

City to seek acknowledgment of affordable-housing plan

By JACK FICHTER
Cape May Star and Wave

CAPE MAY — The city will file a declaratory judgment action in Superior Court seeking a declaration showing Cape May's housing plan is valid and provides a "realistic opportunity" to provide its fair share of low- and moderate-income housing.

At a July 7 City Council meeting, City Solicitor Tony Monzo said it was necessary to file a declaratory judgment action due to a Supreme Court decision in March citing all municipalities that received Council on Affordable Housing (COAH) certification no longer

had that certification.

"In order to preserve the protection that was given as a result of that, all the authority that COAH had was transferred to the New Jersey courts," he said. "The only way to receive confirmation that the city has a compliant plan that addresses affordable-housing needs would be to seek a declaratory judgment in court."

The filing deadline was July 8. The judgment would protect Cape May from builder's remedy lawsuits, Monzo said. He said a number of towns were putting together petitions to file, with Cape May being one of 60 municipalities out of 300 that were participating in

COAH and received substantive certification.

The city has an advantage in that it does not have to resubmit a plan, Monzo said. He said the court would review its current affordable-housing plan and make a determination through a court order as to whether the city is compliant.

Mayor Edward Mahaney said he consulted with the city's Planning Board and the state League of Municipalities on the action. He said if the city did not file a declaratory judgment action, it would wind up having to once again negotiate with the fair share housing organization. The mayor said it negotiated for three years to

get its affordable-housing plan approved.

In 2008, council approved an ordinance requiring developers to provide one affordable housing unit for every five residential units they build and one unit for every 16 jobs produced by building a commercial building. At that time, Monzo said the city would be required to have 20 to 30 affordable units by 2018.

In other business: council approved an agreement with ACIR Professional, of May's Landing, to provide sound and lighting services for concerts brought into Convention Hall. Mahaney said ACIR was used for the first few years of opera-

tion of the new Convention Hall and the city wished to get a bulk rate price and reduce costs.

In addition to providing light and sound services, ACIR also rents "backline," which is drums, amplifiers and pianos needed by touring artists.

Council approved increasing the bid threshold to \$33,000 and quote threshold to \$5,400 by having Daniel Shustack as qualified purchasing agent. If a contract is expected to exceed a city's public bidding threshold, it must be advertised for bids or proposals, per the requirements of the Local Public Contracts Law. Professional services contracts are exempt from this requirement.

The city has been awarded a \$100,000 grant with no matching payment from the city required to purchase a generator for Cape May City Elementary School. He said the generator would provide power to shelter residents if it was impossible to leave the island and there was an outage.

Mahaney said the city applied for the grant after Hurricane Sandy and initially was turned down for the funding due to errors in the manner the grant application was reviewed by the federal government. In addition, the grant will provide funds to upgrade heating and air conditioning at the school, he said.

Room tax—

Gas station plan raises concerns

Continued from Page A1

industry on a "fair and equal footing."

The mayor said Jersey City and Newark as the two largest cities in the state are often given different legal opportunities than the rest of the state. He said he wanted to find out if the amendment to the room tax applied only to Jersey City.

"If that's the case, then I think we have the right to petition for fair and equal treatment," Mahaney said.

Rauch said the bed and breakfast industry has been sorely hurt by the room tax. He said it was much more difficult for bed and breakfast inns to pass along the 14 percent room tax to their guests.

Mahaney said the room tax in combination with a recession caused a retrenchment of the bed and breakfast industry.

Innkeeper Robert Steenrod commented the conversion of three or four major bed and breakfast inns into whole-house rentals in Cape May "has had a chilling effect."

Rentals are occurring in Cape May through Airbnb, according to innkeeper Linda Steenrod. The Airbnb website allows travelers to rent a room in a person's home or an unlicensed apartment. Rauch said there were hundreds of Cape May properties listed on Airbnb.

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The application will be heard at the Planning Board's Aug. 25 meeting.

Neighbors with concerns over potential parking problems caused by the new business recently met with Bashaw, Wright and project engineer Vince Orlando in the lobby of Borough Hall for nearly an hour.

A resident of 404 Fow Ave., next door to the proposed gas station, store, restaurant and offices, said she did not like the proposal of a 1-foot setback from the property line. Orlando said the setback was actually an average of 2.5 to 3 feet. He said bumper stops would be installed in the lot to keep cars from overhanging into landscaping.

The resident questioned the plan for only 15 proposed parking spaces on the property.

A resident of 307 Fow Ave. remarked the area already has five restaurants and a pizza shop. He said residents have traffic problems resulting from the existing businesses and beachgoers parking on Fow Avenue. Some cars remain in the same parking space on Fow Avenue for days, he said.

Cars also barrel down Fow Avenue at 45 mph in a neighborhood where children play in the street, he said.

"There's an ongoing traffic problem there now," he said. "I have no problem with your vision for this thing, but I'm concerned about the flow of traffic, I'm concerned about the noise."

Wright said the Exit Zero restaurant was already in existence and he would just move it across the road.

"We like to do things well and we like to do projects that are value added to the community," Bashaw said.

He said he hated to see all services lost on the island, whether a grocery store at Washington Commons or more pharmacies or gas stations.

"This is one of two gas stations on the island, and to us it would be a big loss," Bashaw said.

He said he wanted the business to be an attractive, old-fashioned gas station as opposed to a Shell station with a huge canopy and bright incandescent lights. Bashaw said he wanted the station to look "less corporate."

He said Wright has been eyeing the gas station property since he is paying rent for three stores across the street.

"Something is going to go there," Wright said. "We're thinking this is the best use of the land."

A resident commented that Bashaw and Wright owe it

to the neighborhood to provide adequate parking for the restaurant in an area with an existing parking problem.

Bashaw said there were predictions of parking problems when he renovated the Virginia Hotel and Congress Hall. He said he has been in business in Cape May for 26 years and has noticed a growth in volume of guests using alternate forms of transportation.

More visitors are using bi-

cycles and golf carts, Bashaw said, adding that he has fewer than 200 parking spaces at Congress Hall but may house 600 to 700 guests, half of which may walk, ride a bike or get there in alternative ways in summer.

"You park the cars in your area and we'll all be happy," said the resident.

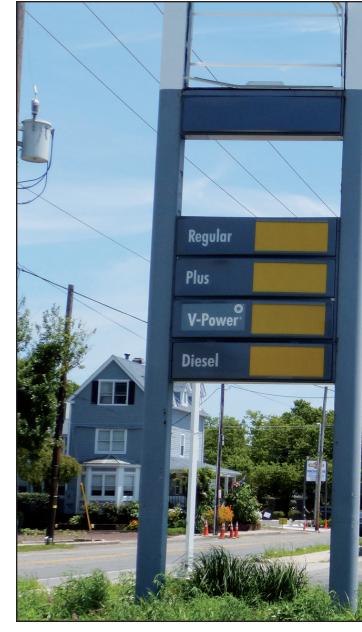
Wright said the convenience store would not be open past 8 p.m.

Bashaw said he did not think the project would worsen existing traffic conditions.

He said the Shell station sold 250,000 gallons of gas per year, which was "nothing."

"Congress Hall couldn't have been asked to solve every parking problem in Cape May and nor can this be asked to solve every parking problem on Fow Avenue," Bashaw said.

"Your problems are bigger than this."



Jack Fichter/CAPE MAY STAR AND WAVE

Cape Resorts owner Curtis Bashaw and Exit Zero publisher Jack Wright want to redevelop the closed Shell station at 110 Sunset Blvd. with a gas station, convenience store, golf cart rental, 62-seat restaurant, offices and a 1,800-square-foot retail store.

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23	1:12	2:03
24	2:01	2:55
25	2:56	3:49
26	3:56	4:43
27	4:56	5:36
28	5:53	6:26
29	6:47	7:14

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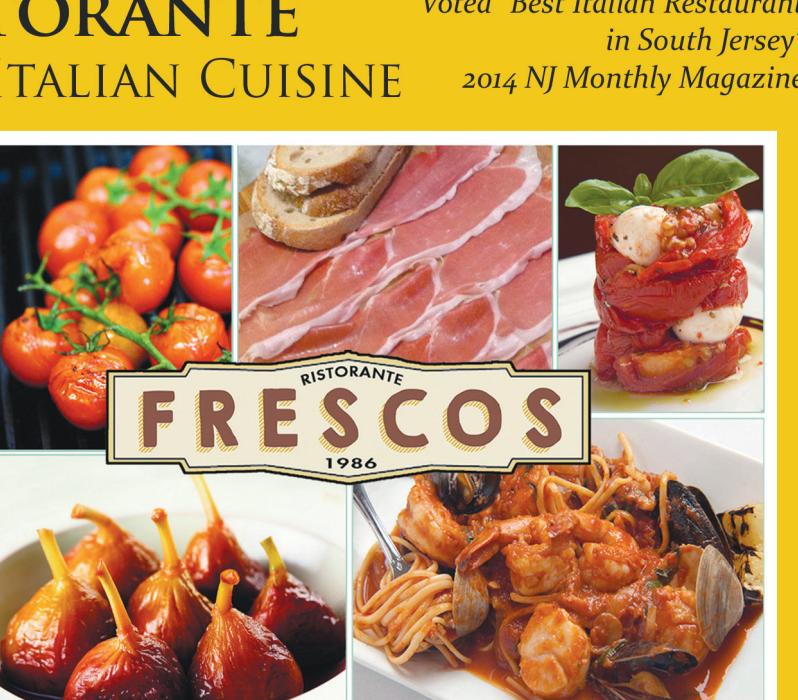
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