

MINUTES OF THE BOARD OF ADJUSTMENT
February 4, 2004

PRESENT: Chair Harrison, Ms. Rock-Bailey, Ms. Cockey, Messrs. Haizel, Susswein, Gallardo, Flood, and Secretary Kadus

ABSENT: Vice Chair Fleischer, Mr. Sullivan, Esq., and Assistant Secretary Charreun

Ms. Kadus called the roll and announced the special meeting for which notice had been given in accordance with the Open Public Meetings Act.

Chair Harrison called for a discussion of the variance application of **Montclair Homes, 8 South Mountain Avenue**. David Owen, Esq., attorney for the applicant, stated that a letter was received from Owen Hughes, Esq., attorney for Michael Murphy, an objector, which claimed that the legal notice prepared for the application was defective and that the Board should not proceed with the hearing. Mr. Hughes also claimed that the architectural and engineering plans were inconsistent and were misleading.

Chair Harrison said that in light of the issues raised in Mr. Hughes' letter, it was in everyone's best interests to postpone the hearing so that a new notice including the variances requested by prepared and the architectural and engineering plans can be revised so that they are consistent with each other. The Chair also suggested to Mr. Owen that he offer to meet with neighbors to discuss their concerns in more detail before the next meeting.

Ms. Cockey stated for the record that she was recusing herself from the matter and stepped down.

Mr. Owen agreed that a new legal notice would be prepared and asked that the Board select a special meeting date to continue the matter.

Diane Weber, appearing on behalf of Owen Hughes, Esq., indicated Mr. Hughes' availability on certain dates in March.

Mr. Flood joined the meeting.

After discussion with the attorneys and Board members, it was determined that a special meeting would be scheduled for Wednesday, March 10, at 7:30 p.m.

Mr. Owen granted an extension of time for the Board to act through March 10.

The meeting was adjourned at 7:47 p.m.