

## 2015 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 2015. In addition, the Board held 4 specials meetings in 2015. A total of 27 applications

were decided by the Board of Adjustment during the 2015 calendar year.

Thirteen (13) applications involving “d” variances, were decided in 2015 pursuant to N.J.S.A. 40:55D-70d. The 13 “d” variances decided as part of the applications by the Board were distributed as follows:

- |    |   |   |
|----|---|---|
| 1. | d(1) use variances:                             | 7 |
| 2. | d(2) expansion of non-conforming use variances: | 2 |
| 3. | d(3) deviation from conditional use standards:  | 1 |
| 4. | d(5) density variances:                         | 1 |
| 5. | d(6) height variances:                          | 2 |

Fourteen (14) applications were decided in 2015 pursuant to N.J.S.A. 40:55D-70c included bulk variances, or ‘c’ variances. All of these applications were for properties located in residential zones.

Five (5) applications for site plan approval were decided in 2015 pursuant to N.J.A.C. 5:21-3.1. All of the requests for site plan approval came before the Board of Adjustment in connection “d” 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

1. Revise zoning ordinance to detail bulk standards within each zone district.

2. Implement recommended zoning changes as outlined in the Land Use & Circulation Element of the Township Master Plan, adopted May 2015.

**IV. Application Summary**

Date	App. No.	Applicant	Property Location	Zone District	Description	Variance Relief Required	Decision
1/21/2015	2380	Verizon Wireless	10 Pine Street	Eastern Gateway RA	Wireless Telecommunications Facility	N.J.S.A. 40:55D-70d(1)	Denied
2/4/2015	2391	Bellclair, LLC	691 Bloomfield Ave	C-1	Medical Office located on ground floor	N.J.S.A. 40:55D-70d(1)	Approved
2/4/2015	2395	Boris Neymark	30 Mission Street	R-2	Addition to existing dwelling	N.J.S.A. 40:55D-70c	Approved
2/4/2015	2401	Dane & Barbara Holmes	155 Wildwood Avenue	R-1	Fence height exceedance	N.J.S.A. 40:55D-70c	Approved
3/4/2015	2393	Verizon Wireless	208 South Mountain Avenue	R-O	Wireless Telecommunications Facility	N.J.S.A. 40:55D-70d(1)	Approved
4/1/2015	2399	491 Bloomfield, LLC	491 Bloomfield Ave	C-1	Professional Office, first floor in C-1 Zone; Site Plan	N.J.S.A. 40:55D-70d(1)	Approved
4/15/2015	2394	Davis Wellness Solutions, LLC	314-316 Orange Road	N-C	Medical Office located on ground floor; Site Plan	N.J.S.A. 40:55D-70d(1)	Approved
5/6/2015	2398	Zecchino/Nicolo's Bakery	8 Baldwin Street	N-C	Expansion of Non-Conforming Use; Site Plan	N.J.S.A. 40:55D-70d(2)	Approved
5/20/2015	2397	Mount Hebron Cemetery	851 Valley Road	R-1	Expansion of Non-Conforming Use; Site Plan	N.J.S.A. 40:55D-70d(2)	Approved
5/20/2015	2402	Verizon Wireless	52-54 Fairfield Street	N-C	Wireless Telecommunications Facility	N.J.S.A. 40:55D-70d(3 & 6)	Approved
6/17/2015	2367	58 James Street, LLC	58 James Street	R-2	Residential Density Exceedance; Site Plan	N.J.S.A. 40:55D-70d(1)	Approved
6/17/2015	2406	Valverde Building, LLC	440-444 Bloomfield Avenue	C-1	Residential Density Exceedance	N.J.S.A. 40:55D-70d(5)	Approved
7/15/2015	2410	Helen & Anthony Torris	88 Montclair Avenue	R-1	Addition to existing dwelling	N.J.S.A. 40:55D-70c	Approved
7/15/2015	2414	Georgette Zacharias	31 Club Road	R-O(a)	Addition to existing dwelling, front yard parking	N.J.S.A. 40:55D-70c	Approved
8/19/2015	2407	Ercument & Ikbal Tokat	119 Upper Mountain Avenue	R-O	New dwelling height exceedance	N.J.S.A. 40:55D-70d(6)	Approved

Date	App. No.	Applicant	Property Location	Zone District	Description	Variance Relief Required	Decision
8/19/2015	2411	Steven & Deborah Bernstein	141 Lorraine Avenue	R-1	Accessory structure setback	N.J.S.A. 40:55D-70c	Approved
8/19/2015	2412	Xiongjun Zheng	13 Talbot Street	R-2	Addition to existing dwelling	N.J.S.A. 40:55D-70c	Approved
8/19/2015	2413	Mark & Barbara Rechan	64 Clinton Avenue	R-O	Addition to existing dwelling	N.J.S.A. 40:55D-70c	Approved
9/16/2015	2416	Judith Sciarra	165 Wildwood Avenue	R-1	Accessory structure height exceedance	N.J.S.A. 40:55D-70c	Denied
9/16/2015	2417	Matthew & Laura Evans	245 Grove Street	R-1	Addition to existing dwelling	N.J.S.A. 40:55D-70c	Approved
9/16/2015	2423	Sheila Boyd	12 Orange Road	R-2	Off-Street Parking in Front Yard	N.J.S.A. 40:55D-70c	Denied
10/21/2015	2380	NY SMSA / Verizon Wireless	10 Pine Street	Eastern Gateway RA	Wireless Telecommunications Facility	N.J.S.A. 40:55D-70d(1)	Approved
10/21/2015	2419	David & Helen Crossen	64 Prospect Avenue	R-O	Addition to accessory structure	N.J.S.A. 40:55D-70c	Approved
10/21/2015	2426	Daniel Groisser	30 Club Road	R-O(a)	Construct new dwelling, minimum lot width	N.J.S.A. 40:55D-70c	Approved
10/21/2015	2427	Joseph & Yolanda Gawler	491 Park Street	R-1	Addition to existing dwelling	N.J.S.A. 40:55D-70c	Approved
11/18/2015	2428	H & R Block E.E., Inc.	295 Bloomfield Avenue	C-1	Professional Office located on ground floor	N.J.S.A. 40:55D-70d(1)	Approved
11/18/2015	2433	Eric Rojas	37 Carolin Road	R-1	Addition to existing dwelling	N.J.S.A. 40:55D-70c	Approved

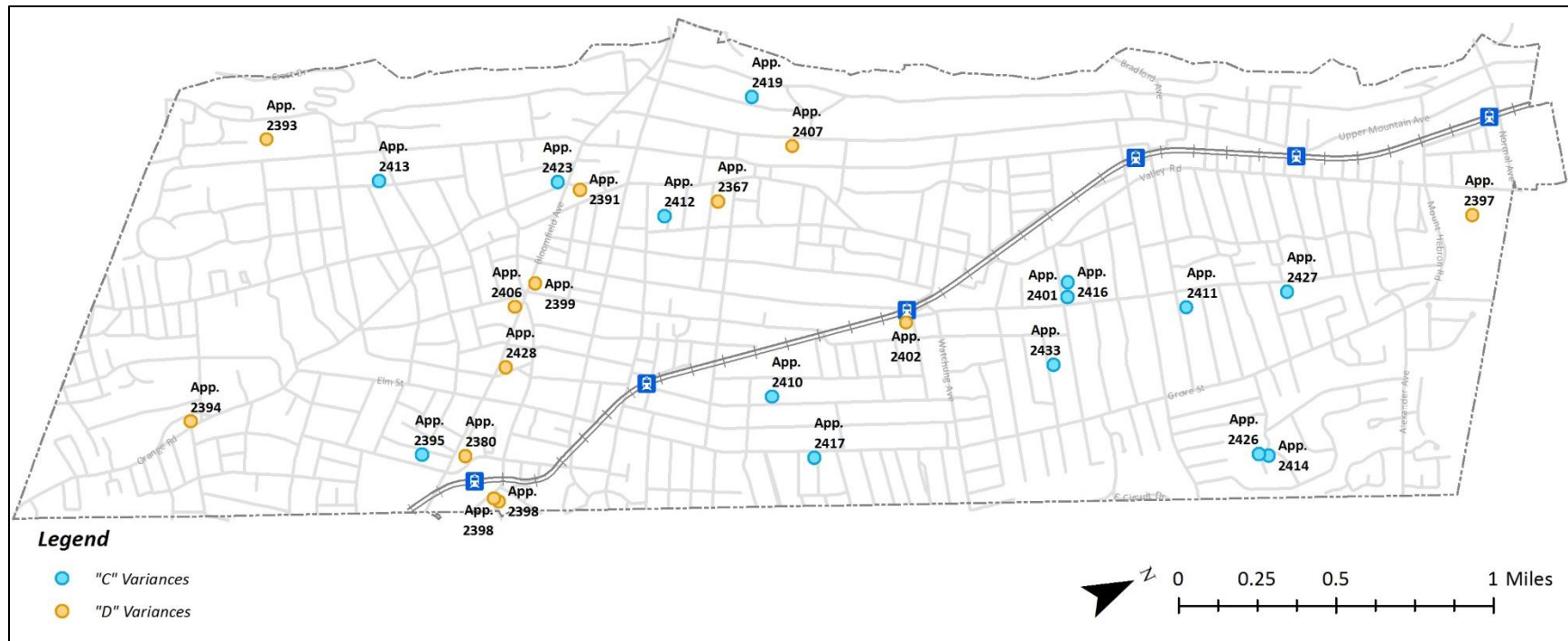


Figure 1 - Map illustrating location of variance applications, prepared by Department of Planning & Community Development, September 2016

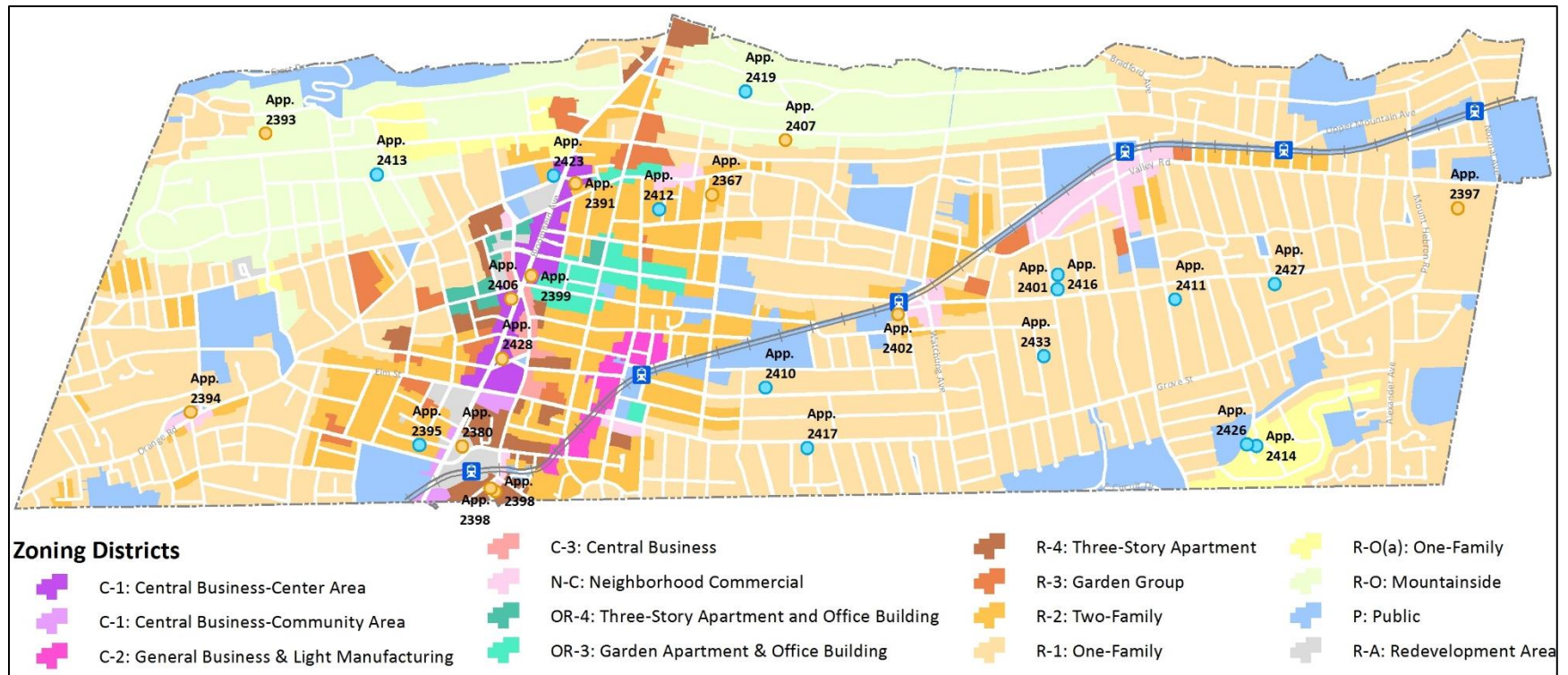


Figure 2 - Map illustrating location of variance applications and zone districts, prepared by Department of Planning & Community Development, September 2016