

**FEBRUARY 24, 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: CFO Jim Craft, Clerk Administrator 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/REPORTS:

Storm Follow-up: Commissioner Yunghans thanked Public Works for their tireless hard work during and after the storm. She also thanked the residents for keeping the streets clear so the plows could do their work. The lake will be lowered to allow for stormwater. Electricity was restored to most of the town, with just a few houses still out. Leaves and branches will be picked up as the storm cleanup continues. Commissioner Geiger also thanked Public Works for working 24 hours straight and thanked the Volunteer Fire Company for opening the firehouse, checking on people in their homes, and answering emergency calls during the storm. Due to the substantial number of downed and damaged trees, she recommended a 60-day hiatus on tree permits to allow the storm damaged trees to be removed expeditiously.

Commissioner Geiger made a motion to institute a 60-day pause on tree permits for trees that were damaged by the storm. Commissioner Yunghans seconded the motion which was approved unanimously on roll call vote.

2026 Budget Review with Jim Craft: CFO Craft and the Commissioners went through the budget worksheets, discussing each department and its proposed appropriations and revenues for 2026. As proposed, the budget called for a 3-cent tax increase. Some adjustments were made on how to track and use the \$100,000 proceeds from the land asset sale. One option was to utilize it to pay down debt on the Fire Truck. It was agreed to put the asset funds into surplus and decide on usage at a later date. Mr. Craft will finalize the changes and update the budget for submission. Introduction was scheduled for March 10, and public hearing and adoption for April 14.

Planning Board Recommendations re: Attics and Garages: Commissioner Geiger explained the purpose behind the recommendations is to prevent attic and garage spaces from being built and later turned into living space. There was not universal agreement among Planning Board members on the suggestions. Ms. Geiger was concerned that the proposals regarding garages were an overreach, feeling the current zoning regulations address them adequately. The attic proposals were also of concern as they may make them less usable for easy storage. She felt more consideration was necessary. Mayor vanHeeswyk wasn't comfortable

counting accessory buildings in the FAR and felt the setback and height restrictions were adequate limitations. Attic spaces have been an issue with the Zoning Officer in the past. Plans come in with a large attic space above an attached garage that is often turned into living space that wasn't calculated into the approved FAR. Allowing large spaces above garages also increases the bulk of a house. More consideration was needed on how to properly regulate space above attached garages. The Commissioners were concerned about everyone being penalized for the few abusers. Commissioner Yunghans felt because people need a certificate of zoning compliance prior to selling a property, violations of the Borough's zoning regulations would eventually be found and eliminated. The Commissioners agreed to give the topic more consideration to the topic of attached garages and the spaces above them and to discuss it again at a future meeting.

REPORTS:

Commissioner Geiger commented on Ordinance 02-2026 amending the tree removal process. First, she asked if this ordinance should go before the planning board. Attorney Amenhauser explained only ordinance amending the zoning regulations require Planning Board review. Ms. Geiger was opposed to reducing the replacement ratio and for not requiring replacements for any hazard trees. She felt the definition of hazard tree would encompass 98% of tree removals and without replacement requirements, the Borough's tree canopy would decline over time. She felt the largest impact would be when a lot is developed. She gave an example of a property that submitted a landscape plan that had 26 trees, mostly 6-13" in diameter. Under the existing ordinance, 52 trees would be required to be planted, but only 14 could be accommodated. The developer would have to pay into the tree fund for the trees not planted. Under the proposed ordinance, only 30 trees would have to be planted. The fewer tree replanted means the greater loss to the tree canopy. She wondered it maybe the zoning code should be changed back to required 2 for 1 replacements and payment into the tree fund for trees that can't be planted. Mayor vanHeeswyk felt some of the issue may be expectations. If someone had a vacant lot and we say 30% can be covered by structure, then she didn't see how the Borough could expect them to replace all trees removed. She felt the way the code is written is comfortable for the Borough. Commissioner Yunghans felt the code still requires a minimum of 3 trees per property, which isn't changing. She felt back about making changes that effected Ms. Geiger's effort to harmonize the two sections of the code. And she recognized that other towns have reaped the benefit of a 2 to 1 replacement when people have to pay into the trust fund, but that hasn't really been the case in Cape May Point. Ms. Yunghans felt the current revision took care of people who take down a healthy tree and have to replace it.

Mayor vanHeeswyk commended the employees in Cape May Point for handling the storm so well and keeping everything running smoothly.

Commissioner Yunghans encouraged residents and property owners to sign up for the Borough's email list. Anyone who was signed up received regular and timely communications during the storm.

PUBLIC QUESTIONS ON AGENDA ITEMS: None

APPROVAL OF MINUTES:

February 10, 2026 Regular Meeting and Closed Session
Motion: vanHeeswyk, Geiger
Roll call: all in favor

ORDINANCES FOR INTRODUCTION/PUBLICATION: None

RESOLUTIONS:

- 37-26 Recycling Tonnage Grant Application 2025
Motion: Yunghans, vanHeeswyk
Roll call: all in favor
- 38-26 Authorizing Special Event Permit – NJ Audubon/CMBO Hawk Watch
Motion: vanHeeswyk, Yunghans
Roll call: all in favor
- 39-26 Salary Resolution 2026
Motion: vanHeeswyk, Geiger
Roll call: all in favor
- 40-26 Appointing Elaine L. Wallace as Administrator and James V. Craft as Deputy Administrator
Motion: vanHeeswyk, Yunghans
Roll call: all in favor
- 41-26 Approval of Bill List
Motion: vanHeeswyk, Geiger
Roll call: all in favor

TAX COLLECTOR'S 2025 ANNUAL REPORT

Motion to receive and file: vanHeeswyk, Yunghans
Roll call: all in favor

ORDINANCES FOR SECOND READING AND PUBLIC HEARING:

- 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 to open public hearing: vanHeeswyk, Yunghans
Roll call: all in favor

When no one else wished to speak the public hearing was closed.
Motion to adopt: vanHeeswyk, Yunghans
Roll call: all in favor

- 02-2026 Amending Chapter 138 "Tree Removal and Replacement" of the Code of the Borough of Cape May Point

Motion to open public hearing: Yunghans, vanHeeswyk
Roll call: all in favor

Jean Biesecker raised several concerns. First, she didn't see a time period listed for how long a borough official has to make a determination on a hazard tree. She also didn't see a time period specified from the time a homeowner submits the application to when they get a permit. Another timing concern was related to the 2-year survival rate of a planted tree. The ordinance says replacement trees have to be monitored for 2 years and then, if failing, property owners have 12 months to replace. She also wasn't clear on whether the onus to monitor continues to a new property owner if the sold before the end of the 2-year period. Lastly, she wasn't clear on whether there was a difference between a borough official as used in 2d1 is the same as a municipal services as used in 4d2. Deputy Clerk Kelly Redington explained the most time-consuming part of the application process is when someone applies for an exemption because it requires marking of trees and getting a letter from the tree removal company. Under the proposed ordinance, the processing time would be much faster, usually a day or two. Solicitor Amenhauser explained the replanting timing would be: replacement tree would have to be replanted within 12 months, then for 2 years they would have to be monitored. If a tree failed, the owner would have 12 months to replace it. He also said technically, a new owner would be responsible to keep the tree alive for the remainder of the 2-year period, but he wasn't sure how it would be enforced. Lastly, he explained a borough official and municipal service are one and the same. Commissioner Yunghans explained the proposed ordinance attempts to streamline the process, but that the Borough always takes a hazard tree seriously. Ms. Biesecker asked for clarification on whether the ordinance was being revised based on earlier conversation. Mr. Amenhauser explained no action will be taken as a result of earlier discussion. After the public hearing is closed, the commissioners will decide whether to adopt or table the ordinance.

Bridgett Bates highly recommended the Commission table the ordinance for more discussion. She also suggested instead of a flat number-for-number replacement, the Borough consider a percentage of lot clearing, stating there is a difference between people taking down a tree as opposed to someone clear cutting a lot. She felt that a 1 for 1 replacement would guarantee a reduction in the Borough's great tree canopy over time.

Sandy Allison, in light of all the trees that came down and were damaged by the storm, would the property owners have to replace them even though they won't need to get a permit to remove. Under the 60-day moratorium, the Borough won't have an application so it wouldn't be able to follow up on removals/replacements.

Bridgett Bates asked if the 3-tree minimum per property still stands. That is a zoning requirement. Commissioner Yunghans reminded everyone that the

ordinance was forced by the State and their model does not require replacing hazard trees. The purpose of the ordinance is to prevent removal of healthy trees. Commissioner Geiger acknowledged that fact, but said it didn't prevent the Borough from making changes. Mayor vanHeeswyk deferred to the other commissioners who worked on the both the original and proposed ordinances.

Trish Kennedy, who said she has a significant number of hazardous trees, didn't want to have to worry about getting a permit when a tree falls on her house, she just wants it removed and her house repaired. Commissioner Yunghans explained that a permit application is currently required no matter what. Commissioner Geiger stated the state requires an application process for all tree removals. Ms. Kennedy stated that if the Borough continues to be built up more hazard trees would need to be removed because of water inundation.

Jean Biesecker, in follow up to Ms. Kennedy's comment, asked if a tree was struck by lightening on a Friday night and it hit the house. If a tree falls, it was said a permit wouldn't be necessary and time is of the essence. How does that get the Borough to the goal of sustaining the tree canopy. She thought maybe there should be exemptions to when a permit is required since time may be of the essence in some cases. Mayor vanHeeswyk said in that case, a person would have the tree taken off their house. If a tree is knocked down, it doesn't fall into the categories of the ordinance. Commissioner Yunghans agreed that if it's a safety issue, it must be taken care of.

Commissioner Yunghans felt three points were made during public hearing. The timing of the process, 1 for 1 replacement vs. 2 for 1 replacement, and synchronicity with zoning chapter. The purpose of the ordinance is to protect the tree canopy while still making it simple and fair to the property owners. Given the number of discussion points and a lack of consensus, she thought perhaps tabling the ordinance was necessary.

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

Motion to close: vanHeeswyk, Geiger

Roll call: all in favor

Motion to table: Yunghans, Geiger

Roll call: all in favor

Clerk Wallace asked how the moratorium process would be handled under the existing ordinance. The moratorium was to eliminate having to apply for removal, but replacing the trees was not addressed. Commissioner Geiger felt people should be required to report trees they are removing and to continue with their obligation to replant, even though they won't be submitting an application. Solicitor Amenhauser suggesting advising the public that the borough is suspending the ordinance requirements but are encouraging people to plant the number of trees required under the ordinance. The Borough will send out an email explaining the process to the public.

PUBLIC PORTION:

Bridgett Bates thanked the Commissioner for their thoughtfulness and thoroughness. She thought amplifying good intent and moving in good faith are two phrases to share with folks.

Kelly Redington asked that the exact language put out by the Borough be used when the Taxpayers Association puts out their newsletter to avoid confusion in the public.

Sandy Allison appreciated all the time spent on the tree replacement ordinance. She expressed disappointment that all property owners don't attend the meetings via Zoom to see how much time and thought are given to things.

Mayor vanHeeswyk again asked everyone to sign up for the Borough alerts because that is how emergency information is given. Other sources aren't the official Borough information.

Commissioner Geiger said she met with West Cape May Commissioner Hoffman who said how lucky Cape May Point is to have a Taxpayers Association that works with the Borough rather than against it.

When no one else wished to speak, the meeting was adjourned at 2:31 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