TO: Board of Adjustment  
FROM: Tommy Scibilia, PP, AICP  
DATE: June 13, 2023  
RE: App. 2788: 91-99 Maple Avenue (Block 4106, Lots 10, 11, and 12)  
STATUS: Complete

This report reviews an application filed with the Board of Adjustment for site plan approval, a use variance, and bulk variances to expand a nonconforming use and construct a parking lot. This report reviews the following submission items:

- Application for Development dated February 2, 2022, revised May 30, 2023
- Property survey of 91 and 95 Maple Avenue prepared by Brevard Surveying & Mapping dated June 22, 2021, received May 16, 2023
- Property survey of 99 Maple Avenue prepared by Keelen & Pica dated April 29, 1988, received May 23, 2023
- 2-page architectural and site plan prepared by John Guadagnoli, Architect PC dated April 5, 2023, received May 16, 2023

Site Description
The site is located on the east side of Maple Avenue in the R-3 Garden Group Zone. Lot 10 (99 Maple Avenue) has 75.00 feet of frontage, Lot 11 (95 Maple Avenue) has 39.90 feet of frontage, and Lot 12 (91 Maple Avenue) has 35.10 feet of frontage. All three lots are 113.48 feet deep. Lot 10 contains a 2-story mixed-use building with a plumbing supply store on the ground floor and basement level, and 2 two-bedroom apartments on the second floor. There is an associated driveway and parallel parking spaces on the south side of the structure, and a small parking and storage area to the rear.

Lot 11 previously contained an unoccupied 2-story two-family home and detached garage to the rear. On June 27, 2022, the Historic Preservation Commission approved the total demolition of both structures, and the site is currently vacant (see Figures 20 and 21). Lot 12 contains an unoccupied 1-story garage building (91 Maple Avenue). Lots 11 and 12 descend from Maple Avenue to the rear, a grade difference of approximately 7 feet, while lot 10 is relatively flat. A gabion wall separates lots 10 and 11 and accounts for the grade change.

There are three existing curb cuts. The southernmost provides access to the driveway on the south side of 99 Maple Avenue on lot 10, the middle curb cut provides access to a driveway between lots 11 and 12, and the northernmost provides access to the front garage entrance at 91 Maple Avenue on lot 12.
Figure 1: Subject property on Township Tax Map

Figure 2: Aerial view of subject property (source: Google Maps)
The following are proposed as part of this site plan application:

- Re-stripe the parallel parking spaces on the south side of 99 Maple Avenue to create 5 angled spaces. Restripe the rear parking area to provide 3 90-degree spaces. The existing storage trailer will remain.
- Pave and stripe lots 11 and 12 to provide 9 total parking spaces, including 2 angled spaces closest to the driveway entrance (one of which will be an accessible space), seven 90-degree spaces, and one EV charging station. A small planting bed with boxwoods is proposed to provide screening adjacent to the sidewalk. A 6-foot chain link fence with privacy slats will be erected along the north and east sides of this parking area. A total of 17 parking spaces are provided, with a credit for 1 additional space for the EV charging station, bringing the total provided to 18.
- Install a 5-foot bronze aluminum fence with a sliding gate along the sidewalk between 91 and 99 Maple Avenue.
- Install a small planting bed in the right of way adjacent to the aluminum fence aligned with the existing concrete ramp at 99 Maple Avenue.
- Close the southernmost curb cut providing access to the front garage of 91 Maple Avenue and extend the sidewalk and grass strip along Maple Avenue in the right of way.
- Widen the curb cut at the driveway between 91 and 95 Maple Avenue to 24 feet to provide a 2-way driveway.
- Create a basement entrance to 99 Maple Avenue with access from the south side of Lot 11. This entrance will have a 3.9-foot block wall with a 3.5-foot railing on the north and west sides.
- Convert 91 Maple Avenue into a showroom and warehouse building:
  - The front façade will be modified to replace the garage door, storefront window, and entrance on the left side with 3 large storefront windows and an entrance on the right side.
  - A shed style asphalt shingle roof will project from the façade over the storefront and entrance.
  - A stepped parapet with aluminum coping will be constructed across the front façade and a rectangular building-mounted sign will be installed on the new parapet.
  - The windows on the south elevation will be partially closed off to create smaller window openings.
  - On the rear elevation, an overhead garage door will be installed in the existing garage door opening, and a new rear entrance and concrete stoop will be installed in place of an existing window.
- Install 5 new wall pack lights on 91 and 99 Maple Avenue and 2 15-foot pole fixtures to provide lighting for the two parking areas.
- Install a below-grade drywell with a removable grate in the parking area on lots 11 and 12 connected underground to roof leaders on 91 and 99 Maple Avenue.
- Install mechanical equipment on the center of the roof of 91 Maple Avenue with a 4-foot screen comprising gray or brown vertical PVC boards. This will sit partially below the parapet.
- Trash collection is to take place interior to both buildings.

**Review by the Development Review Committee and Board Engineer**

In accordance with Montclair Code §202-10.2, this site plan application was reviewed by the Development Review Committee (DRC) on January 12, 2023. A memo summarizing their comments and the Board Engineer’s report are provided with application materials. Note that modifications were made to the plans following the DRC review.

**Review by Historic Preservation Commission**

The property is located within the Wheeler Street potential historic district as identified in the Historic Preservation Element of the Master Plan. 99 Maple Avenue was identified as a contributing resource to the district, which was surveyed in 2019. 95 and 91 Maple Avenue were identified as non-contributing resources.

This site plan application was reviewed by the Historic Preservation Commission for comment at their meeting on June 8, 2023 in accordance with **Montclair Code §347-142**. A memo summarizing their comments and the HPC’s Preservation Consultant’s report are included with application materials.

![Figure 3: Subject property on the Township Historic Inventory Viewer](image-url)
The subject property is in the R-3 Garden Group zone district. Properties to the south are also in the R-3 zone. Properties to the north, east, and west are in the R-2 Two-Family zone.

Relief is required as follows:

- A use variance is required pursuant to N.J.S.A. 40:55D-70d(2) to expand a nonconforming commercial and industrial uses in a residential zone.
- A variance is required from Montclair Code §347-27A(1) to allow a 5-foot tall fence along the Maple Avenue sidewalk where a maximum height of 4.5 feet is permitted.
- A variance is required from Montclair Code §347-27.1B to allow a 7.4-foot retaining wall, including the attached railing, where a maximum height of 4.5 feet is permitted.
- A design waiver is required from Montclair Code §281-9B to allow the angled parking spaces adjacent to 99 Maple Avenue to have a width of 7 feet and a length of 16 feet where a 9-foot width and 19-foot length is required, and to allow the parking spaces on lots 11 and 12 to have a length of 18 feet where 19 feet is required.
  - Note: Per Montclair Code §281-9C, the required minimum parking space dimensions may be waived and dimensions of 8 feet by 17 feet permitted where the approving authority finds that such spaces can reasonably be reserved for use by small cars.
- A design waiver is required from Montclair Code §281-9F to allow the parking area to the rear of 99 Maple Avenue to not be screened adjacent to residential uses.
- A design waiver is required from Montclair Code §281-9F to allow the parking areas to have non-landscaped setbacks of less than 4 feet.

The parking calculations in the submitted plans do not account for the uses at 99 Maple Avenue. This includes 5,818.56 SF of retail trade space (inclusive of first floor and basement) and 2 two-bedroom apartments requiring a total of 33 parking spaces, in addition to the 3 required spaces for the warehouse use at 91 Maple Avenue (note the calculation on the plans for this use is incorrect). A variance is required from Montclair Code §347-101 to allow a total of 18 spaces where 36 are required.

Parking analysis:

<table>
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<tr>
<th>Use</th>
<th>Area SF</th>
<th>Parking rate (§347-101)</th>
<th>Spaces required</th>
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<tr>
<td>Retail</td>
<td>5,818.56</td>
<td>1 space/200 SF</td>
<td>29</td>
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<td>Warehouse</td>
<td>2,040.00</td>
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<td>3</td>
</tr>
<tr>
<td>2 BR Residential</td>
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<tr>
<td>Total Required</td>
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<td></td>
<td>36</td>
</tr>
</tbody>
</table>

*Per NJ Residential Site Improvement Standards
Note that the 8-foot chain link fence to the rear of 99 Maple Avenue is a preexisting condition and no variance is needed for it to remain.

Figure 4: Subject property on Township Zoning Map

**Planning Considerations**

1. The applicant must communicate with the Engineering Bureau for approval of any changes proposed in the right of way.
2. The three lots should be consolidated into a single tax lot.
3. Drainage inlets tied into the proposed drywell should be added in the parking area to the rear of 99 Maple Avenue.
4. The parking spaces to the rear of 91 Maple Avenue should be shifted to the west and south to provide the required 4-foot planting buffer along the east and north property lines of lots 11 and 12.
5. Privacy slats should be added to the existing chain link fence at the rear of 99 Maple Avenue. The slats in this fence and that proposed at lots 11 and 12 should be replaced when damaged as needed to maintain privacy.
6. The applicant should explain in testimony how snow removal and/or onsite storage will take place.
Photos
Photos taken by staff on February 24, 2022 unless otherwise noted.

Figure 5: Subject site as viewed from Maple Avenue. L-R: 89, 91, 95, 99 Maple Avenue

Figure 6: Front of 91 Maple Avenue
Figure 7: Curb cut to the garage of 91 Maple Avenue

Figure 8: Curb cut to the driveway of 91 Maple Avenue
Figure 9: View toward the rear of the subject property looking east from the driveway
Figure 10: 95 Maple Avenue (pre-demolition)
Figure 11: 99 Maple Avenue
Figure 12: Street frontage along 99, 95 (pre-demolition), and 91 Maple Avenue
Figure 13: Driveway on the south side of 99 Maple Avenue
Figure 14: Rear parking and storage area of 99 Maple Avenue, looking east
Figure 15: Rear parking and storage area of 99 Maple Avenue, looking north
Figure 16: Looking north toward the rear of 95 Maple Avenue from the parking area behind 99 Maple Avenue
Figure 17: Looking west alongside the property line between 99 and 95 Maple Avenue
Figure 18: View of the detached garage of 95 Maple Avenue (pre-demolition)
Figure 19: View toward the rear of 95 and 91 Maple Avenue, looking north (prior to structures at 95 Maple Avenue being demolished)
Figure 20: View toward 95 Maple Avenue after demolition (taken December 23, 2022)
Figure 21: View toward north side of 99 Maple Avenue after the demolition of 95 Maple Avenue and its detached garage (taken December 23, 2022)