Board Secretary, Mrs. Kate Dunn. Mayor Moffatt seconded the motion. All present voted Aye.
- D. SR PB 2024-04-Adoption of Annual Report: Mr. Murphy had a motion to adopt the annual report. Ms. Geiger seconded the motion. All present voted Aye except for Mr. Rusnak who abstained from the vote.
2. Memorializing Resolution PB 2023-02: Phyllis Graham and Melissa Bailey (506 Cedar Ave.): The board discussed the following changes to the resolution:
- A. Page 1-No changes.
  - B. Page 2-item #3 should say 10,000 sq. feet instead of 1,000 sq. feet; in item #5, the word “lot” should be inserted and the lot frontage should read 50 ft. and not 15 ft.
  - C. Page 3-item #13, Mr. Brown suggested changing shop to workshop.
  - D. Page 4-item #14 should be changed to reference the Board Engineer instead of the Zoning Official.
  - E. Page 5-item #26, it should reference the letter of January 9, 2024 instead of September 11<sup>th</sup>. Item # 22 should include “share of boundary.”
  - F. Page 6, item #3 will be changed to say “along with removing a concrete pad.”
  - G. Page 7-The spelling of Mr. Farrell’s name will be corrected, add “and C2 variance approval”, and in item # 2, the lot the garage needs to be corrected to lot 6.02.
  - H. Page #8, item #6 will be moved to #3 and then the numbers will be adjusted accordingly. “The use of eco pavers” will be removed from Item #6.
  - I. Page #10, the roll call table will be updated accordingly.
- Mr. Wallace made a motion to approve the resolution with the changes as discussed. Mr. Remy seconded the motion.
- The resolution was approved with 5 Aye votes from Mr. Brown, Mr. Remy, Mr. Wallace, Ms. Geiger and Mr. Rusnak. Mr. Murphy, Comm. VanHeeswyk, Mayor Moffatt and Mr. Farrell abstained from the vote.
3. SR PB 2024-05: Ordinance 11-2024-An Ordinance Amending Chapter 150, Section 150-21 “Landscaping and Vegetation Plan.”
- A. Mr. Brown stated this resolution is a result of the prior recommendations from the LCA Subcommittee. The role of the Planning Board is to decide whether the ordinance is consistent with the Master Plan.
  - B. Mr. Brown stated that the LCA was thinking further about the original ordinance relating to the prior recommendation to the Commissioners. During the Planning Board meeting, there was a discussion about the enforcement mechanism with the Zoning Officer. It wasn’t a topic that the LCA committee identified or made a proposal on. However, the Planning Board, at that time, had a discussion regarding the language being vague. The LCA subcommittee has thought further about the language and identified some options in that regard. The LCA sub committee has come up with a slide to identify some of these options for informational purposes for the Commissioners and for the board.

- C. Mr. Wallace discussed the proposed ordinance. He stated that essentially the revised ordinance adds the point that the LCA sub committee recommended which is regarding vegetative coverage. Mr. Wallace stated that in the ordinance now, after point #3 there is a clause that reads, “a landscaping and vegetation plan must be submitted to and approved by the Cape May Point Zoning Officer to ensure substantial compliance with criteria and requirements set forth in this section which landscaping and vegetation must constitute a minimum of 60% of the overall area of the lot and incorporate the parameters of paragraph F1 hereafter. In the new ordinance, if there is no such clause, the issue surrounding the word “substantial” disappears. Mr. Wallace doesn’t understand if that clause is gone or if it still remains on the ordinance.
  - D. After discussion, it was confirmed that particular clause still remains in the proposed ordinance.
  - E. There was further discussion regarding the word “substantial” and the 60% coverage requirement. Mr. VanEmbden suggested that the word “substantial” be left out. Comm. VanHeeswyk stated that the Ordinance has been introduced and the ordinance change is in the period where it comes to the board to recommend whether the ordinance is consistent with the master plan. Comm. VanHeeswyk would need to check with the Borough’s attorney to see if this additional change would be de minimis and they could keep moving forward or if they would have re-introduce it.
  - F. Ms. Geiger stated that she remembers during the discussion that the board decided not to recommend to remove the word “substantial” from that section because there will be some existing properties that would have a very difficult time trying to comply.
  - G. Mr. Brown discussed 3 options; #1, make no change and leave the word “substantial” in the ordinance; #2, Define what substantial means or #3, would be to strike it out.
  - H. Mr. Wallace is in favor of striking substantial out. Mr. Rusnak suggested keeping it as simple as possible and taking out substantial would be the way to do that. Ms. Geiger stated that if it’s the 60% hard number, she would agree. However, if it reflects that the vegetative plan has to comply then she is not in agreement because in some instances, it is very difficult to comply with everything.
  - I. Mr. Brown suggested tabling this discussion for today and coming back to it in the future. Mr. Brown stated that the Planning Board had a discussion regarding the various options and suggested that the discussion not be driven any further at this time and that the board get back to the resolution. Mr. Brown doesn’t find anything in this ordinance that is inconsistent with the master plan. Ms. Bassett agreed with Mr. Brown.
  - J. Mr. Wallace made a motion to approve the resolution. Comm. VanHeeswyk seconded the motion. All present voted Aye. The resolution was approved to be consistent with the Master Plan.
4. Subcommittee Updates:
- A. Completeness Subcommittee: Mr. Murphy informed the board that there are no new applications in the pipeline at this time.
  - B. Lot Coverage Awareness Subcommittee: Mr. Wallace stated that the subcommittee will be bringing some new topics to the board for discussion in the next couple months.

**Board Information:** Mr. Brown stated that if there is a May meeting, it would be Zoom only. Mr. Brown acknowledged and thanked Rhiannon Worthington for her years of dedicated support as the Board Secretary.

**Public Comment**

- a. Public Comment was opened at 8:22 on a motion by Comm. Vanheeswyk and a second by Mayor Moffatt.
- b. No comment
- c. Public Comment was closed at 8:24 on a motion by Comm. Vanheeswyk and a second by Ms. Geiger.

**Adjournment**

The meeting adjourned at 8:56 pm on the motion by Comm. Vanheeswyk and second by Mr. Remy.

Respectfully Submitted by:  
Kate Dunn  
Board Secretary  
Approved by Board 06/16/2024