

BOROUGH OF CAPE MAY POINT

Planning Board

Final Meeting Minutes

Tuesday, April 21, 2026 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, Mr. Wallace, Ms. Hobdy, Ms. Shufelt, Mr. Farrell
Absent: Ms. Shaw, Mayor vanHeeswyk, Ms. MacKenzie, Mr. Murphy
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 V3 draft minutes for February 17, 2026 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 February 17, 2026 were approved on a motion from Mr. Wallace and a second from Mr. Remy. All present were in favor.

Business

1. Re Organization of the Board:

a. SR PB 2026-03 Appointment of Chairman/Vice Chairman:

Appointment of Chairman: Mr. Rusnak nominated Mr. Brown for Chairman of the Board for the 2026-2027 term. Comm. Geiger seconded the nomination. There were no other nominations for Chairman of the Board. All present voted Aye (Geiger, Farrell, Remy, Rusnak, Wallace, Hobdy, Shufelt) except for Mr. Brown who abstained from the vote. Mr. Brown was appointed Chairman of the Board for the 2026-2027 term.

Appointment of Vice Chairman: Mr. Brown nominated Mr. Wallace for Vice Chairman of the Board for the 2026-2027 term. Comm. Geiger seconded the nomination. There were no other nominations for Vice Chairman of the Board. All present voted Aye (Geiger, Brown, Farrell, Remy, Rusnak, Hobdy, Shufelt) except for Mr. Wallace who abstained from the vote. Mr. Wallace was appointed Vice Chairman of the Board for the 2026-2027 term.

- b. **SR PB 2026-04-Schedule of Planning Board Meetings 2026-2027 and Designation of Official Newspaper:** Mr. Remy made a motion approve SR PB 2026-04 which outlines the 2026-2027 meeting dates and designates the Cape May Star and Wave as the Official Newspaper for the Board. Mr. Brown noted that the Planning Board meetings are proposed for the 3rd Tuesday of the month, with the exception of the November 2026 meeting. Mr. Wallace seconded the motion. All present voted Aye. (Geiger, Brown, Farrell, Remy, Rusnak, Wallace, Hobdy, Shufelt) The resolution was approved as drafted. Comm. Geiger remarked that the Commissioners have switched to a different newspaper this year for their official public notification.
- c. **SR PB 2026-05-Appintment of Board Professionals:** Mr. Rusnak made a motion to adopt the resolution as drafted which reflects the following: Board Attorney, Mr. Nathan Van Embden, Esq; Board Engineer-Mr. Dale Foster, P.E.; Board Planner, Mr. Michael Sullivan; and Planning Board Secretary, Mrs. Kate Dunn. Mr. Farell seconded the motion. All present voted Aye. (Geiger, Brown, Farrell, Remy, Rusnak, Wallace, Hobdy, Shufelt) The resolution was approved as drafted.
- d. **SR PB 2026-06-Adoption of Annual Report:** Mr. Wallace made a motion to approve the resolution as drafted. The resolution adopts the 2025 annual report. Mr. Remy seconded the motion. All present voted Aye. (Geiger, Brown, Farrell, Remy, Rusnak, Wallace, Hobdy) except for Ms. Shufelt who abstained from the vote. The resolution was approved as drafted.

2. NJ PACT/REAL Regulations Awareness:

- a. Mr. Brown stated that on January 20, 2026 the NJ Pact Regulations were published in the State code. Clarke, Caton and Hintz representative are attending to provide us with a level-setting before further discussion. Mr. Brown noted that this topic has surfaced at the Commissioner's meeting several times as a point of discussion as well as at the County Board of Commissioners meetings. The speakers from Clarke, Caton, & Hintz will give their presentation and then there will be a Q&A session.
- b. Mr. Brown introduced the speakers from Clarke, Caton, & Hintz. They are Donna Miller who is a Professional Planner with the team and Katherine Schumacher who is Professional Planner and Landscape Architect with the team. The CCH slides were sent to PB members as a pre-read prior to the meeting and were shown on the meeting screen.
- c. Ms. Schumacher stated that they are here tonight to discuss these NJDEP Real Rules and provide some insights about planning and conditions that are expected, specifically for some of the buildings that are in Cape May Point. They can address some of the concerns that Cape May County has raised about the cost, scale and feasibility of those regulations. The discussion tonight will outline some potential responses that are going to range from really minimal intervention and some structure design control, and will try to help you evaluate how to align your community priorities with those regulations and responses.
- d. Ms. Schumacher stated the New Jersey DEP has adopted the Resilient Environments and Landscape Rules. This is commonly known as the REAL Regulations and the REAL Rules really mean that there are some modifications to our proposed Coastal Zone Management, our Flood Hazard Control Act, our freshwater wetlands, and our stormwater management. These modifications have resulted in Climate-Adjusted Flood Elevations, and establishing different inundation zones for various communities across New Jersey.
- e. Ms. Schumacher stated the Climate-Adjusted Flood Elevation approximately shows that our FEMA-based flood elevation will be at plus 4 feet elevation, which roughly means that our lowest finished floor will be about 1 foot above that Climate-Adjusted Flood Elevation, and that will vary based on thetopography of your property. A key change that we're seeing in New Jersey is that, the CAF and our inundation zone requirements, are raising our flood design elevations and identifying land that's likely to be chronically inundated.

- f. Ms. Schumacher showed some mapping that they have been doing and looking at where that inundation zone falls for Cape May Point. They are finding the main areas that would be impacted are areas near Lake Lilly and the Lighthouse Pond, and some of those more low-lying northern portions of the Borough.
- g. After a question from a board member, Ms. Schumacher confirmed there are a significant number of properties that are being impacted in Cape May Point. She shared a map from the NJDEP in order for the Board to visualize the inundation area. You can see on the left the current shoreline, and then the future shoreline as anticipated with that inundated risk zone. There is also another section to show where the climate-adjusted flood line and our inundation zone are meeting, and where sometimes that's impacting different buildings, and how building standards are coming into. The key change for the Borough is that we are seeing that expanded flood risk. The REAL Rules move beyond the FEMA 100-year floodplain, and for Cape May Point, this means that the areas likely to be inundated are those areas that she mentioned earlier. This really only comes into play when there is a substantial improvement needed to a property and because Cape May Point has a larger percentage of residential homes than commercial, the substantial improvement threshold is where that renovation cost is going to be 50% more than the assessed value of the home. This does have an impact in Cape May Point because of the older homes that will face demolition or renovation at some point.
- h. There was some discussion about substantial improvements what is included in the calculation of a substantial improvement. A substantial improvement is where a renovation is more than 50% of the home's assessed value.
- i. Ms. Schumacher stated that the demolition and replacement is impacting Cape May Point and as private developers are responding to those REAL rules, the need for increasing floor elevations may result in buildings that have negative impacts on your existing Borough character. Those negative impacts can look like increased building height, pushing for carports, and parking underneath buildings.
- j. Ms. Miller stated that there are a number of tools that the Borough can implement, the most common and obvious in Land use and Development Regulations is Zoning. There are also design standard regulations and mechanisms within the flood damage prevention and stormwater management ordinances that can require architectural design elements and prohibit specific building or site configurations. You can have incentives to support preferred design criteria, like a slight increase in building height that would permit a smaller building footprint, regulations that protect preferred views, or require screening of those undesirable aspects of elevating structures, modifying the stormwater regulations so that you capture smaller development, rather than the standard statutory major and minor definitions. The Borough can also require infiltration rather than just runoff and create standards for off-street parking that minimize negative impacts to streets, yards, and the general visual character of your streetscape.
- k. Ms. Miller showed some examples of where newer construction that is elevated has retained the neighborhood character by keeping historic architectural elements in place, and softening the part of the structure that's elevated with landscape screening and requiring them to maintain yard areas.
- l. Ms. Miller discussed homeowners taking the opportunity to improve their home and at the same time as doing flood prevention improvement such as elevating the structure and installing flood vents.
- m. Ms. Miller stated that the Borough does have some strong protections at present such as requiring 60% vegetative coverage and a maximum of 30% building coverage. She stated that Municipal Land Use Law supports taking these steps and implementing these types of regulations. Ms. Miller stated that the Borough's Master Plan already supports these types of actions through its stated goals and objectives which is to preserve the residential character, protect environmental resources, maintain pedestrian-scale streets, reduce flood damage and

other risks due to your coastal vulnerability, minimize stormwater runoff, and protect and preserve native vegetation. That is the basis that you need under the law to enact Ordinances, and development regulations.

- n. Mr. Brown summarized his knowledge of what Cape May Point is currently doing. He believes that there are two tracks of activity right now. There's a near-term track of what we have to do to meet a July deadline that the regulation requires for us to meet unless litigation that is happening around the state triggers a delay on that July deadline. [POST-MEETING NOTE: the state DEP has instituted a 1-year pause in PACT/REAL implementation, relaxing the near-term July constraint.] In addition to those first set of things that we would have to do, then there's a second tier of things that we might want to do as quickly as we're ready. A lot of what he hears in Ms. Schumacher and Ms. Miller's presentation, particularly that latter half about what you might do for your design criteria in your code, that isn't specifically required by New Jersey PACT/REAL Regulation. It is something you might want to do while you implement those regulations as it makes the changes that you have to do more consistent with the policies you've already set out for your community in your Master Plan. What is required is this build elevation for new houses after July are going to have to have first floors that are 3 foot higher than what they are if they were building today, so the code would have to be changed to enact that. The other item that needs to be done is to deal with implementation of the inundation risk zones.
- o. Mr. Brown stated that the Flood Plain Manager has already sent out a report that describes what needs to be done with the inundation risk zone. Mayor VanHeeswyk has also asked the Zoning Officer to look through the REAL Regulations and see if there is anything that he recommends to change in the Boroughs Code. One thing he has noted is about the building height regulations. She also asked the Borough Engineer to look through the Zoning Codes to see if there's anything that needs to be changed before the July deadline.
- p. After a question from the Board, Ms. Miller elaborated a little more on what the City of Princeton is doing for design consideration with their floodplain changes. She noted that their code was modified more around appearance.
- q. After a question from the Board, it was noted that there are few properties in Cape May Point that are not being affected by the new regulations. Ms. Miller showed a map and pointed out that the yellow areas on the CMP map, many near to Lake Lilly and near Alexander Ave that would not be in the inundation risk zone. Ms. Miller stated that for the inundation risk zone what the state is saying is what's happening there is not during a storm, just during high tide, there will be influences where you'll have street flooding in these areas that's persistent.
- r. Comm. Geiger suggested that it might be worthwhile for the Floodplain Manager to do an inventory of the properties in Cape May Point.
- s. Mr. Wallace asked where the pressure is going to be felt by accommodating these new rules. Ms. Miller responded that the biggest thing that's going to happen in Cape May Point is buildings are going to go up and at the ground level is open to a number of opportunities. Most people take advantage of the space under the building, as parking, so the space under the building doesn't really count as impervious coverage, it's still in your building coverage area, and that's not what is common in the Borough right now. More stairs will be needed as a function of the elevated houses.
- t. Mr. Farrell asked how this will relate to the CCHRNA that was done last year. Mr. Brown stated that while the team was working on the assessment, they saw the REAL Regulations were coming and what was produced was not inconsistent with these new regulations.
- u. Mr. Remy asked about how this will impact the updated code that was put into place regarding stairs/ramps last year. Mr. Brown suggested that we may want to revisit how many steps could be in the setback and also think about if any of the temporary or permanent ramps code should be changed.

- v. Comm. Geiger asked if the presenters could share more information with them on what other towns did and how they changed the Zoning. The presenters will share more in-depth information at a later date.
- w. Mr. VanEmbden asked how the Inundation Zone is being established. Ms. Miller stated that the state are the ones who will generate that information.
- x. Public comment was opened at 7:44pm on a motion from Mr. Wallace and a second from Mr. Remy.
- y. Comm. Yunghans stated that she noticed when they were talking about the map, it showed properties around Lake Lilly that potentially are in that flood zone and she's wondering if since we have those pumping stations that help lower Lake Lilly whenever there's flooding, has that been taken into account on that mapping. Mr. Brown asserted that they do not take that into consideration and the maps are done by a mathematical calculation.
- z. Sandy Allison asked if instead of coming in the front yard with stairs, could they go around, down along the side of a house to get suitable elevation? In other words, you'd have to enter toward the back of the house and go up steps that way, and then turn and go into the front of the house or the side of the house to get up high enough. Ms. Miller responded whatever the design is of the stairs that somebody chooses to get to their elevation, they still have to get to wherever their front door is, so that's why it's one of those concerns relating to neighborhood character. If we have homes that are typically with the front door facing the street, and a front porch facing the street, and now we're going to change that dynamic that may be something you want to prohibit and then develop your code around that.
- aa. Public comment was closed at 7:52pm on a motion from Mr. Rusnak and a second from Mr. Remy.

3. **LCA Subcommittee Discussion: Enforcement Mechanisms:**

- a. Mr. Brown stated that Commissioner Geiger hosted a Safety Open House on Friday where we met in this firehouse to talk about enforcement with regard to the police and the Code Enforcement Officer. The LCA met with all three of the commissioners individually, and put together a slide on what came out of those discussions as actual topics. During the last few years, the LCA undertook its reviews of zoning issues, and the issue of enforcement was raised several times related to zoning issues.
- b. Mr. Brown stated that Enforcement isn't just in Zoning in our code, but frequently, comments came up about what mechanisms do we have to enforce our codes and that perhaps we should only propose new codes which have clear and implementable enforcement mechanisms. Others asked, why we should bother strengthening our code when it can't be enforced? These are one of the reasons why the LCA was looking at enforcement. These enforcement questions were limited not just to Chapter 150, which is zoning, which is why the scope of this discussion is not under the zoning part of our board, but it's under the planning part of our board. It's also been observed that residents are often not aware of the enforcement responsibilities, and he thinks Comm. Geiger's event took great steps in that regard for education. As a contribution to improved understanding about enforcement, we undertook this effort to look at what's in the zoning, what's in the code, not just zoning code.
- c. Mr. Wallace went over the initial observations of the LCA, as shown in the presentation slides. The first observation was that the codes are not always consistent with the way that they're laid out and, in some cases, hard to understand. Where the enforcement is, sometimes it's not clear, sometimes it's spread out in different ways and in some cases, they are left open to loose interpretation. For example, it says animals under the second item, Chapter 54. There are two or three areas where animals are; there's animal licensing, there's control of strays, there's animals on the beach. We have grouped them together and made some kind of shortcuts to make the codes manageable. Mr. Wallace stated that it leaves the code enforcement officer a very wide-ranging responsibility.

- d. The next area is there are areas where there's no explicit mention of who's responsible for enforcement, and then it becomes the responsibility of the code enforcement officer and what's being enforced, how it's being enforced, and what the penalties are, are not always clear. In other words, enforcement might be allocated to the police or others, where it's not obvious that that's necessarily the best place for it to be.
- e. The third area is the code is unclear as to who's exactly responsible for the enforcement. Then there are some areas that are not addressed. For example, the one that occurred to us is the treatment of the Borough right-of-way. Generally speaking, there's not much guidance on what reporting for enforcement has occurred over any given period. Those are the overall observations.
- f. Mr. Wallace stated that one of the more complicated observations is adding non-compliant features to the house after they've received their certificate of land use and there's no particular way to deal with that problem unless they sell the house. Another problem is that there's a perception people have seen a house being built, and they think it can't possibly be consistent with the code. In that scenario, the perception is that there is a problem and that's something the LCA has raised with the Commissioners, and is an issue that needs to be dealt with. Despite the fact that we may not see that, or we haven't been able to actually find concrete areas where there is a problem, it's still the perception that persists.
- g. Mr. Wallace stated the final thing that could use some attention is that in the code it is difficult to actually read these chapters and understand what is being enforced, and who is responsible for enforcing it. The lack of consistency in the way it's written makes it difficult to sometimes understand what's exactly being looked for. They took these ideas around to the Commissioners to get their feedback on it. They pointed out that formal enforcement requires writing tickets, and that requires, in fact, potentially going to court, which takes time and money on the part of the Borough. There's a lot of informal enforcement mechanisms that save everybody time and money so the Commissioners gave a couple other examples of that and the ability to use these kinds of informal mechanisms is important.
- h. Mr. Wallace suggested discussing the topic, having a PB meeting with the Zoning Officer to go over concerns about enforcement.
- i. Comm. Geiger talked about the public meeting that she had with the Police and Code Enforcement recently regarding enforcement issues. Comm. Geiger stated that she has frequent meetings with the Police and that they have a collaborative relationship. She also reviews enforcement issues the Code Enforcement Officer on a regular basis. She also reports to the issues at the Commissioners meetings as well. She stated that generally people comply if they are issued a warning and if not then they will take the enforcement to the next step. Enforcement is never going to be 100% but there's the important issues that they do focus on, and the important issues have anything to do with safety, destruction or injury of any property of the Borough.
- j. Ms. Hobdy thinks that that session that Comm. Geiger held was very educational and very helpful and it might be a good idea to try to repeat that session when there are more both local people and other people who might have questions about who do you call for what. She thinks the card that Comm. Geiger came up with that is being sent out to everybody is extremely helpful and a very helpful way of getting someone who has a concern to the right person.

Subcommittee Updates:

- a. **Completeness Committee:** Mr. Brown stated that the Committee received two applications, one which was deemed incomplete and the other was waiting review from the Completeness Committee.
- b. **Lot Coverage Awareness Subcommittee:** Mr. Remy stated that the Committee is working on some more topics that will be presented to the Board in the near future.

4. Any and all pending matters:

- a. None

Board Information:

- a. Mr. Brown noted that the Board had 4 reappointments, Mr. Remy and Mr. Wallace to 4-year terms, and Ms. Shaw and Ms. Shufelt to 2-year alternate terms. Regarding master planning, in January, he talked about a vision for how we might start working forward on master planning. He does have a session plan scheduled with Mr. Sullivan in June to start taking up that topic.

Public Comment:

- a. Public comment was opened at 8:16 pm on a motion from Mr. Remy and a second from Comm. Geiger.
- b. Margaret Flinner was curious about a certified letter that she received about the dunes along Lincoln Ave. Mr. Foster stated that the letter came from his office and that every 5 years, the municipality has to apply for a permit to maintain their beaches. That letter is part of the permit application. The Borough has to notify everybody within 200 feet of the area that the permit is impacting. That's why everybody got a letter along the beach there. The issue about the Cape Avenue area, that was corrected on the permit application, because we have to send out the certified letters prior to sending the application to the Department of Environmental Protection.
- c. Public comment was closed at 8:20 pm on a motion from Mr. Wallace and a second from Comm. Geiger.

Adjournment

They meeting was adjourned at 8:21 pm on a motion from Mr. Remy and a second from Comm. Geiger. All present voted Aye.

Respectfully Submitted by:

Kate Dunn

Board Secretary

Approved by Board XX/XX/XXXX