

May 9, 2018

A Public Hearing of the Borough Council of the Borough of Avalon was held on Wednesday, May 9, 2018 at 3:55 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public ----- 4 Reporters ----- 1

The Meeting was called to order by Council President McCorristin.

Pledge of allegiance.

<u>Roll call:</u>	Council President McCorristin	Present
	Councilman Covington	Present
	Councilman Dean	Absent
	Council Vice President Deever	Present
	Councilwoman Hudanich	Present

Also present:

- Scott Wahl, Business Administrator
- James Waldron, Assistant Business Administrator
- Stephen D. Barse, Esquire, Borough Solicitor
- William Macomber, Director of Public Works/Utilities
- Paul E. Short, Sr., Code Enforcement Officer
- Thomas R. Thornton, P.E., Borough Engineer, Mott Macdonald
- Jeffrey Christopher, Police Chief
- Tom Rotundi, Marsh & McLennan Agency, LLC
- Kathryn Laughlin, Esq., Law Offices of Kathryn M. Laughlin, LLC

Council President McCorristin read the Open Public Meetings Act Announcement.

Notice of this Public Hearing was published in the April 30, 2018 and May 7, 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 48.05, Lot 2 (4868 Ocean 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.

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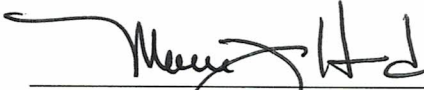
Motion made by Council President McCorristin, seconded by Councilwoman Hudanich to adjourn the Public Hearing.

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 4:01 p.m.

Respectfully submitted,



Marie J. Hood, Borough Clerk



John M. McCorristin, Council President