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LEGALS

BOROUGH OF WEST CAPE MAY COUNTY OF CAPE MAY STATE OF NEW JERSEY ORDINANCE NO. 585-20

WHEREAS, the Borough of West Cape May is committed to preserving the unique character of the Borough and encouraging responsible development that preserves light, air, and open space in the community...

WHEREAS, the Borough of West Cape May also recognizes it is in the best interests of the public health, safety, and general welfare to clarify and amend the code when doing so will provide municipal employees, residents, and applicants a better understanding of the intent and purposes of the zoning regulations...

WHEREAS, the Borough Commission of the Borough of West Cape May believes it is in the best interest of the Borough to amend Section 27 of the Borough Code to clarify the setbacks required for garages...

Section 1. Section 27-27.1 of the Borough Code shall be amended as follows, with all strikethroughs indicating deleted portions and all bold and underlined portions indicating additions...

Section 4. Effective Date. This ordinance shall take effect 20 days after passage and publication, according to law.

The foregoing Ordinance was introduced at a Regular Meeting of the Board of Commissioners of the Borough of West Cape May held on August 26, 2020, when it was read for the first time and then ordered to be published according to law.

9/02 of \$49.60 1

Please take notice that the undersigned, Bayshore Mall 1A, LLC, Bayshore Mall 1B, LLC, and Bayshore Mall 2, LLC (collectively the "Applicant") has generally made application to the Township of Lower Planning Board (the "Board") for a property commonly known as the Bayshore Mall...

1. Site plan waiver pursuant to the Land Use Development Ordinance of the Township of Lower as well as the Municipal Land Use Law;

2. Conditional use approval to create a Gymnastics and Cheer training facility as an indoor recreational activity as a conditional use in the GB-1 zone pursuant to the Township of Lower ordinance §400-17.a.6; and

3. The Applicant may also apply for such variances, exceptions, waivers, permits, approvals or licenses that are deemed necessary or appropriate by the Applicant or the Board...

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PUBLIC NOTICE

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(9/2)

LEGALS

TOWNSHIP OF LOWER CAPE MAY COUNTY, NJ NOTICE OF TAX TITLE LIEN SALE

Public notice is hereby given that I, Kathy Brown, Tax Collector of the Township of Lower, in the County of Cape May, State of New Jersey will sell at public auction in the conference room of the municipal building at 2600 Bayshore Road, Villas, NJ on the 22nd day of September, 2020 at 10:00 a.m. the following described lands:

Said properties will be sold to the person who bids the lowest rate of interest but in no case will exceed 18% per annum. Any parcel for which there is no bidder shall be struck off and sold to the Township of Lower at 18% per annum.

This sale is made under the provisions of the "Tax Sale Law," Title 54, Chapter 5, Revised Statutes of New Jersey. Industrial Properties may be subject to the Spill Compensation and Control Act (NJSA 58:10-23.11 et seq.), the Water Pollution Control Act (NJSA 58:10A-1 et seq.) and the Industrial Site Recovery Act (NJSA 13:1K-6 et seq.).

The following is a description of the land and the owner's name as obtained from the Tax Duplicate of 2020, in my office and the total amount due as computed to September 22, 2020.

Table with columns: Block, Lot, Qual, Owner Name, Amount. Lists various properties and their owners, including WEIDMAN, WILLIAM E III & SMANTHA N, TOLZ INC OF VILLAS C/D RHODA, etc.

T-Property Tax W-Water S-Sewer E-Connections O-Trash A-Sp Assmt 1-Lot Clearing 2-Seewer Convec 3-MSF Q-QFARM 8-Bill Board R-Cell Tower

8/26, 9/2, 9/9, 9/16 of \$751.44 13

BOROUGH OF WEST CAPE MAY LOCAL BOARD OF HEALTH 2020 MEETING DATES Meetings of the West Cape May Board of Health will be held on the following dates at 6:00pm:

LEGALS

City of Cape May Planning Board Legal Notice

Public Notice is hereby given to all persons that the following action was taken by the City of Cape May Planning Board at their meeting held on August 25, 2020:

The minutes of June 23, 2020 were adopted by the membership. Resolution number 08-25-2020: 1, Cape Coachman Realty, LLC, 205-211 Beach Avenue, Block 1019, Lot(s) 26 & 50 was adopted by the membership.

The application for Cape May Cove, LLC (FKA Thomas DiDonato), 1105 Pittsborough Avenue, Block 1105, Lot(s) 4 was approved for major subdivision, preliminary and final site plan, subject to all conditions of approval discussed at the hearing and outlined in the review memorandum from Board Engineer & Planner Craig R. Hurlless, PE, PP, CME, dated July 29, 2020.

Board Engineer & Planner Craig Hurlless summarized an interpretation by the Zoning Board of Adjustment on fences in the R-4 District, and it was determined that a detailed study is in order with findings to be reported back to the Planning Board.

All documents, application(s), actions and decisions of the Board are on file and available for review in the City Hall Board Office, 643 Washington Street, Cape May, NJ. The Board's meeting dates, minutes and legal notices are also posted on the City's website.

This notice is being given in compliance with the Open Public Meetings Act and The Municipal Land Use Law, Chapter 291, of the State of New Jersey.

Karen Keenan Board Secretary August 28, 2020

9/02 of \$26.04 5

NOTICE TO BIDDERS BID# 2020-04 Township of Lower, 2600 Bayshore Road, Villas, NJ 08251 Phone (609)886-2005 X123 Fax Request to (609)886-5342 or email mvtitelli@townshipoflower.org

Notice is hereby given that sealed proposals will be received by the Lower Township Purchasing Agent on Friday September 15, 2020 at 11:00 a.m. prevailing time at which time the said sealed bids will be publicly opened and read for the following:

VARIOUS SUV 4 WHEEL DRIVE VEHICLES

All proposals shall be submitted on the Proposal Form approved for this proposal, or on an exact replica as to wording and punctuation. Copies of such Proposal Form, this advertisement, and the Terms and Specifications may be obtained from the Township Purchasing Office at 2600 Bayshore Road, Villas, NJ either by faxing your request to 609-886-5342 or email mvtitelli@townshipoflower.org.

All bids must be clearly addressed and mailed or delivered to: Township of Lower 2600 Bayshore Road, Villas, NJ 08251 Bid #2020-04 Attn: Margaret Vitelli QPA. The Township Council reserves the right to reject any or all bids if it deems it is in the best public interest to do so.

Bidders are required to comply with the requirements of Public Laws of 1975, Chapter 127, Affirmative Action Requirements. Bidders are required to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17-27 et seq.

Margaret Vitelli, Purchasing Agent

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LEGALS

BOROUGH OF WEST CAPE MAY COUNTY OF CAPE MAY STATE OF NEW JERSEY ORDINANCE NO. 587-20

AN ORDINANCE AMENDING SECTION 17 OF THE BOROUGH CODE REGARDING MAINTENANCE OF TREES WITHIN THE RIGHT OF WAY

WHEREAS, pursuant to the authority under N.J.S.A. 40:65-14, Section 17-2 of the Borough of West Cape May Code establishes that the costs associated with repair and maintenance of the area of encompassing the curb and sidewalk located in the Right of Way is the responsibility of the abutting land owner; and WHEREAS, trees that are located within the area encompassing the curb and sidewalk are incorporated within the responsibility of the abutting landowner; and WHEREAS, Section 2-27.6(c) authorizes the Shade Tree Commission to "remove or require the removal" or any tree, or part thereof, dangerous to public safety; and WHEREAS, the Board of Commissioners of the Borough of West Cape May have determined it is in the best interests of the public health, safety and general welfare to amend Section 17-2 to clarify the responsibility for street trees located into the Right of Way;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Borough of West Cape May as follows: Section 1. Section 17-2 of the Borough Code shall be amended as follows (strikethroughs indicating deletions and bold and underlined portions indicating additions):

17-2 MAINTENANCE OF SIDEWALKS & TREES IN THE RIGHT OF WAY. 17-2.1 Responsibility of Owners to Repair.

a. On or along any public street, avenue, alley and lane in the Borough, any curbs and sidewalks shall be constructed, repaired, altered, re-laid and/or maintained at the cost and expense of the abutting property owner, except as hereinafter set forth.

b. Sidewalk construction, alteration, maintenance or repair may be paid for from governmental funds rather than at the cost of the abutting property owner if the sidewalk is located in an area of the Borough that is designated and approved for a rehabilitation project funded by outside governmental agencies. The project must involve construction, alteration, maintenance, re-laying and/or repair of all surface improvements in one (1) or more contiguous Borough blocks. Such a construction, alteration, maintenance, re-laying and/or repair project shall be funded so that it does not involve any direct cost to municipal taxpayers as a general municipal improvement. The Borough Engineer must designate the project as required in connection with securing uniformity of appearance, ease of construction and related considerations involving the satisfactory completion of such a rehabilitation project.

c. On or along any right of way, public street, avenue, alley or lane in the Borough, all tree care services for trees located in the right of way shall be at the cost and expense of the abutting property owner, except as hereinafter set forth. This obligation shall be interpreted to include the area extending from the abutting property to the center line of the right of way. All tree care services including tree pruning, repairing, brush cutting or removal, tree removal, stump grinding or removal, tree establishment, fertilization, cabling and bracing, lightning protection, consulting, diagnosis, and treatment of tree problems or diseases, tree management during site planning and development, tree assessment and risk management, and application of pesticides or any other form of tree maintenance shall be conducted by a person or entity licensed pursuant to N.J.S.A. 45:15C-11, et seq., unless exempt pursuant to N.J.S.A. 45:15C-31 and Section 30-1.4 of the Borough Code. The definition of a "tree" pursuant to Section 30-1.1 shall be applied to this section.

17-2.2 Applications for Permit.

a. Whenever any curb or sidewalk in the Borough requires reconstruction, repairs, alterations or maintenance, the owner of the abutting land or his contractor shall apply for a construction permit. The application shall specify the grade, dimensions, mix, materials and the method of construction or repair to be used. The Zoning Official shall examine the specifications and determine whether the application is approved or disapproved. Upon approval a permit shall be issued. All work shall be done in strict compliance with such specifications, failing which; appropriate action shall be taken by the Borough.

b. Where the existing sidewalk is made of a material other than concrete, such material shall be maintained and utilized where possible. If replacement is necessary, the existing material shall be replaced with a like kind material.

c. Whenever any tree located in the right of way requires removal, a permit shall be required pursuant to Section 30 of the Borough Code. No person shall remove or destroy any tree without first obtaining a tree removal permit from the Borough. In the case of an emergency where, for example, trees are blown over, damaged beyond repair, or in such a condition that risks damage to person or property, a tree may be removed immediately. Within five (5) business days following an emergency requiring removal of a tree, the property owner must submit an application pursuant to subsection 30-1.5. The applicant shall provide evidence demonstrating the need for the emergency removal and comply with any replacement obligations as determined by the Shade Tree Commission pursuant to subsection 30-1.6. Such evidence shall include but not be limited to, photographs.

17-2.3 Prior Approval Required.

a. No person shall construct any sidewalk where one does not already exist in the Borough without first obtaining approval from the Board of Commissioners, or alternatively, from the Borough Planning/Zoning Board as part of an approved site plan or subdivision.

b. If such approval is granted, the resident shall seek all necessary approvals and permits from the Borough Zoning Official.

17-2.4 Notice to Repair.

a. Whenever the Board of Commissioners of the Borough of West Cape May determines that it is necessary to construct, repair, alter, re-lay or maintain a sidewalk or curb or perform tree care services it shall introduce and pass a resolution designating the specific improvements or services to be undertaken by the owner of the abutting property.

b. Once the resolution has been adopted by the Board of Commissioners, the Borough Clerk shall cause written notice to be served upon the owners or occupants of the lands. This notice shall require the owner or occupant to complete the specified work within a period of not less than thirty (30) days from the date of service of the notice. If the work is not complete within thirty (30) days, the Board of Commissioners shall cause the required work to be done and assess costs and expenses upon the lands affected in the manner set forth in subsection 17-2.5 of this section.

c. The notice shall contain a description of the property affected sufficient to identify it, a description of the improvement to be completed and a statement that the work shall be done at the cost and expense of the owner.

d. The description of the work to be done shall be sufficient to apprise the owner of the nature and quality of the work expected, but need not contain detailed plans.

e. Notice may be served upon an owner residing in the Borough, personally or by leaving the same at his usual place of residence with a member of his family above the age of fourteen (14) years. If the owner is not a resident of the Borough, notice may be served personally, upon his agent in charge of the property or upon the occupant of the property. If the lands are unoccupied and the owner is a nonresident who cannot be located in the Borough, service of notice shall be mailed to the last known post-office address.

f. If the owner is unknown or service cannot be made as described herein, then the notice shall be published for four (4) weeks, once a week in a newspaper circulated within the Borough. The first publication date shall be not less than thirty (30) days before the improvement is undertaken by the Borough. Notice to the owner or owners of several distinct parcels of real estate may be inserted in the same publication.

g. If the condition of a sidewalk or curb, or tree is hazardous to public safety, then, the Board of Commissioners, at its discretion, it may order the hazard to be abated immediately.

17-2.5 Work Done by the Borough of West Cape May.

a. If the owners or occupants of the lands affected do not comply with the requirements of a notice to repair, the Board of Commissioners shall cause the required work to be completed.

b. An accurate accounting of the costs of the improvement work shall be maintained by the department undertaking the improvement.

c. If the costs of the improvement work is are to be assessed upon several properties abutting the area of improvement the costs shall be proportioned in respect to the frontage of each property. The head of the department undertaking the improvements shall, under oath, file a report with the Borough Clerk indicating with specificity the amount of monies expended.

d. The Board of Commissioners shall examine that report and if satisfied, confirm and file it with the Tax Collector, who shall record the amount as a sidewalk assessment.

e. Before confirming the report, the Board of Commissioners shall notify the property owners, in a manner consistent with this section, of the time and place fixed for examination of the report. Failure to provide adequate notice shall not invalidate the proceedings.

f. The Board of Commissioners shall file proof of service of notice with the Tax Collector within ten (10) days of service. Failure to file proof of service shall not invalidate the proceedings if proper service has been made.

g. Upon the filing of a certificate with the Collector of Taxes, the costs shall become a lien upon the abutting lands to the extent that the assessments for local improvements are liens. It shall bear interest from the date certification is made to the Collector of Taxes at the same rate as assessments for local improvements in the Borough.

h. The cost of improvement, when it becomes a lien, shall be collected in the manner provided by law for the collection of other assessments or liens. In addition the Borough may, at its option, maintain an action against the owner of the lands to recover the amount in any court having competent jurisdiction. All money recovered or paid to the Borough under the provisions of this section shall be credited to the account from which the money was taken to pay for the work.

17-2.6 Error in Notice.

No assessment shall be invalid by reason of error in the notice or omission of the name of any owner or owners of real estate assessed or for any other information where the real estate has been actually improved.

17-2.7 Appropriation in Annual Budget.

The Board of Commissioners may, in each year, include in its budget or annual tax ordinance an appropriation for curb or sidewalk repairs, in addition to any existing general public works maintenance fund, out of which appropriation the cost of construction or repair of curbs and sidewalks during the year may be charged when it becomes necessary for the Board of Commissioners to make repairs or construction.

Section 2.Repealer. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of that conflict.

Section 3.Severability. Should any portion of this ordinance be declared unconstitutional or invalid, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are declared to be severable.

Section 4. Effective Date. This ordinance shall take effect 20 days after passage and publication, according to law.

NOTICE OF PENDING ORDINANCE

The foregoing Ordinance was introduced at a Regular Meeting of the Board of Commissioners of the Borough of West Cape May held on August 26, 2020, when it was read for the first time and then ordered to be published according to law. This Ordinance will be further considered for final passage by the Board of Commissioners of the Borough of West Cape May at a meeting to be held at Borough Hall, 732 Broadway, West Cape May, New Jersey on September 9, 2020, at 7:00pm or as soon thereafter as possible, at which time and place, all persons interested will be given an opportunity to be heard concerning such ordinance.

Suzanne M. Schumann, RMC Municipal Clerk

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