

**MINUTES OF THE BOARD OF ADJUSTMENT
MARCH 20, 2002**

PRESENT: Chair Harrison, Ms. Brooks, Mr. Chapman, Ms. Costello, Vice Chair Fleischer, Mr. Gallardo, Mr. Susswein; also, Michael Sullivan, Esq., Mr. Sammet, Secretary, and Mr. Charreun, Planning Technician

ABSENT: Mr. Haizel, and Ms. Rock-Bailey

Secretary Sammet called the roll and announced the regular meeting of the Montclair Board of Adjustment. Notice had been given in accordance with the Open Public Meetings Act.

On motion by Mr. Chapman, seconded by Mr. Susswein, the **Minutes of the February 13, 2002** regular meeting were adopted as modified, Ms. Brooks, Ms. Costello, and Mr. Gallardo abstaining.

On motion by Mr. Chapman, seconded by Ms. Costello, the **Minutes of the February 27, 2002** special meeting were adopted as modified.

On motion by Mr. Chapman, seconded by Chair Harrison, the following Resolution memorializing the approval of the variance application of **Stephen Feldberg and Mary Knowles, 190 Summit Avenue** was adopted, Ms. Brooks, Ms. Costello, and Mr. Gallardo abstaining:

WHEREAS, Stephen Feldberg and Mary Knowles, owners of property at **190 Summit Avenue**, did make application to the Board of Adjustment of the Township of Montclair for a variance pursuant to NJSA40: 55D-70c to install two air conditioning condenser units in the front yard pursuant to **Montclair Code Section 347-46C** on property designated as Lot 1 in Block 2607 on the Township Tax Map and located in the R-1 One-Family Zone; and

WHEREAS, the applicants submitted a property survey prepared by Richard J. Hingos, Inc., dated July 18, 1997, a plan view diagram of the property prepared by the applicants, a written statement prepared by the applicants, and photographs; and

WHEREAS, this matter came on to be heard at a meeting of the Board of Adjustment held on February 13, 2002 at which time it was established that notice was properly published and the property owners within 200 feet of the property in question had been properly served notice; and

WHEREAS, the Board carefully reviewed the testimony presented and established the following findings:

1. The subject property is a corner lot measuring 7,320 square feet and contains a 2½-story single-family dwelling and an attached garage.
2. The applicants' proposal is to install a two ground mounted air conditioning units in the front yard facing Summit Avenue.
3. The applicants demonstrated that there is no other practical location due to the existing conditions on the property.
4. The proposed air conditioning condenser units would be effectively screened to prevent any detriments to the streetscape and neighborhood.

WHEREAS, the Board, based upon the foregoing findings, concluded that the applicants proved peculiar and exceptional practical difficulties and exceptional and undue hardship and did prove that the variance could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and the zoning ordinance pursuant to NJSA40: 55D-70C(1); and

WHEREAS, the Board, based on the aforementioned findings, concluded that the applicants did prove that the purpose of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, and proved that the benefits of the deviation would substantially outweigh any detriment and proved that the variance could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and zoning ordinance pursuant to the requirements of NJSA40:55D-70C(2); and

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Montclair that the variance application of Stephen Feldberg and Mary Knowles is hereby approved.

NOW, THEREFORE, BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the applicants, Township Manager, Township Council, Township Clerk, Township Engineer and Construction Code Official.

On motion by Mr. Chapman, seconded by Mr. Susswein, the following Resolution memorializing the denial of the variance application of **Gordon B. Keil, 45 Brunswick Avenue** was adopted as modified, Chair Harrison, Ms. Brooks, Ms. Costello, and Mr. Gallardo abstaining:

WHEREAS, Gordon B. Keil, as owner, did make application to the Board of Adjustment of the Township of Montclair for a variance pursuant to *N.J.S.A. 40:55D-70c* to permit a side yard setback of 1.5 feet where a minimum of 4.0 feet is required pursuant to Montclair Code Section 347-46A(2)a on property designated as Lot 16 in Block 1605 on the Township tax map and located in the R-1 One Family Residential Zone;

WHEREAS, the applicant submitted a property survey prepared by Capasso and Hingos, Inc. dated August 30, 1988 as well as undated as-built elevations prepared by the applicant; and

WHEREAS, this matter came on to be heard at a regular meeting of the Board of Adjustment held on February 13, 2002 at which time it was established that notice was properly published and that property owners within 200 feet of the subject property had been properly served with notice; and

WHEREAS, the Board carefully reviewed the testimony presented and established the following findings:

1. On October 24, 2000, the applicant submitted plans to the Township to construct an addition to the existing garage. The plans indicated areas of new construction conformed to all bulk requirements and, as a result, building permits were issued.

2. In response to complaints from neighbors, the Township inspected the construction of the garage addition on August 22, 2001. The inspection revealed that a new roof and three new dormers were constructed in areas not indicated on the previously approved permit application. On October 9, 2001, Assistant Township Planner, Donald Sammet, advised the applicant that the construction violated the side yard setback requirement contained in Montclair Code Section 347-46A(2)a giving rise to the within variance application.

3. At the public hearing the applicant argued that he proceeded in good faith based upon the permits that had been issued and had substantially constructed the addition. Although not clearly articulated, the applicant essentially argued he is entitled to the requested relief based upon equitable estoppel. The Board, however, is not a court capable of adjudicating legal issues and thus lacks jurisdiction to determine whether equitable estoppel is applicable in a particular case. *Springsteel, et al v. Town of West Orange, et al*, 149 N.J. Super. 107 (App. Div. 1977).

4. The applicant argued that the proposed construction would be aesthetically pleasing, benefit the neighborhood and enhance real estate values. The Board determined, however, the application would not advance any of the purposes of the Municipal Land Use Law *N.J.S.A. 40:55D-2* and no public benefit would result. Furthermore, the application is inconsistent with the purposes of the Act in that it fails to provide adequate light, air and open space (-2c) and fails to provide sufficient space in an appropriate location for residential use (-2g).

5. Although the existing portion of the garage is nonconforming with respect to the side yard setback, the new construction further encroaches into the prohibited side yard. As a result, any "hardship" related to the new construction is self-imposed.

6. The mass of the garage and reconfiguration of the roof line exacerbates the impact of the reduced setback which causes substantial detriment to adjacent properties.

7. Based upon the Boards particular knowledge of local conditions, the proposed garage addition is inconsistent with the existing developed neighborhood and will cause substantial detriment to the neighborhood.

8. Approval of this application would substantially impair the intent and purpose of the zoning ordinance which seeks to maintain sufficient open space between adjacent properties.

WHEREAS, the Board, based on the foregoing findings, concluded that the applicant did not prove peculiar and exceptional practical difficulties and exceptional and undue hardship and failed to prove that the variance could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and zoning ordinance pursuant to *N.J.S.A. 40:55D-70c(1)*; and

WHEREAS, the Board, based on the aforementioned findings, concluded that the applicant did not prove that the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, and failed to prove that the benefits of the deviation would substantially outweigh any detriment and would not cause substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and zoning ordinance pursuant to the requirements of *N.J.S.A. 40:55D-70c(2)*;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Adjustment of the Township of Montclair, that the within application of Gordon B. Keil for a side yard setback variance is hereby denied.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to the applicant, Township Manager, Township Council and Township Clerk.

On motion by Mr. Chapman, seconded by Mr. Susswein, the following Resolution memorializing the approval of the variance application of **Glen Tetzloff, 249 Midland Avenue** was adopted, Ms. Brooks, Ms. Costello, and Mr. Gallardo abstaining:

WHEREAS, Glenn Tetzloff, owner of property at **249 Midland Avenue**, did make application to the Board of Adjustment of the Township of Montclair for a variance pursuant to NJSA40: 55D-70c to allow for a front yard setback less than that required pursuant to **Montclair Code Section 347-45B(1)** and a easterly side yard setback less than that required pursuant to **Montclair Code Section 347-45C(1)** in connection with the construction of a roofed entry porch on property designated as Lot

58 in Block 2407 on the Township Tax Map and located in the R-1 One-Family Zone; and

WHEREAS, the applicant submitted a property survey prepared by Arthur F. Mead, dated October 8, 1989 and a site plan and elevations prepared by Sionas Architecture, dated November 30, 2001, that depicts the new construction; and

WHEREAS, this matter came on to be heard at a meeting of the Board of Adjustment held on February 13, 2002 at which time it was established that notice was properly published and the property owners within 200 feet of the property in question had been properly served notice; and

WHEREAS, the Board carefully reviewed the testimony presented and established the following findings:

1. The subject property is an interior lot measuring 10,630 square feet and contains a 2½-story single-family dwelling and a detached garage in the rear yard.
2. The existing dwelling on the property has a conforming front yard setback of 56.6 feet and a non-conforming side yard setback 5 feet at the easterly side of the dwelling.
3. The applicant's proposal is to construct a new roofed entry porch onto the front of the dwelling, which will have a front yard setback of 51.5 feet and side yard setback of 5 feet.
4. The applicant demonstrated that a porch of similar dimensions previously existed on his property and on the adjacent properties.
5. The proposed front yard setback of 51.5 feet and easterly side yard setback of 5 feet will not adversely impact the character of the existing neighborhood and is not inconsistent with the intent and purpose of the zone plan and zoning ordinance.

WHEREAS, the Board, based upon the foregoing findings, concluded that the applicant proved peculiar and exceptional practical difficulties and exceptional and undue hardship and did prove that the variance could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and the zoning ordinance pursuant to NJSA40:55D-70C(1); and

WHEREAS, the Board, based on the aforementioned findings, concluded that the applicant did prove that the purpose of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, and proved that the benefits of the deviation would substantially outweigh any detriment and proved that the variance could be granted without substantial detriment to the public good and would

not substantially impair the intent and purpose of the zone plan and zoning ordinance pursuant to the requirements of NJSA40:55D-70C(2); and

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Montclair that the variance application of Glenn Tetzloff is hereby approved.

NOW, THEREFORE, BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the applicant, Township Manager, Township Council, Township Clerk, Township Engineer and Construction Code Official.

On motion by Mr. Chapman, seconded by Mr. Susswein, the following Resolution memorializing the approval of the variance application of **Eugene Lieber and Mary Tasker, 74 Central Avenue** was adopted, Ms. Brooks, Ms. Costello, and Mr. Gallardo abstaining:

WHEREAS, Eugene Lieber and Mary Tasker, owners of property at **74 Central Avenue**, did make application to the Board of Adjustment of the Township of Montclair for a variance pursuant to NJSA40:55D-70c to allow for a rear yard setback less than that required pursuant to **Montclair Code Section 347-45D** in connection with the construction of an enclosed porch on property designated as Lot 8 in Block 1514 on the Township Tax Map and located in the R-1 One-Family Zone; and

WHEREAS, the applicants submitted a property survey prepared by Alfred J. Clark, dated February 5, 1980 and a deck/porch plan and elevations prepared by Sincox Associates, dated October 25, 2001, that depicts the new construction; and

WHEREAS, this matter came on to be heard at a meeting of the Board of Adjustment held on February 13, 2002 at which time it was established that notice was properly published and the property owners within 200 feet of the property in question had been properly served notice; and

WHEREAS, the Board carefully reviewed the testimony presented and established the following findings:

1. The subject property is an interior lot measuring 5,363 square feet and contains a 2½-story single family dwelling and a detached garage in the rear yard.

2. The applicants' proposal is to construct a one-story, 224 square foot, enclosed porch onto the rear of the dwelling.

3. The proposed rear yard setback is 15 feet as measured from the closest portion of the addition to the westerly side lot line.

4. The side yard setback and height requirements have been met.

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4. The irregular size and shape of the property places undue burden on

the applicant.

WHEREAS, the Board, based upon the foregoing findings, concluded that the applicants proved peculiar and exceptional practical difficulties and exceptional and undue hardship and did prove that the variance could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and the zoning ordinance pursuant to NJSA40:55D-70C(1); and

WHEREAS, the Board, based on the aforementioned findings, concluded that the applicants did prove that the purpose of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, and proved that the benefits of the deviation would substantially outweigh any detriment and proved that the variance could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and zoning ordinance pursuant to the requirements of NJSA40:55D-70C(2); and

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Montclair that the variance application of Eugene Lieber and Mary Tasker is hereby approved, subject to the following conditions:

1. A 3-foot minimum separation shall be provided between the enclosed porch and the existing detached garage.
2. The addition shall be built no closer than 15 feet from the rear property line.

NOW, THEREFORE, BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the applicants, Township Manager, Township Council, Township Clerk, Township Engineer and Construction Code Official.

Chair Harrison called the variance application of **Denis Orloff and Amy Wax-Orloff, 349 Park Street**. Grant Gille, Esq., appeared as attorney for the applicants.

Mr. Susswein stepped down for this application.

Mr. Gille stated that the applicants are seeking an amendment to the variance application previously granted by the Board at the November 7, 2001 hearing and by Resolution dated December 12, 2001. Mr. Gille described the previously approved application and the Board's Resolution approving the application. He stated that the issue that requires clarification for the present application involves the removal of the front wall of the previously existing one-story building on the property and whether the removal of this wall was permissible under the approved variance application. Mr. Gille stated that the exhibits to be presented at this hearing are the same exhibits that were presented at the November 2001 hearing and that these exhibits indicate that the front wall of the existing structure is shown as new construction. He also stated that neither witness at the previous hearing testified on the removal of the first floor walls

with the only exception to this being two sentences volunteered by the applicant. Mr. Gille stated that the applicants are now seeking an amendment to the previous approved variance application or a clarification of that approval indicating that it was permissible to remove the front wall of the structure. He further stated that the testimony to be given at this hearing will demonstrate that the site conditions and building plans as they are being carried out by the applicant will satisfy the condition of the previous approval.

Mr. Fleischer joined the meeting. Mr. Sullivan indicated that Mr. Fleischer is eligible to vote on this application because no testimony had yet been given.

Mr. Gille stated that subsequent to the stoppage of construction of the project on January 30, 2002, the applicant submitted a Hold Harmless Agreement, and a \$20,000 performance guarantee to cover the demolition of the improvements to the property if the Board denies the applicant's current request for an amendment. He stated that the submission of the performance guarantee allowed the applicant to continue with the construction at the property up to the present time.

Marked into evidence was:

A-1 Architectural Plans on Sheet A-1 and A-3, prepared by Oasis Architecture, dated October 22, 2001

Mr. Gille called Jonathan Perlstein, Architect, who was sworn. Mr. Perlstein described his qualifications and stated that he is the project architect for 349 Park Street. Mr. Perlstein described the floor plans of the proposed residence and stated that Sheet A-2 of the Architectural Plans indicate that the exterior walls of the first floor are shown as new construction and that no walls are depicted as remaining. He stated that he had not provided any testimony at the last hearing on the first floor walls and that no questions were asked of him pertaining to the first floor walls. He further stated the working drawings submitted to the Building Office for the project indicated that some portions of the front and side walls of the first story would remain.

Marked into evidence was:

A-2 Working Drawings – First Floor Plan, prepared by Oasis Architecture, dated December 4, 2001

Mr. Perlstein stated that the preliminary plans presented to the Board at the first hearing indicated that all of the walls would be new construction and that the working drawings submitted to the Building Department were identical except for small portions of existing walls shown to remain. He stated that this was done in order to accommodate the installation of windows and doors. Mr. Perlstein also stated that the Elevation Drawings dated October 22, 2001 presented to the Board at the last hearing indicated a new façade with shingles, new trim and windows, all of which were discussed at that hearing. Mr. Perlstein again stated that the plans presented to the

Board at the last hearing indicated that all of the walls would be new construction. He also stated that the exterior walls of the dwelling as they have been constructed are not any closer to Park Street than the approved plans and that the project still conforms to the characteristics of the neighborhood.

The Board questioned Mr. Perlstein.

Chair Harrison called for questions from the public for Mr. Perlstein. None were offered.

Mr. Gille called Denis Orloff, applicant and owner of 349 Park Street, who was sworn. Mr. Orloff stated that the front wall of the dwelling as it has been constructed is not any closer to Park Street than the previously existing front wall and that the foundation wall and the floor of the first story are also in the same locations as what previously existed. He stated that at the November 13, 2001 hearing, the Board questioned him on the subject of the exterior first story walls of the existing structure and that he had listened to the audio tapes of the hearing.

Marked into evidence was:

A-3 Transcript of a portion of the November 13, 2001 Board of Adjustment hearing.

Mr. Gille read from the Board's questions and the responses from Mr. Orloff the transcript of the November 13, 2001 hearing and questioned Mr. Orloff. Mr. Orloff stated that at the last hearing he had responded to questions pertaining to the interior wall framing and that he volunteered information pertaining to the exterior walls in which he had stated that the exterior walls of the first story would remain. Mr. Orloff stated that he had discussed the possibility of saving the existing first story framing with his architect and general contractor after the November hearing in an effort to conserve construction costs. He stated that in the early stages of demolition it had become apparent that the existing framing had been rebuilt several times and would not be sound to build over. He also stated that the existing framing consisted of 2 by 4 construction and that the new framing for second story of the project was to be done utilizing 2 by 6 construction.

Mr. Orloff stated that the construction of the project was stopped on January 30, 2002. He stated that it would have been financially catastrophic for him to shut down the project for the full amount of time until he could appear before the Board to seek the amendment to the prior approval. He further stated that he submitted a Hold Harmless Agreement, an estimate of the cost for demolition of framing in the case that the amendment was not granted, and a \$20,000 performance guarantee in order to proceed with the construction. He stated that to the best of his knowledge he was not in violation of the previous approved variance application.

The Board questioned Mr. Orloff.

Mr. Orloff stated that his last response to the Board's questions at the November hearing pertained to the footprint of the dwelling on the property. He stated that his testimony at that hearing was that the footprint of the dwelling should remain the same because of the existing trees in the yard that would need to be removed if the footprint was moved towards the rear and that it made economic sense to retain the existing footprint because of the high cost of excavating a new foundation.

Chair Harrison called for questions from the public for Mr. Orloff. None were offered.

Chair Harrison called for public comment.

Carl Freed, 357 Park Street, was sworn, and stated that the stoppage of construction at 349 Park Street should be an embarrassment to the Officials of Township and that this application for an amendment to a prior approval is a waste of everyone's time.

Ellen Kolba, 346 Park Street, was sworn, and stated that it was disturbing to her that the project had been stopped and that she felt the project is beneficial to the neighborhood.

Ms. Haver, corner of Park Street and Summit Avenue, was sworn, and stated that the project conforms to the neighborhood and is an asset to the community and that her husband had also questioned the quality of the existing first floor framing.

Nancy Blethen, 144 Summit Avenue, was sworn, and stated that the residence being built on the property is large, however, it is an asset to the neighborhood and that the Township should not get caught up in minutia as it has in this case.

The Board discussed the application.

On motion by Mr. Fleischer seconded by Ms. Costello, it was resolved to approve the variance application, subject to the same condition of the previous approval:

1. The dwelling shall be built no closer to the front property line along Park Street than the existing structure.

Chair Harrison announced that postponement of the variance application of **David and Ann Sailer, 223 Valley Road**, to the April 10, 2002 meeting and that no further notice would be required.

Chair Harrison called the variance application of **Tom King, 146 Midland Avenue**. Mr. King, owner and applicant, was sworn. Mr. King described the proposed

two-story addition to his home. He stated that his family is growing and he needs more space to accommodate everyone.

The Board questioned the applicant.

Mr. King stated that the proposed addition is built along the existing building lines and would be closer to the northerly side yard than the existing dwelling. He also stated that the existing residence is a 1905 Tudor and that all of the new construction would be in keeping with the existing architectural style and design.

Marked into evidence was:

A-1 Photo of home located at 146 Midland Avenue

Mr. King stated that the northerly side yard setback of the proposed addition increases from 7.1 feet to 7.5 feet moving in a westerly direction towards the rear yard. Mr. King stated that the addition adds value to his home and that neighbors have no objection to it.

Chair Harrison called for question from the public. None were offered.

Chair Harrison called for public comment. None were offered.

The Board discussed the application.

On motion by Mr. Chapman, seconded by Ms. Brooks, it was resolved to approve the variance application, subject to the following condition:

1. The addition shall be built no closer to the existing northerly side property line than the existing dwelling.

Chair Harrison called the variance application of **Marc A. Solondz, 214 Fernwood Avenue**. Marc A. Solondz, applicant and owner of property at 214 Midland Avenue, was sworn. Mr. Solondz stated that the garage that previously existed on his property had a compliant easterly side yard setback and a non-compliant rear yard setback. He stated that the garage needed to be demolished and rebuilt for safety reasons and that he was not aware that he would need a variance to rebuild the garage. Mr. Solondz continued by stating that the former garage could not fit two cars comfortably and that the new garage represents a 18-inch widening to meet the existing curb line of his driveway near the easterly side lot line. He further stated that a mature Japanese Maple Tree on the westerly side of the garage prevented him from extending the garage in that direction. Mr. Solondz stated that he acknowledges that extending the garage towards the easterly side property line has brought the garage into a non-compliant side yard situation where it had been compliant before and that the new rear wall of the garage encroaches further into the rear yard setback than the former garage did.

Mr. Solondz stated that due to miscommunication between himself and the party he hired to build the garage, building permits were not obtained for the work. He stated that he was issued a Stop Work Order from the Building Department and that when he applied for the permits he was notified that he would need variances to construct the garage as indicated in his plans.

The Board questioned the applicant.

Mr. Solondz stated that a new property survey has been completed indicating the new garage footprint. He stated that the proposed easterly side yard setback of the garage is 3.23 feet and the proposed rear yard setback is 1.31 feet. He stated that an older survey of the property indicates that the easterly side yard setback of the previously existing garage was 5.09 feet and that the rear yard setback was approximately 2.14 feet and that the 2.5 feet indicated on that older survey is an error.

Chair Harrison called for questions from the public.

Cathy Cohen, who resides east of the applicant, asked the Board about the purpose of enforcing setbacks, and what permits need to be obtained when a new driveway is installed and re-graded.

Chair Harrison called for public comment.

Cathy Cohen, who resides east of the applicant, was sworn. Ms. Cohen stated that her property is being affected by stormwater runoff being produced by the applicant's garage.

Marked into evidence was:

O-1 Statement prepared by Cathy Cohen

O-2 Property Survey of 214 Fernwood Avenue

The Board questioned Ms. Cohen.

Ms. Cohen stated that she has no objection to the proposed setbacks of the garage and that her objections pertain to the fact that the applicant's new driveway and garage floor has been re-graded to slope towards her property and that the roof leaders on the garage drain towards her property. She also stated that a drain in the previous garage floor has been removed.

Mr. Solondz stated that the drain in the floor of the previous garage was not functioning and served no purpose and that the drainage related to the garage is identical as to what had previously existed.

The Board questioned the applicant.

Mr. Solondz stated that the rear yard setback of the new garage represents a 10-inch reduction from the previous rear yard setback. He also stated that his garage is bordered by the garages of the adjacent properties and that all of those garages have non-compliant setbacks. He further stated that he has spoken to all of the neighbors who could be affected and that none of these neighbors have objections to the proposed setbacks.

The Board discussed the application.

On motion by Mr. Fleischer, seconded by Mr. Chapman, the variance request for the easterly side yard setback was denied and the variance request for the rear yard setback was approved, subject to the following condition:

1. The rear yard setback of the new garage shall be no less than the rear yard setback of the previously existing garage.

On motion by Mr. Gallardo, seconded by Mr. Susswein, a one-year extension was granted on the variance application approval of **Marc D. Charney, 266 Midland Avenue.**

On motion by Mr. Fleischer, seconded by Mr. Chapman, the **Minutes of the February 6, 2002** regular meeting were adopted as modified, Ms. Brooks, abstaining.

On motion by Mr. Fleischer, seconded by Ms. Brooks the meeting was adjourned.