

# West Cape considering 'Animal House' noise ordinance

By JACK FICHTER  
Cape May Star and Wave

WEST CAPE MAY — The borough is considering stronger noise regulations that would revoke mercantile licenses for owners of rental properties with more than three noise violations.

During a Borough Commission meeting Feb. 10, borough solicitor Frank Corrado said West Cape May has a noise ordinance that sets certain decibel standards in the "disturbing the peace" section.

"This public nuisance section of the ordinance requires a subjective judgment that can sometimes be difficult to make," he said. "It raises questions of consistency of enforcement, so you have to be very, very careful from an enforcement point of view from using that subjective standard as opposed to the objective decibel-level standard."

Corrado said the county enforces decibel standards for commercial and industrial noise violations.

Police Chief Dekon Fashaw said if a noise complaint were received at 10 p.m., it is unknown how long it would take for the county to respond to take a reading on a meter. He said his department does not have officers trained to take audio measurements.

Corrado said police normally respond to the location of the noise and ask the parties to lower the volume.

"If they turn it down, it solves the problem," he said.

Neighbor-to-neighbor noise disputes need to be handled with a "little finesse," Corrado said.

If an individual is constantly filing and trying to adjudicate noise complaints, it's almost as if they have lost the battle, he said.

"Particularly in a community like this, people have got to be able to sort of accommodate each other and be good neighbors to each other," Corrado said. "That's the real objective here."

Mayor Carol Sabo said

it is easier to stop noise violations that occur after 10 p.m., a time noted in the borough ordinance. Corrado said it is a matter of enforcing either the objective measuring of decibel levels or the subjective public nuisance portion of the ordinance.

The issue is the kind of enforcement policy the borough is going to use, he said.

Inkeeper Doug Carnes, owner of Wilbraham Mansion, said it is not the same people causing noise complaints each week.

"When you have a rental next to you, it's a new renter every week and they couldn't care less about paying \$100 or a \$500 penalty when they've paid \$20,000 to rent the house," he said.

Carnes said the only way to abate a problem of noise that continues week after week is to hold the owner accountable. He said police officers do not know how to cite the owner of a rental property for noise violations.

Corrado said a state statute allows municipalities after two or three noise violations in a set period of time to pull the mercantile license of a rental property.

Carnes said he made 13 noise complaints on a nearby property and asked police officers if there were any way to penalize the owner of the rental property and was told there was not. He said he would like to have the number of the ordinance so he could cite it when an officer responds to his noise complaint.

"All I want is peace for people who pay \$300 a night to go to sleep," Carnes said.

He said he installed a video camera with an audio component so that if it continues this summer, it will be documented.

Corrado called it a classic "Animal House" problem.

"I need some relief," Carnes said. "I have to have a way of holding that house accountable to what they're doing."

He said he did not want

to put the rental house out of business, he just wants the owner to abide by the regulations.

Corrado said Wildwood and Avalon have ordinances that offer penalties of the loss of a mercantile license and he could have such an ordinance ready for West Cape May before summer.

Fashaw said his department would enforce such an ordinance.

"The beauty of these ordinances is they are sort of a three-strikes-and-you're-out, so you can't be accused of making his life miserable because you're giving him two strikes before the hammer comes down," Corrado said.

In other business: Corrado said the borough has no prohibition against multiple businesses operating from the same building. He said a florist at Stimpson Lane and Broadway has applied for a second retail use in that building.

He said the borough's zoning ordinance does not contain a provision that

states only one principle use per building is allowed.

While revised site plan approval would be necessary from the Planning Board for an additional use, a use variance would not be needed, he said. Putting a second use in a building raises a number of site plan issues such as hours of operation, sufficient parking, lighting and impact on the surrounding area.

Corrado said Borough Commission may want to consider amending the zoning ordinance to allow mixed uses in commercial buildings either all over the borough or limited to particular districts. He said more municipalities prohibit multiple commercial use in one location.

Borough Commission introduced two ordinances regarding trees, landscaping and vegetation. Sabo said the ordinances, which strengthen regulations to protect trees, followed much discussion and work completed by the Shade Tree Commission.

## St. Mary

Continued from Page A1

the sisters may obtain an attorney to advise them on returning the property to nature.

Wrotny asked the three borough commissioners their preference for the future of St. Mary's.

"I would like them to be able to do what they want with the property they have owned well over 100 years," vanHeeswyk said.

Moffatt said to see the building demolished would be a "heartbreak," but added that the fate of the building is the decision of the Sisters of St. Joseph.

Commissioner Catherine Busch said the Point would not be the same without St. Mary's but that she respects the right of a property owner to do what they wish with their land.

The borough is "behind the 8-ball" trying to maintain historic properties, Wrotny said.

VanHeeswyk said even a building on the state and national registers of historic places can be demolished.

Former borough commissioner Robert Mullock said those who own such a structure could place it on the real estate market for millions of dollars or seek to convert it into condominiums. He said that is not what the Sisters of St. Joseph are seeking.

"What they're asking to do is return it to nature," Mullock said. "They are willing to sacrifice all those monies."

He said he has been an advocate to preserve the building, noting he restored Cape May's Chalfonte Hotel and led the way for the creation of the Harriet Tubman Museum in a late-1700s house.

Mullock said he felt continuing communication with the sisters could achieve something not expected to happen. He noted the borough lacks a historic preservation commission (HPC).

"This is the result of our community being disarmed and not having the ability to influence property owners," Mullock said.

He said five significant historical properties in Cape May Point have been demolished. Mullock said he has not given up on preserving the building and as a private citizen, he may be able to accomplish more than he could as a borough commissioner.

A new definition of "return to nature" was presented to the sisters, suggesting the building as a marine science center, and a bird and butterfly center, that would offer the public a better appreciation of nature, he said.

"Those things are a blessing from God and that blessing could be shared by more people," Mullock said.

He said the biggest problem currently is the COVID-19 pandemic. St. Mary's was scheduled to be open in 2020 and 2021 during which time the

borough would apply for a marine science grant, Mullock said.

"This ending is very, very quick compared to the schedule everyone anticipated, including the sisters," he said.

Resident Ron Glydis asked if the sisters could legally sell their building to a hotel chain. Amenhauser said it is private property and they could dispose of the building by selling it to a third party.

Resident Annie Roberts asked how the retreat building is zoned.

Vanheeswyk said the entire borough is zoned R-1 residential and the retreat was "grandfathered" as a hotel.

Amy Graziani, who owns a second home in the borough, asked if residents could organize as a group to save the building. VanHeeswyk said form-

ing a group of private citizens is a good idea.

Amenhauser said any third party could purchase the property from the sisters.

Wrotny asked about the use of eminent domain. Busch said eminent domain is reserved for the rare circumstances in which public need outweighs the property owner's rights. She said it is not a step that government should take lightly.

Amenhauser said eminent domain is a taking of land and a property owner must be fairly compensated for the loss.

Resident Sandy Allison asked if the sisters would still own the property if the building were demolished. Amenhauser said

they would continue to own the lot and it may be placed on the tax rolls following demolition of the structure.

VanHeeswyk said she believes the Sisters of St. Joseph are seeking a buyer for the property. Allison said she believes there would be interest in saving the building from far beyond Cape May Point.

"It sounds like there is a core group here that could expand," vanHeeswyk said.

Busch suggested members of the community meet with Mullock.

Wrotny asked those interested in the formation of a group to explore saving the building to contact him at: wrotnym@aol.com.

| TIDES: Feb. 17-24, 2021 |       |       |       |       |  |
|-------------------------|-------|-------|-------|-------|--|
| DATE                    | HIGH  |       | LOW   |       |  |
|                         | A.M.  | P.M.  | A.M.  | P.M.  |  |
| 17                      | 11:38 |       | 5:27  | 5:37  |  |
| 18                      | 12:06 | 12:24 | 6:17  | 6:17  |  |
| 19                      | 12:55 | 1:16  | 7:15  | 7:04  |  |
| 20                      | 1:51  | 2:19  | 8:18  | 7:58  |  |
| 21                      | 2:53  | 3:25  | 9:22  | 8:57  |  |
| 22                      | 3:53  | 4:25  | 10:19 | 9:55  |  |
| 23                      | 4:48  | 5:18  | 11:10 | 10:49 |  |
| 24                      | 5:37  | 6:06  | 11:55 | 11:39 |  |

**MOON PHASES**  
First quarter, Feb. 19 • full moon, Feb. 27

**Cape May Star & Wave**  
— 165 YEARS OLD • 1854-2019 —

CAPE MAY STAR AND WAVE (ISSN 519-020)  
Volume 167 Number 7

Published weekly by Sample Media, Inc.,  
963 Lenape Drive, Lower Township, NJ 08204

Published Weekly (52 times a year)  
SUBSCRIPTION PRICE: By mail for \$42 a year; \$75 for two years; \$22 for six months. Periodical Postage at Cape May Court House, N.J. and additional mailing offices.  
POSTMASTER: Please send address changes to the Cape May Star and Wave, P.O. Box 2427, Cape May, N.J. 08204.



#1 ON  
GOOGLE FOR  
CAPE MAY  
FOR 20 YEARS

**CapeMay.com**

BECOME A PART OF OUR COMMUNITY!  
FACEBOOK.COM/GROUPS/LOVECAPEMAY



YOU deserve a massage

Reserve your perfect escape today!

THE CAPE MAY DAY SPA & HOLISTIC CENTER

609.898.1003  
607 Jefferson Street  
Cape May, NJ  
CapeMayDaySpa.com

Massages • Facials • Manicures • Pedicures • Baths • Couple's Packages



**King of the Deal**

We only sell delicious, authentic, real wines. Well-Priced.

Imagine a \$10 bottle tasting like a \$20 bottle or a \$20 bottle tasting like a \$40 bottle

- Wine Spectator Award ~ 10 Years
- Wine Consultant to Relais & Chateau Hotels
- Seasoned Wedding Wine Planner

Email me at wine@riostation.com