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Direct link: <https://us02web.zoom.us/j/89113547943?pwd=UDVjKytZUW5UTjczWENKVnZRdEs0Zz09>

In addition, members of the public may send questions or comments for inclusion during the public portion to the Borough Clerk at ewallace@capemaypoint.org by 12:00 Noon the Monday before the meeting.

**AGENDA
BOROUGH OF CAPE MAY POINT
BOARD OF COMMISSIONERS**

BOROUGH MEETING OF OCTOBER 28, 2025 – 12:00 PM

MEETING CALLED TO ORDER / SUNSHINE STATEMENT / FLAG SALUTE

In compliance with the Open Public Meeting Act, Chapter 231, Public Laws of 1975, this meeting was properly advertised in the annual notice and this agenda was properly distributed and duly posted on the Borough Hall bulletin board as the required notice under law.

ROLL CALL: Commissioner Geiger, Mayor vanHeeswyk, Commissioner Yunghans

COMMISSIONERS' DISCUSSION/REPORTS

ADMINISTRATOR'S REPORT

PUBLIC QUESTIONS ON RESOLUTIONS ONLY

APPROVAL OF MINUTES

October 14, 2025 Regular Meeting and Closed Session

ORDINANCES FOR INTRODUCTION AND PUBLICATION:

11-2025 An Ordinance Providing for the Implementation of State Requirements for Lead-Based Paint Inspections for Certain Residential Rental Dwelling Units

12-2025 An Ordinance Amending Chapter 114 "Numbering of Buildings" of the Code of the Borough of Cape May Point

Second Reading, Public Hearing, Consideration to Adopt – Nov. 25, 2025 at 12 pm

RESOLUTIONS

114-25 Authorizing Special Event Permit for Robert Dwyer

115-25 Approval of Bill List

ORDINANCES FOR SECOND READING / PUBLIC HEARING / ADOPTION:

09-2025 An Ordinance Amending Chapter 150 "Zoning" of the Code of the Borough of Cape May Point

10-2025 An Ordinance Amending Chapter 146 "Water and Sewer Utility" of the Code of the Borough of Cape May Point

PUBLIC PORTION

ADJOURNMENT

The Board of Commissioners welcomes the participation of interested parties during the public portions of its meetings. For the Board to conduct the business of the Borough in the most productive and open manner possible, questions and comments may be limited to four (4) minutes per person. In addition, each person may only speak once per meeting on a single topic. If you wish to address the Board, please raise your hand and the moderator will try to accommodate everyone in the order in which they are recognized.

**BOROUGH OF CAPE MAY POINT
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

RESOLUTION 114-25

AUTHORIZING SPECIAL EVENT PERMIT FOR ROBERT DWYER

WHEREAS, Robert Dwyer has applied for a Special Event Permits for the purpose of a having a wedding on the Coral Avenue beach platform on Saturday, November 8, 2025 from 3:30 pm to 5:30 pm; and

WHEREAS, the applicant has supplied all documentation required under Ordinance No. 551-08, including the requisite Certificate of Insurance, and has further pledged to comply with all applicable rules and regulations pertaining to the conduct of said Special Event.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Cape May Point, County of Cape May, New Jersey that the Borough Clerk is hereby authorized to issue a Special Event Permit to Robert Dwyer for a wedding on Coral Avenue beach platform on Saturday, November 8, 2025 from 3:30 pm to 5:30 pm.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Geiger						
vanHeeswyk						
Yunghans						

I hereby certify that the foregoing is a true copy of a Resolution duly passed and adopted by a majority of full membership of the Board of Commissioners of the Borough of Cape May Point, County of Cape May, New Jersey, at a meeting held on October 28, 2025.

Municipal Clerk

**BOROUGH OF CAPE MAY POINT
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

RESOLUTION 115-25

APPROVAL OF BILL LIST

WHEREAS, the Borough of Cape May Point has received certain claims against it by way of voucher, which have been duly reviewed by the Board of Commissioners.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Cape May Point, County of Cape May, State of New Jersey that the attached claims are hereby approved for payment in the total amount of \$.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Geiger						
vanHeeswyk						
Yunghans						

I hereby certify that the foregoing is a true copy of a Resolution duly passed and adopted by a majority of full membership of the Board of Commissioners of the Borough of Cape May Point, County of Cape May, New Jersey, at a meeting held on October 28, 2025.

Municipal Clerk

**BOROUGH OF CAPE MAY POINT
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

ORDINANCE NO. 09-2025

**AN ORDINANCE AMENDING CHAPTER 150 "ZONING" OF
THE CODE OF THE BOROUGH OF CAPE MAY POINT**

BE IT ORDAINED by the Board of Commissioners of the Borough of Cape May Point, County of Cape May, State of New Jersey, that Chapter 150 "Zoning" of the Code of the Borough of Cape May Point be and is hereby amended as follows (deletions in ~~strike through~~ and additions in underline):

Section 1.

150-3 TERMS DEFINED.

ARBOR/TRELLIS/PERGOLA — Pergola ~~shall mean an attached or a~~ freestanding construction, including overhead members, and which is less than 50% enclosed in each plane and is used for decorative purposes or growing certain plants. Arbor/trellis is a similar construction by less than 20 sq. ft. in area. A construction with a closeable roof is not considered a pergola/arbor/trellis and is considered an accessory structure.

GROSS FLOOR AREA — Shall mean the total of (1) all floor area within the horizontal and vertical perimeter of the outside walls of the main building, without deduction for hallways, stairs on all levels, closets, thickness of walls, columns or other features; (2) the area of the floor below that portion of habitable attic ceiling, with ceiling height at or above four feet; and (3) all occupiable or habitable areas with a ceiling at least seven feet above the floor surface (including an earthen floor) and enclosed on at least three sides and located beneath other gross floor area. Decks and porches shall be included. Pergolas over non-vegetative/organic groundcover will contribute 50% of their area toward gross floor area. Attached garages not located beneath other gross floor area, grade level crawl spaces, stoops, ~~and steps,~~ and pergolas over vegetative/organic groundcover, shall not be included.

The inclusion of the areas specified in (3) above in Gross Floor Area shall become effective on July 1, 2004. Structures existing prior to July 1, 2004 and proposed structures for which a valid Zoning Permit has been issued prior to July 1, 2004 otherwise in compliance with maximum gross floor area except for the provisions of (3) above shall be deemed to be in compliance with maximum floor area.

Section 2.

150-12 AREA, YARD AND HEIGHT REGULATIONS.

- b. No more than 30% of the lot area shall be occupied by the sum total of all buildings or structures, or attached pergolas over non-vegetative/organic

groundcover on the lot, not including overhangs up to two and one-half (2 1/2) feet in horizontal width. Pergolas over non-vegetative/organic groundcover will contribute 50% of their area toward the 30% overall lot area maximum. The portion of overhangs, if any, more than two and one-half (2 1/2) feet in horizontal width shall be included in the calculations of the sum total of the area of all buildings and structures on the lot. At least 60% of the lot shall be either left in its natural state or covered in vegetation pursuant to Section 150-21 hereof.

- c. No building, including an open or enclosed porch or accessory building or structure or pergola shall be erected or extended nearer than 20 feet from the front property line of any lot except that overhangs and decorative projections shall be permitted to extend two and one-half (2 1/2) feet into the required 20 foot setback. In a block where at least 60% of the lots have been built upon, any new building shall be located so as to provide a front yard at least equal in depth to the average front yard of the existing buildings in the block except that overhangs and decorative projections shall be permitted to extend two and one-half (2 1/2) feet into the required setback. Computations of the percentage of lots that have been built upon shall be determined by considering the lots on the same side of the street and in the same block as the subject property, from corner lot to corner lot of that block. The side yard paralleling the street side of the property on a corner lot shall not be reduced to a width of less than 15 feet from the side street property line except that overhangs and decorative projections shall be permitted to extend two and one-half (2 1/2) feet into the required 15 foot setback. No main building shall be constructed nearer than 20 feet from the rear lot line of the parcel, except that overhangs and decorative projections shall be permitted to exclude two and one-half (2 1/2) feet into the required 20 foot setback. (For garages and accessory buildings see Section 150-29).
- h. For the purposes of paragraphs c and d herein, all building setbacks shall be measured from the nearest projection of the structure, excluding overhangs and decorative projections, to the property line regardless of where said projections are located on the structure.
- i. ~~In order to protect each property from the necessary noise from operating, servicing or otherwise using mechanical equipment associated with any structure, all aboveground storage tanks and all exterior mechanical equipment, including heating units, ventilating units, air conditioning units and heat pumps (other than individual air conditioning units) hereafter installed to serve any existing building or structure, or a building or structure to be erected in any zoning district, shall not be located in the front yard, shall be located at least 15 feet from any public right-of-way and at least five feet from any public right-of-way and at least five feet from any side or rear lot line and shall be located as far as reasonably possible from any contiguous lot.~~

To minimize noise impacts on all properties from mechanical equipment, any such equipment – including heating, ventilation, air conditioning units, heat pumps (excluding individual wall/window A/C units), and whole-house generators – installed for existing or new structures in any zoning district must meet the following requirements:

1. Equipment may not be located in the front yard.
2. If outside the footprint of the structure, equipment shall be placed at the rear of the house, at least 15 feet from any public right-of-way and outside of the required setbacks as defined in this code.

If, at the zoning officer's discretion, placement in a side yard is permitted to best minimize noise impacts:

3. It also must be located no closer than 60 feet from the street in front of the house.
4. It also must be screened from view using vegetation, fencing, or decorative screening to a minimum height of 4 feet above ground level, to minimize visibility from all streets and side yard properties.

All equipment must have a manufacturer noise rating at or below 68 dB.

Section 3.

150-13 FLOOR AREA RATIO.

The floor area ratio is the sum total of the gross floor area of all ~~main~~ buildings, as defined in 150-3, and shall not exceed 0.42 of the total area of the lot.

Section 4.

150-21 LANDSCAPING AND VEGETATIVE PLAN

The Landscaping and Vegetation Plan must constitute a minimum of 60% of the overall lot, either left in its natural state or covered in vegetation, incorporating the parameters of paragraph f1 hereafter. Half of the area under pergolas, as defined in section 150-3, shall contribute to the 60% vegetative lot area if the groundcover under them consists of vegetative or organic material. The utilization of natural indigenous vegetation is encouraged.

Section 5.

150-28 DEMOLITION AND/OR RAISING OF STRUCTURES

- A. No structure may be demolished or raised without first obtaining a zoning permit from the Borough Zoning Officer.
- B. The zoning application must include the application fee of \$50 along with an inspection letter per subsection 146-19.
- C. Should replacement of water and/or sewer lines be required, construction permit applications must be submitted as well to be reviewed by the Construction Department. Additional permit fees will apply.

Section 6.

150-29 GARAGES AND ACCESSORY BUILDINGS.

- a. No garage or accessory building or pergola shall be placed closer to a side or rear property line than five feet, which shall be measured from the nearest projection of the structure to the property line. A detached garage or accessory building on a corner lot shall not be nearer the street than a main building is permitted under this chapter.

Section 7. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency. Should any portion of this Ordinance be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or repeal the remainder of this Ordinance.

Section 8. This ordinance shall take effect twenty (20) days after passage and publication, according to law.

Final Adoption	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Geiger						
vanHeeswyk						
Yunghans						

ATTEST:

Elaine L. Wallace, Borough Clerk

Elise Geiger, Commissioner

Anita vanHeeswyk, Mayor

Suzanne Yunghans, Commissioner

FIRST READING: Sept. 23, 2025
PUBLICATION: Oct. 1, 2025
PUBLIC HEARING: Oct. 28, 2025
PUBLICATION: Nov. 5, 2025

**BOROUGH OF CAPE MAY POINT
COUNTY OF CAPE MAY,
STATE OF NEW JERSEY**

ORDINANCE 10-2025

**AN ORDINANCE AMENDING CHAPTER 146 “WATER AND SEWER UTILITY”
OF THE CODE OF THE BOROUGH OF CAPE MAY POINT**

WHEREAS, the Borough of Cape May Point believes that it would be in its best interest if there existed standards for water service line replacement in the event of demolition of a structure; and

WHEREAS, the Borough also believes that it would be in its best interest if there existed standards for sewer service line replacement in the event of demolition or elevation of a structure; and

WHEREAS, the existence of such standards will ensure that, in the event of a demolition or elevation, water service lines will be replaced in a manner that eliminates pipes containing lead or other hazardous substances and sewer service lines will be in good condition and made of materials that are impervious to groundwater intrusion; and

WHEREAS, having consulted with its public works professionals, the Board of Commissioners wishes to enact the following demolition and elevation replacement standards, which the Commission believes will best serve the Borough’s interest in eliminating hazardous water line materials in a rational, environmentally safe, and non-oppressive manner and reducing groundwater intrusion into the sewer system.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Borough of Cape May Point, County of Cape May, State of New Jersey, as follows:

Section 1. Chapter 146, Article II of the Borough Code shall be amended to include the following new section:

146-19 – DEMOLITION AND/OR ELEVATION – SERVICE LINE REPLACEMENT

§ 146-19.1 Definitions

For the purposes of this ordinance, the following definitions apply:

“Service Line” shall mean the pipe connecting a building’s plumbing system to the public water and/or sewer mains.

“Demolition” shall mean the complete or partial razing of a structure.

“Elevation” shall mean the complete or partial lifting or raising of a structure.

“Lead Service Line” shall mean a Service line made of lead or galvanized material.

“Property Owner” shall mean the legal owner of a property where Demolition is occurring.

§ 146-19.2 General Replacement Requirement. Before any demolition or elevation, all existing water lines must be replaced if they are made of lead, galvanized steel, or other hazardous materials, as determined by a qualified inspector. Any sewer line that is made of terra cotta, transite, or other similar materials, as determined by a qualified inspector, must be replaced with PVC pipe.

§ 149-19.3 Identification and Pre-Demolition Inspection. Prior to demolition or elevation, the Property Owner must arrange for a qualified inspector to identify the material of which the service line(s) are made, and must report the inspector’s findings, together with the facts of the planned demolition and replacement, to the Cape May Point Water and Sewer Department and Zoning Officer.

§ 146-19.4 Replacement Procedures.

- A. The Property Owner and/or their contractor shall be responsible for the safe removal and replacement of the service line, and shall follow all applicable safety and environmental regulations.
- B. After replacement, the Borough of Cape May Point Water and Sewer Department shall restore water service to the property.

§ 146-19.5 Cost Allocation and Fees. The Property Owner shall be responsible for the cost-of-service line replacement, including construction and inspection fees, and contractor costs.

§ 146-19.6. Permits. A demolition permit may require an additional fee to cover the cost-of-service line replacement oversight.

Section 2. Chapter 146, Article III, Section 44 “Existing Buildings” shall be amended to include the following new subsection:

- h. In the event of demolition or elevation, as defined in Section 146-19.1, the provisions of Section 146-19 must be followed.

Section 3. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency. Should any portion of this Ordinance be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this Ordinance.

Section 4. This ordinance shall be published as per statute in the Borough's official newspaper and posted on the Borough's website. The Ordinance shall take effect 20 days after passage and publication, according to law.

Final Adoption	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Geiger						
vanHeeswyk						
Yunghans						

ATTEST:

Elaine L. Wallace, Borough Clerk

Elise Geiger, Commissioner

Anita vanHeeswyk, Mayor

Suzanne Yunghans, Commissioner

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