

Constance A. Mahon, R.M.C., C.M.C.  
Municipal Clerk

# BOROUGH OF CAPE MAY POINT

POST OFFICE DRAWER 490

CAPE MAY POINT, NEW JERSEY 08212

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TELECOPIER

(609) 884-1732

Malcolm C. Fraser  
Mayor

Carl F. Schupp  
Deputy Mayor

Joe Nietubicz  
Commissioner

October 23, 2007

Ms. Kate Meade  
Area Planner  
Office of Smart Growth  
PO Box 204  
Trenton, NJ 08625-0204

Dear Ms. Meade,

In conjunction with our application of Plan Endorsement and Village designation, enclosed are:

Minutes of Board of Commissioners meeting of October 11, 2007

Minutes of Planning Board meeting of October 10, 2007

Proof of Publication for special Planning Board meeting of October 22, 2007

Draft minutes of Planning Board meeting of October 22, 2007

I believe this provides you with all the information that has been requested. If not, please let me know.

I appreciate all your help and look forward to a positive response to our requests.

Sincerely,

Carl F. Schupp  
Deputy Mayor, Cape May Point

RECEIVED  
2007 OCT 25 A 11:24  
NJ DEPT OF  
COMMUNITY AFFAIRS  
OFFICE OF SMART GROWTH

# PROOF OF PUBLICATION

State of New Jersey }  
County of Cape May } as.

Sandra L. Ogden

of full age, being duly sworn according to law,  
on her oath says that she is the Clerk of

**Cape May Star and Wave**

a weekly newspaper published at Cape May in  
the County of Cape May, and that the  
advertisement of which the annexed is a true  
copy, was published in said newspaper.

## NOTICE OF SPECIAL MEETING

The Planning Board of the  
Borough of Cape May Point

October 22, 2007 at 7:00 PM

A Special Meeting of the Planning Board of the Borough of Cape May Point will be held on October 22, at 7:00 PM. The subject for discussion is Petition for Plan Endorsement for the Office of Smart Growth and State Planning Commission - Village Designation.

Please note that the Planning Board meeting scheduled for November 14, 2007 has been cancelled.

This notice is for informational purposes for the benefit of the public and those concerned, as required by the Open Public Meetings Act, Ch. 231, Laws of 1975.

Jean A. Davis,  
Secretary to the  
Cape May Point Planning Board

DATED: October 16, 2007

Oct. 18.-pf\$21.08

16

Sworn and subscribed before me, this 18<sup>th</sup>

day of October A.D., 2007

Cape May, N.J. Margaret A. Peterson

MARGARET A. PETERSON

Notary Public of New Jersey

My Commission Expires Oct. 28, 2008

Printer's Fee \$ 21.08

**BOROUGH OF CAPE MAY POINT  
BOARD OF COMMISSIONERS MEETING OF  
October 11, 2007**

**OPEN PUBLIC MEETINGS ACT STATEMENT**

The Meeting of the Board of Commissioners of the Borough of Cape May Point was called to order on Thursday, October 11, 2007 at 7:00 p.m. in the Fire House Meeting Room at 412 Yale Avenue. Commissioner Fraser announced that this meeting having been properly posted and advertised, was being held in accordance with the Open Public Meetings Act of 1975 (N.J.S.A. 10:4-6) also known as the Sunshine Law.

**ROLL CALL**

<b>Commissioner Nietubicz</b>	<b>ABSENT</b>
<b>Commissioner Schupp</b>	<b>PRESENT</b>
<b>Commissioner Fraser</b>	<b>PRESENT</b>

**FLAG SALUTE**

Mayor Malcolm Fraser led the audience in the Flag Salute.

**PUBLIC HEARING**

Commissioner Schupp explained the Plan Endorsement and Village Designation for Cape May Point. He explained the plan acceptance and village designation process. Commissioner Schupp thanked Jim Smith, Cape May County Planner and Ann Brecker for their assistance with the process. Jim Smith explained the overall purpose of pursuing the plan acceptance and village designation extension.

**Plan Endorsement- Office of Smart Growth and State Planning Commission**

**PUBLIC PORTION**

Francine Nietubicz asked if every municipality in New Jersey goes through this process. Mr. Smith responded no. He explained that many municipalities in the State do not participate. No further comment.

Upon motion by Mayor Fraser seconded by Commissioner Carl Schupp the Municipal Clerk stated that the motion to adopt the Plan Endorsement was carried. The Municipal Clerk took a roll call vote as follows:

<b>Commissioner Nietubicz</b>	<b>ABSENT</b>
<b>Commissioner Schupp</b>	<b>YES</b>
<b>Commissioner Fraser</b>	<b>YES</b>

The Municipal Clerk read the following ordinance by title only:

**ORDINANCE 538-07  
AN ORDINANCE TO AMEND CERTAIN SECTIONS AND PROVISIONS OF CHAPTER 105  
OF THE CODE OF THE BOROUGH OF CAPE MAY POINT ENTITLED "LAND USE  
PROCEDURES"**

**PUBLIC PORTION**

No comment.

Commissioner Schupp made a motion to adopt this ordinance. Commissioner Fraser seconded the motion and the Municipal Clerk took a roll call vote as follows:

<b>Commissioner Nietubicz</b>	<b>ABSENT</b>
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translated by a computerized software program that will enable immediate readings and automated billing. Mayor Fraser explained that the Boroughs of West Cape May and Cape May Point were invited to join Cape May City in this joint venture program and replace all of our older non-automated Sensus meters to automated meters and utilize the transmitter in Cape May City to disseminate the meter reading information. He stated that this would enable quarterly water billings and instant readings in the case of a catastrophic loss. Mayor Fraser stated that the money to install this system would be included in the 2008 municipal budget.

#### **CORRESPONDENCE**

None

#### **LEGISLATION**

##### **RESOLUTION NO. 79-07 APPOINTMENT OF TEMPORARY CONSTRUCTION OFFICIAL AND BUILDING CODE OFFICIAL**

**WHEREAS, Ralph "Jim" James**, Construction Official, Building Sub-Code Official has announced his partial retirement; and

**WHEREAS**, in accordance with PL 1975 c. 291 and the Municipal Code of The Borough of Cape May Point, the Board of Commissioners of the Borough of Cape May Point must appoint a temporary **CONSTRUCTION CODE OFFICIAL AND BUILDING CODE OFFICIAL** to fill this temporary vacancy; and

**WHEREAS, the Board of Commissioners** desire to appoint:

**JOHN MC GRAW**

As **CONSTRUCTION CODE OFFICIAL AND SUB-CODE OFFICIAL** for the term of one month commencing November 1, 2007 and ending November 30, 2007 for 1/12<sup>th</sup> of the current Construction Code Official's salary totaling \$1,258.00 for the month.

**NOW, THEREFORE BE IT RESOLVED**, that said appointment is hereby made.

Commissioner Schupp made a motion to approve this resolution. Commissioner Nietubicz seconded the motion. The Municipal Clerk took the following unanimous roll call vote:

<b>COMMISSIONER Nietubicz</b>	<b>ABSENT</b>
<b>COMMISSIONER Schupp</b>	<b>YES</b>
<b>COMMISSIONER Fraser</b>	<b>YES</b>

##### **RESOLUTION NO. 80-07 CANCEL ORDINANCE 416-99 IN THE AMOUNT OF \$639,000 FOR THE STATE OF NEW JERSEY'S SHARE OF THE BEACH REVETMENT PROJECT**

**WHEREAS**, certain General Capital Improvement appropriation balances remain dedicated to a project that was paid for directly by the State of New Jersey and not as a pass through grant; and

**Megan Smith** asked if the electronic meters could be problematic in a sandy environment such as Cape May Point.

**Anita Van Heeswyk** asked the governing body to do a cost analysis for the meter project and carefully consider the cost vs. benefit.

**ADJOURNMENT**

Upon motion to adjourn by Commissioner Schupp seconded by Commissioner Fraser the meeting was adjourned at 8:25 pm.

ATTEST:

Constance A. Mahon  
Constance A. Mahon, Municipal Clerk

Malcolm C. Fraser  
Commissioner Malcolm C. Fraser

absent

Commissioner Joe Nietubicz

Carl F. Schupp  
Commissioner Carl F. Schupp

**DRAFT COPY OF MINUTES**  
**BOROUGH OF CAPE MAY POINT**  
**PLANNING BOARD**

**MINUTES October 11, 2007**

The October 11, 2007 meeting of the Planning Board of the Borough of Cape May Point was called to order by Chairperson Ann Brecker. The Open Public Meetings Act statement was read, this meeting has been advertised, and a notice of the meeting date has been posted on the Bulletin Board in the lobby of the Municipal Building on Lighthouse Avenue, Cape May Point, NJ.

**ROLL CALL:**

Members present: Ann Brecker, Joan Brown, John Henderson, Chuck Blackinton, Kathleen Hogarty, Carl Schupp, John McGraw

Absent: Tom Larkin and Joe Westcott

Present: Attorney Kay and Secretary Davis

**Cape May Point Petition for Initial Plan Endorsement For Village Designation**

Chairperson Ann Brecker read the following statement:

Tonight, as advertised in the October 4, 2007 Star and Wave, a public hearing is being conducted to discuss the Borough's Petition for Initial Plan Endorsement; Completeness Determination. The State Office of Smart Growth has requested a Vision Statement for the next twenty years and a record of a public process for this Vision as it relates to land development, redevelopment, preservation and conservation of resources, transportation, economic growth, housing diversity, and affordability, and other items as outlined in the Office of Smart Growth's letter dated September 19, 2007. Chairperson Brecker asked Commissioner Schupp to outline some of the issues for the Board members and the public. Commissioner Schupp has worked diligently these past weeks to prepare an appropriate response. These are not new issues, but ongoing responses to keep Cape May Point the family oriented close to nature atmospheres for the foreseeable future.

Commissioner Schupp outlined parts of the Endorsement Plan, and reviewed the history of Cape May Point with the Board members and the public. He then introduced James Smith, Director of Planning of the Cape May County Planning Board, and thanked him for the great help and assistance he had been in this project.

Director Smith reviewed the process from 2006, and several meetings with the Department of Environmental Commission, Department of Community Affairs, Transportation Commission, COAH, and Office of Smart Growth. He explained that the State requires this to be put into a formal petition for a Village designation, stating what the Vision is, what the accomplishments have been over the past years, and this information had to be specific. He also discussed the various documents (surveys from

taxpayers) required for submission of this Petition. He stated that the Birdsall survey would be part of these document. At this time, Director Smith asked if anyone had a questions, or amendments to this Plan.

Joan Brown asked about #4 on the last page, "cooperation with Lower Township", she asked if that should be changed to "cooperation with Cape May Point Life Guards"; this will be changed.

Kathleen Hogarty asked if the Summary Sheet could be used instead of the entire survey, Mr. Smith felt it was better to get a copy of the original survey.

Joan Brown asked about the "Withdraw" part of the information.

Mr. Smith stated if the Borough withdrew, they would come under another set of rules, as if not a center previously.

Mr. Smith said the Board would need to due a Statement with a Resolution to reaffirm this petition, with the Vision of the Future.

### **Public Portion:**

M. Smith of 113 Harvard Avenue questioned why no historical sites were identified? Mr. Smith explained that this was for Critical sites, which would be a site in danger of being demolished or lost as a historical site. Cape May Point does not have critical sites hers.

S. Sachs of 301 S Lake Drive, spoke as Chairperson of the Environmental Commission. She said the Board felt that Commissioner Schupp had done a good job; this (in petition) is why people come here to live or vacation. We have good Ordinances, and she felt this was a good plan for the next twenty years.

### **Board Members**

John Henderson stated he was impressed at how the public holds the Board's feet to the fire; they are very involved in the public discussion.

Chairperson A Brecker read the following statement after closing the public portion of the meeting.

Through years of public participation by public hearings and surveys, Master Plan Hearings and discussions of the Elements within the Plan, it is quite clear that a vision for the next twenty years has remained consistent as will be stated in the Borough's response to the Office of Smart Growth's letter of September 19, 2007: \*A quiet family oriented resort community, No commercial development; Open Space, close to nature atmosphere, controlled density in terms of size, height, set backs for residential construction; no new multi family dwellings. As stated in the State Plan, the Borough meets the basic definition of "Village Center" as was confirmed on April 23, 1997 by Resolution 97-04. For the next twenty years and beyond, the Public has consistently voiced that the isolated Borough remains a "Village Center" as has been discussed at tonight's public hearing.

A motion to approve this Petition was made by Joan Brown, and seconded by Kathleen Hogarty. Roll call: Members voting yes: Ann Brecker, Joan Brown, John Henderson, Chuck Blackinton, Kathleen Hogarty, Carl Schupp, John McGraw (Unanimous)

**BOARD MEMBER INFORMATION AND BUSINESS**

Registration for League of Municipalities, only Chairperson Brecker will be attending the League Conference in Atlantic City in November.

Mandatory Classes for Planning Board members will be attended in Atlantic City by members Kathleen Hogarty and Chuck Blackinton

Cape May County Planning Board Dinner on December 6, 2007 will be attended by Chairperson Ann Brecker.

**PUBLIC PORTION**

S. Sachs asked when the discussion of the meeting regarding toilets on the beach, and those regulations would be discussed. Board member John McGraw stated this was a Capital Improvement Project that is enacted by the Board of Commissioners and can be referred to the Planning Board by the Commissioners, however, at this time; the Board has not received a request to do review this Capital Improvement.

She stated this came up in an Environmental Commission meeting, and that DEP was making this mandatory, however, she questioned that the CAFRA rules stated nothing could be done in the dunes.

A special meeting will be held on October 22, 2007 @ 7:00 PM to memorialize the decision made this evening by written formal Resolution. With members attending the League Conference and Mandatory Training, the November 14<sup>th</sup> meeting will be cancelled.

**ADJOURNMENT**

Motion to Adjourn: Kathleen Hogarty

Second: Chuck Blackinton

Roll Call: All members present voting yes.

Respectfully submitted,

Jean Davis  
Secretary



**DRAFT COPY OF MINUTES**

**BOROUGH OF CAPE MAY POINT  
PLANNING BOARD  
MINUTES OF October 22, 2007**

The October 22, 2007 Special Meeting of the Planning Board of the Borough of Cape May Point was called to order at 7:00 PM by Chairperson Ann Brecker. The Open Public Meetings Act statement was read, this meeting has been advertised, and a notice of the meeting date has been posted on the Bulletin Board in the lobby of the Municipal Building on Lighthouse Avenue, Cape May Point, NJ.

**ROLL CALL:**

Members present: Ann Brecker, Joan Brown, John Henderson, Tom Larkin, and Chuck Blackinton, Kathleen Hogarty, Carl Schupp, and Joe Westcott

Absent: John McGraw

Present: Attorney Kay and Secretary Davis

**Resolution**

**Resolution #16-2007**

**CAPE MAY POINT PLANNING BOARD'S RESOLUTION MEMORIALIZING  
THE BOARD'S AGREEMENT FOR THE BOROUGH TO TAKE  
APPROPRIATE STEPS TO CONTINUE THE DESIGNATION OF CAPE MAY  
POINT A VILLAGE CENTER**

**MOTION TO APPROVE**

**MOTION:** Kathleen Hogarty

**SECOND:** John Henderson

**Roll Call Voting Yes:**

Ann Brecker, Joan Brown, John Henderson, Chuck Blackinton, Kathleen Hogarty,  
Carl Schupp

The following members abstained due to their absence at the meeting of October 11, 2007, Tom Larkin and Joe Westcott.

**Public Portion**

No one from the Public rose to speak, as there was no public in attendance at this meeting.

**Adjournment**

A motion was made by John Henderson, and seconded by Kathleen Hogarty to adjourn the meeting.

Respectfully submitted,

Jean Davis

**PLANNING BOARD  
BOROUGH OF CAPE MAY POINT**

**RESOLUTION NO. 2007- 16**

**WHEREAS**, the Cape May Point Planning Board conducted a Public Hearing on October 10, 2007; and

**WHEREAS**, this Public Hearing was duly and properly advertised on October 4, 2007 in The Cape May Star & Wave; and

**WHEREAS**, at that meeting the Cape May Point Planning Board considered the State of New Jersey Smart Growth Plan; and

**WHEREAS**, the Borough of Cape May Point meets the definition of "Village Center" as confirmed on April 23, 1997 by State Planning Commission Resolution 97-004; and

**WHEREAS**, the public has consistently voiced that the Borough would remain a "Village Center," and

**WHEREAS**, the Office of Smart Growth reviewed the petition submitted by Borough of Cape May Point for initial plan endorsement, and deemed it incomplete; and

**WHEREAS**, the Office of Smart Growth in the person of Benjamin L. Spinelli, Executive Director, OSG, Jung Kim, Principal Planner, OSG, and Katherine Meade, Planner, OSG required a narrative of the Public process and a vision statement through a public process which describes the desired future of the municipality in twenty (20) years as it relates to land development, preservation and other issues noted in the Office of Smart Growth's letter of September 19, 2007; and


**WHEREAS**, this proposed extension as represented by the petition submitted by the Borough of Cape May Point to Office of Smart Growth was recommended to the Office of Smart Growth with the understanding that the Planning Board and the Borough would conduct public hearings on October 10, 2007 and October 11, 2007 and review the correspondence from Office of Smart Growth dated September 19, 2007 and forward that September 19, 2007 letter and this resolution to Borough Commissioners; and

**WHEREAS**, at the Public Hearing of October 10, 2007 members of the public had the opportunity to present their views which public opinion included appreciation for the vision of the Planning Board and Borough Commissioners to maintain the quality of life and the Village Center designation for the Borough of Cape May Point for the next twenty (20) years and beyond; and

**WHEREAS**, the public further recognized the conservation of resources through the efforts of Planning Board and Borough Commissioners, and the members of the public in attendance who offered opinions, also emphasized the importance of the future of the municipality and the quality of life in the municipality as it currently exists; and

**WHEREAS**, based upon the Planning Board review and the Public Hearing of October 10, 2007, the Planning Board then recommended forwarding this report and this resolution to Borough Commissioners with a recommendation that the Borough Commissioners consider timely the issues raised in the September 19, 2007 letter from Benjamin Spinelli, Executive Director of Office of Smart Growth, and the issues expressed in this resolution.

**NOW, THEREFORE BE IT RESOLVED** by the Cape May Point Planning Board that the Cape May Point Commissioners acknowledge that letter of September 19, 2007 and this resolution and take the appropriate steps to continue the designation of Cape May Point as a Village Center which was initially recognized and designated on April 23, 1997 by the New Jersey State Planning Commission by Resolution 97-004.

  
\_\_\_\_\_  
Jean Davis, Secretary  
Cape May Point Planning Board

ON MOTION OF: Kathleen Hogarty

SECONDED BY: John Henderson

ROLL CALL VOTE

Those in Favor: Ann Brecker, Joan Brown, John Henderson, Chuck Blackinton,  
Kathleen Hogarty, and Carl Schupp

Abstained: Tom Larkin and Joe Westcott, due to their absence at the meeting of  
October 11, 1907.

Those Opposed: NONE

Absent: John McGraw