## January 24, 2018

A Public Hearing of the Borough Council of the Borough of Avalon was held on Wednesday, January 24, 2018 at 3:56 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public ----- 5

Reporters ----- 2

The Meeting was called to order by Council President McCorristin.

Pledge of allegiance.

Roll call:

Council President McCorristin
Councilman Covington
Councilman Dean
Council Vice President Deever
Present
Present

Council vice President Deever Present Councilwoman Hudanich Present

## Also present:

Mayor Martin L. Pagliughi
Scott Wahl, Business Administrator
James Waldron, Assistant Business Administrator
Stephen D. Barse, Esquire, Borough Solicitor
William Macomber, Director of Public Works/Utilities
Steven Camp, Assistant Director of Public Works/Utilities
Paul E. Short, Sr., Code Enforcement Officer
Thomas R. Thornton, P.E., Borough Engineer, Mott Macdonald
William McCormick, Police Chief
Charles McDonnell, Recreation Director

Council President McCorristin read the Open Public Meetings Act Announcement.

Notice of this Public Hearing was published in the January 15, 2018 and January 22, 2018 issues of the Press of Atlantic City and posted on the Official Bulletin Board as required by law.

Application for release of certain deed restrictions upon the premises known as Block 76.04, Lots 12, 14, 16, 18 & 20 (7688 Dune Drive) in the Borough of Avalon.

## Jim Waldron made the following statement:

For the record and for the benefit of the public, a deed restriction identical to the one that is the subject of this hearing, was imposed by the Borough in a deed dated June 7, 1955 from the Borough to William J. Diller and Marshall M. Fisher.

That restriction was subsequently declared null and void and unenforceable by reason of vagueness by the Superior Court of New Jersey in the matter of *Wilcox v. Sorgenti*, Chancery Division, Cape May County, Docket C-119-91 by Order dated February 14, 1994 and ordered to be recorded in the Office of the Cape May County Clerk.

Said Order was thereafter recorded in the County Clerk's Office on March 29, 1994 in Deed Book 2450 at Page 333 and the same remains of record.

That Order controls the present application and requires the release of the two-story height restriction.

Council agreed to proceed with a Resolution releasing the deed restriction to be considered at tonight's Regular Meeting.

## January 24, 2018

Motion made by Council Vice President Deever, seconded by Councilman Covington to adjourn the Public Hearing.

**ROLL CALL VOTE:** 

Councilman Covington

Aye

Councilman Dean

Absent

Council Vice President Deever

Aye

Councilwoman Hudanich

Aye

Council President McCorristin

Aye

Public Hearing adjourned at 3:58 p.m.

Respectfully submitted,

Marie J. Hood, Borough Clerk

John M. McCorristin, Council President

~ me?