

**RESOLUTION  
BOARD OF ADJUSTMENT  
TOWNSHIP OF MONTCLAIR**

**April 20, 2022**

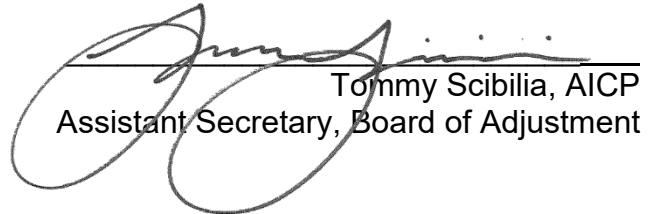
**2021 ANNUAL REPORT**

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 2021 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 2021 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

## 2021 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 2021 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 sixteen (16) regularly scheduled meetings in 2021. The Board did not hold any special meetings in 2021. A total of fifty-one (51) applications were decided by the Board of Adjustment during the 2021 calendar year.

Five (5) applications involving “d” variances were decided in 2021 pursuant to N.J.S.A. 40:55D-70d. The six (6) “d” variances decided as part of the applications by the Board were distributed as follows:

- |    |  |   |
|----|--|---|
| 1. | d(1) use variances:                            | 4 |
| 2. | d(3) deviation from conditional use standards: | 1 |
| 3. | d(6) height variance:                          | 1 |

Fifty (50) applications were decided in 2021 pursuant to N.J.S.A. 40:55D-70c included bulk variances, or ‘c’ variances. Forty-six (46) of these applications were for residential properties, four (4) were for commercial properties, and one (1) was for an institutional property.

Five (5) applications, seeking site plan approval, were decided in 2021.

One (1) application was decided to appeal a decision of the Historic Preservation Commission.

Zero (0) applications were decided in 2021 pursuant to N.J.S.A. 40:55D-70a to appeal an administrative decision.

Zero (0) applications were decided in 2021 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. The parking requirements should also be evaluated based on the electric vehicle charging station legislation that the State enacted.
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
1/20/2021	2710	David and Miriam Haines	11 Lane Court	Residential – Bulk variance for rear deck.	N.J.S.A. 40:55D-70c	<a href="#">Approved</a>
1/20/2021	2706	Congregation Shomei Enunah	67 Park Street	Institutional – Bulk variances to install a new sun shade.	N.J.S.A. 40:55D-70c	<a href="#">Approved, with conditions</a>
1/20/2021	2694	Frank Greene	229 Orange Road	Residential – Variances for a pool and addition to accessory building.	N.J.S.A. 40:55D-70c	<a href="#">Approved, with conditions</a>
1/20/2021	2693	Matthew Weaver and Victoria Falcon	331 Grove Street	Residential – Bulk variance for deck.	N.J.S.A. 40:55D-70c	<a href="#">Approved, with conditions</a>
1/20/2021	2692	Malgorzata Dolgan/23 New Street Trust	23 New Street	Residential – Variances for addition to a 2-family home.	N.J.S.A. 40:55D-70c	<a href="#">Approved, with conditions</a>
1/20/2021	2639	DH Development, LLC	360 Orange Road	Residential – Extension of site plan approval for 4-family residential building.	N/A	<a href="#">Approved, with conditions</a>
2/3/2021	2707	Laura Hornik	117 Essex Avenue	Residential – Bulk variance for front porch addition	N.J.S.A. 40:55D-70c	<a href="#">Approved, with conditions</a>
2/3/2021	2687	Kevin Costello and Nicol Sobczyk	157-159 Forest Street and 59 Chestnut Street	Residential – Bulk variances and site plan for new 2-family house.	N.J.S.A. 40:55D-70c	<a href="#">Approved, with conditions</a>
2/17/2021	2700	Anthony Montalto	4 Waterbury Road	Residential – Bulk variance for new wall.	N.J.S.A. 40:55D-70c	<a href="#">Denied</a>
2/17/2021	2696	Dakota Plofker	37 North Willow Street	Residential – Use and bulk variances to convert barn to single-family dwelling.	N.J.S.A. 40:55D-70d(1) N.J.S.A. 40:55D-70c	<a href="#">Approved, with conditions</a>
2/17/2021	2691	Andrew Thomas	60 Montague Place	Residential – Bulk variances for addition and conversion from 1- to 2-family home.	N.J.S.A. 40:55D-70c	<a href="#">Approved, with conditions</a>
3/3/2021	2720	Scott Landis	280 North Fullerton Avenue	Residential – Bulk variance for addition to 2-family home.	N.J.S.A. 40:55D-70c	<a href="#">Approved</a>

3/3/2021	2716	Shante Palmer	409 Orange Road	Residential – Bulk variances for addition to 1-family home.	N.J.S.A. 40:55D-70c	<a href="#">Approved</a>
3/3/2021	2715	Robert Chaconas	9 Union Street	Residential – Bulk variance for detached garage.	N.J.S.A. 40:55D-70c	<a href="#">Approved, with conditions</a>
3/3/2021	2714	Martha Nowycky	3 South Brookwood Drive	Residential – Bulk variances for detached garage.	N.J.S.A. 40:55D-70c	<a href="#">Approved, with conditions</a>
3/3/2021	2712	Catherine Farrell	191 Grove Street	Residential – Bulk variance for front porch addition.	N.J.S.A. 40:55D-70c	<a href="#">Approved, with conditions</a>
3/3/2021	2711	Andrew & Laura Bottone	12 Stephen Street	Residential – Bulk variances for addition to 1-family home.	N.J.S.A. 40:55D-70c	<a href="#">Approved</a>
3/3/2021	2704	Malgorzata Dolgan/79 Mission Street Trust	79 Mission Street	Residential – Bulk variances for addition to 2-family home.	N.J.S.A. 40:55D-70c	<a href="#">Approved, with conditions</a>
3/17/2021	2721	Leonard Mortimore	208 Orange Road	Residential – Bulk variance for detached garage.	N.J.S.A. 40:55D-70c	<a href="#">Approved</a>
3/17/2021	2696	Dakota Plofker	37 North Willow Street	Residential – Revised site layout and request to remove previous condition of approval.	N.J.S.A. 40:55D-70c	<a href="#">Approved, with conditions</a>
4/21/2021	2713	Karin Carson	16 Carolin Road	Residential – Bulk variance for accessory structure (generator).	N.J.S.A. 40:55D-70c	<a href="#">Approved, with conditions</a>
4/21/2021	2709	Barnes & Carter Realty LLC	321 Orange Road	Commercial – Use and parking variances for medical office.	N.J.S.A. 40:55D-70d(1) N.J.S.A. 40:55D-70c	<a href="#">Approved, with conditions</a>
4/21/2021	2735	Yecenia & Marcos Sanchez	167 Park Street	Residential – Bulk variances for detached garage.	N.J.S.A. 40:55D-70c	<a href="#">Approved, with conditions</a>
4/21/2021	2729	Prince Narang	3 Pierson Place	Residential – Bulk variance for addition to 1-family home.	N.J.S.A. 40:55D-70c	<a href="#">Approved, with conditions</a>
4/21/2021	2728	Jeffrey & Svetlana Balancio	41 Tuxedo Road	Residential – Bulk variances for addition to 1-family home.	N.J.S.A. 40:55D-70c	<a href="#">Denied</a>
4/21/2021	2727	Matthieu Silberstein	32 Macopin Avenue	Residential – Bulk variances for addition to 1-family home.	N.J.S.A. 40:55D-70c	<a href="#">Approved, with conditions</a>
4/21/2021	2698	Compass New Jersey, LLC	113 Grove Street	Commercial – Use variance for real estate office.	N.J.S.A. 40:55D-70d(1)	<a href="#">Approved, with conditions</a>

5/19/2021	2730	Yeting Lagomarsino	33 Brookfield Road	Residential – Bulk variances for additions.	N.J.S.A. 40:55D-70c	<a href="#">Approved, with conditions</a>
5/19/2021	2722	Paulette Gonzalez-Sierchio	683 Grove Street	Residential – Bulk variance for addition to 1-family home.	N.J.S.A. 40:55D-70c	<a href="#">Approved</a>
6/16/2021	2726	DiSanti Realty LLC	41 Harrison Avenue	Residential – Use variances and site plan exceptions for conversion to 2-family to 3-family home.	N.J.S.A. 40:55D-70d(3) N.J.S.A. 40:55D-51b	<a href="#">Approved, with conditions</a>
7/21/2021	2736	Brian Factor	54 Linden Avenue	Residential – Bulk variances for addition to 1-family home.	N.J.S.A. 40:55D-70c	<a href="#">Approved</a>
7/21/2021	2734	Eric Reimer & Jennifer Hirsch	374 North Fullerton Avenue	Residential – Bulk variances for front porch addition to 1-family home.	N.J.S.A. 40:55D-70c	<a href="#">Denied</a>
7/21/2021	2733	Michael & Jessica Gooden	18 Van Breeman Court	Residential – Bulk variances for addition to 1-family home.	N.J.S.A. 40:55D-70c	<a href="#">Approved, with conditions</a>
7/21/2021	2732	Michael Bender	18 Waterbury Road	Residential – Bulk variance for detached garage.	N.J.S.A. 40:55D-70c	<a href="#">Approved, with conditions</a>
7/21/2021	2731	Malgorzata Dolgan	21 New Street	Residential – Bulk variance for addition to 2-family home.	N.J.S.A. 40:55D-70c	<a href="#">Approved, with conditions</a>
7/21/2021	2719	New Assets, LLC	92 Bay Street	Residential – Site plan and bulk variances for converting 2-family home to 4-family home	N.J.S.A. 40:55D-70c	<a href="#">Fence height variance denied, site plan and remaining variances approved with conditions</a>
7/21/2021	2717	Malgorzata Dolgan/69 & 71 Mission Street Trust	69 & 71 Mission Street	Residential – Bulk variances for addition to 2-family home and a new 2-family home.	N.J.S.A. 40:55D-70c	<a href="#">Approved, with conditions</a>
8/4/2021	2748	Keith Byers	52 Carolin Road	Residential – Bulk variances for detached garage.	N.J.S.A. 40:55D-70c	<a href="#">Denied</a>
8/4/2021	2746	Thomas Truxillo	117 Gordonhurst Avenue	Residential – Bulk variance for addition.	N.J.S.A. 40:55D-70c	<a href="#">Approved</a>
8/4/2021	2745	Lauren & Martin Bristow	46 Llewellyn Road	Residential – Bulk variances for detached garage.	N.J.S.A. 40:55D-70c	<a href="#">Approved, with conditions</a>

8/4/2021	2740	Deborah & Viktoriya Belenkina	30 New Street	Residential – Bulk variances for addition to 2-family home.	N.J.S.A. 40:55D-70c	<a href="#">Approved</a>
8/4/2021	2738	Gregory D'Alessandro	72 North Willow Street	Residential – Bulk variance for off-street parking area.	N.J.S.A. 40:55D-70c	<a href="#">Denied</a>
8/18/2021	2753	Douglas and Jane Farrell	179 Alexander Avenue	Residential – Bulk variance for addition to 1-family home.	N.J.S.A. 40:55D-70c	<a href="#">Approved, with conditions</a>
8/18/2021	2752	Kelley and Harold Reynolds	115 Lorraine Avenue	Residential – Bulk variance for fencing	N.J.S.A. 40:55D-70c	<a href="#">Approved, with conditions</a>
9/22/2021	2754	Rixson & Danielle Hacking	18 Warfield Street	Residential – Bulk variance for addition.	N.J.S.A. 40:55D-70c	<a href="#">Approved, with conditions</a>
10/20/2021	2755	James F. Cornejo	521 Upper Mountain Avenue	Residential – Bulk variances for addition.	N.J.S.A. 40:55D-70c	<a href="#">Approved, with conditions</a>
10/20/2021	2747	Diane Russell	268 North Mountain Avenue	Residential – Bulk variances for off-street parking area.	N.J.S.A. 40:55D-70c	<a href="#">Denied</a>
10/20/2021	2742	63 Park Street Montclair, LLC	63 Park Street	Residential – Use and bulk variances for converting office building to mixed use building.	N.J.S.A. 40:55D-70d(3) N.J.S.A. 40:55D-70d(6) N.J.S.A. 40:55D-70c	<a href="#">Approved, with conditions</a>
11/17/2021	2759	Bank of America	560 Valley Road	Commercial – Sign variances	N.J.S.A. 40:55D-70c	<a href="#">Denied</a>
12/8/2021	2773	Steven and Leah Meranus	109 Union Street	Residential – Appeal of denial of total demolition by Historic Preservation Commission	N/A	<a href="#">Denied, decision of HPC upheld</a>
12/8/2021	2772	Roman Oben	183 Wildwood Avenue	Residential – Bulk variance for detached garage	N.J.S.A. 40:55D-70c	<a href="#">Approved, with conditions</a>
12/8/2021	2771	Alex Josephson	28 Marion Road	Residential – Bulk variance for detached garage addition	N.J.S.A. 40:55D-70c	<a href="#">Approved, with conditions</a>
12/8/2021	2768	Michelle Glennon	310 North Fullerton Avenue	Residential – Bulk variance for detached garage	N.J.S.A. 40:55D-70c	<a href="#">Approved, with conditions</a>
12/15/2021	2763	Malgorzata Dolgan	13 Wheeler Street	Residential – Bulk variances for 2 new 2-family homes	N.J.S.A. 40:55D-70c	<a href="#">Approved, with conditions</a>
12/15/2021	2760	17 Watchung Plaza LLC	17 Watchung Plaza	Commercial – Site plan and bulk variances for new commercial tenant	N.J.S.A. 40:55D-70c	<a href="#">Approved, with conditions</a>



12/8/2021	2764	Anjeli Sharma	2 Columbus Avenue	Residential – Bulk variances for addition	N.J.S.A. 40:55D-70c	<a href="#">Approved</a>
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## V. Maps



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