This report reviews an application filed with the Board of Adjustment. This report reviews the following submission items:

- Application for Development dated May 26, 2023, received June 22, 2023
- 6-page architectural plan set prepared by Lasota Architects, Inc. dated May 31, 2023, received June 22, 2023
  - Contained within is a property survey prepared by Richard J. Hingos Jr. dated December 28, 2021
- 3-page driveway easement dated November 17, 2008, received June 29, 2023

**Site Description**

The subject property is located on the east side of New Street. It has 25 feet of frontage along New Street, is approximately 78 feet in depth, and 1,961 SF or 0.05 acres in area. It is developed with an unoccupied two-story two-family house with a paved driveway along the south side of the house which is partially on the neighboring property within an easement recorded on November 17, 2008, and a small rear yard surrounded by a 6-foot board-on-board fence. Surrounding uses include one-family, two-family, and multifamily dwellings on New Street and Mission Street to the east.

Prior to filing this application, cosmetic work started on the existing house including removal of vinyl siding and construction of a new fiber-cement front façade treatment with a new door, new windows, and new wall sconces. A new ground-mounted HVAC unit was installed to the rear of the existing house. During these alterations, numerous structural defects were discovered and so work stopped and this application was filed.
TO: Board of Adjustment
DATE: June 29, 2023

Project Description
The applicant proposes to demolish the existing 2-story two-family house down to the foundation and construct a new 2.5-story two-family house. The basement and first floor will be one dwelling unit and the second floor and attic level will be the second unit. The two units will share a common entrance vestibule on the first floor accessed from a
covered front porch on New Street. The driveway on the south side of the house will be shortened and repaved, providing space for two tandem parking spaces. Both spaces are partially located on the neighboring property in the easement identified on the plans. A new 6-foot fence at the end of the driveway will provide access to the rear yard. The existing concrete along the north side of the house will be removed and planted with grass. A new concrete pad will be constructed adjacent to the sidewalk on the north side of the house to store trash receptacles screened by a 6-foot vinyl fence. Two ground-mounted HVAC units are proposed at the rear of the house. Net impervious coverage will decrease by 361 SF, or from 76% of the lot area to 57.6% of the lot area.

**Zoning**

The subject property is in the R-2 Two-Family zone district, as are all surrounding properties. To the north at the corner of New Street and Bloomfield Avenue is part of the Elm Street/New & Mission Area Redevelopment Area. The 2006 Redevelopment Plan calls for uses including restaurants, retail, apartments, senior housing, and government offices in this part of the Redevelopment Area. The properties are currently vacant.

![Figure 3: Subject property on the Township Zoning Map](image)

The proposal requires the following variances pursuant to **NJSA 40:55d-70c**:

- A variance from **Montclair Code §347-45B** to permit a front yard setback of 0.5 feet where 25 feet is required.
- A variance from **Montclair Code §347-45C(1)** to permit side yard setbacks of 3.71 feet and 4.54 feet where 6 and 10 feet are required.
- A variance from **Montclair Code §347-45D** to permit a rear yard setback of 21.95 feet where 25 feet is required.
- A variance from **Montclair Code §347-20B** to permit impervious coverage of 57.6% where a maximum of 55% is permitted.
- A variance from **Montclair Code §347-27A(1)** to allow fences of 6 feet in height in front of the extreme rear corners of the principal building where a maximum height of 4.5 feet is permitted.
• A variance from **Montclair Code §347-101** to permit two parking spaces where 4 are required pursuant to the New Jersey Residential Site Improvement Standards.

**Planning Considerations**

1. The applicant should explain how the proposed tandem parking spaces would be used by future tenants.
2. The subject property is undersized, and it is not feasible to construct a habitable dwelling within existing zoning restrictions.
3. The existing front setbacks of houses on New Street are minimal. The proposed front setback is in keeping with the established built form of this street.
Photos

Photos taken by staff on June 23, 2023

Figure 4: Subject property viewed from New Street
Figure 5: Driveway viewed from New Street
Figure 6: Rear yard viewed from driveway
Figure 7: Rear elevation
Figure 8: North side yard viewed from rear yard
Figure 9: North side yard viewed from New Street
Figure 10: View toward subject property from the south at the intersection of New Street and Washington Street