

**RESOLUTION
BOARD OF ADJUSTMENT
TOWNSHIP OF MONTCLAIR**

February 8, 2017

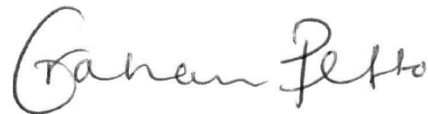
2016 ANNUAL REPORT

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 2016 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 2016 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.



Graham Petto P.P., AICP
Assistant Secretary, Board of Adjustment

Montclair Board of Adjustment 2016 Annual Report



Township of Montclair

Prepared by:

The Township of Montclair Board of Adjustment

February 2017

2016 Montclair Board of Adjustment

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- Graham Petto, P.P., AICP, 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 2016 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 2016. In addition, the Board held 1 specials meeting in 2016. A total of 29 applications were decided by the Board of Adjustment during the 2016 calendar year.

Seven (7) applications involving “d” variances, were decided in 2016 pursuant to N.J.S.A. 40:55D-70d. The 7 “d” variances decided as part of the applications by the Board were distributed as follows:

- | | | |
|----|--|---|
| 1. | d(1) use variances: | 5 |
| 2. | d(3) deviation from conditional use standards: | 1 |
| 3. | d(5) density variances: | 1 |

Twenty-two (22) applications were decided in 2016 pursuant to N.J.S.A. 40:55D-70c included bulk variances, or ‘c’ variances. Twenty of these applications were for properties located in residential zones. Two of these applications were for properties located in commercial zones.

Five (5) applications for site plan approval were decided in 2016 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. Two (2) applications involved 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. The Board of Adjustment recommends a review of the zoning ordinance related to the use of parking lots in commercial zones, in particular use of parking lots related to the principal use and other uses not located on-site.
2. The Board of Adjustment recommends a review of the basement definition of the zoning ordinance particularly in relation to the classification of a basement level as a story, which should be further defined in relation to a portion of the basement façade.

IV. Application Summary

Date	App. No.	Applicant	Property Location	Zone District	Description	Variance Relief Required	Decision
01/20/16	2429	Montclair Town Center, LLC	37 NO. MOUNTAIN AVE & 319-323 CLAREMONT AVE	R-3	Event space in R-3 zone; site plan and subdivision	N.J.S.A. 40:55D-70d(1)	Denied
02/17/16	2432	Jennifer Bakshi	91 SO. MOUNTAIN AVENUE	R-Oa	Rear yard setback	N.J.S.A. 40:55D-70c	Approved, with conditions
04/20/16	2432	Kent Home Associates, LLC	65 NO. FULLERTON AVENUE	OR-3	Density exceedance (2 additional units); site plan	N.J.S.A. 40:55D-70d(5)	Denied
02/17/16	2436	Nicholas & Jessica Tamburri	14 ELSTON ROAD	R-1	Front yard setback	N.J.S.A. 40:55D-70c	Approved, with conditions
05/18/16	2437	Mark & Kristy Iannarelli	225 PARK STREET	R-1	Rear yard setback	N.J.S.A. 40:55D-70c	Approved
02/17/16	2441	Marco Giancaspro & Lorraine Paul	190 FERNWOOD AVENUE	R-1	Accessory structure setback	N.J.S.A. 40:55D-70c	Approved, with conditions
02/17/16	2442	Keith Furer	192 FERNWOOD AVENUE	R-1	Accessory structure setback	N.J.S.A. 40:55D-70c	Approved, with conditions
03/16/16	2443	ACME Supermarket	516 VALLEY ROAD	N-C	Business sign size exceedance	N.J.S.A. 40:55D-70c	Approved, with conditions
03/16/16	2444	Montclair Homeopathy, LLC	92-94 CHURCH STREET	N-C	Medical office first floor N-C zone	N.J.S.A. 40:55D-70d(1)	Approved, with conditions
03/16/16	2445	Karen Cahn	356 PARK STREET	R-1	Accessory structure setback	N.J.S.A. 40:55D-70c	Approved, with conditions
03/16/16	2447	Ruth Davis	2 CLINTON AVENUE	R-O	Front yard setback	N.J.S.A. 40:55D-70c	Approved, with conditions
08/17/16	2448	The Deron School	130 GROVE STREET	OR-3	Expansion of parking lot; site plan	N.J.S.A. 40:55D-70d(3)	Approved, with conditions
05/18/16	2451	Yimin You & Larry Qiu	767 VALLEY ROAD	R-1	Accessory structure setback	N.J.S.A. 40:55D-70c	Approved
04/20/16	2453	Thomas & Suzie Always	56 OVERLOOK ROAD	R-1	Side yard setback	N.J.S.A. 40:55D-70c	Approved
05/18/16	2454	Matthew & Nicole Masso	553 GROVE STREET	R-1	Fence height exceedance	N.J.S.A. 40:55D-70c	Approved
08/17/16	2457	Ronald DeMyers Sr. Agency, Inc.	119 GROVE STREET	N-C	Professional office first floor N-C zone	N.J.S.A. 40:55D-70d(1)	Approved, with conditions

Date	App. No.	Applicant	Property Location	Zone District	Description	Variance Relief Required	Decision
07/20/16	2460	Glenn & Katherine Newmark	93 UNION STREET	R-1	Accessory structure setback	N.J.S.A. 40:55D-70c	Approved, with conditions
06/15/16	2461	Scott & Diane Marshall	5 CORNELL WAY	R-Oa	Front and side yard setback, building coverage and building width	N.J.S.A. 40:55D-70c	Approved, with conditions
06/15/16	2462	Roger & Michele Murray	141 NO. FULLERTON AVENUE	R-2	Swimming pool setback	N.J.S.A. 40:55D-70c	Approved, with conditions
10/19/16	2465	Richard Stanton & June Raegner	49 NO. MOUNTAIN AVENUE	R-3	Professional office in R-3 zone; site plan	N.J.S.A. 40:55D-70d(1)	Approved, with conditions
07/20/16	2466	Daniel Nachman	193 COOPER AVENUE	R-1	Accessory structure setback	N.J.S.A. 40:55D-70c	Approved, with conditions
10/19/16	2467	Trademark Sign (Capital One Bank)	605 VALLEY ROAD	N-C	Signage	N.J.S.A. 40:55D-70c	Approved, with conditions
11/16/16	2468	Yatin and Nelti Patel	12 FRINK STREET	C-2	New construction of 2-family dwelling	N.J.S.A. 40:55D-70c	Approved, with conditions
12/21/16	2469	Montclair Town Center, LLC	37 NO. MOUNTAIN AVE & 323 CLAREMONT AVE	R-3	Medical office in R-3 zone; site plan and subdivision	N.J.S.A. 40:55D-70d(1)	Approved, with conditions
11/16/16	2471	Scarlet Real Estate, LLC	126 MIDLAND AVENUE	R-2	Side yard setback and lot width	N.J.S.A. 40:55D-70c	Approved, with conditions
12/21/16	2472	Frank Cano	543 UP. MOUNTAIN AVENUE	R-1	Third story addition	N.J.S.A. 40:55D-70c	Approved, with conditions
11/16/16	2473	Andrew Moldovan	60 MAPLE AVENUE	R-2	Front yard off-street parking	N.J.S.A. 40:55D-70c	Denied
12/21/16	2475	Alfred & Keren Poor	24 SO. MOUNTAIN AVENUE	R-Oa	Rear yard setback & height of building	N.J.S.A. 40:55D-70c	Approved, with conditions
12/21/16	2477	Valdeci Borgo	435 GROVE STREET	R-1	Front yard setback	N.J.S.A. 40:55D-70c	Approved, with conditions

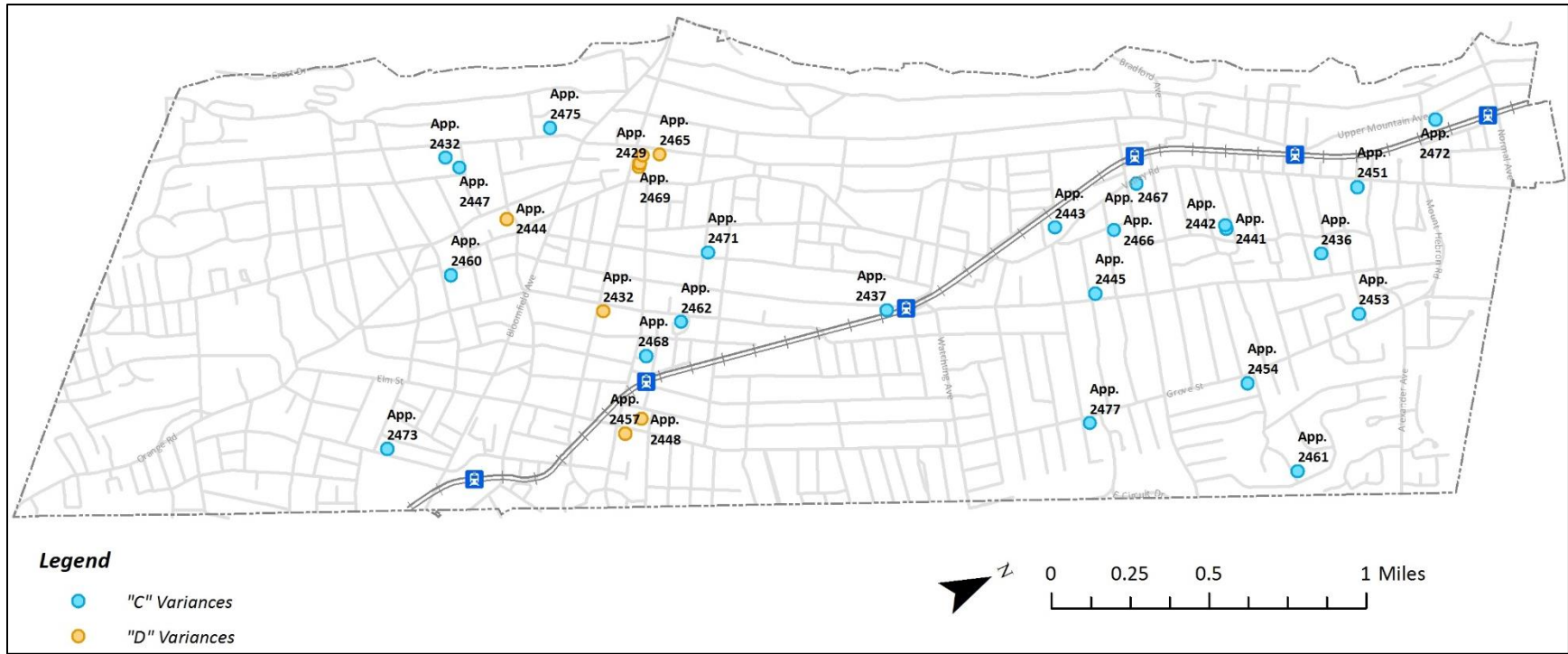


Figure 1 - Map illustrating location of variance applications, prepared by Department of Planning & Community Development, February 2017

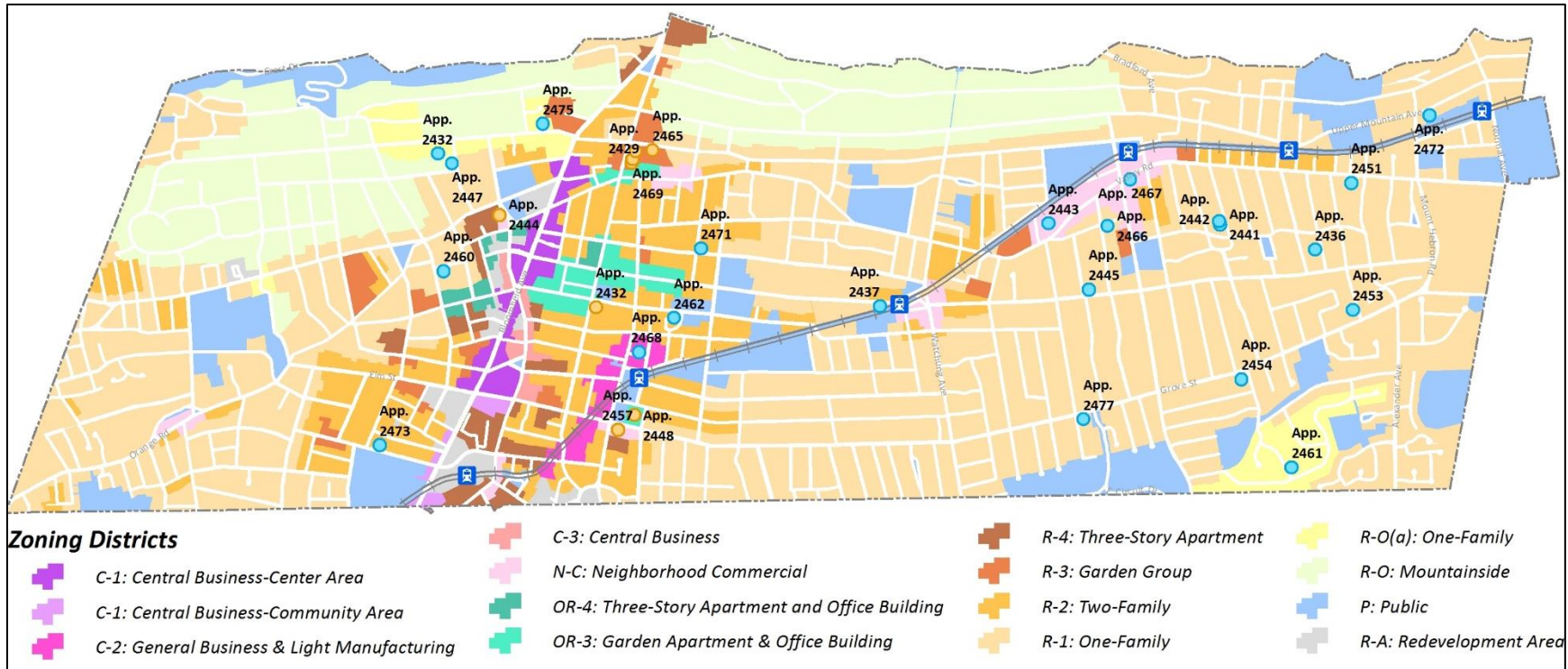


Figure 2 - Map illustrating location of variance applications and zone districts, prepared by Department of Planning & Community Development, February 2017