

**RESOLUTION  
BOARD OF ADJUSTMENT  
TOWNSHIP OF MONTCLAIR**

**ADOPTING 2013 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 2013 and has prepared the annexed report thereon.

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Montclair’s Board of Adjustment, as follows:

1. The Board’s 2013 Annual Report, a copy of which is annexed hereto, is hereby formally adopted.
2. The Secretary of the Board is hereby authorized and directed to transmit a copy of the said Annual Report as well as a copy of the within resolution, to the Governing Body and the Planning Board of the Township of Montclair.

Offered by: Mr. Fleischer

Seconded by: Mr. Reynolds

Vote: 7-0 (Chair Harrison, Ms. Checca, Mr. Edwards, Mr. Fleischer, Mr. Kenney, Mr. Reynolds, and Mr. Whipple)

Date: March 19, 2014

# Montclair Board of Adjustment 2013 Annual Report



## Township of Montclair

Prepared by:

The Township of Montclair Board of Adjustment

2014

**2013 Montclair Board of Adjustment**

William F. Harrison, Jr., **Chair**

John Whipple, **Vice Chair**

Paul Burr

Joan Checca

Paul Edwards

Joseph Fleischer

Sherwin Tsai

Thomas Reynolds, First Alternate

Michael Kenney, Second Alternate

Harvey Susswein, Third Alternate

Michael Sullivan, Esq., Board Attorney

W. Thomas Watkinson, PE, PP, Board Engineer

Janice Talley, P.P., AICP, Secretary

Richard Charreun, Assistant Secretary

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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 that requires the Board of Adjustment to review its decisions on applications and appeals for variances each year. A list of applications decided in 2013 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 12 regularly scheduled meetings in 2013. No special meetings were held in 2013. A total of 34 applications were decided by the Board of Adjustment during the 2013 calendar year.

## II. Summary (continued)

Of the 34 total applications decided in 2013, one (1) application was decided pursuant to N.J.S.A. 40:55D-70a regarding an appeal of a decision of a zoning administrative officer. The other 33 decisions in 2013 involved requests for variances described below.

Seven (7) applications for use variances, or 'd' variances, were decided in 2013 pursuant to N.J.S.A. 40:55D-70d. Of the 7 use variance applications decided, 5 involved a request for a new use not permitted in the zone, none (0) involved the expansion of an existing nonconforming use, and 2 involved deviations from conditional use standards.

Twenty-six (26) applications solely for bulk variances, or 'c' variances, were decided in 2013 pursuant to N.J.S.A. 40:55D-70c. Those applications predominantly involved additions to single-family dwellings or the reconstruction of detached garages. One (1) of the 26 applications solely for 'c' variances involved a new single family dwelling. One (1) of the 26 applications solely for 'c' variances involved commercial signage. One (1) of the 7 use variance applications decided in 2013 also requested a variance pursuant to N.J.S.A. 40:55D-70c related to off-street parking.

One (1) application for site plan approval was decided in 2013 pursuant to N.J.S.A. 40:55D-76(b). The request for site plan approval came before the Board of Adjustment in connection with 1 of the 7 use variance applications

described above. No (0) applications involving a request for a major or minor subdivision were reviewed pursuant to N.J.S.A. 40:55D-76(b).

## III. Recommended Zoning Changes or Amendments

The Board does not have any recommended zoning changes or amendments to the zoning ordinance based on the applications reviewed in 2013.

**IV. Application Summary**

2013 Board of Adjustment Decision on Applications and Appeal for Variances						
Date	File	Applicant	Zone	Description	Variances/Relief Required	Decision
Jan 16	2305	Patricia Sullivan 97 Wildwood Avenue	R-1	detached garage to replace garage	<u>N.J.S.A. 40:55D-70c</u> • side yard setback	approved
Jan 16	2298	Joni Bronander 111 Gordonhurst Avenue	R-1	addition and decking at the rear of the dwelling	<u>N.J.S.A. 40:55D-70c</u> • building width	approved
Jan 16	2307	Sal & Barbara Taibi 144 Buckingham Road	R-1	detached garage to replace garage	<u>N.J.S.A. 40:55D-70c</u> • side yard setback • rear yard setback	approved with conditions
Jan 16	2302	Frank & Mary Ann Cerino 665 Bloomfield Avenue	C-1	appeal the decision the Zoning Admin. Officer that the previous automobile dealership was abandoned	<u>N.J.S.A. 40:55D-70a</u> • appeal to Board of Adjustment	appeal upheld; decision the Zoning Admin. Officer reversed
Feb 20	2309	Paul Fraser 142 Bellevue Avenue	R-1	construct a roofed portico at the front entrance of the dwelling	<u>N.J.S.A. 40:55D-70c</u> • front yard setback	approved
Feb 20	2308	Michael Nicholson 14 Gray Street	R-1	2nd floor addition and a wood deck at the rear of the dwelling	<u>N.J.S.A. 40:55D-70c</u> • building width • side yard setback • building coverage	approved
Feb 20	2310	Jason W. Fuchs 47 Forest Street	R-2	detached garage to replace garage; corner lot	<u>N.J.S.A. 40:55D-70c</u> • side yard setback • rear yard setback • accessory building coverage	approved with conditions

2013 Board of Adjustment Decision on Applications and Appeal for Variances						
Date	File	Applicant	Zone	Description	Variances/Relief Required	Decision
Mar 20	2313	Michael & Barbara Gregory 179 Cooper Avenue	R-1	detached garage to replace garage	<u>N.J.S.A. 40:55D-70c</u> <ul style="list-style-type: none"> <li>side yard setback</li> <li>rear yard setback</li> </ul>	approved with conditions
Mar 20	2314	Savita & Matthew Lepore 137 Cooper Avenue	R-1	detached garage to replace garage	<u>N.J.S.A. 40:55D-70c</u> <ul style="list-style-type: none"> <li>side yard setback</li> <li>rear yard setback</li> </ul>	approved with conditions
Mar 20	2315	Eric & Molly Severson 114 Westview Road	R-1	detached garage to replace garage	<u>N.J.S.A. 40:55D-70c</u> <ul style="list-style-type: none"> <li>side yard setback</li> <li>rear yard setback</li> </ul>	approved with conditions
Mar 20	2317	Robert & Sally Iracane 212 Watchung Avenue	R-1	detached garage to replace garage; corner lot	<u>N.J.S.A. 40:55D-70c</u> <ul style="list-style-type: none"> <li>side yard setback</li> </ul>	approved with conditions
Mar 20	2312	Karen Cahn 356 Park Street	R-1	addition onto the rear of the dwelling; corner lot	<u>N.J.S.A. 40:55D-70c</u> <ul style="list-style-type: none"> <li>rear yard setback</li> </ul>	approved
Mar 20	2318	Danielle & Michael Zinn 115 Midland Avenue	R-2	addition and a deck onto the rear of the dwelling	<u>N.J.S.A. 40:55D-70c</u> <ul style="list-style-type: none"> <li>side yard setback</li> </ul>	approved
Apr 17	2319	Gary R. Lewis 137 Grove Street	R-1	permit a two-family use	<u>N.J.S.A. 40:55D-70d(1)</u> <ul style="list-style-type: none"> <li>use not permitted</li> </ul>	approved with conditions
Apr 17	2324	Paul & Carla King 6 Glenside Terrace	R-1	addition onto the rear of the dwelling	<u>N.J.S.A. 40:55D-70c</u> <ul style="list-style-type: none"> <li>side yard setback</li> </ul>	approved
Apr 17	2321	Joseph Rispo 201 Highland Avenue	R-0	attached garage addition	<u>N.J.S.A. 40:55D-70c</u> <ul style="list-style-type: none"> <li>building width</li> </ul>	approved with conditions
Apr 17	2323	Raphaela Niehausen 394 North Fullerton Avenue	R-1	addition to the second floor and attic	<u>N.J.S.A. 40:55D-70c</u> <ul style="list-style-type: none"> <li>side yard setback</li> <li>building width</li> </ul>	approved
Apr 17	2325	Richard & Tammy Bakos 122 Elm Street	R-1	dormer addition on the third floor at the rear of the dwelling	<u>N.J.S.A. 40:55D-70c</u> <ul style="list-style-type: none"> <li>exceed 2½ stories</li> </ul>	approved

2013 Board of Adjustment Decision on Applications and Appeal for Variances						
Date	File	Applicant	Zone	Description	Variances/Relief Required	Decision
May 15	2327	Lonna & Martin Schwartz 83 South Fullerton Avenue	R-1	location of a chicken coop; corner lot	<u>N.J.S.A. 40:55D-70c</u> <ul style="list-style-type: none"> <li>accessory structure in front yard</li> </ul>	denied
Jun 19	2326	Wail Abukwaik 590 Valley Road	N-C	commercial kitchen/bakery to prepare bagels to be sold at an off-site retail location	<u>N.J.S.A. 40:55D-70d(1)</u> <ul style="list-style-type: none"> <li>use not permitted</li> </ul>	approved with conditions
Jun 19	2334	Sprint Spectrum LP 641 Bloomfield Avenue	C-1	replace and modify wireless telecommunications antennas and equipment on the roof of the existing commercial building	<u>N.J.S.A. 40:55D-70d(3)</u> <ul style="list-style-type: none"> <li>conditional use variances</li> </ul>	approved with conditions
Jul 17	2322	58 James Street, LLC 58 James Street	R-2	retain the existing single family home, demolish the three commercial structures and build seven new dwelling units; bifurcated application seeking only use variance	<u>N.J.S.A. 40:55D-70d(1)</u> <ul style="list-style-type: none"> <li>use not permitted</li> </ul>	maximum of 5 dwelling units approved with conditions
Aug 21	2330	Mill Hill Development, LLC 47 Gray Street	R-1	demolish existing single family dwelling and construct a new single family dwelling	<u>N.J.S.A. 40:55D-70c</u> <ul style="list-style-type: none"> <li>lot width</li> <li>front yard setback</li> <li>side yard setback for parking area</li> </ul>	approved
Aug 21	2336	736 Valley Road LLC & Dr. Elizabeth Boyle 736 Valley Road	R-2	medical office to replace existing real estate office; site plan approval	<u>N.J.S.A. 40:55D-70d(1)</u> <ul style="list-style-type: none"> <li>use not permitted</li> </ul> <u>N.J.S.A. 40:55D-70c</u> <ul style="list-style-type: none"> <li>number of parking spaces</li> </ul>	approved with conditions

2013 Board of Adjustment Decision on Applications and Appeal for Variances						
Date	File	Applicant	Zone	Description	Variances/Relief Required	Decision
Sept 18	2334	Sprint Spectrum, LP 36 Hawthorne Place	R-4	replace and modify wireless telecommunications antennas and equipment on the roof of the existing commercial building	<u>N.J.S.A. 40:55D-70d(3)</u> <ul style="list-style-type: none"> <li>conditional use variances</li> </ul>	approved with conditions
Sept 18	2346	Eli Aronoff 706 Valley Road	R-2	addition to the top floor at the rear of the dwelling	<u>N.J.S.A. 40:55D-70c</u> <ul style="list-style-type: none"> <li>side yard setbacks</li> </ul>	approved
Oct 9	2348	Cullen McVoy 20 Prospect Terrace	R-1	deck at the rear of the dwelling	<u>N.J.S.A. 40:55D-70c</u> <ul style="list-style-type: none"> <li>rear yard setback</li> </ul>	approved with conditions
Nov 20	2350	Tim Larkin 54 Linden Avenue	R-1	additions onto the dwelling	<u>N.J.S.A. 40:55D-70c</u> <ul style="list-style-type: none"> <li>front yard setback</li> <li>side yard setbacks</li> <li>building width</li> </ul>	approved
Nov 20	2349	Marc & Leslie Kunkin 1 Kenneth Road	R-1	addition at the rear of the dwelling; corner lot	<u>N.J.S.A. 40:55D-70c</u> <ul style="list-style-type: none"> <li>front yard setback</li> </ul>	approved with conditions
Nov 20	2344	Barbara Schiavone 30 Greenview Way	R-1	additions onto the dwelling	<u>N.J.S.A. 40:55D-70c</u> <ul style="list-style-type: none"> <li>exceed 2½ stories</li> <li>front yard setback</li> <li>side yard setback</li> <li>building width</li> <li>building coverage</li> </ul>	approved with conditions



2013 Board of Adjustment Decision on Applications and Appeal for Variances						
Date	File	Applicant	Zone	Description	Variances/Relief Required	Decision
Dec 18	2332	Prudential New Jersey Properties 695 Bloomfield Avenue	C-1	permit a real estate sales office on the first floor of building in "center area" of the C-1 Zone	<u>N.J.S.A. 40:55D-70d(1)</u> <ul style="list-style-type: none"> <li>• use not permitted</li> </ul>	approved with conditions
Dec 18	2341	Bank of America 560 Valley Road	N-C	install three wall-mounted signs	<u>N.J.S.A. 40:55D-70c</u> <ul style="list-style-type: none"> <li>• location of signs</li> <li>• size of signs</li> <li>• mounted height of signs</li> </ul>	approved with conditions
Dec 18	2352	Steve & Sandy Goodman 22 Berkeley Place	R-1	modify and enlarge an existing front porch and construct a one story addition; corner lot	<u>N.J.S.A. 40:55D-70c</u> <ul style="list-style-type: none"> <li>• front yard setback</li> </ul>	approved
Dec 18	2353	Mark & Stephanie Lurie 379 North Fullerton Avenue	R-1	second floor addition; corner lot	<u>N.J.S.A. 40:55D-70c</u> <ul style="list-style-type: none"> <li>• front yard setback</li> </ul>	approved