

January 8, 2020

A Public Hearing of the Borough Council of the Borough of Avalon was held on Wednesday, January 8, 2020 at 3:56 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public ----- 3 Reporters ----- 1

The Meeting was called to order by Council President Hudanich.

Pledge of allegiance.

<u>Roll call:</u>	Council President Hudanich	Present
	Councilman Deever	Present
	Councilwoman Juzaitis	Present
	Councilman McCorristin	Present
	Councilman Wierman	Present

Also Present:

Scott Wahl, Business Administrator
James Waldron, Assistant Business Administrator
Nicole Curio, Esquire, Borough Solicitor
Thomas R. Thornton, P.E., Borough Engineer, Mott Macdonald
Jeffrey R. Christopher, Police Chief
Steve Camp, Assistant Director of Public Works/Utilities
Paul Short, Code Enforcement Official

Council President Hudanich read the Open Public Meetings Act Announcement.

Notice of this Public Hearing was published in the December 23, 2019 and December 30, 2019 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 72.03, Lot 22 (190 72nd Street).

James Waldron explained Council has been provided a summary report on this deed restriction. This request arises out of conveyance that the Borough of Avalon made to parties by the name of Burke in 1956. It was subject to several deed restrictions, including the one that is central to this application, being the two-story height restriction. As Council is aware, there have been numerous applications identical to this over the past several months. This application is subject to a reported Superior Court case in which the court struck down as void and unenforceable two-story height restriction and that ruling came in the matter of Wilcox vs Sorgenti Doucet C119-91 in the Superior Court, which that restriction was unenforceable by reason of vagueness. This application is governed by that ruling of the court and this application should be treated accordingly. It is also recommended to release the other two restrictions imposed upon the property, which address the minimum lot size and the minimum first floor square footage, both of which are governed by the current Zoning Ordinance. Should Council agree, a draft Resolution has been provided to Council to this effect and can be adopted by Council as soon as this afternoon's Regular Meeting.

Council President Hudanich asked the public if anyone would like to speak regarding this deed restriction.

There were no questions or comments.

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

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

ROLL CALL VOTE:

Councilman Deever	Aye
Councilwoman Juzaitis	Aye
Councilman McCorristin	Aye
Councilman Wierman	Aye
Council President Hudanich	Aye

Public Hearing adjourned at 4:00 p.m.

Respectfully submitted,

C. Danielle Nollett
C. Danielle Nollett, Borough Clerk

Nancy M. Hudanich
Nancy M. Hudanich, Council President