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| 6/11 | 2:55 | 3:45 | 9:08 | 9:39 |

Patio closings leads to ordinance reconsideration

By CHRISTOPHER SOUTH
Cape May Star and Wave

CAPE MAY – Visits by Cape May Police Department officers to two mall businesses over the Memorial Day weekend have prompted city council to want to reconsider placing code enforcement under the authority of the police

department.

However, one restaurant owner said he believed his last patio permit was valid through the month of June.

Differing accounts of what happened over the weekend were presented at the Cape May City Council meeting held Wednesday because of the primary election on Tuesday. City Manager Lou

Corea gave his version of what happened over the weekend regarding enforcement of patio permit regulations after Councilwoman Linda Steenrod suggested city council revisit Ordinance 135-2008 and Ordinance 117-2007. Ordinance 135-2008 put code enforcement under the police department, and Ordinance 117-2007 set a pol-

icy of issuing summonses instead of warnings for code violations.

Corea said by close of business on Friday, the city was aware of two mall businesses that did not obtain a patio permit – the Dairy Queen, which has outside tables but no table service, and the Cucina Rosa Restaurant, which offers patio dining with

food service.

Corea said over the past several weeks the city had been working with individual businesses on the mall to secure patio permits. Corea said the above mentioned businesses had not obtained a patio permit by 5 p.m., May 23. According to Corea, the

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Cape May City Elementary School held its annual Triathlon last Friday. Students biked, swam and ran a course around the playground competing individually and in teams for prizes which included a brand spanking new bike. Top left, fifth-grader Messiah Knight gives the number one sign as he heads toward the finish line. At left, third grade team members, from left to right, Taiovo Mercado, Nautikka Genz and Mishell Sanchez show off their prizes. Above, sixth-grader Maegan Farrish – the individual winner – is obviously pleased with winning the bicycle.

Photos by Jennifer Kopp

Understanding municipalities and the COAH obligation

By CHRISTOPHER SOUTH
Cape May Star and Wave

CAPE MAY – References to COAH come up fairly regularly in municipal meetings, but there seems to be little understanding of what COAH really means for a community.

But that is not a surprise when there have been several phases or "rounds," rules, new rules and newer rules, and numerous court decision affecting the Council On Affordable Housing.

The history of COAH goes back to 1975, when the Burlington County NAACP sued the township of Mount Laurel, N.J., claiming local zoning laws were making it impossible for low or moderate income residents to live in Mount Laurel. The case went to the New Jersey Supreme Court and the court ruled that

zoning laws that make it physically and economically impossible to provide low and moderate income housing were unconstitutional.

Five years later, the case was again before the Supreme Court along with five other cases. The court established a fair share formula for municipal obligations to provide low to moderate income housing. It also established a "builder's remedy" by which a builder could sue the municipality for relief from local zoning laws in order to provide affordable housing.

In 1985, the New Jersey General Assembly passed the Fair Housing Act, which created the Council On Affordable Housing, which administers the process for complying with Fair Housing Act.

"Municipalities have a constitutional obligation under

the Mount Laurel decision," COAH executive director Lucy Voorhoeve said. "The court said municipalities have to zone so everyone has chance to live in the community."

Voorhoeve said the Fair Housing Act set up a voluntary process for municipalities to meet their COAH obligation.

"What isn't totally voluntary is they can get sued if they don't participate," Voorhoeve said.

A case in point is West Cape May, where a group known as the Sixth Street Partners has sued the borough in order to be allowed to develop a 5.8 acre parcel with as many as 70 townhouse units.

West Cape May Mayor Pam Kaithern agreed certification through COAH protects municipalities from lawsuits, but added COAH has been around since the mid-80s, and

previous administrations ignored the obligation. She said the original application was to put 17 single family homes on the 5.8 acres, but this was not allowed because the area was not sewered.

She said the application could not even be heard by the planning board. She said the applicants had not applied for a variance, so the board could not hear that matter as

well.

According to Kaithern, a by-right application would have allowed, and still would allow the developer to put seven single family homes on that site.

"They never could put 17 homes there. They never could have put more than seven," Kaithern said. "But they found a way to make a boatload of money because

we hadn't gotten certification under Jack (Vasser) or Jim (Roney) and that's why are vulnerable."

Kaithern said whether or not the borough prevails in the lawsuit, West Cape May would have protection from further lawsuits because a the judgement would include a plan for the COAH obli-

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Hot dog wars starting again?

Hot dog vendor location doesn't cut the mustard; complaint by business negates move

By CHRISTOPHER SOUTH
Cape May Star and Wave

CAPE MAY – A complaint by a local restaurant owner has sent hot dog vendors back to the other side of the street. Tony Genarro, representing the seven vendors, said they had reached an agreement with the city allowing them to

move from a location on Second Avenue at Beach Avenue to the ocean side of the street. He said after operating there for just three days in the past two weeks, the vendors were told to move back to the other side of the street.

"We did nothing wrong," he said.

According to Genarro, the business owner, Paul Johnston of the Cove Restaurant complained he was losing business to the hot dog vendors. Genarro said the Cove is 321 feet from the beach ocean side vending location, and the move back would put a vendor 60 feet closer to the restaurant.

Genarro told Corea and city council they were not respon-

sible to just one business owner. He said the move would cause vendors to lose money.

Corea told Genarro the ocean side location was not in the original design, and the change was made with the stipulation that there be no objection to the move.

"As per our agreement, if there was a complaint, it would revert back to the original design," Corea said.

Corea said city council could amend the ordinance establishing new locations for vendors.

Councilman David Craig said he believed the spirit of the law was to avoid conflicts between vendors and other businesses.



Jennifer Kopp/Cape May Star and Wave
Sotheby's International Realty Affiliates LLC announced Tuesday that Chris Clemans and Co., Inc., Realtors, in Cape May, N.J., has joined its luxury real estate network. The firm, owned by Christina P. Clemans, now will do business as Chris Clemans Sotheby's International Realty. "Chris Clemans' firm has developed a reputation for providing high-quality service to its clients based on a true understanding of the market," said Michael R. Good, president and chief executive officer, Sotheby's International Realty Affiliates LLC. "We are proud to have them carry our brand name in this key New Jersey market." Clemans believes the Sotheby's International Realty brand's focus on quality mirrors her firm's commitment to providing clients with individualized service. "This company was founded in 1990 with the goal of providing the best possible service with the highest degree of professionalism," Clemans said. "We have set the standard for service in the Victorian Cape May market, which is the nation's oldest seaside resort."