

**RESOLUTION
BOARD OF ADJUSTMENT
TOWNSHIP OF MONTCLAIR**

April 20, 2022


2020 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 2020 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 2020 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.


Tommy Scibilia, AICP
Assistant Secretary, Board of Adjustment

2020 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 2020 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 twelve (12) regularly scheduled meetings in 2020. The Board did not hold any special meetings in 2020. A total of twenty-two (22) applications were decided by the Board of Adjustment during the 2020 calendar year.

Four (4) applications involving “d” variances were decided in 2020 pursuant to N.J.S.A. 40:55D-70d. The four (4) “d” variances decided as part of the applications by the Board were distributed as follows:

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

Seventeen (17) applications were decided in 2020 pursuant to N.J.S.A. 40:55D-70c which included bulk variances, or ‘c’ variances. Thirteen (13) of these applications were for residential properties, two (2) were for commercial properties, and two (2) were for institutional properties.

Six (6) applications seeking site plan approval were decided in 2020.

One (1) application was decided in 2020 pursuant to N.J.S.A. 40:55D-70a to appeal an administrative decision.

Zero (0) applications were decided in 2020 pursuant to N.J.S.A. 40:55D-70b to interpret the zoning ordinance.

III. Recommended Zoning Changes or Amendments

1. The Board of Adjustment recommends a review of the parking requirements set forth in the Zoning ordinance in context of current parking standards. The Board has received much testimony from applicants seeking parking variances that existing parking requirements of the Township are not consistent with actual parking demand.
2. 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 as recommended in the adopted Land Use & Circulation Element of the Township Master Plan.
3. The Board recommends that the Governing Body act to implement any recommendations of the adopted Land Use & Circulation Element of the Township Master Plan that it supports as soon as possible. For the remaining recommendations, we request that the Governing Body state whether or not they intend to move forward with those recommendations.
4. The Board recommends the definition of half-story, contained within the story definition, be more clearly defined.
5. The ordinance should be clarified so that only where at least 50% of a floor is above grade shall it be considered to be a story.
6. The Board recommends clarification of 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.
7. The Board recommends a modification of the required minimum lot frontage/width be made to establish greater consistency with existing lots of record.
8. The Board recommends that the front yard setback calculation be modified to disregard adjacent principal structures that have a front yard setback of more than twice the front yard setback of the other adjacent principal structures.

IV. Application Summary

| Date | App. No. | Applicant | Address | Description | Variance Relief Required | Notes |
|-----------|----------|---------------------------------------|---------------------------|---|--------------------------|---|
| 1/15/2020 | 2662 | 27 Orange Road, LLC | 27 Orange Road | Commercial – Administrative appeal for signage | N.J.S.A. 40:55D-70a | Decision reversed |
| 2/5/2020 | 2661 | Montclair Kimberly Academy | 201 Valley Road | Institutional – Site plan, conditional use | N.J.S.A. 40:55D-70c | Approved, with conditions |
| 5/6/2020 | 2660 | United Way of Northern NJ | 60 South Fullerton Avenue | Commercial - Use variance to expand Social Service Use; Site plan | N.J.S.A. 40:55D-70d(1) | Approved, with conditions |
| 4/15/2020 | 2661 | Montclair Kimberly Academy Foundation | 201 Valley Road | Institutional - Conditional use variance for recreation fields at school property | N.J.S.A. 40:55D-70d(3) | Approved, with conditions |
| 2/19/2020 | 2667 | Jason Carlough | 344 Highland Avenue | Residential - Bulk variance for accessory structure in front yard of through lot | N.J.S.A. 40:55D-70c | Approved with conditions |
| 2/19/2020 | 2668 | Noah Wieseneck | 17 Greenview Way | Residential - Bulk variance for maximum building width | N.J.S.A. 40:55D-70c | Approved |
| 6/17/2020 | 2664 | Montclair Unicorn Partners | 3A North Willow Street | Commercial - Use variance for office on first floor; Site plan | N.J.S.A. 40:55D-70d(1) | Approved, with conditions |
| 2/19/2020 | 2669 | Yeting Lagomarsino | 33 Brookfield Road | Residential - Bulk variance for additions to dwelling | N.J.S.A. 40:55D-70c | Approved, with conditions |
| 2/19/2020 | 2671 | Joel Sackman | 97 Central Avenue | Residential - Bulk variance for additions to dwelling and accessory structure | N.J.S.A. 40:55D-70c | Approved |
| 5/20/2020 | 2673 | Malgorzata Dolgan | 12 Washington Street | Residential - Bulk variance for additions to dwelling | N.J.S.A. 40:55D-70c | Approved, with conditions |
| 5/20/2020 | 2674 | Derick & Sallie Deyzel | 16 Bradford Avenue | Residential - Bulk variance for additions to dwelling | N.J.S.A. 40:55D-70c | Approved, with conditions |

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|------------|------|-----------------------------------|--|--|---|---|
| 5/20/2020 | 2677 | Stuart Altshuler | 8 North Brookwood Drive | Residential - Bulk variance for accessory structure (HVCA) in front yard | N.J.S.A. 40:55D-70c | Approved, with conditions |
| 5/20/2020 | 2678 | Thomas Hickey | 365 North Fullerton Avenue | Residential - Bulk variance for front yard setback for addition | N.J.S.A. 40:55D-70c | Approved |
| 9/16/2020 | 2679 | Tyrone Williams Jr. | 357 Orange Road | Residential - Bulk variance for front yard setback for additions on corner lot | N.J.S.A. 40:55D-70c | Approved, with conditions |
| 7/15/2020 | 2680 | Glen & Wendy Turell | 7 Wendover Road | Residential - Bulk variance for rear addition | N.J.S.A. 40:55D-70c | Approved, with conditions |
| 10/21/2020 | 2683 | Victor & Khadija Barkley | 137 Walnut Street | Residential - Site plan for new multi-family dwelling to the rear of existing 2-family | N.J.S.A. 40:55D70d(1), N.J.S.A. 40:55D-70c | Approved, with conditions |
| 7/15/2020 | 2684 | Watchung Property Associates, LLC | 94 Watchung Avenue | Residential - Bulk variance for minimum lot width | N.J.S.A. 40:55D-70c | Approved, with conditions |
| 9/16/2020 | 2688 | Maurice & Lynn Kelly | 22 Clairidge Court | Residential - Bulk variance for new garage | N.J.S.A. 40:55D-70c | Approved, with conditions |
| 10/21/2020 | 2690 | Matthew Nowak | 44 Godfrey Road | Residential - Bulk variance for addition to existing one-car garage | N.J.S.A. 40:55D-70c | Approved, with conditions |
| 11/4/2020 | 2701 | Christopher Sevens | 63 Warren Place | Residential - Bulk variance for accessory structure replacement | N.J.S.A. 40:55D-70c | Approved, with conditions |
| 10/21/2020 | 2594 | 451 Orange Road, LLC | 451½ Orange Road | Residential - Site plan for addition and site improvements | N/A | Approval for extension of previous approval |
| 12/16/2020 | 2689 | Malgorzata Dolgan | 10 & 12 Washington Street | Residential – Bulk variances for 2 new 2-family homes | N.J.S.A. 40:55D-70c | Approved with conditions |
| 12/16/2020 | 2687 | Kevin Costello & Nicol Sobczyk | 157-159 Forest Street & 59 Chestnut Street | Residential – Site plan and bulk variances for new 2-family home | N.J.S.A. 40:55D-70c | Approved with conditions |

V. Maps



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