

La Mer

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entire weekend, the parking lot had a minimum of 33 spaces available at one time, which was at 7 a.m. on July 4 when the hotel was at capacity.

"That's our proof," Hluchan said. "Shared parking worked even on the busiest weekend of the year."

Board member Jessie Weeks said she felt that the study was flawed because there were certain hours left out of the study during the mid-day hours. The study of the parking occupancy does not show data between the hours of 10 a.m. and 5:30 p.m.

Attorney Sanford Schmidt representing the La Mer's neighbors of east Cape May said it was vital to protect the low-density residential area near the property.

"Whenever you expand, erect, or enlarge a building in Cape May, you must meet the parking requirements," he said. "The applicant (Andy) does not meet the criteria."

There are now 133 units inside the hotel and 146 seats in the restaurant. The code requires one space per sleeping unit, one space for every four seats in the restaurant and one space for each employee on the largest shift. Andy's plan was to add 17 additional units to the hotel and reduce the seating in the restaurant to 96. However, only two of the additional units in the hotel would be sleeping units. The rest would be used for storage and maintenance.

Planning Board Engineer Craig Hurlless expressed some concern with the two sleeping units because it was in fact four identical rooms side by side. Andy said these rooms were to be adjoined and be turned into two suites. The old sleeping unit that would be adjoined is intended to be turned into a living room or lounge area with a bathroom.

Joan Harvey of Beach Avenue said during the public comment that these two

suites could easily be converted back to four sleeping units, which would be a way for Andy to work around the parking requirements. Harvey also argued that two of the rooms being converted to storage areas have balconies, which seemed strange to her.

"Who is going to police all this and make sure he follows the plan when it's finished?" she said.

Several neighbors of the La Mer spoke out against the approval of the project for various reasons. Harvey's main concern was the lights that constantly shine into her windows from the La Mer.

"Gus has the right to develop his property and make it everything it can possibly be, but not at the expense of the surrounding community."

Matt and Barbara Glenn of New Jersey Avenue said that Andy wasn't supplying the correct number of employees he has on a single shift between the hotel and restaurant. Andy claims to have 20

employees at one time, 13 in the hotel and seven in the restaurant.

"There has to be more than seven employees in the restaurant at one time," Barbara Glenn said.

Hluchan argued that because the seating in the restaurant was being decreased, there was no need for more than seven employees.

Matt Glen said the entrance at the corner of Pittsburgh and New Jersey Avenues is not a good idea because of the high traffic of vehicles and people there during the summer months.

"There should also be a traffic study along with the parking study," he said.

Some argued in favor of Andy's proposal like longtime Pier House customer Connie Felicetti, who said she agrees with the shared parking concept.

"I've eaten there for breakfast, lunch and dinner and I've never had any difficulty finding a spot," she said.

"People are coming and going, so the constant rotation opens up spots even when the buildings are full."

She said that Andy has been in business for 42 years in Cape May and should be able to develop his property if he so chooses, because it will ultimately help the community by attracting more visitors.

Jim Cheney who is involved in real estate, echoed Felicetti's remarks, saying that Cape May has lost 18 bed and breakfasts in recent years and the town needs more sleeping units for tourism.

"We all have a common interest to support the local economy," he said. "The bed and breakfast being converted to whole house rentals and condos is not good for a resort town."

"The town is hurting right now losing bed and breakfasts and hotels," Board Chairman William Murray said.

Murray voted in favor of Andy's proposal.

"This is a town known for tourism and we need the facilities available for visitors to stay in," Murray said.

Murray said that the trolley system uses the Cape May Elementary parking lot during the summer months, and it is a big contributor to the local economy. He also mentioned Bill's Diner using the Congress Hall parking lot in the morning for customers.

"There is shared parking in Cape May and it needs to happen," he said.

After all the aspects of the case were heard, the board still voted the proposal down. Andy said he would keep trying to make the project happen.

"I don't think the board completely understands the shared parking concept," Andy said. "It does work and the study proves that."

"The reality is even when we have the max amount of people, there are still a lot of spaces available," he added.

Term

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He said 97 percent of the homicides in Cape May County have been solved compared to 66 percent of solved homicide nationally.

The two Cape May County cold cases are the 1970 murder of Carol Hill and the 1990 murder of Susan Negersmith.

Hill's body was found under Hunt's Pier in Wildwood, while Negersmith's body was found in an alley off Schellenger Avenue in Wildwood. The county medical examiner ruled that Negersmith's death was accidental, the result of alcohol intoxication and exposure. Negersmith's family fought

for four years to have an autopsy performed and the death certificate changed to reveal the cause of death was strangulation. Negersmith's death certificate was changed in 2005 to reflect these findings after a new medical examiner reviewed the evidence.

Critics, primarily women's activist groups, claimed the prosecutor's office mishandled the case and are not pursuing such cases.

Taylor said authorities secured the DND profile of Negersmith's attacker and loaded into the FBI's (Combined DND Index System) CODIS database, as well as Interpol's database.

He said the modus operandi of the crime has been loaded into the FBI's Violent Criminal Apprehension Program (VICAP), a computer assisted investigation tool that compared modus operandi nationwide.

Taylor said authorities identified a minute sample of clothing from Carol Hill. He said the county has held the sample for several years because experts said it would so small that any DNA tests would destroy the sample. Taylor sent the sample to the New York Medical Examiner's Office, which Taylor said is on the "leading edge" of DNA identification.

Taylor also defended his

decision to prosecute New Jersey State Trooper Robert Higbee for the 2006 deaths of two Upper Township teenagers, Jacqueline and Christina Becker after Higbee, who was attempting to catch a speeder, struck the vehicle the sisters were in.

In 2009, a jury found Higbee not guilty of vehicular homicide.

Taylor said when his office investigated Higbee, many were not convinced when Higbee said he stopped at the stop sign and looked both ways, a claim Taylor said wasn't true.

"The black box showed that he went through the stop sign at approximately 65 miles per

hour, and that's the speed that he was going when he struck the side of the girl's car," Taylor said.

According to Taylor, two separate attorney generals looked at the case against Higbee and either one of them could have taken the case away if they disagreed with the way the county prosecutor was prosecuting Higbee.

"I can assure you that if Gov. Christie or Attorney General Paula Dow thought we prosecuted the trooper incorrectly, I don't think I ever would have been re-nominated for a second term," Taylor said.

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Point

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in the code. He said that all

infractions were matters to be handled by the police department, whose discretion

it is to issue a summons. He said, in his judgment, the existing code appears adequate to address the topic. The code outlines variables of decibel level, distance from the noise and subjective

annoyance pertaining to noise. Borough Solicitor George Neidig said any resident may file a noise complaint but the burden of proof beyond a reasonable doubt rests with the complainant, which he said can be challenging to establish. He concurred with Henderson saying the borough code may be "as good as it can be" at this time and saw no strong mandate for revision.

Some discussion ensued from the residents regarding "spike noise" (sudden loud noises that are not continuous) and alternate ways for the community to respond, including mediation and court filings, all of which remain available for individuals to pursue.

Lastly, Mayor Carl Schupp said South Jersey Gas Company will begin offering residential conversion to natural gas by spring 2011, an initiative favorably received by attendees. Van Heeswyck also said the capemaypoint.org website has launched, and she urged residents to watch for new options there in January.

Open

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He said if the AFSCME employees agree, the county would save \$700,000.

O'Connor said if the county workers don't agree to the county's offer, there would be 30 to 35 layoffs.

O'Connor would have to know the union's decisions by the end of the year for the 2011 budget.

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