RESOLUTION
BOARD OF ADJUSTMENT
TOWNSHIP OF MONTCLAIR

Jack and Rose Gambino
97-99 Maple Avenue

WHEREAS, Jack and Rose Gambino, did make application to the Board of Adjustment of the Township of Montclair for a variance pursuant to N.J.S.A. 40:55D-70d to locate a plumbing contractor business on the first floor which would include garage space and a small showroom along the northerly side of the building on property designated as Lot 10 in Block 4106 on the Township tax map and located in the R-3 garden group zone; and

WHEREAS, the applicants have also requested a variance to allow a total of 8 parking spaces where a minimum of 20 spaces are required pursuant to Montclair Code Section 224-91; and

WHEREAS, the applicants submitted a site plan, floor plans and elevation drawings prepared by Anthony J. C. Church, Architect, dated February 5, 1992 and bearing a final revision date of September 13, 1992; and

WHEREAS, this matter came on to be heard at a meeting of the Board of Adjustment held on January 20, 1993, at which time it was established that notice was properly published and the property owners within 200 feet of the property in question had been properly served; and

WHEREAS, the Board carefully reviewed the testimony presented and established the following findings:

1. The building was originally designed and has continuously been used as a mixed use including a variety of com-
mercial uses on the first floor and two residential dwelling units on the second floor.

2. The first floor is not suitable for residential use and there is no realistic expectation of conversion of the first floor to a conforming residential use.

3. The proposed use of the first floor for garage space and a small showroom in connection with the plumbing contractor business will be a less intensive use than many of the prior commercial uses contained on the first floor of the building.

4. Given existing site restraints and the character of the proposed mixed use, the applicants have proven a substantial hardship with reference to the requested variance for number of on site parking spaces.

5. The plan will not materially impact the neighborhood and is not inconsistent with the intent and purpose of the zoning ordinance and master plan.

WHEREAS, the Board, based on the foregoing findings, concluded that the applicants proved the requisite special reasons for the granting of this application and proved by a preponderance of the evidence that the proposed relief could be granted without substantial detriment to the public good, and would not substantially impair the intent and purpose of the zone plan and zoning ordinance pursuant to the requirements of N.J.S.A. 40:55D-70d; and

WHEREAS, the Board, based on the foregoing findings, concluded that the applicant proved peculiar and exceptional practical difficulties and exceptional and undue hardship and that
the variance could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and zoning ordinance pursuant to N.J.S.A. 40:55D-70c(1);

NOW, THEREFORE, BE IT RESOLVED, by the Board of Adjustment of the Township of Montclair, that the within application of Jack and Rose Gambino is hereby approved subject to the following conditions:

1. The driveway and parking area shall be paved and a storm water management plan shall be approved by the Board engineer.

2. The applicants shall not post signs in excess of the maximum size permitted for the proposed use in commercial districts.

3. Outside storage of construction debris and other solid waste shall be prohibited.

4. The applicants shall not dispose of construction debris and other solid waste originating off site on this property.

5. All vehicles associated with the plumbing contractor business shall be stored indoors overnight.

6. All lighting shall be shielded or mounted so as not to shine into windows of adjacent properties.

NOW, THEREFORE, BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the applicants, Township Manager, Township Council and Township Clerk.