

December 12, 2018

A Public Hearing of the Borough Council of the Borough of Avalon was held on Wednesday, December 12, 2018, 2018 at 3:58 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public ----- 20 Reporters ----- 2

The Meeting was called to order by Council President Deever.

Pledge of allegiance.

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

Also present:

Martin L. Pagliughi, Mayor  
 Scott Wahl, Business Administrator  
 James Waldron, Assistant Business Administrator  
 Nicole Curio, Esq., Borough Solicitor, Gruccio, Pepper, DeSanto & Ruth, P.A.  
 William Macomber, Director of Public Works/Utilities  
 Steven Camp, Assistant Director of Public Works/Utilities  
 Paul E. Short, Sr., Code Enforcement Officer  
 Jeffrey Christopher, Police Chief  
 James V. Craft, Chief Financial Officer  
 Thomas R. Thornton, P.E., Borough Engineer, Mott MacDonald  
 Vincent Lamanna, Esq.  
 Jeff Hesley, Zoning Official

Council President Deever read the Open Public Meetings Act Announcement.

Notice of this Public Hearing was published in the November 26, 2018 and December 2, 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 66.04, Lots 44, 46, 48, 93, 95 & 97 (250 66<sup>th</sup> Street) in the Borough of Avalon.

Jim Waldron explained Council has had several similar applications in the past involving the release of a two-story height restriction. Such restrictions were imposed upon properties prior to Zoning regulations being established throughout the Borough. This particular parcel was deed restricted that no building or structure could be greater than two stories. Beginning in 1955, the Borough conveyed several parcels of land to William Diller and Marshall Fisher. Each of those deeds, and subsequent deeds from them, specifically provided that “no building erected on the premises herein conveyed shall be over two stories in height”. That restriction was subsequently challenged in the matter of Wilcox v. Sorgenti in the Superior Court of New Jersey Chancery Division, Cape May County Docket No. C119-91 wherein the Honorable John F. Callahan was the presiding Judge, and Judge Callahan ruled by order dated February 14, 1994 that such deed restriction was unenforceable by reason of vagueness. The court further ordered and adjudged that a copy of the order be recorded in the County Clerk’s Office to provide record notice of this order. That order was thereafter recorded March 14, 1994 in book 2450 at page 333. The present application before Borough Council is controlled by the decision of Wilcox v. Sorgenti and requires the Borough release and discharge the deed restriction imposing the two-story height restriction.

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


December 12, 2018

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

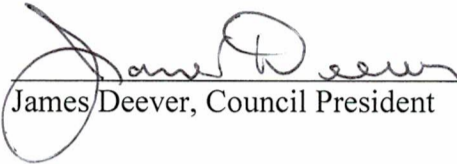
<u>ROLL CALL VOTE:</u>	Council Vice President Covington	Aye
	Councilwoman Hudanich	Aye
	Councilman McCorristin	Aye
	Council President Deever	Aye

Public Hearing adjourned at 4:02 p.m.

Respectfully submitted,



Marie J. Hood, Borough Clerk



James Deever, Council President