

#2870



Department of Planning and Community Development
Township of Montclair 205 Claremont Avenue

Montclair, NJ 07042

Tel: 973-509-4954

Fax: 973-509-4943



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NOV 17 2023

APPLICATION FOR DEVELOPMENT

Planning Board
 Board of Adjustment
App. Number: 2870

Date Filed: _____
Valid Application Date: _____
Completeness Date: _____

1. PROPERTY INFORMATION

Address 5 Wheeler Street Zone R-2
Tax Map Number: _____ Block 4105 Lot(s) 18
Present Use: _____
Two-family residence, 3-car garage/storage structure, and surface parking lot

Has there been any previous application involving these premises? () Yes (X) No;
If yes, nature of application, date, and determination

Is there adjacent property in common ownership? () Yes (x) No If yes, address of property

Restrictions, covenants, easements, association by-laws, existing or proposed on the property.
() Yes [attach copies] () No (x) Proposed Easement for parking on Proposed Lot 18.02 for the benefit of Proposed Lot 18.01

2. APPLICANT INFORMATION

Name 5 Wheeler LLC
Address 3 Russell Terrace
City/State/Zip Montclair NJ 07042
Phone # _____ FAX # _____
E-Mail Acacinfo@gmail.com
Applicant is a: () Corporation () Partnership () Individual (x) LLC

3. OWNER'S INFORMATION

Owner's Name: Same as Applicant
Address: _____
Telephone Number: _____
Attach an affidavit of ownership or owner's authorization to submit the application.

4. DISCLOSURE STATEMENT

Pursuant to N.J.S. 40:55D-48.1, the names and addresses of all persons owning 10% of the stock in a corporate applicant or 10% interest in any partnership application must be disclosed. In accordance with N.J.S. 40:55D-48.2 that disclosure requirement applies to any corporation or partnership which owns more than 10% interest in the applicant followed up the chain of ownership until the names and addresses of the non-corporate stockholders and partners exceeding the 10% ownership criterion have been disclosed. (Attach pages as necessary to comply).

Name: _____ Address: _____ Interest: _____
Name: _____ Address: _____ Interest: _____
Name: _____ Address: _____ Interest: _____
Name: _____ Address: _____ Interest: _____

5. APPLICANT'S ATTORNEY (Corporations must be represented by an attorney)

Name Lisa A. John-Basta, Esq.
Address CSG Law - 105 Eisenhower Parkway, Roseland, NJ 07068
Phone # 973-530-2083 FAX _____
E-Mail Ljohn-basta@csglaw.com

6. APPLICANT'S ENGINEER

Name William Stimmel, PE
Address Stimmel Engineering - PO B0x 280, Rutherford, NJ 07070
Phone # 201-363-2478 FAX _____
E-Mail wstimmel@gmail.com

7. APPLICANT'S ARCHITECT

Name Paul Sionas, AIA
Address Sionas Architecture PC - 8 Hillside Avenue, Montclair, NJ 07042
Phone # 973-783-2958 FAX _____
E-Mail Paul@SionasArchitecture.com

8. NATURE OF THE APPLICATION (Check applicable items)

- | | |
|---|---|
| <input type="checkbox"/> Conceptual Subdivision Plan | <input type="checkbox"/> Conceptual site plan |
| <input checked="" type="checkbox"/> Minor subdivision | <input type="checkbox"/> Minor site plan |
| <input type="checkbox"/> Major subdivision, preliminary | <input checked="" type="checkbox"/> Site plan approval, preliminary residential |
| <input type="checkbox"/> Major subdivision, final | <input type="checkbox"/> Site plan approval, preliminary nonresidential |
| <input type="checkbox"/> Amendment to approved plat | <input checked="" type="checkbox"/> Site plan approval, final |
| <input type="checkbox"/> Lot line adjustment | <input type="checkbox"/> Amendment to approved site plans |
| <input type="checkbox"/> Conditional use | <input type="checkbox"/> Steep slope review |
| <input checked="" type="checkbox"/> Use Variance | <input type="checkbox"/> Wireless telecommunications application |
| <input checked="" type="checkbox"/> Variance, other residential | <input type="checkbox"/> Appeal from administrative decision |
| <input type="checkbox"/> Variance, other non-residential | <input type="checkbox"/> Interpretation of zoning ordinance |
| <input type="checkbox"/> Zone change | <input type="checkbox"/> Historic Preservation Commission review |

9. BRIEF DESCRIPTION OF PROJECT: Indicate type of use proposed, size of structures, hours of operation, number of employees, number of parking spaces, intention to sell or rent, and any other information important for consideration:

The Applicant proposes to subdivide the property in order to create two development lots. The existing 2-family dwelling is proposed to remain on Proposed Lot 18.01. The existing 3-car garage/storage structure and non-conforming surface parking lot will be demolished. On Proposed Lot 18.02 the Applicant proposes to construct a 4-unit multi-family dwelling with associated parking for the multi-family dwelling and the 2-family dwelling to remain.

10. DOES THIS APPLICATION COMPLY WITH ALL REQUIREMENTS OF THE ZONE: If not, state violation, article, section and variance and waivers requested and state principal points on which the variance request is made. Use a separate sheet if necessary.

No, see attached list of requested variances and waivers. The planning rationale for granting the requested relief will be testified to at the public hearing on the application.

11. LIST ANY OTHER LICENSES, PERMITS OR OTHER APPROVALS REQUIRED BY MUNICIPAL, COUNTY, STATE OR FEDERAL LAW AND THE STATUS OF EACH. Attach Copies of approvals of other government agencies as may be required or an affidavit indicating that application has been made to such agencies.

Not applicable.

13. APPLICATION FEES AND ESCROW DEPOSITS. The application fee and escrow deposit is based on the following fee schedule:

	Application Fee	Escrow Deposit
Conceptual subdivision plan	\$150	\$250
Minor subdivision	\$300	\$1500
Major subdivision, preliminary	\$500	\$2000 + \$200 per lot
Major subdivision, final	\$200	50% preliminary fee
Amendment to approved plat	50% of original fee	50% of original fee
Lot line adjustment	\$300	\$500
Conceptual site plan	\$250	\$250
Minor site plan	\$500	\$1000
Site plan approval, preliminary residential	\$500 + \$25 per dwelling unit	\$2,000 + \$200 per dwelling unit
Site plan approval, preliminary nonresidential	\$500 + \$10 per 1,000 s.f. building area	\$2,000 + \$100 per 1,000 s.f. building area
Site plan approval, final	50% of preliminary fee	50% of preliminary fee
Amendments to approved site plans	50% of original fee	25% of original fee
Conditional use	\$300	\$500
Use Variance	\$500	\$1,500
Variance, other residential	\$200	\$500
Variance, other non-residential	\$200 per variance	\$250 per variance
New or expanded parking lots – multifamily or nonresidential		\$1,500
New or expanded parking lots – residential with 5 or fewer parking spaces		\$850
Engineering Review		\$750
Wireless telecommunications application		\$1,500
Appeal from Administrative Decision	\$200	\$1,500
Request for Interpretation of Zoning Ordinance	\$200	\$1,000
Zone change	\$1,000	\$1,500
Certified List of Property Owners	\$10	
Permit to maintaining the Official Map	\$250	
Reproduction of recorded hearing	\$10 per compact disk	
Special meeting	\$800	
Zoning permit	\$50	
Zoning Map	\$20	
Master Plan – Land Use & Circulation Plan	\$100	
Master Plan – Housing Plan	\$10	
Master Plan – Conservation Plan	\$10	
Master Plan – Stormwater Management Plan	\$10	
Master Plan – Historic Preservation Plan	\$10	
Historic Preservation Advisory Review		\$250

Make checks payable to: Township of Montclair

A W-9 form must be submitted with all escrow fee checks. When an application involves two or more fee categories, the fee shall equal the total of the fees required for each type of application requested. The Developer's Fee/Inclusionary Zoning Ordinance Fee (IZO) is payable upon issuance of certificates of occupancy, if applicable.

14. CERTIFICATION

I hereby affirm that all of the above and statements contained in the papers submitted herewith are true.

Signature of Applicant or Agent:



Date: 8/18/2023

12. ENVIRONMENTAL ASSESSMENT FORM

All subdivision and major site plan applications shall complete this form to evaluate how the application addresses the requirements in the most recent version of the "Leadership in Energy and Environment" (LEED) or "Green Globes" rating system.

1. Provide the name of any LEED-accredited or similar professionals working on the project.

There are no LEED-accredited professionals on this project but project architect Rick Jarzembowski has been part of the LEED team on nine LEED certified projects.

2. List all appliances, fixtures and construction techniques that meet the U.S. EPA's Energy Star or WaterSense standards.

All new appliances shall be energy star compliant.
All new light fixtures shall be energy star compliant.
All new plumbing fixtures shall be water sense compliant.
The thermal envelope shall meet the requirements of the New Jersey Uniform Construction Code & 2021 International Energy Conservation Code.

3. List all green and/or recycled building materials to be used in construction, renovation and maintenance.

All products shall be non-formaldehyde and no or low VOC.

4. Describe any water-efficient landscaping proposed for the project.

All proposed in ground plantings are native species.

5. Describe any on-site renewable energy systems, such as solar, wind or geothermal, proposed for the project.

No on-site renewable energy systems are proposed.

6. Provide details of roofing materials designed to reduce the urban heat island effect.

The new membrane & shingle roofing shall be energy star compliant.

7. Provide details of any sustainable stormwater systems employed, such as bioswales, rain gardens, permeable surfaces, grey water systems, retention and detention facilities or continuous trenching.

The storm drainage system shall be designed by a licensed civil engineer to be compliant with all applicable regulations.

8. Provide a list of native and well-adapted species used in landscaping to minimize the need for fertilization and pesticides.

See Sheet SD102.

9. Provide the location, number and type of electric charging stations.

There shall be two electric vehicle charging stations. The 1st at parking spaces 6 & 7 & the 2nd at 10. See 9/SD101 & SD102.

10. Describe how all construction and demolition waste will be handled.

All construction and demolition waste shall be handled by a licensed disposal contractor.

**APPLICATION FOR DEVELOPMENT
ATTACHMENT
5 WHEELER STREET – BLOCK 4105, LOT 18**

10. DOES THIS APPLICATION COMPLY WITH ALL REQUIREMENTS OF THE ZONE: If not, state violation, article, section and variance and waivers requested and state principal points on which the variance request is made.

The Applicant requests variance relief from the following Code Section:

PROPOSED LOT 18.01			
Code Section	Required	Proposed	Variance or Waiver
347-51/347-45C.(1) Side Yard Setback	10 feet	0 feet	V

PROPOSED LOT 18.02			
Code Section	Required	Proposed	
347-47 Permitted Principal Uses	One-family detached Two-family detached Municipal facilities	Four-family	V
347-51/347-45B.(2) Min. Front Yard Setback Corner Lots	25 feet	3 feet (building) 0 feet (window wells)	V
347-51/347-45C.(2) Min. Side Yard Setback Corner Lots	6 feet	3 feet	V
347-51/347-45C.(4) Max. Permitted Width of Principal Structure	65% of width of lot frontage (Woodland)	88%	V
347-51/347-45D. Min. Rear Yard	25 feet	16 feet	V
347-51/347-45E. Max. Building Coverage	25%	60.9%	V

347-51/347-45G Max. Impervious Coverage	55%	93.4%	V
281-9.B Parking Space Size	9 feet x 19 feet	(5) 8.75 feet x 18.5 feet (4) 8.75 feet x 18 feet (1) 8 feet x 18 feet	W
347-104/287-9.G Min. Parking Area Setback from Property Lines	4 feet	0.5 feet	W

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Township of Montclair 205 Claremont Avenue

Montclair, NJ 07042

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PLANNING DEPT.

MANDATORY SUBMISSION ITEMS AND APPLICATION CHECKLISTS

The following items are required for submission of a complete application to the Planning Board or the Board of Adjustment. Some items may not apply to all applications. The applicant may request that certain items be waived by the Board. This checklist contains a summary of the requirements specified in § 202-29.1, § 281-8 and § 301-37 of the Code of the Township of Montclair.

A. ALL APPLICATIONS MUST INCLUDE:

- 1. Twenty (20) copies of the application for development. If the application requires an appearance before the Historic Preservation Commission, an additional ten (10) copies of the application must be submitted.
- 2. Twenty (20) paper copies and one digital copy in PDF format of plans, maps and construction details, and five (5) reports (drainage, etc.), as required in the appropriate checklist. The requirement for a digital copy is optional but strongly encouraged for applications involving one- and two-family homes. If the application requires an appearance before the Historic Preservation Commission, an additional ten (10) copies of the application must be submitted.
- 3. Twenty (20) copies of a survey signed and sealed by a New Jersey-licensed surveyor. An ALTA/ACSM survey is required for all major site plan and subdivision applications.
- 4. Photographs of the building and property.
- 5. A completed Environmental Assessment Form is required for all subdivision and major site plan applications.

B. ALL PLANS MUST INCLUDE:

- 1. Name and address of the applicant and the owner.
- 2. Name, address and title of the person preparing the plan, maps and accompanying data including a signature and certification, as appropriate, by a New Jersey-registered engineer, land surveyor and/or architect, with property survey data based on current conditions as they exist.
- 3. Name and date of preparation of the plan and the dates of each revisions, where applicable.
- 4. Lot and block number or numbers of the lot or lots from the Township Tax Maps.
- 5. Area of lot or lots and the length and bearings of the lot lines of the proposed project.
- 6. Minimum building setback line on all lots and dimensions from all structures to the lot lines so that side yards, rear yards and front yards are shown.
- 7. Map scale and north arrow and key map relating the site to the streets in the surrounding area.
- 8. Zone district in which the lot or lots are located and the zone district or districts of all the immediately adjoining lots.
- 9. All existing structures and wooded areas within the site and within 200 feet thereof.
- 10. A zoning table showing the zoning requirements applicable to the site and any variances required.

C. CONCEPT PLANS. In addition to the items required in Sections A and B, concept plans must also include:

- 1. The original and proposed lot layout, lot dimensions and total area of each lot, if applicable.
- 2. A site illustration, indicating with sufficient accuracy all boundaries of the site with natural features of the land and showing all developed, undeveloped and to-be-developed portions.

D. VARIANCE APPLICATIONS. In addition to the items required in Section B, variance applications must also include:

- 1. Existing and proposed principal building or structure and all accessory buildings or structures, if any, with dimensions showing present and finished grade elevations at all corners and entrances of said building or structures, first-floor elevations and the complete floor plans and elevation plans thereof.
- 2. Other information necessary to show the nature and extent of the variance requested.

E. SUBDIVISION AND MAJOR SITE PLAN APPLICATIONS. In addition to the items required in Section B, all subdivision and major site applications must also include:

- 1. An appropriate place for the signatures of the Chair and Secretary of the Planning Board or Zoning Board of Adjustment and the Township Engineer.
- 2. Location, size and nature of all existing and proposed rights-of-way, easements and other encumbrances which may affect the lot or lots in question.
- 3. Location, size and nature of the entire lot or lots in question and any contiguous lots owned by the applicant or in which the applicant has a direct or indirect interest.
- 4. Location, names and pavement and right-of-way widths of all existing and proposed streets abutting the lot or lots in question
- 5. Present and proposed topography, based on New Jersey Geodetic Control Survey datum, at two-foot contour intervals, including 100 feet outside the site to show the relationship to adjoining properties.
- 6. Existing and proposed setback dimensions, landscaped areas and trees over six inches caliper.

- X 7. Existing and proposed principal building or structure and all accessory buildings or structures, if any, with dimensions showing present and finished grade elevations at all corners and entrances of said building or structures, first-floor elevations and the complete floor plans and elevation plans thereof.
- X 8. Property lines of all abutting properties, together with the names and addresses of the owners as disclosed on the Township Tax Maps and tax rolls as of the date of the site plan application, and the location of the existing structures within 100 feet of the property line for properties abutting the site in question.
- X 9. Location, type and size of existing and proposed curbs, sidewalks, driveways, street pavement widenings, fences, retaining walls, parking space areas and the layouts thereof and all off-street loading areas, together with the dimensions of all the foregoing, for the site and the nearest portions of properties abutting the site.
- X 10. A map showing the entire drainage area and the drainage area contributing to each pertinent drainage structure along with drainage tabulation sheets showing calculations for each drainage area.
- X 11. Location, type and size of existing and proposed drainage swales, seepage pits, catch basins and other storm drainage facilities, both frame and invert elevations and all utilities, both above- and below ground.
- 12. A stormwater management plan, if required.
- X 13. All existing and proposed signs and their size, nature of construction and location, and all existing and proposed exterior lighting, including size, nature of construction, location, height, the area and direction of illumination and the lumen power.
- N/A 14. Soil erosion and sediment control plan for sites where over 5,000 square feet of ground area is being disturbed.
- N/A 15. Cost estimates and proposed construction and maintenance bonds and construction time schedules related to building construction for any required improvements not proposed to be completed before the issuance of a certificate of occupancy.
- N/A 16. Plans for any off-tract improvements, including cost estimates and calculations of the share to be borne by the developer.
- X 17. Any and all other information and data necessary to meet any of the requirements of this chapter not listed above.
- X 18. Landscape plans showing name, quantity, location, size as to caliper and height of existing and proposed trees, trees to be removed, shrubs and all plant materials, prepared by an architect, engineer, professional planner or a licensed landscape architect.
- N/A 19. Satisfaction of Chapter 294, Steep Slopes, where applicable.
- X 20. Streetscape elevations of proposed buildings and buildings immediately adjacent to proposed buildings.

F. MAJOR SITE PLAN APPLICATIONS. In addition to the items required in Sections B and G, major site plans applications must also include:

- X 1. Exterior garbage and recycling storage areas for multifamily and commercial developments.
- X 2. Colored renderings of the proposed building(s) viewed from two separate perspectives from the adjacent streets.
- X 3. A digital 3-D model showing the massing and design detail of the proposed building from all directions in context with the surrounding buildings within 500 feet of the subject property.
- X 4. A landscape plan as required in Montclair Code §281-8.2.
- X 5. A lighting plan as required in Montclair Code §281-8.3.
- X 6. Building design details as required in Montclair Code §281-8.1 and 8.5.
- N/A 7. A master signage plan as required in Montclair Code §347-111D.
- N/A 8. The location and type of affordable housing units provided as required in Montclair Code §347-156.
- X 9. The location and details of all mechanical equipment, including any required screening, as required in Montclair Code §347-23.
- X 10. Parking, loading and circulation details as required in §281-9, including a pedestrian mobility plan.
- X 11. A snow removal plan.
- X 12. A description of how the project addresses universal design and adaptability principles.

G. SUBDIVISION APPLICATIONS. In addition to the items required in Sections B and G, subdivision applications must also include:

- X 1. Plans, profiles and cross sections of all propose streets within the subdivision and profiles of existing and future continuing streets a minimum distance of 200 feet beyond the subdivision boundaries.
- X 2. Plans of proposed utility layouts (water, gas and electricity) showing feasible connections to an existing or any proposed utility system.
- X 3. Plans and profiles of all proposed and existing sanitary sewers, storm drains, drainage ditches and streams within the subdivision, together with the locations, sizes, elevations, grades and capacities of any existing sanitary sewer, storm drain, drainage ditch or stream to which the proposed facility is to be connected.
- N/A 4. Location and results of percolation tests where a public sewage disposal system is not available.
- N/A 5. Plans for an individual sewage disposal system where same is proposed.



2870

CHIESA SHAHINIAN & GIANTOMASI PC

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LISA A. JOHN-BASTA

Member

ljohn-basta@csglaw.com

O 973.530.2083 F 973.530.2283

November 14, 2023

VIA HAND DELIVERY

Janice Talley, P.P., AICP
Director of Planning and Community Development
Township of Montclair
205 Claremont Avenue, Second Floor
Montclair, New Jersey 07042



**Re: 5 Wheeler Street LLC
1 Application for Preliminary and Final Site Plan with Variances
5 Wheeler Street - Block 4105, Lot 18**

Dear Ms. Talley:

This office represents 5 Wheeler Street LLC (the “Applicant”) in connection with the enclosed filing for preliminary and final site plan approval as well as use variance and “c” variance relief in connection with the above-referenced property. On behalf of the Applicant, kindly accept the following documents for filing with the Township of Montclair Zoning Board of Adjustment (the “Zoning Board”):

- One (1) original and four (4) copies of the fully executed Township of Montclair Application for Development and attachment;
- Five (5) copies of the completed Mandatory Submission Items and Application Checklists Forms;
- Five (5) sets of signed and sealed Architectural Plans prepared by Sinoas Architecture, P.C. consisting of 7 sheets, dated November 8, 2023;
- Five (5) signed and sealed Grading and Drainage Plans, prepared by Stimmel Engineering, consisting of 1 sheet, dated October 25, 2023;
- One (1) executed W9 Form; and
- Bank of America checks made payable to the Township of Montclair in the amounts of \$3,110.00 representing the application fee, and \$9,300 representing the escrow fee.

Janice Talley, P.P., AICP
November 14, 2023
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Once you have had an opportunity to review the enclosures, please advise if any additional information is required for the processing of this application or if it may be scheduled for a Development Review Committee meeting.

Very truly yours

/s/ Lisa A. John-Basta

Lisa A. John-Basta
Member

LAJ:bs
Encls.