

**MINUTES OF THE BOARD OF ADJUSTMENT  
July 19, 2000**

PRESENT: Chair Harrison, Vice Chair Church, Mr. Chapman, Mr. Fleischer, Ms. Freundlich, Ms. Rock-Bailey, Mr. Williams; also, Michael Sullivan, Esq., Karen Kadus, Secretary and Donald Sammet, Assistant Secretary.

ABSENT: Mr. Gallardo

Ms. Kadus called the roll and announced the regular meeting of the Montclair Board of Adjustment. Notice had been given in accordance with the Open Public Meeting Act.

On motion by Mr. Fleischer seconded by Mr. Williams, the **Minutes of the June 21, 2000** special meeting were adopted.

Secretary Kadus announced the postponement of **Montclair Community Church, 143 Watchung Avenue** to the September 20, 2000 meeting of the Board of Adjustment with the applicant's consent.

On motion by Vice Chair Church, seconded by Mr. Fleischer, the following Resolution Memorializing the approval of the variance application of **Maureen and Dan DiFilippo**, was adopted as modified, Mr. Chapman abstaining:

**WHEREAS, Maureen and Dan DiFilippo**, owners of property at **17 Glenside Terrace**, 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 side yard setback less than that required pursuant to **Montclair Code Section 224-41D** in connection with the placement two central air conditioning units on property designated as Lot 54 in Block 4702 on the Township Tax Map and located in the R-1 One Family Residential Zone; and

**WHEREAS**, the applicants submitted a property survey prepared by The Seneca Survey Company, Inc.; and

**WHEREAS**, this matter came on to be heard at a meeting of the Board of Adjustment held on May 24, and June 21, 2000 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 approximately 7,750 square feet in size and contains a 2 ½ story single-family dwelling.

2. There was a central air conditioning unit installed in June of 1995 which is in violation of **Montclair Code Section 224-41D**, and the applicant did not apply for a variance at that time.

3. The existing central air conditioning unit cannot handle the cooling of the original portion of the single-family dwelling and a recently constructed addition.

4. The applicants' proposal is to place a second central air conditioning unit in the side yard adjacent to the addition.

5. The proposed central air conditioning unit will measure 24 inches square at the base with a height of 26 inches.

6. The existing side yard setback is 6.75 feet as measured from the closest portion of the addition.

7. The unique configuration of the single-family dwelling and driveway on the property prevent the applicants from placing the central air conditioning units at another location on the property.

**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 within variance application of Maureen and Dan DiFilippo is hereby approved, subject to the following conditions:

1. The applicant shall screen the central air conditioning units with appropriate landscaping.
2. The new central air conditioning unit shall be no closer to the property line than the existing unit.

**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. Fleischer, the following Resolution Memorializing the denial of the variance application of **Imperial, Zazzaro & Calabro, PA, 499 Bloomfield Avenue** was adopted:

**WHEREAS, Imperial, Zazzaro & Calabro, PA**, did make application to the Board of Adjustment of the Township of Montclair to permit a 10 foot wide by 12 foot high wall mounted sign on property located at 499 Bloomfield Avenue and designated as Lot 11 in Block 2212 on the Township tax map and located in the C-1 Central Business Zone; and

**WHEREAS**, the applicant requested variances pursuant to *N.J.S.A. 40:55D-70c* as follows:

1. To allow a sign of 120 square feet where a maximum of 44 square feet is permitted by Montclair Code Section 224-99A(3).
2. To allow sign height of 12 feet where a maximum of 2 feet is allowed pursuant to Montclair Code Section 224-99A(4); and

**WHEREAS**, the applicant submitted a rendering of the proposed sign as part of the application; and

**WHEREAS**, this matter came on to be heard at a regular meeting of the Board of Adjustment held on June 21, 2000 at which time it was established that notice was properly published and that property owners within 200 feet of the subject property had been served with notice; and

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

1. The applicant failed to prove that the property was subject to unusual or unique physical characteristics or exceptional topographic conditions or peculiar and exceptional practical difficulties giving rise to a hardship which would warrant granting the proposed variances.
2. The applicant failed to cite any purposes of the Municipal Land Use Law which would be advanced or any public benefit in connection with the request for variances.
3. The applicant could install a conforming sign which would adequately identify the property.

4. The applicant pointed to a number of nonconforming signs in the area, however, it was not established as to whether these signs were lawfully preexisting nonconforming, established by variance or illegal. Moreover, none of these nonconforming signs were as massive as the proposed sign.
5. Approval of a sign over 2-1/2 times the size permitted by ordinance would substantially impair the intent and purpose of the sign ordinance which seeks to impose reasonable restrictions on the size of signs throughout the zone.

**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 variances 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 failed to prove that the variances 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 *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 Imperial, Zazzaro & Calabro, PA, for variances in connection with an oversized sign is hereby denied.

**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. Fleischer, the following Resolution Memorializing the approval of the variance application of **William and Jennifer Haughton, 14 Braemore Road** was adopted as modified:

**WHEREAS**, **William and Jennifer Haughton**, owners of property at **14 Braemore Road**, 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 allow for a front yard setback less than that required pursuant to **Montclair Code Section 224-40B(1)** in connection with the construction of an addition on property designated as Lot 24 in Block 709 on the Township Tax Map and located in the R-1 One Family Residential Zone; and

**WHEREAS**, the applicant submitted a property survey prepared by Richard J. Hingos, Inc. dated June 2, 2000 and a site plan, floor plan and perspective drawing

prepared by Francis C. Klein and Associates, Architects, dated April 19, 2000 that depicts the new construction; and

**WHEREAS**, this matter came on to be heard at a meeting of the Board of Adjustment held on June 21, 2000 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 approximately 9,450 square feet in size and contains a 2 story single-family dwelling.
2. The unique configuration and layout of the property in relation to Braemore Road and placement of the single-family dwelling on the property results in the front of the single-family dwelling facing the side yard and the side of the single-family dwelling facing the front yard.
3. The applicants' proposal is to construct a one-story addition onto the side of the single-family dwelling to accommodate a breakfast room and expanded family room.
4. The existing side wall of the house is not parallel to the northerly lot line resulting in a 15.69 foot setback from the closest point of the dwelling to the lot line.
5. The proposed side yard setback is 45 feet as measured from the closest portion of the addition.
6. The one-story expansion is parallel to the existing side wall of the dwelling and all height, side and rear setback requirements are met.

**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 within variance application of William and Jennifer Haughton is hereby approved, subject to the following condition:

1. The addition shall be built no closer to the front property line than the existing structure.

**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 Ms. Rock-Bailey, the following Resolution Memorializing the approval of the variance application of **Jay Baumgardner, 64 Greenwood Avenue** was adopted:

**WHEREAS**, Jay Baumgardner, owner, did make application to the Board of Adjustment of the Township of Montclair for variances to construct a single-family dwelling on property located at **64 Greenwood Avenue**. The property is designated as Lot 30 in Block 3208 on the Township Tax Map and located in the R-4 Three-Story Apartment Zone; and

**WHEREAS**, the applicant submitted a property survey prepared by George J. Anderson, LLC, Professional Land Surveyors, dated March 10, 2000 and a site plan, floor plan and perspective drawing prepared by Robert Earl Cook, R.A., dated April 30, 2000 that depicts the new construction; and

**WHEREAS**, this matter came on to be heard at a meeting of the Board of Adjustment held on June 21, 2000 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 applicant requested variances pursuant to N.J.S.A.40:55D-70c for failure to comply with the following:

- (a) **Montclair Code Section 224-63A** in that a minimum lot area of 4,000 square feet is required and a lesser lot area exists,
- (b) **Montclair Code Section 224-94** in that a 4 foot setback for off-street parking areas are required and a lesser setback is proposed; and

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

1. The subject property is a vacant lot and is approximately 3,600 square feet in size.

2. The applicant is unable to purchase an adjacent property or properties in order to create a conforming lot in that none are for sale.
3. The proposed single-family dwelling would meet all height, front yard, rear yard and side yard setback requirements.
4. **Montclair Code Section 224-91** requires 2 on-site parking spaces for a single-family dwelling. The applicant proposes to create 1 interior parking space and 1 exterior parking space in the northerly side yard. The exterior space will violate the 4 foot minimum side yard setback.
5. The applicant wished to maintain the rear yard as open space rather than create a rear yard parking area, although there is adequate width to construct a 10 foot wide driveway leading to the rear yard.
6. The applicant failed to cite the purposes of the Municipal Land Use Law which would be advanced or any public benefit which would result in granting a variance for the proposed parking area in the side yard.

**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 a variance from **Montclair Code Section 224-63A** 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 foregoing findings, concluded that the applicant did not prove peculiar and exceptional practical difficulties and exceptional and undue hardship and failed to prove that a variance from **Montclair Code Section 224-94** 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(l); 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 from **Montclair Code Section 224-63A** 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(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 failed

to prove that a variance from **Montclair Code Section 224-94** 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 N.J.S.A. 40:55D-70c(1);

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Adjustment of the Township of Montclair that the variance for the undersized lot is hereby approved, and the variance for the parking area setback is denied,

**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 Vice Chair Church, the following Resolution Memorializing the approval of the variance application of **James Foley, 149 North Mountain Avenue** was adopted:

**WHEREAS, James Foley**, owner of property at **149 North Mountain 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 side yard setback less than that required pursuant to **Montclair Code Section 224-40C(1)** in connection with the construction of an addition on property designated as Lot 19 in Block 1604 on the Township Tax Map and located in the R-1 One Family Residential Zone; and

**WHEREAS**, the applicant submitted a property survey prepared by Robert S. Yuro Associates, Inc. dated July 21, 1993 and a site plan prepared by James Foley that depicts the new construction; and

**WHEREAS**, this matter came on to be heard at a meeting of the Board of Adjustment held on June 21, 2000 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 approximately 7,308 square feet in size and contains a 2 ½ story single-family dwelling.
2. The applicants' proposal is to construct a one-story addition onto the rear of the dwelling.
3. The existing side wall of the house is not parallel to the northerly lot line resulting in a 3.74 foot setback from the closest point of the dwelling to the lot line.

4. The proposed side yard setback is 3.61 feet as measured from the closest portion of the addition.

5. The one-story expansion is parallel to the existing side wall of the dwelling and all height, front and rear setback requirements are met.

**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 within variance application of James Foley is hereby approved, subject to the following condition:

1. The applicant shall screen the foundation of the addition with appropriate landscaping.

**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.

Chair Harrison announced the variance application of **AT&T Wireless Service, 56 Walnut Street**. Mr. Robert Garafalo, Esq. appeared as attorney for the applicant. Mr. Garafalo described the application and project site. Mr. Garafalo called Mr. Paul Schwedhelm, Radio Frequency Engineer, he was sworn. Mr. Schwedhelm described his qualifications.

Marked into evidence was:

A-1 Propagation Plot plus 2 Overlays, dated July 18, 2000 on board.

Mr. Schwedhelm described the existing AT&T network layout in the area including cell antenna sites along the Garden State Parkway and in Bloomfield, West Orange, East Orange and Montclair. Mr. Schwedhelm stated that due to a minimum number of antennas in parts of Montclair, a poor signal strength exists in parts of the Township. Mr.

Schwedhelm stated that the proposed antenna would provide seamless telecommunications coverage for the Township of Montclair.

Marked into evidence was:

A-2 AT&T Network with Proposed Site Glen Ridge.

Mr. Schwedhelm stated that smaller, more controlled signals located at numerous sites help to prevent interference and that height plays an important role in signal strength. Mr. Schwedhelm stated that AT&T proposes 9 antennas, each measuring 52 inches high by 7.5 inches wide and an equipment room measuring 12 feet wide by 28 feet deep. Mr. Schwedhelm continued by stating that the equipment room is a standard size and will contain transceivers which are remotely monitored. Mr. Schwedhelm then stated that the size of the equipment room is directly related to the space needed to ventilate the equipment as well as access to the equipment for maintenance.

The Board questioned Mr. Schwedhelm.

Marked into evidence was:

A-3 Search Ring Diagram.

Chair Harrison opened the meeting to questions from the public for Mr. Schwedhelm.

Ms. Bette Bigonzi of 22 Walnut Parkway asked if the equipment would make any noise and if the structure could support the weight of the equipment.

Mr. Garafalo conducted a re-direct of Mr. Schwedhelm. Mr. Schwedhelm stated that he visits proposed sites for telecommunications equipment and that the height proposed at 56 Walnut Street is sufficient to cover the areas needed.

The Board questioned Mr. Schwedhelm.

Mr. Garafalo called Mr. Peter Longo, PE, Director, Wireless Communications Group, French & Parello Associates, he was sworn. Mr. Longo described his qualifications. Mr. Longo continued by describing the existing facility. Mr. Longo stated that the equipment room will look identical to the existing penthouse and will not exceed its height. Mr. Longo described how antennas are mounted to the parapet of buildings and stated if the antenna were mounted on the parapet at 56 Walnut Street they would need to protrude 2 feet from the facade and cables would be visible. Mr. Longo continued by stating that there would be no exterior lighting on the equipment room.

The Board questioned Mr. Longo.

Chair Harrison opened the meeting to questions from the public for Mr. Longo. None were offered.

The Board took a short recess.

Mr. Garafalo called Mr. John Fussa, Professional Planner, Heyer, Gruel & Associates, PA, he was sworn. Mr. Fussa described the zoning and land use pattern in the neighborhood as mixed-use. Mr. Fussa continued by stating that the Township of Montclair's Master Plan notes a need to close gaps in telecommunications service that exist. Mr. Fussa described the positive criteria of the application including that telecommunications equipment provides an essential service, that no light, noise or odors will be produced, that there will be no additional demand on municipal services and that any visual impact will be minimal and localized.

Marked into evidence was:

A-4 Photographs on Board

Mr. Fussa described the potential visibility of the equipment from locations around the neighborhood. Mr. Fussa stated that the visual impact will be minimal and localized and that the benefits of the proposal outweigh the detriments.

The Board questioned Mr. Fussa.

Chair Harrison opened the meeting to questions from the public for Mr. Fussa. None were offered.

Mr. Garafalo summarized by stating that the site is not highly visible and that the proposed equipment location would best close the telecommunications service gap that currently existing in the Township of Montclair.

The meeting was opened to public questions and comments. None were made.

The Board discussed the application.

On motion by Mr. Chapman, seconded by Mr. Fleischer, it was unanimously resolved to approve the variance request subject to the following conditions:

1. The antennae shall be affixed to either the parapet or the penthouse but would not exceed the height of the structure to which it is affixed.
2. The antennae shall be painted to match the color of the structure to which it is affixed.
3. The equipment room shall match the color and material of the existing brick façade of the penthouse.

Chair Harrison announced the variance application of **Cullins, Inc., 122 Watchung Avenue**. Mr. Calvin Trevenen, Esq. appeared as attorney for the applicant. Mr. Trevenen stated that although the Board of Adjustment heard an application for a sign variance from Cullins, Inc. in June of 1999, the application before the Board at present is significantly different and therefore the res judicata doctrine does not apply. Mr. Trevenen described the differences in the application including different witnesses, a different sign design, different sign location, no setback variances are required and that a roof-mounted sign is not proposed.

Mr. Sullivan described the res judicata doctrine that the Board must consider.

Mr. Trevenen described the free-standing sign proposed in June of 1999.

The Board discussed the application.

On motion by Mr. Williams, seconded by Vice Chair Church, it was unanimously resolved not to hear the application because the res judicata doctrine applies.

Chair Harrison announced the variance application of **Robert E. Pines, Jr. (Pines Auto Service), 223 Harrison Avenue**. Mr. Grant Gille, Esq. appeared as attorney for the applicant and described the addition of a canopy at the gas station for which a variance is required. Mr. Gille called Mr. Roger DeNiscia, Professional Planner, he was sworn.

Marked into evidence was:

A-1 Site Plan prepared by Bertin Engineering Associates, Inc., dated March 9, 2000.

A-2 Canopy Plan prepared by TFC Canopy, dated December 21, 1999.

A-3 Photographs on board.

Mr. DeNiscia described the site and modifications made to the site to date including reconfiguration of the fueling area. Mr. DeNiscia continued by describing the proposal to replace an existing pylon sign to an Amoco sign, place a canopy over the gas pumps and place lighting on the underside of the canopy. Mr. DeNiscia stated that canopies provide the perception of safety and increase comfort for the attendant and customers by blocking rain and snow from the fueling area. Mr. DeNiscia stated that the proposed signage on the canopy will be located on both ends and that the pylon sign must be changed since the station is now an Amoco station and not a Citgo station. Mr. DeNiscia stated that the site and area are suited for the use and that reasonable alterations are proposed.

The Board questioned Mr. DeNiscia.

Chair Harrison opened the meeting to questions from the public for Mr. DeNiscia. None were offered.

Mr. DeNiscia stated that the station hours of operation are and will continue to be Monday through Friday, 6a.m. to 9 p.m., Saturday, 8a.m. to 6p.m., and Sunday 8a.m. to 3p.m.

Mr. Gille called Ms. Lisa Frantz, Manager of Real Estate, Amoco, she was sworn.

Marked into evidence was:

A-4 Page from the Amoco Image Standards Manual on board

Ms. Frantz stated that Amoco would like to see canopy signs as identified in the Amoco manual. Ms. Frantz continued by stating that there is a perception of safety that accompanies a well-lit canopy, there is protection from the elements and a canopy reflects a modern, well-run facility.

The Board questioned Ms. Frantz.

Chair Harrison opened the meeting to questions from the public for Ms. Frantz.

Mr. John Berlangeri of 4 Harrison Avenue, West Orange stated his support for the application.

Mr. Gille called Mr. Robert Pines, owner, Pines Auto Service, he was sworn. Mr. Pines stated that the service station has been in operation since 1932 and described how lighting has been reduced on site.

Marked into evidence was:

A-5 Inspection Master List

The Board questioned Mr. Pines.

Chair Harrison opened the meeting to questions from the public for Mr. Pines. None were offered.

Mr. Pines stated that the canopy proposed is the smallest available.

The meeting was opened to public questions and comments. None were made.

The Board discussed the application.

On motion by Mr. Fleischer, seconded by Mr. Williams, it was unanimously resolved to approve the variance for the pylon sign.

On motion by Mr. Williams, seconded by Ms. Freundlich, it was resolved to approve the variance for the canopy, Mr. Fleischer and Vice Chair Church voting in the negative, subject to the following conditions:

1. The color of the canopy shall be changed to a light color to be approved by the Planning Department
2. All lighting associated with the canopy shall be turned off no later than 9:00 p.m. or closing, whichever occurs first.
3. Signs shall not be permitted on the canopy.

The Board discussed a meeting date for **Kramer Communities, LLC, 61 North Mountain Avenue**. After some discussion it was decided to continue the hearing of the variance application of Kramer Communities, LLC at an August 2, 2000 special meeting of the Board of Adjustment and no further public notice would be given. If the applicant is unable to proceed on August 2, 2000, a new date would be selected that evening.

The meeting was adjourned at 12:22 p.m.