

Some HPC members want bigger role on pile driving

Members looking to protect historic homes

By CHRISTOPHER SOUTH
Cape May Star and Wave

CAPE MAY - Some Historic Preservation Commission members would like the HPC to play a greater role in protecting historic homes from damage due to pile driving.

The HPC had asked its solicitor, Robert Fineberg, to see if the HPC could require an engineer's report when there would be pile driving as part of an application.

On Monday Fineberg told the HPC it was not within their jurisdiction to monitor pile driving, but that was a function of the construction office. But some members thought it would be good for the HPC to know where pile driving was taking place in order to warn owners of historic structures about the potential damage to their homes from vibration related to pile driving.

"The HPC wants to be given specific notice of pile driving activities," Fineberg said. "We are requesting discussion with city council concerning the ordinance and the need to strengthen it."

Fineberg said the HPC might recommend amending the ordinance to list pile driving techniques that cause less vibration, as well as include a section requiring notification to the HPC when piles are to be driven.

The city's ordinance requires builders to provide

the construction office with an engineer's report saying pilings are necessary before any pile driving may begin. The intent of the ordinance was to protect adjacent homes, primarily in the historic district, from undue stress caused by vibration related to pile driving.

Commission Member Warren Copeland said when a resident is given notice of pile driving the property owner might not understand the potential impact of the project. He said he would like the HPC to have input where pile driving might affect historic buildings.

Fineberg said he wasn't disagreeing with Copeland's position, but was saying pile driving was an issue outside the HPC's jurisdiction.

"This commission was not established to deal with this kind of issue," Fineberg said. "The construction official is licensed for those things."

HPC member Tom Carroll said he agreed with both Fineberg and Copeland, estimating damage from loosening plaster could cost hundreds of thousands. Carroll said the city protects itself and summer visitors from noise related to pile driving but it isn't addressing the impact of vibration on the neighborhoods.

Corbin Cogswell said a recent construction project in Frog Hollow used pilings, and the method used caused little vibration.

"This is something someone needs to recommend for the historic district," he said.

Maryann Gaffney said other projects, like installing water

and sewer lines, cause vibration damage as well. She said she and husband Jerry experienced damage last year due to pile driving, but the insurance company denied their claim. Jim Wyatt said the developer can purchase insurance specifically for damage like this, but Carroll said insurance comes into play after the damage has been done. He said he would like to see the "most gentle method" of pile driving be mandated rather than encouraged.

Fineberg said the HPC should discuss the matter with city council and see if they could amend the ordinance to require the HPC be notified when there is a potential impact on the historic district.

Grant for HPC surveys authorized

On Tuesday, city council authorized a grant application for a second phase of the recent historic survey. City manager Bruce MacLeod said the grant would allow the city to continue with a survey started two years ago, during which over 300 structures were surveyed. The new grant would provide \$34,900 per year for the next two years, and the city is hoping to have 400 surveys completed each year.

MacLeod said the deadline for the application is Jan. 5, and the resolution they passed authorizing the application was part of the application packet.



Janice Brown/Cape May Star and Wave

Cape May's 400th anniversary queen and king

The city named Charles "Bud" Swain and Patricia Milligan king and queen for the city's 400th Anniversary, to be celebrated in 2009. The anniversary commemorates the 1609 voyage of Henry Hudson, who sailed to Cape May, where his boat became stuck on a sand bar until the tide came in. The king and queen will participate in numerous activities being planned to celebrate the anniversary.

City of Cape May Police Department reports

CAPE MAY - The Cape May Police Department reports that police are investigating the following incidents: A victim, from Queens, N.Y., reports the theft of \$1,000 dollars from her pocketbook while shopping the afternoon of Saturday, Dec. 6, on the Washington Street Mall. The Detective Division is investigating the case.

At 6:04 p.m. on Saturday, Dec. 6, police and rescue squad personnel responded to Columbia Ave. and Franklin St. for a motor vehicle accident involving a pedestrian. The pedestrian, a 34-year-old female, while crossing the street, was struck by an SUV traveling on Columbia Ave. The pedestrian was transported to Cape Regional Medical Center for observation. The accident investigation, led by Sgt. John Bobik and Detective Dekon Fashaw, is continuing and no summonses have been issued at this time.

At 8:06 p.m. on Dec. 6, police were dispatched to the 7-11 store on Broadway in West Cape May for a fight call. Police arrested Charles L. Hearon, 31, of Lower Township, for robbery following an investigation by Patrolman Coll that revealed Hearon assaulted the store manager after

being questioned about possessing concealed merchandise for which the store had not been paid.

Hearon was placed in the Cape May County Correctional Center after he was unable to post the \$150,000 bail set by West Cape May Municipal Court Judge David DeWoese.

Cape May Police, Fire and Public Works responded to an early morning Sunday motor vehicle accident near the intersection of Beach Drive and Wilmington Ave.

At 3:16 a.m. on Dec. 7, the driver of a car involved in a one car accident called police to the scene. The car, operated by Angie Park, 17, of Millville, N.J., was traveling north on Beach Dr. and failed to negotiate the left turn onto Wilmington Avenue. The car then drove up and over the seawall. The vehicle, a 2007 Mazda, sustained damage and began leaking fluids onto the seawall and sand. The driver and two occupants reported no injuries. A tow service removed the vehicle from the seawall and towed it from the scene. Following his investigation, Patrolman Kyle Grossman cited the driver for careless driving.

Beach Theatre on hold

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centered around the request for a variance for the number of parking spaces.

Nemad told the planning board the existing theater, retail units and restaurants require 184 parking spaces. Thirteen spaces are currently provided.

Under the applicant's proposal the parking requirement would be reduced to 66 and the applicant is proposing 26 parking spaces for the project, reducing the non-conformity from 171 to 40. Nemad said the reduction would result in a significant reduction in the number of cars coming to and leaving the location.

Opponents asked the planning board not to grant a variance from the zoning law prohibiting stacked parking. Cape May only allows stacked parking at the city's three Victorian hotels. The exception is meant to preserve the existence of these

historic structures, but no such variance has been granted for new construction.

Asked to comment on the prohibition on stacked parking, Hurlless testified that while zoning law prohibits stacked parking, the Residential Site Improvement Standards approve parking an automobile outside a garage, which is what the applicant proposed. Hurlless' statement, which included separating the residential and commercial elements of the project, seemed to negate arguments made by opposition speakers, including planner Richard Litko, who said stacked parking was sometimes a safety matter.

Members of the public testified that granting the parking variance would be a detriment to the community and would set an unwanted precedent. Nemad argued that case law says every application for a variance is specific and no precedent is created by granting a variance.

Franks Investments has been proceeding with the application for development of the Beach Theatre while negotiating with the Beach Theatre Foundation, a group formed with the goal of preserving Cape May's one remaining movie theater. The group took out a \$100,000 loan from the city from a Small Cities Development Block Grant. The money allowed the BTF to lease the theater while it sought investors to purchase and rehabilitate the Beach Theatre.

Franks Investments has a permit to demolish the theater, but plans to rehabilitate the retail space on Beach Avenue.

Planning board chairman Bill Bezaire asked the board members if any had any problem showing up for the Dec. 23 meeting. None indicated there would be a problem, Bezaire announced that no more testimony would be taken on the application prior to the vote on Dec. 23.

Arts and entertainment briefs

East Lynne's last two performances of O. Henry

CAPE MAY - There are only two performances left of East Lynne Theater Company's well-received world premiere, main stage production of "O. Henry's Christmas Stories." Friday and Saturday, Dec. 12 and 13, all at 8:30 p.m. The location is The First Presbyterian Church, 500 Hughes St. Tickets are \$20 for general admission; \$10 for students; and ages 12 and under are always free. For information or reservations: 884-5898 or on the web at www.eastlynnetheater.org.

Cape May Stage marks Dec. 20 a 'Wonderful Night'

CAPE MAY - For the past two years, Cape May Stage has made a point of giving back to the community by hosting special nights of theater for local civic and cultural organizations. In this tradition, Cape May Stage has dedicated Saturday evening Dec. 20 as "Sea Horse Farm Scholarship Night at the Theatre."

Gary Weeks and Jenna Riker of Sea Horse Farm both noted that so often money is donated for sports, but rarely for horseback riding. Cape May Stage is pleased to donate twenty percent of the

box office proceeds to the Farm's Horseback Riding Scholarship fund to help a needy student in 2009.

Currently playing on the stage is award-winning playwright Steve Murray's "This Wonderful Life" - the visually stunning stage adaptation of the perennially popular holiday film. It's a Wonderful Life. Cape May Stage hopes everyone will come buy a ticket and help to make "This Wonderful Life" on Dec. 20 a sell-out performance.

Tickets are \$35 adults, \$25 seniors, and \$12.50 students. Call (609) 884-1341 for tickets and information or visit the theatre's web-site, www.capemaystage.com.

Ordinance changes

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already been discussed by the committee because of the obvious impact on the neighborhoods.

Mahaney said about five of the areas could be discussed separately with the residents because of their complexity. He also recommended the committee look at making Liberty Way, between the mall and Our Lady Star of the Sea school parking lot, a fire zone.

The Ordinance Review Committee also recommended amending the peddler ordinance to ease the prohibition on vending within 75 feet

of an intersection west of Madison Avenue. The concern is having hot dog vendors located in between parked cars, forcing customers to walk in the street. A specific concern was a spot located near Second Avenue.

The location is a point of contention between the vendors, the city and the Johnston family, owners of the Cove Restaurant. The Johnstons object to the vendors being located so close to their restaurant, which they say is already an area of high traffic congestion. The Johnstons believe the city is showing favoritism to the vendors, particularly by moving one designated location

from Poverty Beach to the Cove Beach area.

The vendors maintain they are not competing with the Cove Restaurant, which features affordable seafood dinners. They also say they are not adding to traffic congestion because their customers generally walk up on the beach side, coming from the beach or promenade.

Favre recommended amending the ordinance to do away with the distance requirement and simply designate seven spots along Beach Avenue where vending would be permitted. The current ordinance states there should be no vending within 25 feet of an intersection or within 75 feet of an intersection west of Madison Avenue. Favre said designating spots and including a map in the ordinance would eliminate spaces being changed arbitrarily, as they could only be changed by amending the ordinance.

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