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JULY/AUGUST 2010 TIDE TABLE					
HIGH		LOW			
am	pm	am	pm		
7/29	10:52	11:01	4:35	4:40	
7/30	11:27	11:36	5:06	5:19	
7/31		12:04	5:38	6:01	
8/1	12:12	12:44	6:12	6:49	
8/2	12:53	1:30	6:51	7:44	
8/3	1:41	2:23	7:37	8:47	
8/4	2:40	3:25	8:32	9:53	
Last Quarter				8/3	
New Moon				8/9	
1st Quarter				8/16	
Full Moon				8/24	
Apogee				8/10	
Perigee				8/25	

Three and a half hour meeting leads nowhere on theater

By CHRISTOPHER SOUTH
Cape May Star and Wave

CAPE MAY – The zoning board chairman began last Thursday's meeting by saying, "I don't think we will finish tonight."

Truer words are seldom spoken.

The Cape May Zoning Board of Adjustments began hearing an appeal by Frank Investments on the denial of its demolition application by the Historic Preservation Commission. The meeting concluded at 10 p.m., a time limit outlined by Zoning Board Chairman Arnold Pitman at the beginning of the meeting.

Only two of the appellate witnesses gave testimony.

Stephen Nehmad, attorney for Frank Investments, first outlined the history of the application.

Frank Investments applied for and received a demolition permit from the HPC in the summer of 2007. It applied to the Planning Board in December 2008 for preliminary site plan approval, which it has today. However, the partial demolition permit (so called because it doesn't involve tearing down attached retail space) expired before demolition could begin.

In September 2008, the governor signed the Permit Extension Act, allowing permits to be extended past their expiration dates in order to stimulate the economy. Nehmad said he believes his client's permit is subject to the PEA, and City Solicitor Anthony Monzo wrote a letter supporting that notion.

With that understanding, Frank Investments proceeded with preparing the building for demolition – removing furniture and equipment, removing asbestos, etc.

But on Oct. 27, 2009, Nehmad received an email from Monzo saying he no longer believed the PEA applied to Frank's demolition permit. Monzo cited a section of the act which says environmentally sensitive areas, which includes all of Cape

May, were exempted from the act.

"I disagreed and continue to disagree," Nehmad said.

However, Franks Investments was asked to file a new application for a demolition permit and it was made in late 2009. Going before the HPC in January 2010 with the same exhibits and same plan, the HPC reversed its position and denied the demolition permit.

Prior to the application hearing, the Beach Theatre turned 50 years old and was added to the city's survey of historic structures.

"Two instruments of this city have done a complete reversal," Nehmad said.

Nehmad asked that the denial not be given precedential standing in the appeal, which was described as a de novo (new) hearing. Nehmad said his client's position is that the Beach Theatre is not culturally significant and it is not a historic site. He said he would argue the Beach Theatre does not meet the criteria of a historic site as outlined in the city's ordinance, and it was not constructed in a period of historic significance.

Nehmad objected to HPC Solicitor Robert Fineberg representing the commission at the appeal, saying the HPC could not take an adversarial position in the matter.

"I vigorously object to the HPC having standing here," Nehmad said, basing his objection on case law involving Washington Township.

Zoning Board Solicitor George Neidig allowed Fineberg to participate.

Attorney Michelle Donato also appeared, representing the Beach Theatre Foundation. The BTF leased the Beach Theatre for 18 months, but Frank Theaters operated the cinema before it was closed after the 2009 season. Donato rebutted Nehmad's statement that he disagreed with Monzo's interpretation of the PEA.

"This area is exempted

Please see **Hours**, page A2



Christopher South/Cape May Star and Wave

Is this is, or is this ain't your baby?

According Senior Lifeguard Bob Cwik, the time-tested most successful way to find parents of a lost child is to hold the child up from the stand and blow the whistle. In this case, from Saturday, July 24, the results were nearly immediate as the older brother (with left hand raised) showed up and said, "That belongs to me." See more beach photos on page A12.

New timeline for Convention Hall goes to Memorial Day 2012

By CHRISTOPHER SOUTH

Cape May Star and Wave

CAPE MAY – When City Manager Bruce MacLeod began working on a timeline for the new Convention Hall project, he started at the end.

On Tuesday, MacLeod said he started his timeline with the notion of having the new Convention Hall open for business for Memorial Day 2012, and worked backwards allowing appropriate time periods required for each point on the timeline. MacLeod determined construction on the facility should be completed by May 1, 2012, meaning construction should begin no later than May 1, 2011. That gives the city about 10 months to get the shovels in the ground on a project that fits into the available funding – \$10.5 million.

According to the timeline, city council (with public input) has approximately six weeks to decide how big the building should be, the interior layout, the exterior design, what program equipment they need, improvements to the Promenade, the green features (geothermal, solar, wind power) they would like to include, and the budget/cost of the above.

"The building size will set the tone for the other discussions," MacLeod said.

According to MacLeod, the available options are whether to construct on the

identical footprint or go a little wider, or to include the Solarium as part of the project. Architect Martin Kimmel said balconies extend out eight or nine feet from the existing east and west walls, and that area could be considered as area for the existing structure. He said the building could be expanded as much as 14 feet on its east side.

Deputy Mayor Jack Wichterman said he favored building a two-story structure on the existing footprint and not demolishing the Solarium. Council members Bill Murray and Deanna Fiocca agreed with Wichterman's recommendation. Councilwoman Terri Swain was out of town and could not attend the meeting.

Mayor Edward J. Mahaney Jr. said he believed council should start by looking at building on the same footprint and not worry about a second floor until they had a concept of the cost.

"Beyond that, whatever features you can put in will allow you to have as much functionality as possible," he said.

Mahaney said it was important to have revenue-producing features in the structure.

"If there is no versatility it will not contribute to the debt service and will put the entire load on the taxpayer," he said.

Murray said one of the first things to decide would

be the purpose of the new Convention Hall – which he added has always been a misnomer.

The last item on an agenda prepared for Tuesday's discussion called for a project team to be formed consisting of the city manager, two members of council, the construction official, architect and engineers, construction management (clerk of the works) and other council appointees. Murray said he would like to see the mayor and deputy mayor serve on the project team, adding that he did not have the time. Fiocca also indicated her schedule was too busy. Murray warned against making the committee too large to function. He also urged the city to publish the minutes of all the project team meetings.

"We should let the public know this is where we came from, this is where we are, and this is where we are going," he said.

Kimmel advised city council the most accurate estimate of the cost of the project was the bids they already have. MacLeod said all the items presented in previous designs were still on the table until they are eliminated by future costs.

"The same footprint is the starting point. This moves forward by cost, or what CAFRA permits, to see what we can afford," he said.

MacLeod said the total amount available for the

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Buy a burrito for Mickey

By CHRISTOPHER SOUTH
Cape May Star and Wave

CAPE MAY – Mickey Chew, who just opened Big Wave Burritos this summer, experienced a setback that is, for the time being, keeping him from minding the store.

Chew, 27, has last week was diagnosed with a physical malady that has kept him from working at his fledgling Texas Avenue business. There has been talk of fundraising activity, but according to relatives, the best way to help Chew out is to go down and buy a burrito.



Mickey and Kate Chew

says it is very difficult to start a business from the ground up and carry health insurance, which is apparently the

case for Chew. Community members and friends have been reaching out to see what they can do, but again, the family indicated helping to keep the business going is the best kind of support Mickey can use at the moment.

Micah Yerck, who is helping to operate the business while Chew is incapacitated, echoed the family's sentiments.

Big Wave Burritos is located on Texas Avenue next to the Wawa and across from the C-View Inn.

The only stupid question

By CHRISTOPHER SOUTH
Cape May Star and Wave

CAPE MAY – There is an old saying that says the only stupid question is the one that isn't asked. It doesn't always seem like that, however, when you are on the receiving end.

Some people who work outside on Beach Avenue said most commonly people ask

for directions or change for the meters. However, sometimes while standing on the north side of Beach Avenue they ask for directions to the beach, which is on the other side of Beach Avenue. The obvious problem is they can't see the ocean over the dune line. Still, there are other visual clues they are near the beach.

Regarding the meters, some

people will ask, "Do we really have to feed the meters?"

"Either that or pay a \$32 ticket," one person responded.

Other people ask if people have to feed the meters on Sunday, as if it's a day of rest for the devices. What they don't realize is that when the Sunday blue laws disap

Please see **Only**, page A3

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