

BOROUGH OF CAPE MAY POINT  
CAPE MAY COUNTY,  
NEW JERSEY

INITIAL PLAN ENDORSEMENT BI-ANNUAL  
MONITORING REPORT

APRIL 27, 2011

PRESENTED TO:

THE OFFICE FOR PLANNING ADVOCACY

GERRY SCHARFENBERGER, PH.D., DIRECTOR

KATE MEADE, PLANNER

SUBMITTED BY:

ANITA VANHEESWYK, DEPUTY MAYOR

BOROUGH OF CAPE MAY POINT

## **Introduction**

In accordance with the State Planning Rules N.J.A.C. 5:85-7.22(b) et seq., the Borough of Cape May Point is submitting this report to the Office of Planning Advocacy (OPA) according to the terms of the “Cape May Point Planning and Implementation Agreement” adopted by the State Planning Commission on July 15, 2009.

## **Background**

As of this date Cape May Point is still one of a **very** few municipalities in the State of New Jersey to have achieved Plan Endorsement, not only in 2009, but with Cross Acceptance as a Village Center on April 27, 1997. We are proud to be at the forefront of responsible planning and greatly appreciate and are **encouraged** by the recognition of state planners over the years.

## **Environmental Stewardship**

In addition to our long history of supporting State Planning initiatives Cape May Point has taken the lead as good environmental stewards. As one of the first municipalities to adopt ordinances to protect trees and native vegetation the borough has been the recipient of several awards. Our “Tree and Vegetation Ordinances” have been held up as examples by such noted experts as New Jersey Audubon Society, ANJEC (Association of New Jersey Environmental Commissions) and F. Herman Bormann, Diana Balmori and Gordon T. Geballe in their book “Redesigning the American Lawn”.

Adoption of Ordinance 578-10 continues the borough's commitment to the environment by being the second municipality in the state to ban fertilizer with phosphorus while Resolution 93-09 implements "Smart Sponge" technology to be added to several storm sewer line that flow into Lake Lily.

Resolution 95-10 Dedication by Rider approves donations for environmental projects which allow the borough to do more with less money in the budget.

The beaches of Cape May Point, arguably the most beautiful in the state, may also be the most vulnerable in the state because of their location at the confluence of the Delaware Bay and the Atlantic Ocean.

Cape May Point continues to depend on guidance of the NJ DEP for all decisions to plan and maintain our most valuable resource. Our commitment to fund our portion of Army Corps replenishment projects is the highest priority in all budget discussions. This focus has allowed us to step up **every** time a project has been offered. Although the last project, completed last month, was offered two years early we were financially able to sign on. The condition of our beaches this year may be the best they have ever been.

For the first time, in 2010, beach grass was not needed on our dunes (as advised by DEP and USDA experts) so three species of native vegetation were planted as was advised. These plants not only offer diversity for dune stabilization, they are a food source for the butterflies and birds for which Cape May Point is so famous.

\*Attached Photo at the end of this report taken on Dune Day, October 16, 2010.

## **Economic Growth**

Cape May Point General Store and Restaurant on Pavilion Circle has been completely renovated after receiving a variance to increase the restaurant seating by twenty five seats without increasing the footprint of the structure. While twenty five seats may not seem significant, it must be put into perspective: “The only restaurant in Cape May Point has doubled its seating” and, of course, that should translate into double the tax revenue for the state as well as an increased tax ratable for the borough. This historic building shines anew in its classic red color again be our “corner” store and small restaurant within a 5 minute walk of everyone in the Point as well as a destination stop for tourists.

By Ordinance 579-10 the number of Beach Venders was increased from one to two. Again, this must be put into context of the small size of our municipality, but will double revenue.

Ordinance 585-10 gave municipal consent to South Jersey Gas to bring natural gas to Cape May Point for the first time in its history giving our taxpayers a new energy choice.

## **Housing Diversity and Affordability**

The population of the borough has increased by 20% in the last decade according to 2011 US Census figures. According to the same survey 10% of Cape May Point's population is at/or below poverty level, despite the high value of land. The very tight knit community that is Cape May Point is one where the older population is very well cared for by friends and neighbors as if a family.

A COAH program that allows for "rehab" would be very helpful to this segment of our population. It proved life changing for those in COAH Round 2, but in Round 3 with our limited resources being spent on Planners and Attorneys and a "certification" requirement for apartments, we are not able to help those in need at this time.

Beyond immediate help for our population in need, rehabs must be viewed in a broader scope: It is our hope that any legislation re: fair housing and/or COAH will allow Cape May Point to again do rehabs using funds from our Housing Trust.

There is an increase in the quality of life for the property owner as well as a savings of utilities costs because of better windows, roofing, and insulation which is critical to those at or below poverty level which is 10% of our population!

Long term, even though "tear downs" to build larger, much more expensive home were the norm, especially when small sub code properties (many historic) had to be sold because the cost to bring them into compliance was too great, virtually all of the homes that were rehabbed under COAH Round 2 (small cottages) are still standing. This applies to those properties that were sold upon the owner's passing. The good condition of the rehabbed homes makes them attractive choices for those who cannot afford the newer larger homes. This led to a diversity of (albeit) upper middle class working owners rather than the trend to all very wealthy owners as has happened in many other shore communities. Our Census figures support this. Additionally the good quality of the historic cottages has kept intact much of the housing diversity for which Cape May Point is known.

## **Best Practices**

Our checklist scored 81% and Cape May Point either has already or will be implementing every applicable item during 2011. An “official” borough website was adopted by Resolution 93-11: [www.capemaypoint.org](http://www.capemaypoint.org) with required documents now on the website.

## **Shared Services**

The borough already has well over twenty Shared Service Agreements and added the following: Shared Court with Cape May City (Resolution 21-10) and Paris Grant with Cape May County (Resolution 26-10).

Plans are being implemented to build a vehicle washing station and the borough already has a verbal commitment from a nearby municipality to sign a Shared Service Agreement when the station is completed.

## **Additional Resolutions**

Some additional initiatives include:

84-09 A planner was hired to do a complete re-write of Chap 150, the Zoning Chapter of the borough code to reorganize a chapter that had evolved over several decades to make it more easily used and understood;

31-10 Updated Policy and Procedures Manual (which is now posted on the borough website);

66-10 authorizes the building of a Pole Barn that will be built under state contract;

76-10 The borough updated their State Aid Agreement with the DEP;

80-10 authorizes an energy audit;

## **A1: Biennial Plan Endorsement Review**

This report fulfills item A1 of the PIA.

## **B1: Zoning Wetlands**

A newly created Application Packet (attached at the end of this report) addresses all requirements set forth in PIA item B1 to more carefully protect our Wetlands.

In addition to the above, an “Water Management Agreement was struck between New Jersey (DEP), The Nature Conservancy, Cape May County and Cape May Point allowing Cape May Point control of water flow out of Lake Lily to better mitigate water levels in the Point (Resolution 94-09).

A weir was allowed at the outflow pipe which the borough can control. The borough has been able to hold water in the lake early in the season so that by August each year Lake Lily does not become too shallow. The water quality is improving.

Conversely, if conditions warrant, the weir can be removed in a moment’s notice in case flooding is imminent.

The above process is in coordination with the entire Army Corps South Cape May/Cape May Point Environmental Restoration which received an award from Coastal America on April 15, 2011 which recognizes the Borough of Cape May Point as one of the partners in this nationally significant Freshwater Wetland Restoration. We are very proud to have received this recognition.

## **C2: Circulation**

The borough will continue with “ongoing” discussions with the county. The Borough has made several requests to the Cape May County Engineer asking that traffic calming safety striping is added at certain points along Lighthouse Ave, the County road on which all cars, bicycles and pedestrians travel to Cape May Point State Park. A few pedestrian crossing signs have been added, but beyond that the simplest requests have not been met; a crosswalk painted across Lighthouse Ave at Whillden Ave to define the “crossing” of those walking from the beach to the bird watching area at the edge of the park. This crossing is at the curve in the road where pedestrians are not visible from a distance far enough to slow down. Even at the posted speed limit of 25 mph the reaction time for a driver is short, but most vehicles exceed the speed limit. Our police must frequently patrol that immediate area. Letters to the County and the State Department of Transportation go unanswered with regard to striping and crosswalk.

## **D 1: Open Space and Recreation**

Cape May Point has a large percentage of designated open space. Due to the small size of the Borough and the fact that Cape May Point is almost entirely built out, the opportunity to acquire additional open space is nearly nonexistent. That is not to say that we do not continue to look for opportunities to add to our open space. During 2009 the Governing Body negotiated deed restrictions on several paper street ends that had to be vacated by Ordinance 563-09 to adjacent property owners. The deed restrictions will prevent any building on these lands. Although in private hands, the final result is that the borough has found a way to protect open space instead of losing land to development (while increasing the taxable value of the properties).

#### **D4: Tree Maintenance**

After much research into Shade Tree Commissions, the idea of the borough having a new commission is still being investigated. The Environmental Commission has been acting as our Tree Commission over the years. They have done everything from recommending ordinances to protect trees on private property to having an award winning Tree Survey done by a noted expert. They recently turned an empty triangular parcel into a “double” award winning Triangle Park with a demonstration rain garden, a profusion of flowers for the birds and butterflies for which Cape May Point is so famous all surrounded on three sides by native Cedars.

The Borough has sent its two Public works employees to Rutgers to learn proper tree maintenance on borough property. In early April they planted six new trees and several bushes and shrubs on borough open space. All the plants were generously donated by an owner of a Landscaping business who lives in Cape May Point.

We request that we may be allowed to continue using the expertise of our Environmental Commission in lieu of creating a Tree Commission since we are already achieving the goals of planting and maintaining Borough trees with exceptional success. We will continue to assess the need for the Tree Commission should the situation with Environmental Commission expertise change.

As noted, Cape May Point’s history of protecting native trees and vegetation allows the following statement: While the borough does our best to protect and plant trees, the “clear cutting” of the Oaks and Cedars along 35 miles of the Garden State Parkway can never be offset by the requirements set forth for a municipality in a PIA. We respectfully use this forum to ask that the destruction authorized by The Turnpike Commission somehow be mitigated to again make that stretch of the roadway worthy of being called “Garden State Parkway”.

### **D5: Updated Recycling Element**

Last year the Borough adopted ordinances to require removal of any trash stored at the front of properties in enclosures as are found in many shore communities.

All trash is now stored at the side or rear of properties and as a way to help our seasonal and weekend population, Public Works has provided dumpsters that are accessible on weekends. Several summonses were issued for non compliance early in the summer, but none had to be given after August 1<sup>st</sup>. Compliance has been perfect since August and we anticipate another good year.

These changes have been well publicized which has helped to increase our recycling rate. Our Code Enforcement finds exceptional compliance with Recycle rules while checking bags and cans on trash and recycle day.

The Planning Board respectfully requests a time extension to provide this element until our complete re-examination of the Cape May Point Master Plan which is due in 2012.

### **D8: Environmental Justice Report**

The borough is looking forward to the DEP's Environmental Justice Report to be referenced when we make land use decisions.

\*Seaside Goldenrod on Cape May Point Dune on Dune Day, October 16, 2011.



Later the same day while on a “Monarch Butterfly Walk” with noted author Pat Sutton, a couple from Germany joined us on the tour because (to quote them): “We flew to New Jersey to see the Monarch Migration. We have been to Mexico to see their wintering area. We wanted to see them at Cape May Point because we have read so much about the spectacle that happens here.”

The impact that Cape May Point makes on the economy, environment and the reputation of the State of New Jersey cannot be measured in any of the reports that we provide.

We hope you are all able someday to visit Cape May Point and experience the “magic” that we all strive to maintain.

Respectfully submitted, Anita vanHeeswyk, Deputy Mayor

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LAND USE APPLICATION PACKET 2011

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