

BOROUGH OF CAPE MAY POINT

Planning Board

Final Meeting Minutes

Tuesday, August 19, 2025 at 6:30 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: Mr. Remy, Mr. Brown, Mr. Rusnak, Comm. Geiger, Dr. Farrell, Ms. MacKenzie, Mr. Wallace, Ms. Hobdy
Absent: Ms. Shaw, Mr. Murphy, Ms. Shufelt, Mayor VanHeeswyk
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.

Minutes

Mrs. Dunn asked if there were any further comments on the revised draft minutes for June 17, 2025 that were circulated to the board members from the board secretary prior to this meeting. No other corrections were noted. As a result, the minutes from June 17, 2025 were approved, as amended, on a motion from Mr. Remy and a second from Mr. Farrell. All present were in favor.

Business

1. **SR PB 2025-08-On proposed Ordinance 08-2025-An Ordinance Amending the Code of the Borough of Cape May Point Chapter 138 “Tree Removal and Replacement” and Chapter 150 “Zoning”**
 - a. Mr. Brown stated that this is an ordinance that the Commissioners have introduced that relates to reconciling some previous changes that they’ve introduced about tree removal and replacement with existing zoning code.
 - b. Comm. Geiger stated this ordinance is a reconciliation. The Commissioners put in the tree ordinance last year which conforms with the state requirements for stormwater management. The ordinances were similar but some areas were not conforming with other parts of existing code. The biggest area that she wanted to address was what would happen when somebody does a clear cut on property.

- c. Ms. Geiger stated that where the tree ordinance was not aligned with the landscape ordinance was when somebody wanted to clear-cut and start building on a piece of property. The landscaping ordinance in and of itself was very difficult to read and understand. The landscape ordinance has very similar concepts to the tree ordinance but is not always enforced.
- d. Comm. Geiger stated that this revised ordinance is to make sure that the landscape ordinance and tree ordinance work together. The revised ordinance states that before a builder comes and clear cuts a piece of property, because they're going to build, they first need to get a tree permit, which then puts them right into the tree ordinance, which is a requirement then in the end.
- e. Comm. Geiger feels like the revised ordinance makes it much easier for enforcement and it holds to the concept of no net canopy loss.
- f. Mr. Brown stated that the ordinance is before the board to determine whether it is consistent with the master plan. Mr. Remy asked if this pertains to new construction or existing lots. Comm. Geiger confirmed that it pertains to anything that requires the landscape plan.
- g. Mr. Wallace asked if there was a grandfathering clause associated with the new ordinance. Comm. Geiger explained that the trigger would be the landscaping and vegetation plan so if a homeowner is leaving their property as is, they would not be required to adhere to this ordinance.
- h. The topic was opened to the public at 6:46pm on a motion from Mr. Rusnak and a second from Mr. Remy.
- i. No members of the public spoke on the topic.
- j. Public comment was closed at 6:47pm on a motion from Mr. Rusnak and a second from Ms. MacKenzie.
- k. Mr. Brown stated that he went back to the 2007 Master Plan and the 2017 Master Plan reexamination and didn't find too many references to trees. In the 2007 Master Plan itself, there's a phrase in the goals and objectives that says "the unique, unspoiled, close-to-nature attributes of Cape May Point must be retained." He thinks that's noteworthy on this topic. It talks about the street configuration with the importance of native vegetation and fauna, and a natural approach to landscaping. In the 2017 Master Plan reexamination, under regulation and enforcement, it says, ensure compliance with approved landscape plans. By finding those comments, he finds that this ordinance, as proposed is consistent with the Master Plan.
- l. Mr. Wallace stated that he vaguely recalls something of a biodiversity in the masterplan. By raising this point of biodiversity, he believes the ordinance is consistent with the masterplan.
- m. Mr. Remy made a motion to adopt the resolution prepared by Mr. VanEmbden. Mr. Brown seconded the motion.
- n. The resolution was approved with 7 Aye votes. (Geiger, Brown, Farrell, MacKenzie, Remy, Rusnak, Wallace, Hobdy)

2. Climate Change Related Hazard Vulnerability Project Team Update:

- a. Mr. Brown referred to the slides that he prepared. He stated that on slide 2, it shows the verbiage from the state statute, points 1 through 7. That is exactly what the state statute says and every municipality has to deliver this before they update their masterplan.
- b. On slide 3, this is an update on the progress that they have made. They created an Assessment Project Team (APT) and they have made significant progress. They have had 6 meetings, and they have 4 remaining meetings scheduled. The team consists of 5 members that have been working diligently and has delivered some useful outputs that he will summarize for the board.
- c. Mr. Brown stated they also have referenced some very useful materials such as the non-profit group, the New Jersey Future and the non-profit group Sustainability New Jersey. These non-profits have partnered together to create a guide or model for CCRHVAs, and it is for a state-sanctioned, deliverable. It is very robust, with a lot of templates, a lot of guidance, and hand-holding text to guide one through how they might do this effort. The APT also have been referencing the Cape May County Hazard Mitigation Plan, which includes a new draft submission from Cape May Point.

- d. Mr. Brown stated that the APT is trying to deliver what the state legislature have asked and hopefully not have to go much beyond that. He stated that the public role in this is important, because public awareness of climate change-related hazard vulnerabilities is one of the goals of doing this effort. As part of public communication, APT members have been giving brief descriptions of the CCRHVA progress in select venues. The Deputy Mayor has been updating at the Commissioner's meetings and Mr. Brown has been giving updates at the Planning Board meetings. They also described what they were doing in the Spring CMPTA Taxpayers Association newsletter, and they are preparing for a Q&A session at the September 12th Taxpayers Association Annual Meeting. They are going to show draft materials tonight and at that September 12th event and they are going to hear input from the public. They will then proceed on as a team in the balance of the rest of the year and finalize their materials.
- e. Mr. Brown stated that the team did agree that the time horizon they would focus on is 2050, because one of the state-mandated goals is to use data and use specific data, so they focused on 2050, and that if they were going to see any projections, that a 50% probability would be where their eyes would first turn in terms of going through data.
- f. Mr. Brown stated that they identified 9 hazards for assessment. They identified assets within Cape May Point, and then started going through a set of research data and projections that might inform how those 9 hazards impact Cape May Point itself. Most recently, the team started looking at brainstorming, and then prioritizing mitigation action projects.
- g. The next slide showed the 9 hazards, 4 of them were required (increased/extreme temperature, drought, flooding, and severe weather). The 5 others were picked from a list to say they're relevant for Cape May Point (saltwater intrusion, wildfires, vector-borne diseases, ecological disease/agricultural pests, and shoreline erosion).
- h. The assets themselves are listed on the next slide and they're grouped into categories: Municipal structures, utility infrastructure, municipal equipment, non-public structures, physical landscape elements, and then influential neighboring Assets. At the bottom, it's important to note that the people of the community are considered an asset. The way they have handled it is, they have attached the people to the other assets in this table. There are inhabitants of residential properties, there are visitors who come to the non-profit Audubon Bird Observatory, and there are workers.
- i. The next thing they needed to do, according to the state, is to make a hazard impact determination. In the columns on slide 3, are the hazards he just showed the board and in the rows are the assets he showed the board and the team created a "heat map." For each one of the assets and hazards, they rated the assets exposure to that hazard and the sensitivity of the asset to that hazard. By coming up with those two numbers, they then were able to combine those numbers in a methodology to get a 1 to 5 ranking in the colored parts of the columns. The redder the color, the higher the number. This produces a "heat map" result in a 1 to 5 scale of colors. One 5 here is the electrical supply infrastructure because of its impact in extreme temperature. There are a few other pockets of 4s in the chart, such as flooding, wildfires and again for electrical supply infrastructure and communication.
- j. Mr. Rusnak commented that the two perimeters of Alexander Ave and Lighthouse Ave, are surrounded by brush. Last year, when the wildfires were striking New Jersey, it was very concerning, because those dunes and forests behind Alexander and Lighthouse, he thinks, are very vulnerable to a potential wildfire. He is wondering because of the risk to homes around the periphery if there are some steps that could be taken around those perimeters, whether it's a fire block or something like that to create some separation between the homes and the forest.
- k. Comm. Geiger stated that they learned that dry phragmites in the off-season, also confer a significant wildfire risk. They did have quite a bit of discussion and they do have one of the mitigation strategies as plans to deal with wildfire risk, particularly Phragmites.
- l. Mr. Brown responded that while this slide shows that independent data says that Cape May Point has relatively low exposure, 2 out of 10 for wildfires, they noted that we're surrounded by

communities that are 7 out of 10. Lower Township and Cape May City are 7 out of 10 so they have very high exposure so that caught the APT's attention, because not only is our egress at risk of a wildfire blocking our exit, but their wildfires could spread into Cape May Point. For those reasons, that's why, even though the data from the independent folks was saying you don't have to worry so much about wildfire, the team is going to keep it on their radar, and do what Comm. Geiger mentioned, which is to look to mitigate the burnable stuff that's near the areas mentioned that is around us. There's also another action in here, which is about partnering with our neighbors, which would be Lower Township, to make sure that they maintain it in a way that it reduces their and our risk.

- m. Mr. Brown stated that there was a category of assets which is our neighbors who provide us things such as Cape May City providing us water, or the state utilities. The utility infrastructure is its own row on the chart. He noted that there are things we can do for Cape May Point itself, in addition to worrying about what's upstream. Mr. Brown stated that his remarks isn't the last time the team will be talking about this, but this is their current draft and the heat map tells you where their attention is. However, even if it's not red in the map, it doesn't mean that they are not proposing mitigation.
- n. Mr. Brown stated that the next table is taking this first one on Hazard Impacts, and these 1 to 5 rankings, and turning them into a 1 to 3 ranking of vulnerability. The difference is, you take the 1 to 5 ranking that they just had, and you then merge it with the adaptive capacity of our community to handle that vulnerability, and handle that risk. That adaptive capacity comes in 3 categories, low, medium, and high. It turns out that after we used a rubric provided by the state, our adaptive capacity at the Point is defined as medium in all categories.
- o. Mr. Wallace asked for an example of adaptive capacity. Mr. Brown responded let's say Cape May City is trying to change the water supply. The kinds of questions that help us rate our adaptive capacity include things like: do we have a functioning government that allows us to react to a supplier changing the rules on us. The answer to those questions would be yes and so we have some way of adapting to that risk. However, do we have a way of generating our own clean water? No, so that's why we're not rated high adaptive capacity in that category.
- p. Mr. Brown stated that they took a 1 to 3 ranking of adaptive capacity, which is basically a 2 in everything along with the last table and they got a new Vulnerability heat map now with just green, yellow, and red. The places that were just talked about that were all 4's and 5's are the ones that are coming up red. That's the key vulnerability and this is a deliverable that the state asks for.
- q. Mr. Brown stated that the last part of the presentation is where they started drafting mitigations, and to do that, they wanted to frame them with some overarching goals. One is to strategically protect life and property; 2 is to enhance resiliency, preparedness, and continuity of operations between government utilities, and community members; 3 is to support public awareness, education, and preparedness; 4 is promoting partnerships with neighboring municipalities, government agencies, utilities, business, and nonprofits and; 5 is to protect the coastal dune environment and other natural resources through both short- and long-term action. These were the overarching goals, and then the APT spent a good amount brainstorming mitigations.
- r. Mr. Brown showed 2 pages of potential mitigation actions. There are others that they have brainstormed but have not yet processed. The first page is Tier 1. These are things that floated to the top of their list and they are shown with a near, medium or long-term horizon defined as within 2 years, around 5 years, or up to 10 years. On the far-right column, you'll see which of those 5 goals they think that these mitigation proposals address. Proposal 9 is all about drainage East. This is about the gravity-fed draining from Lake Lily through Lighthouse Pond and out to the ocean in some path. Proposal 6 here is partnering with our neighbors about developing long-range plans for evacuation route access. Proposal 2 is longer-range capital planning to fund, plan and implement some of these mitigation activities. Proposal 7 is to define a temporary water

restriction process in case we get in an emergency and we have to limit water usage. Proposal 8 is to ensure adequate generator capacity for drainage West, which is the active pumping from Lake Lilly out to the Bay. Proposal 27 all the way at the bottom, is to encourage local and state efforts to expand electricity generation within the state.

- s. Mr. Brown stated that on page 9 is the Tier 2 collection of mitigation action proposals, again, with near, medium, and long term horizons such as Proposal 13 which is identifying a backup for Borough Hall records in the event of flooding. Proposal 32 is to develop a Phragmites fire plan in conjunction with the State Park and Nature Conservancy. Proposal 31 is replanting dunes with plants, because we're getting some of the pine tree loss in the dunes.
- t. Mr. Rusnak stated that because of the forest around us, especially between us and the historic magnesite plant, a lot of the dwarfism of those plants has abated, and now all of a sudden, there are more substantial trees. Mr. Brown asked if he had something specific that he would like to see in the plan. Mr. Rusnak suggested approaching the state about a fire break in the state park between Sunset and their community. He feels that there is a substantial mass of trees and dry timber that should be looked at.
- u. Mr. Wallace suggested preparing a mitigation plan for losing electricity for an extended period of time. Comm. Geiger stated that one of the things that she would like to do as a commissioner is to make sure everybody understands what some of these processes are in case of an emergency so that the community knows who's going to be doing what and where they can go. Mr. Remy asked if the county have information like this. Mr. Brown responded that the County has a 5-year mitigation plan that is required by the Federal Government. He noted that the team has referred to the County's latest mitigation plan to get some ideas.
- v. Mr. Brown closed his presentation with a slide in regards to the timeline for the team. They want to finalize their mitigation actions soon after input from a public session on September 12th. They are working on a few other parts of the plan and then will come back to the board and along the way will engage with Michael Sullivan, the Borough's Planner. Their plan is to come back to the board in the November time frame and then submit the plan to the state, if needed, by the year's end.

3. Subcommittee Updates:

- a. **Completeness Committee:** Mr. Brown stated that there is one application that is in the process of being reviewed and could be ready for the September meeting.
- b. **Lot Coverage Awareness Subcommittee:** Mr. Brown stated that the committee has been working on many topics. A few topics such as access ramps and asymmetric structures could be ready for a meeting in the near future.
- c. **CCRHVA:** Mr. Brown did not have any further comments for this topic.

4. Any and all pending matters:

- a. None

Board Information:

- a. Mr. Brown stated that the board members received a copy of the Borough's submission to the County Mitigation Plan and Bill Gibson asked if anyone had any comments to send them to him or any of the Commissioners by the end of August.
- b. The State Development and Redevelopment plan is continuing forward. The County has submitted their response to the state; the state issued an acceptance or agreement reconciliation report of the proposals from each county. In addition, the state has moved on and created an impact assessment, which is a requirement for a new regulation, and they've issued an impact assessment to the State Development and Redevelopment Plan that basically says, what's the impact if you didn't adopt this State Development and Redevelopment Plan.
- c. Mr. Brown stated that we heard at our last meeting, Sandy Allison in the public comment period, mentioned a product called a "Social Hub". Ms. Allison sent Mr.

Brown a copy of a catalog that says on the front, Social Hub, so he wanted to thank Ms. Allison for educating him on that, and he brought it tonight if anybody wants to look at it.

- d. Mr. Brown stated that Mrs. Dunn and he are working on refreshing the Planning/Zoning Board Application. We are moving through that process but he wanted to let the board know that the Planning Board does not control what the application looks like. The Commissioners would have to pass a resolution to modify the package.

Public Comment:

- a. Public comment was opened at 7:44pm on a motion from Comm Geiger and a second from Dr. Farrell.
- b. Jean from 202 Lincoln stated that one of the things she heard spoken of earlier tonight was enforcement. There can be this wonderful dialogue and a lot of effort put into things to try and protect our community consistent with this master plan. The difficulty is that if people are not doing things consistent, and there aren't people who have eyes on that and have the time, this is all well and done, but it's like someone else said, it's like putting it on a shelf and we're not really doing things that protect our community. She stated that her comments have mainly to do with lighting and ground cover. She stated that they live in a community where what is going on in their section of this beautiful borough, is inconsistent with what they envisioned when they got here. She knows there's dialogue starting, and for her that's all well and good but if we are not at a place to also hold people accountable in a way that's meaningful, she's not sure where we're going with this.
- c. Mr. Remy commented back to Jean that the LCA Subcommittee has been looking into these items as she is describing to make it more that homeowners are held accountable for their actions.
- d. Sandy Allison agrees with Jean and is impressed with the presentation tonight. She emphasized that enforcement is important however, likes what the LCA Subcommittee is doing.
- e. Public comment is closed at 7:54pm on a motion from Mr. Remy and a second by Mr. Rusnak.

Adjournment

They meeting was adjourned at 7:55pm on a motion from Mr. Rusnak and a second from Mr. Wallace. All present voted Aye.

Respectfully Submitted by:

Kate Dunn

Board Secretary

Approved by Board 10/21/2025