

This meeting will be conducted via electronic conferencing using Zoom <https://www.zoom.us/> or by phone +1 646 558 8656 (New York), Meeting ID: 891 1354 7943 Passcode: 578389

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 NOVEMBER 25, 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

- Rental Tax on Transient Accommodations

ADMINISTRATOR'S REPORT

PUBLIC QUESTIONS ON RESOLUTIONS ONLY

APPROVAL OF MINUTES

November 11, 2025

ORDINANCES FOR INTRODUCTION AND PUBLICATION: None

RESOLUTIONS

- 119-25 Authorizing the Transfer of Funds
- 120-25 Authorizing the Tax Assessor to File Regular Appeals to the Cape May County Board of Taxation for the Tax Year 2026
- 121-25 Approval of Bill List
- 122-25 Authorizing Executive/Closed Session in Accordance with the Provisions of the Open Public Meetings Act N.J.S.A. 104-12(b) – Employment – Job Duties of Administrator, CFO, and Municipal Clerk

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
- 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

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 unmute yourself when the Clerk calls for public input and wait to be recognized. The Borough 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 NO. 119-25

AUTHORIZING THE TRANSFER OF FUNDS

BE IT RESOLVED by the Commissioners of the Borough of Cape May Point that the following transfers of 2025 appropriations are hereby approved in accordance with N.J.S.A 40A:4-58

Current Fund

From:

5-01-28-231-011 Lifeguards S/W	\$3,500.00
5-01-27-234-021 CMP Environmental Commission OE	\$1,500.00
5-01-28-232-012 Beach Tag Inspector S/W	<u>\$3,000.00</u>
	\$8,000.00

To:

5-01-20-120-011 Municipal Clerk S/W	\$1,500.00
5-01-20-155-021 Legal Services OE	\$3,500.00
5-01-28-232-023 Beach Tag Inspectors OE	<u>\$3,000.00</u>
	\$8,000.00

	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 November 25, 2025.

Municipal Clerk

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

RESOLUTION 120-25

**AUTHORIZING TAX ASSESSOR TO FILE REGULAR APPEALS
TO THE CAPE MAY COUNTY BOARD OF TAXATION FOR THE YEAR 2026**

WHEREAS, by the directive of the Cape May County Board of Taxation and pursuant to N.J.A.C. 18:12A-1.6(c), the governing body of the Borough of Cape May Point may designate that any and all tax appeals for an increase or decrease of assessment may be submitted to the County Board of Taxation by the Tax Assessor; and

WHEREAS, it is deemed to be in the best interest of the Borough of Cape May Point that the Tax Assessor be authorized to file same on behalf of the Borough for the year 2026 for the disposition by the County Board of Taxation.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Cape May Point, the governing body thereof, that Dianne Kelly, Tax Assessor of the Borough of Cape May Point is hereby authorized, empowered and directed to file regular appeals with the Cape May County Board of Taxation on behalf of the Borough for the year 2026.

BE IT FURTHER RESOLVED by the Board of Commissioners of the Borough of Cape May Point, the governing body therefore, that a certified copy of this Resolution shall be forwarded to Dianne Kelly and the Cape May County Board of Taxation.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Geiger						
vanHeeswyk						
Yunghans						

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Municipal Clerk

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

RESOLUTION 121-25

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 \$139,449.97.

	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 November 25, 2025.

Municipal Clerk

November 24, 2025
11:36 AM

BOROUGH OF CAPE MAY POINT
Check Register By Check Id

Page No: 1

Range of Checking Accts: OTHER to OTHER Range of Check Ids: 18997 to 19026
Report Type: All Checks Report Format: Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
PO #	Description				Contract
18997	11/25/25	ANCOA005 ANCO ACE HARDWARE			1962
25-00599	STATEMENT		770.03		
18998	11/25/25	ATL01 ATLANTIC CITY ELECTRIC			1962
25-00625	ELECTRIC BILLS		2,002.07		
18999	11/25/25	AUT02 AUTO ZONE, INC.			1962
25-00629	STATEMENT		26.68		
19000	11/25/25	CAP03 CAPE MAY STAR & WAVE			1962
25-00613	LEGAL ADVERTISING		24.00		
19001	11/25/25	CAP14 CAPE MAY COUNTY MUA			1962
25-00620	SOLID WASTE DUMP FEE OCT 2025		1,281.68		
19002	11/25/25	CAS01 CASA PAYROLL SERVICE			1962
25-00623	PAYROLL		283.50		
19003	11/25/25	CHU01 CHURCH'S GARDEN CENTER & FARM			1962
25-00608	50LB GRASS SEED		339.98		
19004	11/25/25	CIT02 CITY OF CAPE MAY			1962
25-00632	EMS 2ND QU 2025		9,546.32		
19005	11/25/25	COPIE005 COPIERS PLUS			1962
25-00643	STATEMENT		30.76		
19006	11/25/25	COU02 COURT HOUSE OFFICE SUPPLIES			1962
25-00638	OFFICE SUPPLIES		97.84		
19007	11/25/25	COU03 COUNTY OF CAPE MAY			1962
25-00647	OCTOBER FUEL		408.74		
19008	11/25/25	DAV01 DAVE'S TRASH REMOVAL			1962
25-00609	TRASH REMOVAL		487.74		
19009	11/25/25	ELAIN005 ELAINE WALLACE			1962
25-00636	REIMBURSEMENT		175.43		
19010	11/25/25	GREEN005 GREENMAN-PEDERSEN, INC.			1962
25-00624	MAIN BUILDING ADDITION/RENO		5,803.85		
19011	11/25/25	KELLY005 KELLY REDINGTON			1962
25-00637	REIMBURSEMENT		31.19		
19012	11/25/25	MEN01 MENEAR'S			1962
25-00646	REMOVE TREE		600.00		
19013	11/25/25	NATIO010 NATIONAL HIGHWAY PRODUCTS			1962
25-00611	SIGN		624.91		

November 24, 2025
11:36 AM

BOROUGH OF CAPE MAY POINT
Check Register By Check Id

Page No: 2

Check #	Check Date	Vendor	Reconciled/Void	Ref Num
PO #	Description	Amount Paid	Contract	
19014	11/25/25	NJS01 NJ ST. LEAGUE OF MUNICIPALITIE		1962
25-00633	LEAGUE MAGAZINE	25.00		
19015	11/25/25	ONE02 ONE CALL CONCEPTS		1962
25-00612	MARK OUTS	26.60		
19016	11/25/25	RMAXW005 R. MAXWELL CONSTRUCTION CO,INC		1962
24-00225	PUBLIC WORKS BUILDING ADD/RENO	112,467.15		
19017	11/25/25	RRD01 R.R. DONNELLEY		1962
25-00616	CERTIFIED COPY PAPER	46.25		
19018	11/25/25	SEA05 SEA GEAR MARINE		1962
25-00610	STATEMENT	820.83		
19019	11/25/25	SOU09 SOUTH JERSEY GAS		1962
25-00626	GAS BILLS	200.06		
19020	11/25/25	SWA01 SWAIN'S ACE HARDWARE		1962
25-00618	STATEMENT	469.16		
19021	11/25/25	THEDE005 THE DeWEESE LAW FIRM, P.C.		1962
25-00621	LEGAL SERV OCT 2025	2,024.16		
19022	11/25/25	UNI03 UNIVERSAL SUPPLY COMPANY		1962
25-00631	VARIOUS INVOICES	90.68		
19023	11/25/25	VER01 VERIZON		1962
25-00639	TELEPHONE	359.56		
19024	11/25/25	VER03 VERIZON WIRELESS		1962
25-00627	CELL PHONE/CAMERAS	319.24		
19025	11/25/25	WIL01 WILLIAM GIBSON		1962
25-00648	REIMBURSEMENT	25.00		
19026	11/25/25	XTE01 XTEL COMMUNICATIONS INC		1962
25-00619	TELEPHONE	41.56		

Report Totals	<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
Checks:	30	0	139,449.97	0.00
Direct Deposit:	<u>0</u>	<u>0</u>	<u>0.00</u>	<u>0.00</u>
Total:	<u>30</u>	<u>0</u>	<u>139,449.97</u>	<u>0.00</u>

Totals by Year-Fund					
Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT	5-01	18,454.53	0.00	0.00	18,454.53
	5-05	<u>1,303.61</u>	<u>0.00</u>	<u>0.00</u>	<u>1,303.61</u>
Year Total:		19,758.14	0.00	0.00	19,758.14
	C-04	118,271.00	0.00	0.00	118,271.00
	G-02	820.83	0.00	0.00	820.83
TRUST ACCOUNT EXPENDITURES	T-13	600.00	0.00	0.00	600.00
Total of All Funds:		<u><u>139,449.97</u></u>	<u><u>0.00</u></u>	<u><u>0.00</u></u>	<u><u>139,449.97</u></u>

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

RESOLUTION 122-25

**AUTHORIZING EXECUTIVE/CLOSED SESSION IN ACCORDANCE WITH THE
PROVISIONS OF THE OPEN PUBLIC MEETINGS ACT N.J.S.A. 10:4-12(b)**

WHEREAS, the Open Public Meetings Act (N.J.S.A. 10:4-6 et. seq.) requires all meetings of the Board of Commissioners of the Borough of Cape May Point to be held in public, except that N.J.S.A. 10:4-12(b) sets forth nine (9) types of matters that may lawfully be discussed in "Executive or Closed Session," i.e., without the public being permitted to attend; and

WHEREAS, the Board of Commissioners of the Borough of Cape May Point has determined that **ONE (1)** issue is permitted by N.J.S.A. 10:4-12(b) to be discussed without the public in attendance during the Executive or Closed Session to be held on **Tuesday, November 25, 2025 at approximately 12:30 PM.**; and

WHEREAS, the nine (9) exceptions to public meetings set forth in N.J.S.A. 10:4-12(b) are listed below, and next to each exception is a box within which the number of issues to be privately discussed that fall within that exception shall be written, and after each exception is a space where additional information that will disclose as much information about the discussion as possible without undermining the purpose of the exception shall be written:

- _____ **"(1) Any matter which, by express provision of Federal law, State statute or rule of court shall be rendered confidential or excluded from public discussion."** The legal citation to the provision(s) at issue is: _____ and the nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____
- _____ **"(2) Any matter in which the release of information would impair a right to receive funds from the state or federal government."** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____
- _____ **"(3) Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the**

individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly." The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

“(4) Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body.” The collective bargaining contract(s) discussed are between the Borough and _____

“(5) Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

“(6) Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

“(7) Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.” The parties to and docket numbers of each item of litigation and/or the parties to each contract discussed is _____

X

“(8) Any matter involving the employment, appointment, termination of employment, terms and conditions or employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request, in writing, that such matter or matters be discussed at a public meeting.” Subject to the balancing of the public's interest and the employee's privacy rights under *South Jersey Publishing Co. v. New Jersey*

Expressway Authority, 124 N.J. 478, the employee(s) and nature of the discussion, described as specifically as possible without undermining the need for confidentiality is _____

Job Duties of Administrator, CFO, and Municipal Clerk

“(9) Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

WHEREAS, the Board of Commissioners shall reconvene the public meeting at the conclusion of the authorized closed or executive session, which may or may not include formal action as a result of the discussion(s) held.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Cape May Point, assembled in public session on the date of the meeting of the governing body set forth herein above, that a closed session shall be held for the discussion of matters relating to the specific items designated above involving the Borough of Cape May Point. The governing body shall convene a closed session discussion immediately upon passage of this resolution and it is anticipated that the deliberations conducted in closed session shall be disclosed to the public upon conclusion of the matter and/or after determination of the Board of Commissioners that the public interest will no longer be served by such confidentiality and that the meeting will return to open session at the conclusion of the discussion and formal action may be taken if/as authorized.

BE IT FURTHER RESOLVED that the Municipal Clerk, at the present public meeting, shall read aloud enough of this resolution so that members of the public in attendance can understand, as precisely as possible, the nature of the matters that will be privately discussed.

BE IT FURTHER RESOLVED that the Municipal Clerk, on the next business day following this meeting, shall furnish a copy of this resolution to any member of the public who requests one at the fees authorized by N.J.S.A. 47:1A-1, et. seq.

	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 November 25, 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 11- 2025

**AN ORDINANCE PROVIDING FOR THE IMPLEMENTATION OF
STATE REQUIREMENTS FOR LEAD-BASED PAINT INSPECTIONS
FOR CERTAIN RESIDENTIAL RENTAL DWELLING UNITS**

WHEREAS, pursuant to P.L. 2021, c.182, the State of New Jersey requires all municipalities to conduct periodic inspections of certain single-family, two-family, and multiple rental dwellings for lead-based paint hazards, where the unit or building was constructed prior to 1978 and there is no valid lead-safe certification; and

WHEREAS, the Borough of Cape May Point (the "Borough") has contracted with the City of Cape May for purposes of having the City of Cape May conduct the aforementioned inspections that are required by statute; and

WHEREAS, the Commissioners of the Borough have determined it is in the best interests of the public health, safety, and general welfare to adopt an ordinance to set forth the process for implementing these requirements.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Borough of Cape May Point that a new Chapter 106 "Lead Based Paint Inspection" is created as follows:

Chapter 106 Lead Based Paint Inspection

- A. Purpose. The purpose of this chapter is to implement the State requirements pursuant to P.L. 2021, c. 182 (the Act) for the periodic inspection of lead-based paint hazards in certain residential rental dwelling units, as may be amended or supplemented from time to time.
- B. Applicability. This section shall apply to all residential rental dwelling units, subject to the exemptions below.
- C. Exemptions. A dwelling unit in a single-family, two-family, or multiple rental dwelling shall not be subject to inspection and evaluation for the presence of lead-based paint hazards if the unit:
 - 1. Is an Owner-occupied dwelling unit; or
 - 2. Was constructed during or after 1978; or
 - 3. Has been certified to be free of lead-based paint; or
 - 4. Is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least ten (10) years, either under the current or a previous owner, and has no outstanding lead violations from the most recent cyclical inspection performed on the multiple

dwelling under the "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.); or

5. Has a valid lead-safe certification. Any premises for which a valid lead-free certificate is in force and has been issued pursuant to the statutes and regulations administered and applied by the New Jersey Department of Community Affairs, provided the owner of such premises can demonstrate proof of the existence of an original lead-free certificate and eligibility for registration of the premises on the Lead Safe Housing Registry; or
6. Is a motel or hotel.

D. Definitions. The following definitions shall apply to this article:

COMMON INTEREST COMMUNITY - A real estate development or neighborhood in which the property is burdened by servitudes requiring property owners to contribute to maintenance of commonly held property or to pay dues or assessments to an owners' association that provides services or facilities to the community.

LEAD INSPECTOR - person certified by the New Jersey Department of Community Affairs to perform lead inspection and risk assessment work pursuant to N.J.A.C. 5:17-1.1 et seq.

LEAD-BASED PAINT HAZARD - Any condition that causes exposure to lead from lead-contaminated dust or lead-contaminated paint that is deteriorated or present in surfaces that would result in adverse human health effects.

LEAD-FREE CERTIFICATION - A certification which confirms that a lead-based paint inspection was performed and that no lead-based paint exists in the dwelling unit or that all lead-based paint hazards have been fully abated.

LEAD-SAFE CERTIFICATION - A certification which confirms that a lead-based paint inspection was performed, and no lead-based paint hazards were found. This certification is valid for two years from the date of issuance.

MULTIPLE DWELLING – shall mean any building or structure of one or more stories in which three or more units of dwelling space are occupied or intended to be occupied by three or more persons who live independently of each other.

VISUAL INSPECTION - A visual examination for deteriorated paint or visible surface dust, debris, or residue.

E. Lead-based paint inspection procedure.

1. The owner and/or landlord of every single-family, two-family, and multiple dwelling rental unit located within the Borough of Cape May Point shall cause their rental property to be inspected for lead-based paint hazards in accordance with the Act and this Article. The owner and/or landlord, in lieu of having the dwelling inspected by the Borough's Lead Inspector, may directly hire a private lead inspector to perform the lead-based paint

inspection. All inspections will otherwise be performed by the Borough's Lead Inspector.

2. The manner of inspection will be in accordance with the methodology promulgated by the State. (Note: As of the date of enactment of this ordinance, the Borough is a "visual inspection" municipality pursuant to 2022-23 Lead-Based Paint Inspection Methodology Pursuant to P.L.2021, c.182).
 3. To the extent this section applies, an initial inspection for lead-based paint hazards shall occur as soon as practicable following the adoption of this ordinance. Thereafter, all such dwelling units shall be inspected every two years.
 4. If a lead-based paint hazard is identified upon inspection, the owner and/or landlord of the dwelling unit, at his or her own cost, shall remediate the hazards through abatement or lead-based paint hazard control mechanisms which have been approved in accordance with the Act. Upon the remediation of the lead-based paint hazard, the Borough's Lead Inspector or the owner and/or landlord's private lead inspector shall conduct an additional inspection of the dwelling unit to certify that the hazard no longer exists.
 5. If no lead-based paint hazard is identified, then the Borough's Lead Inspector or the owner and/or landlord's private lead inspector shall provide a lead-safe certification on a form prescribed by the New Jersey Department of Community Affairs; the certification shall be valid for two years from the date of issuance.
- F. Fees. The fees to be paid by the owner and/or landlord for a lead-based paint inspection performed by the Borough's Lead Inspector shall be determined by the City of Cape May as the inspection agent for the Borough.
1. In accordance with N.J.S.A. 52:27D-437.16h, the Borough may charge an additional fee on top of the established inspection fee from the City of Cape May that is necessary and sufficient to cover the cost of the inspection. Any such fee shall be established by Resolution of the Borough Commissioners.
- G. Violations and penalties; Enforcement. In accordance with the Act, the penalties for a violation of this article shall be as follows:
1. If a property owner has failed to comply with this Article with respect to a rental dwelling unit owned by the property owner, the property owner shall first be given 30 days to cure any violation by conducting the required inspection or initiate any required remediation efforts. If the property owner has not cured the violation after 30 days, the property owner shall be subject to a penalty not to exceed \$1,000 per week until the required inspection has been conducted or remediation efforts have been initiated.
 2. The foregoing penalties shall be in addition to any other penalties provided by law.

3. Any of the violations referred to herein may be enforced, as applicable, by the Borough of Cape May Point Code Enforcement Official, or other such person designated by the Borough Commissioners.

Section 2. 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 3. This 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

FIRST READING: Oct. 28, 2025
PUBLICATION: Nov. 5, 2025
PUBLIC HEARING: Nov. 25, 2025
PUBLICATION: Dec. 3, 2025

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

ORDINANCE 12-2025

**AN ORDINANCE AMENDING CHAPTER 114 “NUMBERING OF BUILDINGS”
OF THE CODE OF THE BOROUGH OF CAPE MAY POINT**

BE IT ORDAINED the Board of Commissioners of the Borough of Cape May Point, County of Cape May, State of New Jersey, that Chapter 114 “Number of Buildings” of the Code of the Borough of Cape May Point be and is hereby amended as follows (deletions in ~~strikethrough~~ and additions in underline):

Section 1.

114-4. DISPLAY.

The owner or occupant of every building in the Borough shall cause to be placed thereon the number which has been assigned to it by the Borough. The placement of the number shall be in such a manner as to be plainly visible from the street or roadway and shall not be less than four (4”) five inches in height and shall plainly display the number of the building in color and style which provides contrast from the improvement upon which the number is affixed.

114-5. DISPLAY ON BUILDINGS SET BACK FROM ROAD.

Whenever a building is situate in such a way that it is set back thirty (30’) feet or more from a roadway, and whenever the building is obscured by a fence, shrubbery or any other obstacle which impairs visibility from the street, then, in addition to displaying the numbers on the building as required by Section 114-4 hereof, each owner or occupant of the property shall cause to be displayed at or near the front property line the building number, which shall be set forth in figures at least three (3”) inches in height and which shall be in color and style that provides contrast from the improvement upon which the number is affixed.

Section 2. 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 3. This ordinance shall take effect 20 days after passage and publication, according to law.

Final Adoption	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
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