

JANUARY 27, 2026
REGULAR MEETING MINUTES

The Regular Meeting of the Board of Commissioners of the Borough of Cape May Point was called to order by Mayor vanHeeswyk at 6:00 PM. Mayor vanHeeswyk read the Open Public Meetings Statement and then led those present in the flag salute. Commissioner Geiger, Mayor vanHeeswyk, and Commissioner Yunghans answered roll call. Also in attendance: Clerk Elaine Wallace and Solicitor John Amenhauser. This meeting was held electronically via ZOOM under local operation guidance from the NJDCA pursuant to P.L. 2020, c.11.

COMMISSIONERS' DISCUSSION:

Amendments to Tree Removal and Replacement Ordinance: Commissioner Yunghans gave some background on the process and a summary of the changes proposed in the ordinance which are included at the end of these minutes. Commissioner Geiger wasn't in favor of changing to a 1-1 replacement standard and not requiring hazard trees to be replaced, saying those changes would result in a diminished tree canopy. In addition, the original version was tied to the minimum tree requirements per lot in zoning. This was harmonized with the current Tree Ordinance and agreed to by the Planning Board. This revision changes that. There is a question on whether the Ordinances can be de-linked and allowed to have 2 different standards. To demonstrate how the current ordinance with the exemption for properties meeting the 3 native tree standard works. Ms. Geiger used an example of a property with only 1 tree and a property with multiple trees. If the trees were hazard tree and had to be removed, the homeowners wouldn't be required to replace them resulting in zero trees, (net loss 2). Under the existing ordinance, the person with only the one tree would have to plant 2 trees, moving the properties to the 3 tree standard. Commissioner Geiger felt the problem wasn't with the existing ordinance, but with its implementation, creating too many hurdles for the quick removal of a true hazard. Mayor vanHeeswyk found the proposed ordinance to be practical and was in favor of introducing it. Commissioner Yunghans thanked the other Commissioners for their thoughtful comments. She felt the Borough must be vigilant and mindful of planting more on public property and to encourage people to plant on their own property.

Planning Board Recommendations re: Access Ramps and Asymmetric Houses: Mayor vanHeeswyk explained she previously asked the Planning Board to look into regulations for access ramps and supported the recommendations that they have forwarded to the Commissioners. In essence, permanent ramps would have to comply with all zoning regulations, but temporary ramps would be handled slightly differently. Commissioner Geiger explained the Planning Board is recommending the code be changed from no less than 600 sf on the first floor to the first floor can be no less than 40% of total floor area of the house. In addition, the PB would like to clarify that the space under the cantilevered section would be considered part of the building footprint and would be included in the lot coverage calculation, and not as part of the 60% required vegetation.

COMMISSIONERS' REPORTS:

Commissioner Geiger reported the Code Enforcement Officer has completed his numbering compliance inspection of all properties in the Borough. He will be sending letters to all non-compliant properties instructing them to make corrections by March 1. Ms. Geiger reported the Planning Board approved the CCRHVA plan, which is an assessment of the Borough's climate vulnerabilities and mitigation strategies, and is needed for the Master Plan. The final report is very concise and contains actionable proposals and will be posted on the Borough's website. She encouraged the public to

review it. Ms. Geiger thanked Matt Brown for spearheading the initiative with participation from Ed Barnhart, Stew Farrell, and Bill Gibson. Ms. Geiger reported the Planning Board will begin work on the Master Plan which is due for review in 2027. The plan needs to reflect what the community wants and works best when the community is engaged. Commissioner Geiger reported she put together a yearly review from her department and welcomed the other Commissioners to do the same, saying she intends to send it out to all property owners. She also reported that she and Commissioner Yunghans were both working on neighborly pointers for residents and visitors for their respective departments. Ms. Geiger is hoping to send these out to with rental permits so visitors will have important information about the Point. Lastly, Commissioner Geiger reported the State has received the Borough's new rental tax, which will go into effect on May 1st.

Mayor vanHeeswyk reported on JIF appointments being made by resolution later in the meeting. Jim Craft will become the Fund Commissioner and Kelly Redington will become the Safety Coordinator. Mrs. vanHeeswyk also reported the Borough's planner is working on the Borough's response to Fair Share Housing's challenge to the Borough's affordable housing proposal which will involve adopting an ordinance that must be reviewed by the Planning Board. The Borough will meet the imposed deadlines. The Mayor also reported the State has accepted the Borough's withdrawal from the State Health Benefits Plan. The Borough will have a new plan in place by April 1st. Lastly, the former governor Murphy signed the REAL/PACT rules on his last day in office. The Borough was opposed to the rules which will change certain requirements with respect to resiliency.

Commissioner Yunghans thanked Public Works for their diligent work on plowing the Borough's roads the past weekend. There was a chance of another winter storm the following weekend. Ms. Yunghans reminded everyone to move their cars off the streets to facilitate plowing. If someone doesn't have a driveway, she suggested they ask their neighbor who aren't in Cape May point if they could park in their driveways. Public Works has been vigilant in looking for water leaks during the long cold stretch. She was happy to report sample lake mats were installed for testing prior to the bad weather. Later in the meeting, the Commissioners will vote on an ordinance for two capital expenses – a new diesel truck for Public Works and a water softener for the well in Pavilion Circle. Lastly, as the one-year anniversary of her becoming commissioner has passed, Ms. Yunghans expressed gratitude to her fellow commissioners as well as Bill Gibson, Elaine Wallace, Kelly Redington, Bill Isaac, Dave Carrick, John Amenhauser and Jim Craft for their support of her and their commitment to the Borough of Cape May Point.

PUBLIC QUESTIONS ON AGENDA ITEMS: None

APPROVAL OF MINUTES:

January 6, 2026

Motion: vanHeeswyk, Geiger

Roll call: all in favor

ORDINANCES FOR INTRODUCTION/PUBLICATION:

01-2026 Ordinance Appropriating \$80,000 from the Capital Reserve for an Electric Truck to Purchase a Public Works Vehicle and a Water Softener

Motion: Yunghans, vanHeeswyk

Roll call: all in favor

02-2025 Amending Chapter 138 "Tree Removal and Replacement" of the Code of the Borough of Cape May Point

Motion: Yunghans, vanHeeswyk
Roll call: vanHeeswyk, Yunghans in favor, Geiger opposed

RESOLUTIONS:

26-26 Authorizing Closure of Certain Developer's Escrow Accounts and Refund of Unexpended Fees, Where Necessary, as Recommended by the Planning Board
Motion: vanHeeswyk, Yunghans
Roll call: all in favor

27-26 Confirmation of Officials for Joint Insurance Fund and Municipal Excess Liability Fund
Motion: vanHeeswyk, Geiger
Roll call: all in favor

28-26 Authorizing the Borough Engineer to Provide Construction Engineering Services for Alexander Avenue Phase II and Surf Avenue Resurfacing Improvements Project for a Total Cost not to Exceed \$31,220.00
Motion: Yunghans, vanHeeswyk
Roll call: all in favor

29-26 Approval of Bill List
Motion: vanHeeswyk, Yunghans
Roll call: all in favor

ORDINANCES FOR SECOND READING AND PUBLIC HEARING:

14-2025 An Ordinance Amending Chapter 29, Article 1 Administrative and Appointed Officials, Section 1 Administrator
Motion to open public hearing: vanHeeswyk, Geiger
Roll call: all in favor

When no one wished to speak, the public hearing was closed.

Motion to adopt: vanHeeswyk, Yunghans
Roll call: all in favor

PUBLIC PORTION:

Bridget Bates asked if the space underneath the second story of an asymmetrical house would be counted toward Floor Area Ration (FAR). Commissioner Geiger explained it would count toward lot coverage, not FAR.

When no one else wished to speak, the meeting was adjourned at 12:46 pm on motion of Mayor vanHeeswyk, seconded by Commissioner Yunghans.

Respectfully submitted,

Accepted:

Elaine L. Wallace, RMC, CMR
Municipal Clerk

Commissioner Geiger

Mayor vanHeeswyk

Commissioner Yunghans

Tree Removal and Replacement Ordinance Amendment

Reminder: This ordinance is a requirement by the state of NJ. Its purpose is to preserve trees to absorb stormwater. This changes in this amendment are based on the experience of the past 15 months as well as research on what seems fair for the homeowner, meets the state requirements and fits with our community needs.

The good news is we value our trees and vegetation in Cape May Point. We want a green environment and we understand the importance of trees in maintaining our dunes and protecting our town.

Our current tree canopy is 42.1% as measured by geospatial mapping software supported by the USDA Forest Service, the Arbor Day Foundation and PlanITgeo. The Forest Service benchmarks tree canopy for city neighborhoods at 30% -- we exceed that in our coastal residential setting. That being said, we will always have tree loss from age, disease, storm damage, etc. So, requiring replacement trees on public and private land is important and warranted.

Of note in this amendment:

- Trees less than 6" DBH (diameter at breast height) can be removed without a permit
- Removal of a hazard tree (note the definition of a hazard tree in the ordinance) needs a permit but does not require a replacement. We hope homeowners will replace it but it is not required.
- Removal of a healthy tree greater than 6" DBH requires a permit and must be replaced by a tree of equal or greater DBH OR replaced by a number of smaller trees based on the DBH of the tree removed OR the homeowner can pay into the Borough Community Tree Trust Fund. The replacement trees must be selected from the Approved Tree List.
- The Approved Tree List identifies tree species native to and thriving in our microclimate. This list was recently updated to include the Eastern Redbud and the Southern Magnolia. The list is now managed by resolution so it can be updated periodically.

Remember that our zoning ordinance still requires 3 trees on a typical 50x100' lot – 2 of which must be a medium or large species.

We know trees take a long time to grow so in order to keep CMP green for generations to come, paying attention to our trees is our collective responsibility. The Tree Committee, which is responsible for trees on our public lands, is meeting regularly and making recommendations for trees to be planted this Spring. In addition, the Environmental Commission is considering a native tree seedling giveaway to encourage private homeowners to enhance their property with more trees.