

**RESOLUTION
BOARD OF ADJUSTMENT
TOWNSHIP OF MONTCLAIR**

December 17, 2025

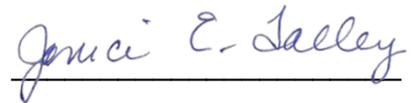
2024 ANNUAL REPORT

WHEREAS, the Municipal Land Use Law (the "MLUL"), specifically, N.J.S.A. 40:55D-70.1, requires the Board to review its decisions on applications and appeals for variances and to prepare and adopt by resolution a report on its findings on zoning ordinance provisions which were the subject of variance requests and its recommendations for zoning ordinance amendment or revisions, if any;

WHEREAS, the MLUL requires that the Board send copies of its Annual Report and resolution of adoption to the Governing Body and the Planning Board;

WHEREAS, the Board has reviewed its decisions on cases heard during 2024 and has prepared the annexed report thereon.

NOW, THEREFORE, BE IT RESOLVED by the Township of Montclair's Board of Adjustment, that the Board's 2024 Annual Report, a copy of which is annexed hereto, is hereby formally adopted and that a copy of this resolution be transmitted to the Township Manager, Township Council, Township Clerk, and Township Planning Board.



Janice Talley
Secretary, Board of Adjustment

Board of Adjustment 2024 Annual Report

2024 Montclair Board of Adjustment

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Daniel Cruz, Fourth Alternate (August 2024-December 2024)

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Hussain Farwa, Assistant Secretary (Jan 2024-May 2024)

Zainab Kazmi, Assistant Secretary (June 2024-December 2024)

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I. Introduction

This report is prepared pursuant to N.J.S.A. 40:55D-70.1 of the Municipal Land Use Law which requires the Board of Adjustment to review its decisions on applications and appeals for variances each year. A list of applications decided in 2024 and a summary is provided. Also included in this report is a list of recommended amendments to the zoning ordinance to be considered by the Planning Board and Township Council.

II. Summary

The Board held 15 regularly scheduled meetings in 2024. The Board did not hold any special meetings in 2024. A total of 21 applications were decided by the Board of Adjustment during the 2024 calendar year.

8 applications involving “d” variances were decided in 2024 pursuant to N.J.S.A. 40:55D-70d:

- 1. d(1) use variance: 4
- 2. d(2) expansion of nonconforming use: 1
- 3. d(3) conditional use variance: 3

17 applications were decided in 2024 pursuant to N.J.S.A. 40:55D-70c:

- 1. Residential applications: 14
- 2. Commercial applications: 1
- 3. Institutional applications: 2
- 4. Mixed-Use applications: 0

5 applications seeking site plan approval or site plan amendments were decided in 2024.

1 application seeking minor subdivision approval was decided in 2024.

1 application was decided in 2024 pursuant to N.J.S.A. 40:55D-70a to appeal an administrative decision.

0 applications were decided in 2023 pursuant to N.J.S.A. 40:55D-70b to interpret the zoning map or the zoning ordinance.

III. Recommended Zoning Changes or Amendments

1. Examine the bulk requirements for the R-O(a) zone to assess their suitability for properties in the area. The Board notes a potentially high degree of nonconformance, suggesting that the application of R-O standards in this context may not reflect the existing development pattern or lot characteristics.
2. Rezone the 8 properties on the west side of Grove Street between Glenridge Avenue and Claremont Avenue in the R-3 zone district to the R-2 zone district for consistency with existing uses. (raised during discussion of use variance application for 70 Grove Street # 2810 to convert a 2-family to a 3-family)
3. Revise Section 347-53 and 347-54 to provide consistent density requirements in the R-3 zone for multifamily dwellings, townhouses, and conversions of principal residential buildings to provide more than two dwelling units.
4. Look at the uses along Maple Avenue and consider a rezoning of areas with a high concentration of existing commercial uses in a residential zone.
5. Clarify the ordinance requirements for the restriction on front yard parking when contained within a building. The Board has encountered questions about front yard parking

when only an attached garage is projecting into the front yard with no other living space.

6. The Zoning Ordinance specifies in [§347-22E](#) that accessory structures within 4 feet of a principal structure shall be considered part of the principal structure. This should apply to accessory structures adjacent to other accessory structures as well.
7. Revise [§347-60B\(3\)](#) to read “Off-street parking shall be equal to the sum of the parking required pursuant to [§347-101](#) of this Chapter for either the residential or nonresidential use, whichever is greater, and 50% of required parking for the other use, unless a shared parking analysis shows a lesser parking requirement is sufficient.”
8. Revise the parking ratio for museums found in [§347-30C\(2\)\(b\)](#) from one space for every 20 square feet of net floor area to one space for every 200 square feet of net floor area.
9. Revise the language of [§347-11B](#) for the use of church premises to read as follows: “A church may also maintain on its premises the following non-accessory uses conducted by a not-for-profit entity, provided that notice in writing is sent to the Department of Planning and Community Development within 60 days prior to commencement of such use, and further provided they do not otherwise violate use regulations or require any variances.”
10. Delete [§347-11B\(3\)](#), which allows performing arts, theater, music and dance as a non-accessory use for a church.

11. The Board recommends that the properties in the OR-4 zoning district, on the east side of Valley Road south of Bloomfield Avenue, be rezoned to N-C, to match the properties to the south of the Church Street traffic circle, to allow more flexibility for retail uses on the ground floor of these buildings.
12. Revise the language of [§347-11B\(4\)](#) to read “Such other similar civic or community-oriented activities which are conducted by a not-for-profit entity, provided that they comply with all applicable local and state ordinances, laws and regulations.”
13. The 20% affordable housing requirement should be revised to apply to all units in all applications in which the same entity or individual has at least a 10% interest in those applications.
14. Except for tree removal permits for the removal of dead, dying or diseased trees, no application for development shall be filed with the Planning Board or Zoning Board of Adjustment for a property within two years of a tree removal permit being issued for that property.

A-1: Application Summary

Approval Date	App No.	Applicant	Property Address	Project Description	Variance Type	Board Action	Requested Variance(s)	Variance Description	Variance Decision
February 21, 2024	2865	Montclair Kimberly Academy Foundation	12-36 Lloyd Road	Preliminary and final site plan and conditional use approval for 8,850 sq ft addition to Montclair Kimberly Academy Upper School	N.J.S.A. 40:55D-70d(3) N.J.S.A. 40:55D-51b	Approved with conditions	Montclair Code § 294-5D	Drainage location exception	Approved
							Montclair Code § 347-12B	Parking study waiver	Approved
							Montclair Code § 347-12A	Enrollment limit modification	Approved
February 21, 2024	2866	Andrew Philips Orphanidis	167 Harrison Avenue	Site plan approval to construct a dormer on the third floor	N.J.S.A. 40:55D-70d(2) N.J.S.A. 40:55D-70c N.J.S.A. 40:55D-51b	Approved with conditions	Montclair Code § 347-112	Expansion of nonconforming use	Approved
							Montclair Code § 347-51	Front yard setback	Approved
							Montclair Code § 347-51	Maximum stories	Approved
							Montclair Code § 281-9B	Parking space width exception	Approved
February 21, 2024	2872	8 Washington Wojciech LLC	8 Washington Street	2.5-story rear addition to two-family dwelling	N.J.S.A. 40:55D-70c	Approved with conditions	Montclair Code § 347-45B(1)	Front yard setback	Approved
							Montclair Code § 347-45C(2)	Side yard setback	Approved
							Montclair Code § 347-45E	Maximum building coverage	Approved
							Montclair Code §347-45C(4)	Maximum building width	Approved
March 20, 2024	2873	Hillside Square, LLC	8 Hillside Avenue	Minor subdivision approval	N.J.S.A. 40:55D-70d(1) N.J.S.A. 40:55D-70c	Partially approved with conditions	Montclair Code § 347-41	Permit two-family use in R-1 Zone	Denied
							Montclair Code § 347-41	Reduce lot area from prior d(1) variance approval	Approved
							Montclair Code § 347-18E(1)	Lot depth less than permitted	Approved
							Montclair Code § 347-20B	Maximum impervious coverage	Approved
March 20, 2024	2877	Steven and Mallory Coleman	64 Madison Avenue	Reconstruct the fire damaged single-family dwelling and construct a two-story addition at the rear of the dwelling	N.J.S.A. 40:55D-70c	Approved with conditions	Montclair Code § 347-45D	Rear yard setback	Approved
							Montclair Code § 347-45C(4)(a)	Maximum building width	Eliminated through design change
							Montclair Code § 347-45B(1)	Front yard setback	Approved
							Montclair Code § 347-45C(1)	Side yard setback	Approved
							Montclair Code § 347-45A(2)	Maximum stories	Approved

A-1: Application Summary

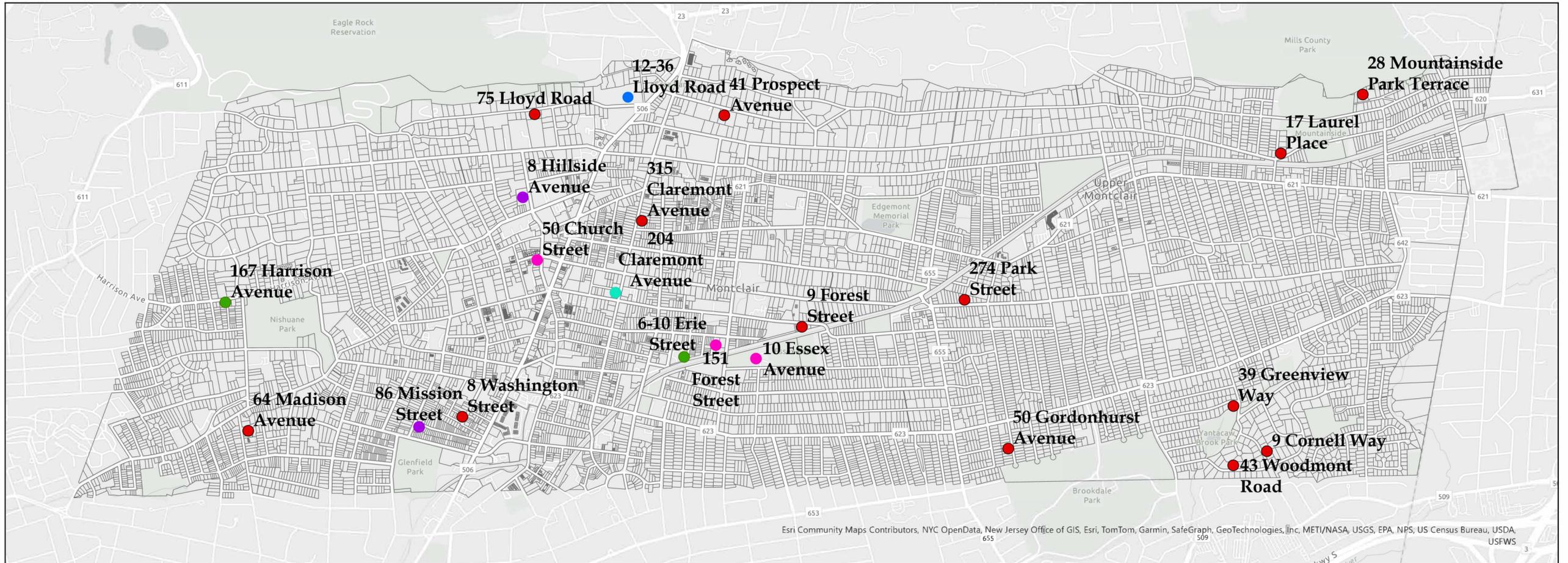
Year 2024 Annual Report

Approval Date	App No.	Applicant	Property Address	Project Description	Variance Type	Board Action	Requested Variance(s)	Variance Description	Variance Decision
April 17, 2024	2874	BDP 6-10 Erie, LLC	6-10 Erie Street	Preliminary and final site plan approval to convert 6,075 square feet of space in the larger building onsite to a dance studio	N.J.S.A. 40:55D-70d(1) N.J.S.A. 40:55D-70c N.J.S.A. 40:55D-51b	Approved with conditions	Montclair Code § 347-84	Permit dance studio use	Approved
							Montclair Code § 347-101	Parking deficiency	Approved
							Montclair Code § 281-9A	Parking spaces not accessible to drive aisle	Approved
							Montclair Code § 281-9B	Parking space width exception	Approved
							Montclair Code § 281-9D(1)	Parking aisle width exception	Approved
							Montclair Code § 281-9G	Parking area setback exception	Approved
Montclair Code § 281-8.3E(5)	Foot candle exception along property line	Approved							
May 1, 2024	2880	Montclair Board of Education	10 Essex Avenue	Appeal from neighboring property owners regarding Planning Department authorization of Woodman Field improvements	40:55D-72a	Appeal upheld - Planning Department authorization reversed; BOE must obtain site plan, conditional use, and variance approval	Montclair Code § 202-36	Appeals to Zoning Board of Adjustment	Appeal Upheld
August 8, 2024	2882	Christina Sadat-Ketabchi	189 Forest Street	Rear second-floor addition	N.J.S.A. 40:55D-70c	Approved as presented	Montclair Code § 347-51	Side yard setback	Approved
							Montclair Code § 347-51	Maximum building width	Approved
August 8, 2024	2883	Monique and Elias Zauner	75 Lloyd Road	1.5-story garage addition and secondary entry for dwelling	N.J.S.A. 40:55D-70c	Approved with conditions	Montclair Code § 347- 33B(1)	Front yard setback	Approved
August 21, 2024	2881	Grace Pointe Seventh-day Adventist Church	86 Mission Street	Site plan and conditional use approval to convert dwelling for church use	N.J.S.A. 40:55D-70d(3) N.J.S.A. 40:55D-70c	Approved with conditions	Montclair Code § 347-48B(1)	Pavement width for frontage	Approved
							Montclair Code § 347-48B(2)	Insufficient lot area	Approved
							Montclair Code § 347-48B(3)	Off-street parking	Approved
							Montclair Code § 347-51	Maximum impervious coverage	Approved
August 21, 2024	2885	Adam and Mara Weinstein	41 Prospect Avenue	Two-story two-car garage and carport, balcony, and shed dormers	N.J.S.A. 40:55D-70c	Approved with conditions	Montclair Code § 347- 33C(4)(a)	Maximum building width	Approved
August 21, 2024	2888	Stuart S. Ball and Sara A. Mastellone	315 Claremont Avenue	Site plan and conditional use approval for rear dwelling addition	N.J.S.A. 40:55D-70d(3) N.J.S.A. 40:55D-70c	Approved with conditions	Montclair Code § 347-54B(4)	Insufficient lot area	Approved
							Montclair Code § 347-54B(7)	Lack of common entrance for all units	Approved
August 21, 2024	2891	Jay Turner and Alexandra Leale	274 Park Street	Rear addition	N.J.S.A. 40:55D-70c	Approved as presented	Montclair Code § 347-51	Side yard setback	Approved
September 4, 2024	2892	The Montclair Cooperative School	151 Forest Street	Permit an individual classroom on the first floor of the office building	N.J.S.A. 40:55D-70d(1)	Approved with conditions	Montclair Code § 347-47	Permit school use in R-2 zone	Approved
September 4, 2024	2894	Mustafa Abadan and Susan Brady-Abadan	28 Mountainside Park Terrace	Infinity pool in front yard and breezeway in rear yard	N.J.S.A. 40:55D-70c	Partially approved with conditions	Montclair Code § 347-45D	Rear yard setback	Approved
							Montclair Code § 305-6B	Pool in front yard	Withdrawn

A-1: Application Summary

Approval Date	App No.	Applicant	Property Address	Project Description	Variance Type	Board Action	Requested Variance(s)	Variance Description	Variance Decision
September 4, 2024	2900	The Art of Rain, LLC	50 Church Street	Permit an appointment-only body art (tattoo) studio on the second floor	N.J.S.A. 40:55D-70d(1)	Approved with conditions	Montclair Code § 347-100.1	Permit tattoo studio in C-3 zone	Approved
September 28, 2024	2895	Ralph Lucci and Carla Macaluso	17 Laurel Place	Second floor and attic addition	N.J.S.A. 40:55D-70c	Approved as presented	Montclair Code § 347-45B(2)	Front yard setbacks	Approved
							Montclair Code § 347-45D	Rear yard setback	Approved
November 6, 2024	2898	David Gaynes and Jill Beckman	50 Gordonhurst Avenue	Raise the ridgeline of the roof and construct a rear shed dormer	N.J.S.A. 40:55D-70c	Approved as presented	Montclair Code § 347-45C	Side yard setback	Approved
							Montclair Code § 347-45A(2)	Maximum stories	Approved
December 18, 2024	2902	Ali and Scott Simon	39 Greenview Way	Rear addition	N.J.S.A. 40:55D-70c	Approved as presented	Montclair Code § 347-45D	Rear yard setback	Approved
December 18, 2024	2905	Christina King	43 Woodmont Road	1½ story addition on the southerly side of the home, and expansions of the 2nd floor using dormer and gable style framing	N.J.S.A. 40:55D-70c	Approved as presented	Montclair Code § 347- 39B(1)	Front yard setback	Approved
December 18, 2024	2906	Susan and Leonard Weintraub	9 Cornell Way	Partial second floor addition and new front porch	N.J.S.A. 40:55D-70c	Approved with conditions	Montclair Code § 347- 39B(1)	Front yard setback	Approved

Montclair Board of Adjustment 2024 Applications Map



Esri Community Maps Contributors, NYC OpenData, New Jersey Office of GIS, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

Legend

- Variations
- Amendment
 - B & D
 - B, C, & D
 - C
 - C & D
 - D

