

**MINUTES OF THE BOARD OF ADJUSTMENT**  
**September 13, 2000**

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

ABSENT: Chair Harrison, Mr. Gallardo and Karen Kadus, Secretary

Mr. Sammet called the roll and announced the special meeting of the Montclair Board of Adjustment. Notice had been given in accordance with the Open Public Meeting Act.

Vice Chair Church announced the continuance of the variance application of **Kramer Communities LLC, 61-63 North Mountain Avenue**. Randal Chiocca, Esq., appeared as attorney for the applicant. Calvin Trevenen, Esq., appeared as attorney for Ms. Karen Weaver, 75 North Mountain Avenue, objector.

Mr. Chiocca stated that Kramer Communities LLC would be requesting a continuance. Mr. Chiocca described the reasons for the request including that in light of questioning from both the Board and the public, Kramer Communities, LLC would like to make revisions to the site plan in order to address some concerns raised.

Vice Chair Church stated that the Board of Adjustment has granted continuances in the past for site plan revisions.

In response to a question from Mr. Sullivan, Mr. Chiocca stated that at least 3 weeks would be needed to make site plan revisions.

Mr. Trevenen stated that after 3 meetings of testimony, the possible completion of testimony by the applicant's expert witnesses and the fact that new notice would be needed dictates that the hearing should be considered complete. Mr. Trevenen also stated that any change in plans would indicate that the applicant has withdrawn his original application.

Mr. Williams joined the meeting.

Mr. Trevenen also stated that if any new testimony is given then the revised proposal should be considered a new application.

Vice Chair Church stated that at this time the Board does not know how different the application will be after revisions and that for the Board to make a determination on whether or not the application should be considered withdrawn at this point would be premature.

Mr. Trevenen continued by stating that it is unusual for an applicant to go through three hearings and then revise their application.

Vice Chair Church opened the meeting to public questions and comments.

Ms. Tara Shelton of 79 North Mountain Avenue stated that the applicant should indicate what types of changes will be made to the site plan.

Mr. Noah Franzblou of 157 North Mountain Avenue stated that the public should have a chance to review the revised plans.

The Board discussed a possible meeting date.

On motion by Mr. Chapman, seconded by Ms. Rock-Bailey, the Board resolved to continue the hearing at a special meeting of the Board of Adjustment on October 18, 2000 in the first floor of the municipal building, and further public notice would be given by both the Township and the applicant.

Mr. Chiocca stated that the applicant agrees to an extension of time, will put that agreement in writing and send it to the Secretary of the Board.

On motion by Ms. Freundlich, seconded by Mr. Chapman, Mr. Williams abstaining, the meeting was adjourned.