

2014 Montclair Board of Adjustment

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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 2014 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 2014. No special meetings were held in 2014. A total of 18 applications were decided by the Board of Adjustment during the 2014 calendar year.

Five (5) applications for use variances, or “d” variances, were decided in 2014 pursuant to N.J.S.A. 40:55D-70d. Of the 5 use variance applications decided, 3 involved the expansion of an existing nonconforming use, 1 involved the relocation of an existing nonconforming use on site and 2 involved deviations from conditional use standards.

All eighteen (18) applications decided in 2014 pursuant to N.J.S.A. 40:55D-70c included bulk variances, or ‘c’ variances. These applications predominantly involved additions to single-family dwellings or the reconstruction of detached garages. Four (4) of the 18 use variance applications decided in 2014 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 2014 pursuant to N.J.A.C. 5:21-3.1. The request for site plan approval came before the Board of Adjustment in connection with 1 of the 18 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).

Two (2) applications for variances pursuant to N.J.S.A. 40:55D-51b were decided in 2014.

III. Recommended Zoning Changes or Amendments

1. Research zoning regulations appropriate for small network nodes telecommunication facilities.

IV. Application Summary

2014 Board of Adjustment Decision on Applications and Appeal for Variances						
Date	File	Applicant	Zone	Description	Variances/Relief Required	Decision
Jan 15	2356	Mr. & Mrs. Felix Bhandari	R-O(a)	Construct a one-story addition at the rear of the dwelling	N.J.S.A. 40:55D-70c -exceed structure width/coverage	Approved
Feb 19	2365	James & Christina Axelrod	R-1	Reconstruct and enlarge second floor; also additions to the first floor of the dwelling	N.J.S.A. 40:55D-70c -side yard setback -greater structure width -exceed permitted principal bldg. coverage	Approved
Feb 19	2357	Montclair Senior Housing Corporation	R-1	Expand parking area to include additional 20 parking spaces	N.J.S.A. 40:55D-70d -non-conforming use/parking expansion N.J.S.A. 40:55D-70c -parking in front yard	Approved with Conditions
Feb 19	2359	Mathew C. Mathew	OR-3	Convert existing principal residential building to provide five dwelling units; redesign driveways, parking areas and other site improvements	N.J.S.A. 40:55D-70d -lot area/frontage width -fire escape not enclosed N.J.S.A. 40:55D-70c -set backs: side yard and principal bldg	Approved with Conditions
Mar 19	2368	Ben & Candice Brennan	R-2	Construct a front porch onto the dwelling	N.J.S.A. 40:55D-70c -front yard setback	Approved
Mar 19	2358	Mathew C. Mathew	OR-3	Convert existing principal residential building to provide five dwelling units; redesign driveways, parking areas and other site improvements	N.J.S.A. 40:55D-70d -lot area/frontage width -fire escape not enclosed N.J.S.A. 40:55D-70c -set backs: side yard and principal bldg	Approved with Conditions

2014 Board of Adjustment Decision on Applications and Appeal for Variances						
Date	File	Applicant	Zone	Description	Variances/Relief Required	Decision
Mar 19	2360	Bellclair II, LLC & Bellclaire, LLC	C-1	Consolidate Lots 19 & 20, create six parallel parking spaces on Lot 19	N.J.S.A. 40:55D-70d -expand non-comforming use N.J.S.A. 40:55D-70c -front parking and parking area setbacks N.J.S.A. 40:55D-51b -reduced two-way aisle minimum	Denied (6 spaces), Approved (4 spaces) with Conditions
Apr 16	2371	Joyce Fleissner	R-1	Improvements to unimproved public street abutting the lot required to provide access to the property; also create off-street parking	N.J.S.A. 40:55D-70c -front yard parking -retaining wall height exceedance N.J.A.C. 5:21-3.1 -residential access road less than 50'	Approved with Conditions
Apr 16	2370	Double EE Development, LLC	R-O(a)	Second floor addition onto the dwelling	N.J.S.A. 40:55D-70c -exceed 2 ½ stories	Approved
May 21	2362	Montclair Kimberley Academy Foundation	R-O	Installation of posts and netting at athletic field	N.J.S.A. 40:55D-70c -exceed maximum fence height	Approved with Conditions
May 21	2375	Steve & Jessyca Karl	R-1	Construct a mudroom on northerly side of the dwelling	N.J.S.A. 40:55D-70c -front yard setback	Approved
July 17	2378	Evan Rudall	R-2	Construct a detached garage and install fencing	N.J.S.A. 40:55D-70c -front and rear setback -exceed maximum fence height	Approved (Garage) Denied (Fence)
Sept 17	2369	Sprint Corporation, L.P.	NC	Install 3 wireless telecommunications antennae, six RRH units and a GPS antenna; remove 4 Nextel and 6 Sprint wireless telecommunications antennae	N.J.S.A. 40:55D-70c -antenna height exceedance	Approved with Conditions
Oct 15	2369	David & Naomi Kirkman	R-2	Construct a deck and install a hot tub	N.J.S.A. 40:55D-70c -side and rear yard setback -maximum principal structure coverage	Approved with Conditions

2014 Board of Adjustment Decision on Applications and Appeal for Variances						
Date	File	Applicant	Zone	Description	Variances/Relief Required	Decision
Oct 15	2337	Montclair Town Center, LLC	R-3	Minor subdivision, expansion of Georgian Inn, expanded parking, landscaping and lighting; reconfigure parking on Lot 19. Also lot line adjustment between lots 19 and 20	N.J.S.A. 40:55D-70d -expand/relocate non-conforming use -building height N.J.S.A. 40:55D-70c -building height -setbacks -front parking -fence height N.J.S.A. 40:55D-51b -parallel parking space size -parking space size	Approved with Conditions
Nov 19	2384	Rose DeSomma	R-2	Construct a detached garage	N.J.S.A. 40:55D-70c -setback	Approved with Conditions
Nov 19	2389	Bruce Jackson	R-2	Construct a front porch and a second floor addition onto the dwelling	N.J.S.A. 40:55D-70c -front and side yard setback	Approved
Dec 17	2388	Jonathan & Rebecca Hirsh	R-O(a)	Construct a deck	N.J.S.A. 40:55D-70c -rear yard setback	Approved with Conditions