

THOMAS J. EVANS
Director of Revenue and Finance



CODE ENFORCEMENT DEPT.

DAVID BERRY
Construction Official
Zoning Official

TOWNSHIP OF NUTLEY

1 KENNEDY DRIVE
NUTLEY, NEW JERSEY 07110

BUILDING
PLUMBING
ELECTRICAL
FIRE
ZONING

TELEPHONE: (973) 284-4957 · FACSIMILE: (973) 284-0071

February 13, 2020

Mr. Tim Valliere
Valliere LLC
610 Franklin Ave
Nutley, NJ 07110

**RE: Second Floor Terrace for Outdoor Seating
Signage
789 Bloomfield Ave
Block/Lot: 2304/18**

Dear Mr. Valliere:

Your request on behalf of your client, Mr. Khristopher Reina, for a permit at the above referenced premises, to construct a terrace on the second floor to be utilized as an outdoor dining area, and to add 225.5 square feet of signage on the building, as shown on the plans prepared by Dassa-Haines Architectural Group LLC, revised July 29, 2019, is denied for the following reasons:

This property is located in an B-2 district as shown on the Nutley Zoning Map.

Chapter 700, Article VIII, Section 700-46 B (4) (d) of the Nutley Township Code requires in a B-2 district that a terrace or porch has its floor level no higher than the floor level of the first story of the building. ***The proposed terrace outdoor dining area is located on the second floor.***

Chapter 700, Article VIII, Section 700-46 B (5) (a) of the Nutley Township Code requires in a B-2 district that no uncovered porch or terrace shall project more than three feet into any required side yard. ***The proposed terrace outdoor dining area will have a zero (0') foot side yard setback.***

Chapter 700, Article XII, Section 700-83 B of the Nutley Township Code requires in a B-2 district that the aforementioned premises, having a building width of forty (40') feet, may have a sign that is 1.5 times the building's width, totaling a maximum square footage of sixty (60) square feet. ***The proposed signs will total a square footage of 225.5 square feet, as per the sign schedule below:***

Page 2

Proposed Outdoor Dining Area & Signage
789 Bloomfield Ave
Block/Lot 2304/18

SIGN SCHEDULE

SIGN A	2 pieces	10.5 x 2 =	21 sf
SIGN B	1 piece		21 sf
SIGN C	1 piece		21.5 sf
SIGN D	1 piece		162 sf
TOTAL			225.5 sf

Chapter 700, Article XII, Section 700-83 C of the Nutley Township Code, entitled "Signs in B-1 and B-2 Zoning Districts," requires in a B-2 district that in no event shall the maximum display area for a premises exceed one-hundred fifty (150) square feet. *The proposed signs will total a square footage of 225.5 square feet.*

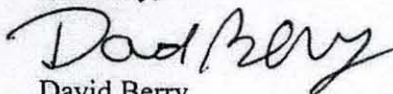
Chapter 700, Article XII, Section 700-79 M of the Nutley Township Code, entitled "Prohibited Signs," prohibits in a B-2 district any signs painted on the exterior walls or façade of a building. *The proposed signs will be located on the façade of the building.*

A non-refundable filing fee of \$500.00 in connection with your appeal is to be paid to the Code Enforcement Office in order to begin the application process. *All tax and water bills must be paid to date prior to the processing of a variance fee.*

Information on procedures for an appeal of this decision to the Board of Adjustment can be obtained from Antonette DeBlasio at (973) 284-4957. It should be noted that, under State Statute, notice of appeal of this decision must be filed with this office no later than twenty (20) calendar days from the date of this notice.

Any changes to the proposed plans must be submitted prior the applications being returned to the Code Enforcement Office. No changes can be made once the application is received by this office.

Sincerely,



David Berry
Zoning Official
DB/vlw



TOWNSHIP OF NUTLEY, NEW JERSEY

ZONING BOARD OF ADJUSTMENT APPLICATION FORM

Docket No: ZBA-20-0004

TO ALL APPLICANTS: This application form is designed to obtain from your information necessary for the processing of your application by the Zoning Board of Adjustment.

Application Fee: \$ 500 (on denial letter)

Date of Denial Letter: 2/13/2020

Section I: SUBJECT PROPERTY

Address: 789 Bloomfield Avenue

Block: 2304 Lot: 18 Zone: B-2

	District Requirements	Proposed
Lot Area	<u>—</u>	<u>no change</u>
Lot Width	<u>—</u>	<u>no change</u>
Lot Depth	<u>—</u>	<u>no change</u>
Front Yard	<u>10 ft</u>	<u>no change</u>
Side Yard	<u>6 ft</u>	<u>0 ft (existing)</u>
Rear Yard	<u>25 ft</u>	<u>No change</u>
Other	<u>—</u>	<u>—</u>

Section II: APPLICANT INFORMATION

Name: 789 Bloomfield C95, LLC

Address: 789 Bloomfield Avenue
Nutley, NJ 07110

Telephone: 917.407.5191

Email Address: reina@rainwine.com

Applicant is a:

— Corporation — Partnership ☒ LLC — Individual

If the owner is not the applicant, the following must be provided:

Owner Name: _____

Address: _____

Telephone: _____

Email Address: _____

Section III: DISCLOSURE STATEMENT

Pursuant to N.J.S. 40:55D-48.1 the names and address of all persons owning 10% of the stock in a corporation or a 10% interest in any partnership must disclosed by the applicant. 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.

Name: Christopher Reina

Address: 37 Elm Place

Nutley, NJ 07110

Interest: 90%

Name: _____

Address: _____

Interest: _____

Name: _____

Address: _____

Interest: _____

Section IV: PROPERTY INFORMATION

Total existing and total proposed dwelling units

Total existing and total proposed professional offices

Total existing and total proposed parking spaces

Existing

Proposed

1

1

1

1

25

25

Present use of premises: Restaurant & Bar

Has there been any previous appeal, request, or application to this or any other Township of Nutley Board or the Construction Code Official involving these premises? unknown; none during current ownership

If yes, state the nature, date and the disposition of each such matter: _____

Section V: PROFESSIONAL INFORMATION

Applicant's Attorney

Name: Timothy Valliere, Esq. ; Valliere LLC

Address: 610 Franklin Ave
Nutley, NJ 07110

Telephone: 973.542.8485 Fax: 973.542.8486

Email Address: tralliere@tavlaw.com

Applicant's Architect

Name: Dassa Haines Architectural Group, LLC

Address: 16 Portland Place
Montclair, NJ 07042 Joseph Haines

Telephone: 973.233.9355 Fax: 973.233.9358

Email Address: jho@dassahaines.com

Applicant's Engineer

Name: NA

Address: _____

Telephone: _____ Fax: _____

Email Address: _____

Applicant's Planning Consultant

Name: NA
Address: _____

Telephone: _____ Fax: _____
Email Address: _____

***List any other expert who will submit a report or who will testify for the applicant.
(Attach additional sheets, if necessary)***

Name: NA
Address: _____

Telephone: _____ Fax: _____
Email Address: _____ Field of Expertise: _____

Section VI: GENERAL INFORMATION

In the space below, state the nature of the constraints imposed by the physical characteristics of the land under consideration (i.e. exceptional narrowness, shallowness or topographic conditions).

The narrowness of the land is an issue. The existing structure is built to both side property lines.

In the space below, state any other extraordinary or exceptional situation or condition of the land involved which would constrain development in accordance with Zoning Regulations

Because of narrowness, a setback on side is not possible. But exclusive easement for parking along side of existing structure effectively creates a setback.

Explain how not granting this variance request would impose peculiar and exceptional practical difficulties or exceptional or undue hardship upon you.

Will not be able to fully utilize the second floor.

Explain how the granting of this variance will not detrimentally affect the public good or substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance.

Allowing dining on second floor will not create any privacy issues. There are no residential buildings on those three sides of the existing structure. The exclusive easement for parking creates a virtual setback. Not expanding the existing footprint of the building. Planned signage will be tasteful, celebrate Nutley's history, and will be done, in large part, by a local artist.

[illegible]



Nutley
Parcel Offset List

Target Parcel(s): Block-Lot: 2304-18-C0201
789 BLOOMFIELD C95, LLC.
789 BLOOMFIELD AVENUE

21 parcels fall within 200 feet of this parcel(s).

Block-Lot: 2304-15

MITRANO, RALPH & NINA
73 POPLAR PL
NUTLEY, NJ 07110
RE: 433 KINGSLAND STREET

Block-Lot: 2304-9

SCAFARIA, ANTHONY A. & ELIZABETH A.
94 BROOKDALE AVE
NUTLEY, NJ 07110
RE: 94 BROOKDALE AVENUE

Block-Lot: 2304-19

755 BLOOMFIELD AVENUE, LLC
583 RIDGEWOOD AVE
GLEN RIDGE, NJ 07028
RE: 755 BLOOMFIELD AVENUE

Block-Lot: 2304-8

KUCZEK, THOMAS & JUDITH R.
90 BROOKDALE AVE
NUTLEY, NJ 07110
RE: 90 BROOKDALE AVENUE

Block-Lot: 2304-20

RICCIO, JENNIFER D. & MARC
749 BLOOMFIELD AVENUE
NUTLEY, NJ 07110
RE: 749 BLOOMFIELD AVENUE

Block-Lot: 2304-16

MITRANO, RALPH & NINA
73 POPLAR PL
NUTLEY, NJ 07110
RE: 409 KINGSLAND STREET

Block-Lot: 2304-17

HOFFMANN - LA ROCHE, INC. TAX DEPT.
1 DNA WAY, MS 24
SOUTH SAN FRANCISCO, CA 94080
RE: 413 KINGSLAND STREET

Block-Lot: 2304-14

STAUSS, JASON
114 BROOKDALE AVE
NUTLEY, NJ 07110
RE: 114 BROOKDALE AVENUE

Block-Lot: 2304-13

LUBERTAZZI, SALVATORE C & PHYLLIS A
110 BROOKDALE AVE
NUTLEY, NJ 07110
RE: 110 BROOKDALE AVENUE

Block-Lot: 2304-18

NICOLS PARK CONDOMINIUM
777-789 BLOOMFIELD AVENUE
NUTLEY, NJ 07110
RE: 777-789 BLOOMFIELD AVENUE

Block-Lot: 2304-12

PACHECO, WENDER A.
106 BROOKDALE AVE
NUTLEY, NJ 07110
RE: 106 BROOKDALE AVENUE

Block-Lot: 2100-8

TOWNSHIP OF NUTLEY
1 KENNEDY DR
NUTLEY, NJ 07110
RE: 750 BLOOMFIELD AVENUE

Block-Lot: 2304-11
KARAGOSIAN, KIMBERLY
102 BROOKDALE AVE
NUTLEY, NJ 07110
RE: 102 BROOKDALE AVENUE

Block-Lot: 2304-10
LOAYZA, BYRON
98 BROOKDALE AVE
NUTLEY, NJ 07110
RE: 98 BROOKDALE AVENUE

Block-Lot: 2304-21
KYRIAZIS-LOESER, CHRISTINA
739 BLOOMFIELD AVE
NUTLEY, NJ 07110
RE: 741 BLOOMFIELD AVENUE

Block-Lot: 10-2
NORFOLK SOUTHERN RAILROAD
125 COUNTY ROAD
JERSEY CITY, NJ 07307
RE: NEWARK BRANCH RAILROAD

Block-Lot: 2304-18-C0202
789 BLOOMFIELD C95, LLC.
789 BLOOMFIELD AVENUE
NUTLEY, NJ 07110
RE: 789 BLOOMFIELD AVENUE

Block-Lot: 2304-18-C0001
HOFFMANN - LA ROCHE, INC. TAX DEPT.
1 DNA WAY, MS 24
SOUTH SAN FRANCISCO, CA 94080
RE: 777 BLOOMFIELD AVENUE

Block-Lot: 2304-18-C0002
HOFFMANN - LA ROCHE, INC. TAX DEPT.
1 DNA WAY, MS 24
SOUTH SAN FRANCISCO, CA 94080
RE: 777 BLOOMFIELD AVENUE

Block-Lot: 2304-18-C0003
HOFFMANN - LA ROCHE, INC. TAX DEPT.
1 DNA WAY, MS 24
SOUTH SAN FRANCISCO, CA 94080
RE: 777 BLOOMFIELD AVENUE

Block-Lot: 2304-18-C0203
HOFFMANN - LA ROCHE, INC. TAX DEPT.
1 DNA WAY, MS 24
SOUTH SAN FRANCISCO, CA 94080
RE: 777 BLOOMFIELD AVENUE



TOWNSHIP OF NUTLEY, NEW JERSEY

ZONING BOARD OF ADJUSTMENT

PLANNING BOARD

CERTIFICATION OF PROPERTY OWNERS WITHIN 200 FEET

Docket Number: ZBA-20-0004

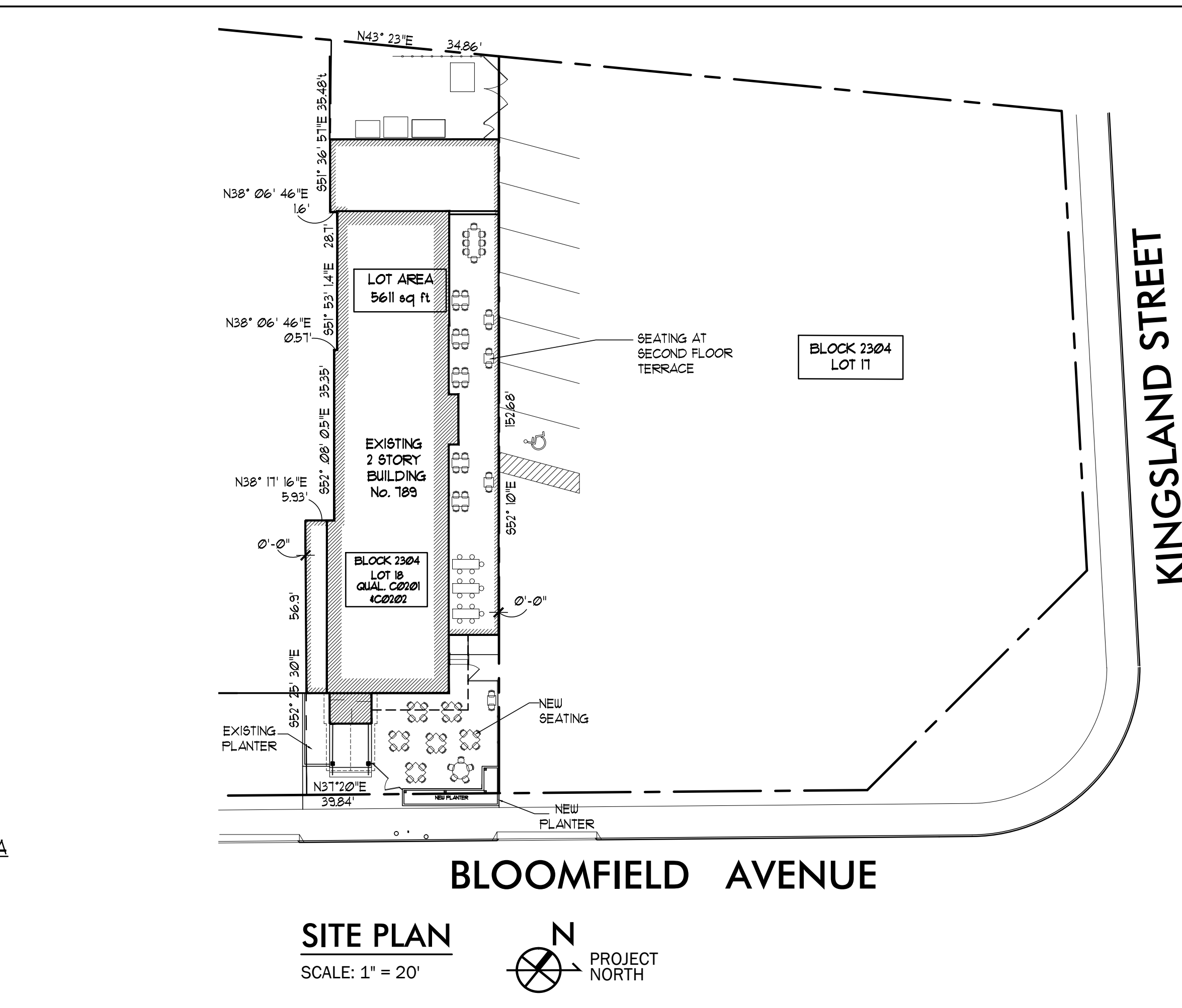
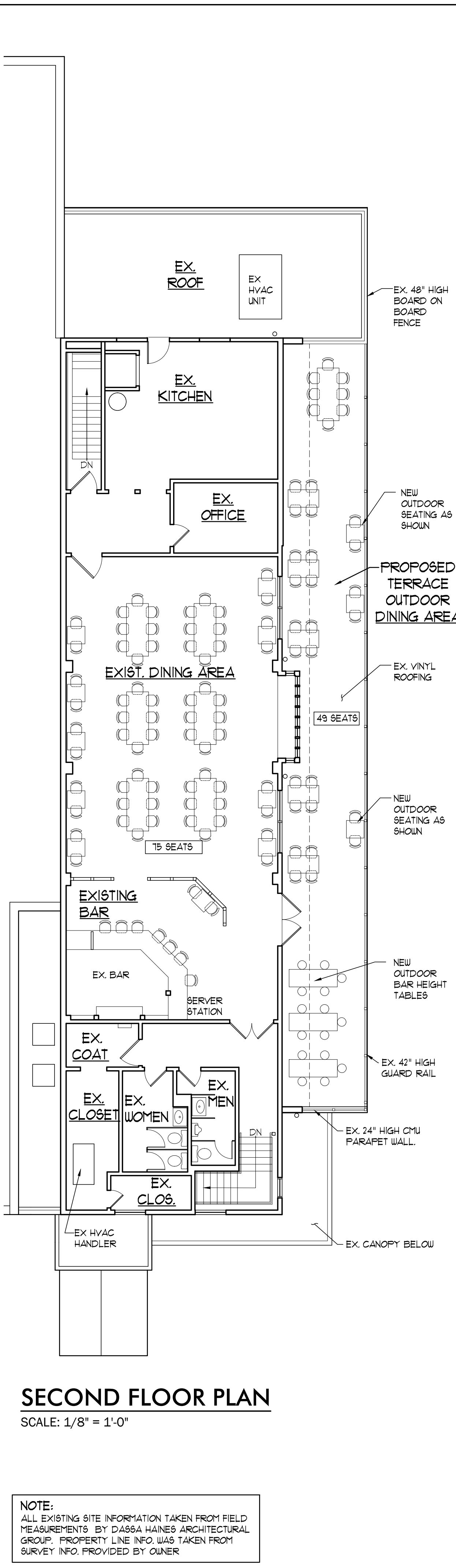
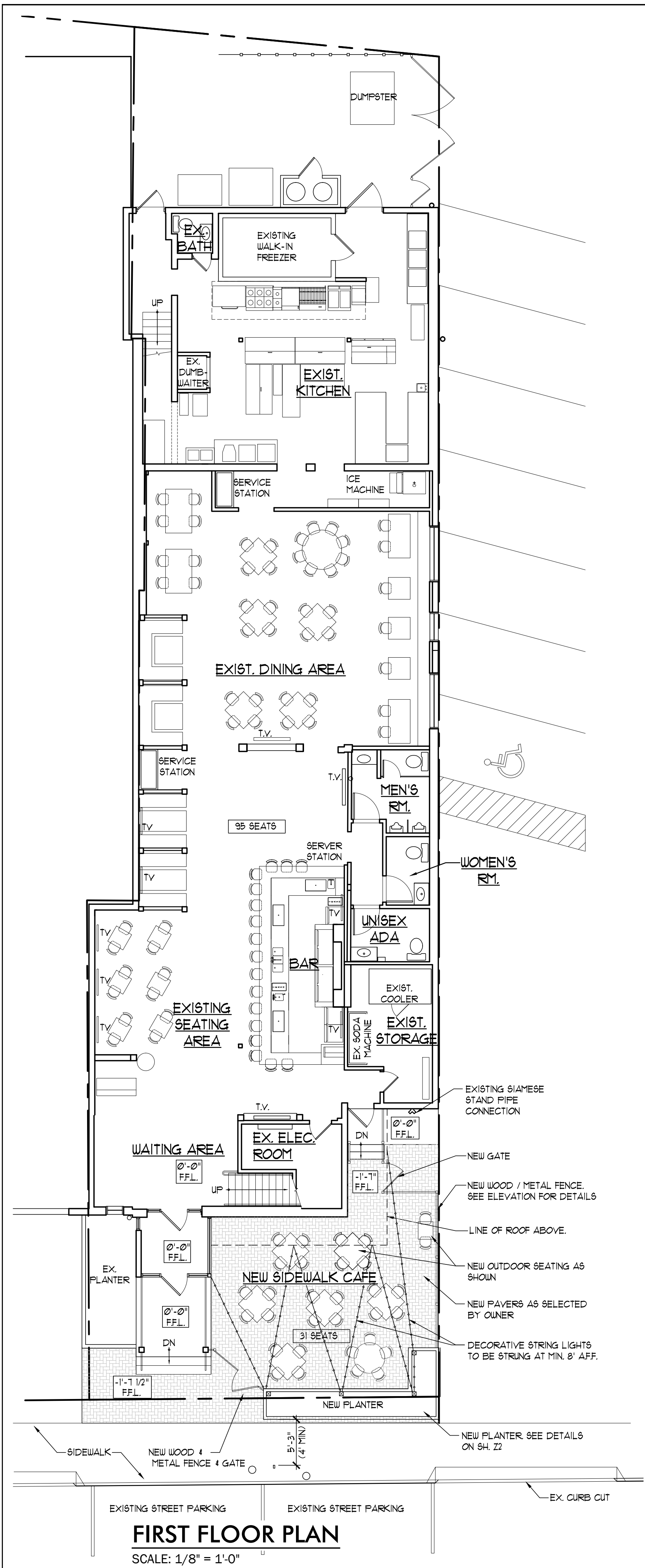
Work Site Location: 789 Bloomfield Ave.

Applicant: Christopher Reina

I do hereby certify to the ownership of the properties listed on pages

1 to 2, as of January 6, 2020.

Lucy Watson
Lucy Watson
Clerk
Township of Nutley, NJ



ZONING CHART				
ZONE B-2 NEIGHBORHOOD BUSINESS				
ITEM	REQUIRED/ALLOWED	EXISTING	PROPOSED	VARIANCE
USE	NEIGHBORHOOD BUSINESS	RESTAURANT/BAR	RESTAURANT/BAR	EX. NC
LOT AREA (min)	5,000 sf	5,611 sf	5,611 sf	EX. NC
LOT WIDTH (min)	50 ft	39 ft 10 in	39 ft 10 in	EX. NC
LOT DEPTH (min)	100 ft	152 ft 8 in	152 ft 8 in	EX. NC
FRONT YARD (min)	10 ft	14 ft 8 in	14 ft 8 in	EX. NC
REAR YARD (min)	25 ft	17 ft 2 1/2 in	17 ft 2 1/2 in	EX. NC
SIDE YARD (min) ^{1/2}	6 ft	0	0	EX. NC
HEIGHT (max)	2 st / 25 ft	2 st / 15 ft +/-	2 st / 15 ft +/-	EX. NC
LOT COVERAGE (max)	50%	12%	12%	NO
100'-46' EX(4) (d) EXTENSION OF STRUCTURE INTO REQ'D FRONT OR REAR YARD	MAX. FLOOR LEVEL NO HIGHER THAN FIRST STORY	-	SECOND STORY	YES
100'-46' EX(5) (a) EXTENSION OF TERRACE STRUCTURE SIDE YARD (max)	3 ft	-	6 ft (0'-ft side yard setback)	YES
PARKING REQUIREMENTS	25 (1)	25	25	NO
SIGNS	60 sf (2)	105 sf	225.5 sf	YES

NOTES:

(1) REQ'D. PARKING
1 FOR EACH 10 SEATS, TO BE BASED ON MAX SEATING CAPACITY
MAX SEATING CAPACITY = 250 SEATS = 25 SPACES REQ'D

(2) SIGNAGE REQUIREMENTS: (SEE DRAWING Z2 FOR SIGN DETAILS)
SIGN CALCULATIONS
MAXIMUM ALLOWED SQUARE FOOTAGE =
40' X 15' = 600 sf

SEATING CALCULATIONS: (BASED ON NO. OF SEATS)

FIRST FLOOR	35 DINING / BAR 31 OUTDOOR PATIO
SECOND FLOOR	75 DINING / BAR 49 OUTDOOR TERRACE
TOTAL	250 SEATS

BUILDING CODE & INFO.

BUILDING CODE:

- NJ UNIFORM CONSTRUCTION CODE
- INTERNATIONAL BUILDING CODE / 2015 - NJ EDITION
- NATIONAL ELECTRIC CODE / 2014
- NATIONAL STANDARD PLUMBING CODE / 2015
- INTERNATIONAL ENERGY CONSERVATION CODE / 2015
- INTERNATIONAL MECHANICAL CODE / 2015
- INTERNATIONAL FUEL GAS CODE / 2015
- N.J.A.C. 5:23-1, BARRIER FREE SUBCODE LATEST EDITION & ICC/ANSI A117.1-2009

EXISTING BUILDING FULLY SPRINKLERED

USE GROUP:

GROUND FLOOR
EXISTING USE A-2 (RESTAURANT/TAVERN BAR)
PROPOSED USE A-2 (RESTAURANT/TAVERN BAR)

SECOND FLOOR
EXISTING USE A-2 (RESTAURANT/TAVERN BAR)
PROPOSED USE A-2 (RESTAURANT/TAVERN BAR)

CONST. CLASS: 5B (EXISTING BUILDING)

Proposed
Signage, Balcony
& Outdoor Seating
for:
The Oakley

Located at:
**789 Bloomfield Ave.
Nutley, NJ 07110
Block 2304 Lot 18**

BUILDING INFO

	AREA	VOLUME
FIRST FLOOR LEVEL	4,056 SF.	36,504 CF.
SECOND FLOOR LEVEL	2,559 SF.	23,670 CF.
TOTAL	6,615 SF.	60,174 CF.

2-24-20	ISSUED FOR ZONING SUBMISSION
1-25-19	ISSUED FOR ZONING REVIEW
1-22-19	ISSUED FOR ZONING REVIEW

Dassa • Haines
Architectural Group, LLC
Architecture • Planning
Construction Management

16 Portland Place
Montclair, NJ 07042
tel: 973.233.9355
fax: 973.233.9358

Joseph L. Haines, AIA, PP
NJ Lic. # A112995

**Floor Plans, North
& East Elevations, &
Site Plan**

DATE: 07-22-2019

SCALE: AS SHOWN

JOB # 18-107

BIN:

DRAWN BY: vls/et

CHECKED BY: jlh

1

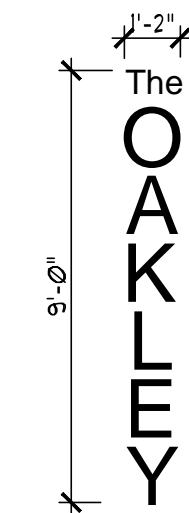
OF

2

Z1

Proposed
Signage, Balcony
& Outdoor Seating
for:
The Oakley

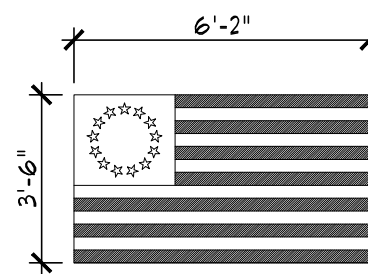
Located at:
789 Bloomfield Ave.
Nutley, NJ 07110
Block 2304 Lot 18



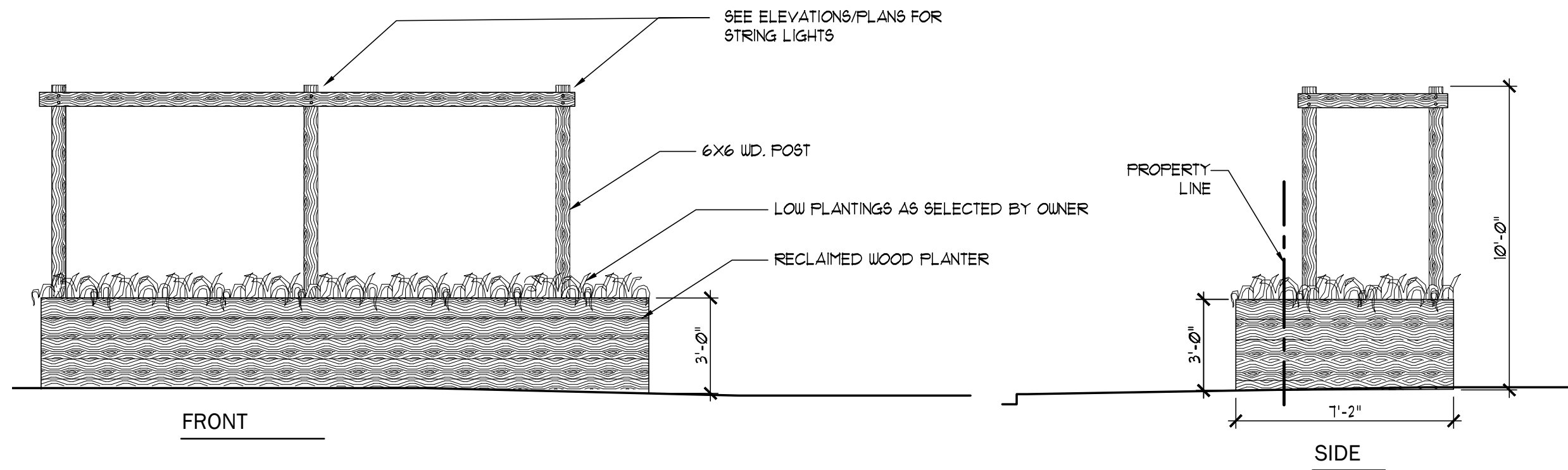
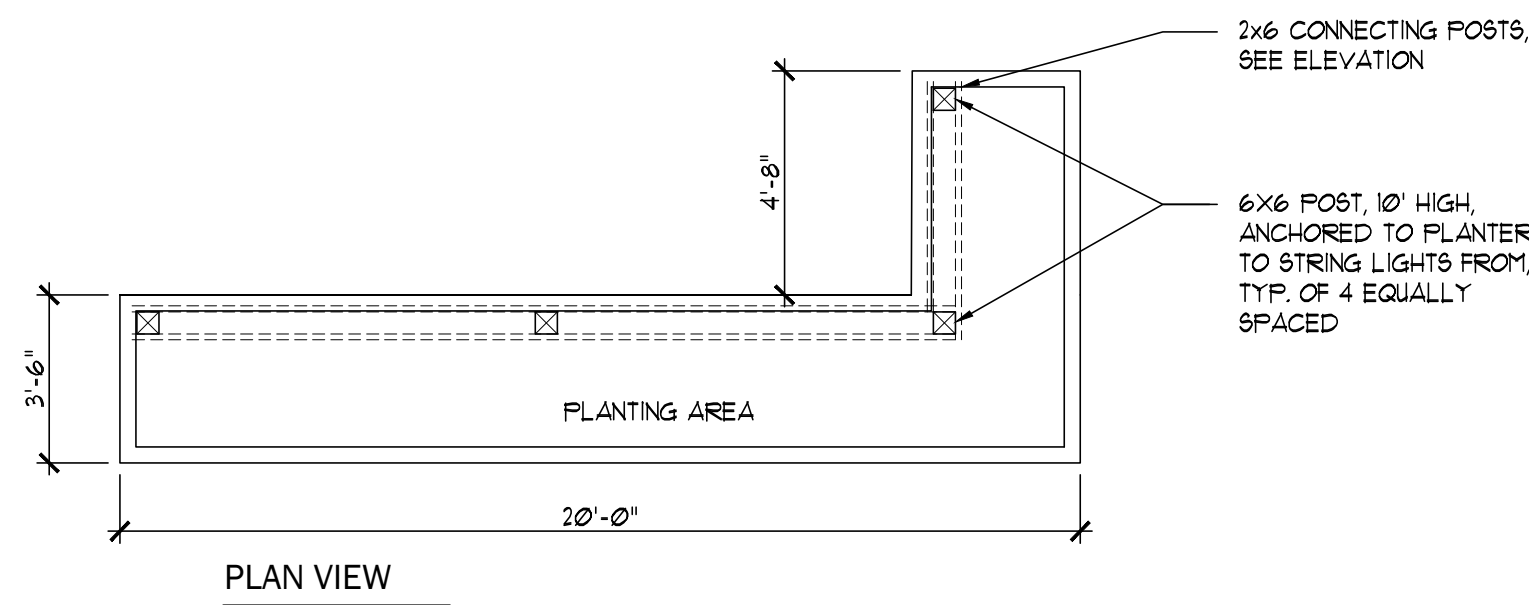
SIGN A
10.5 sq ft (TYP OF 2)



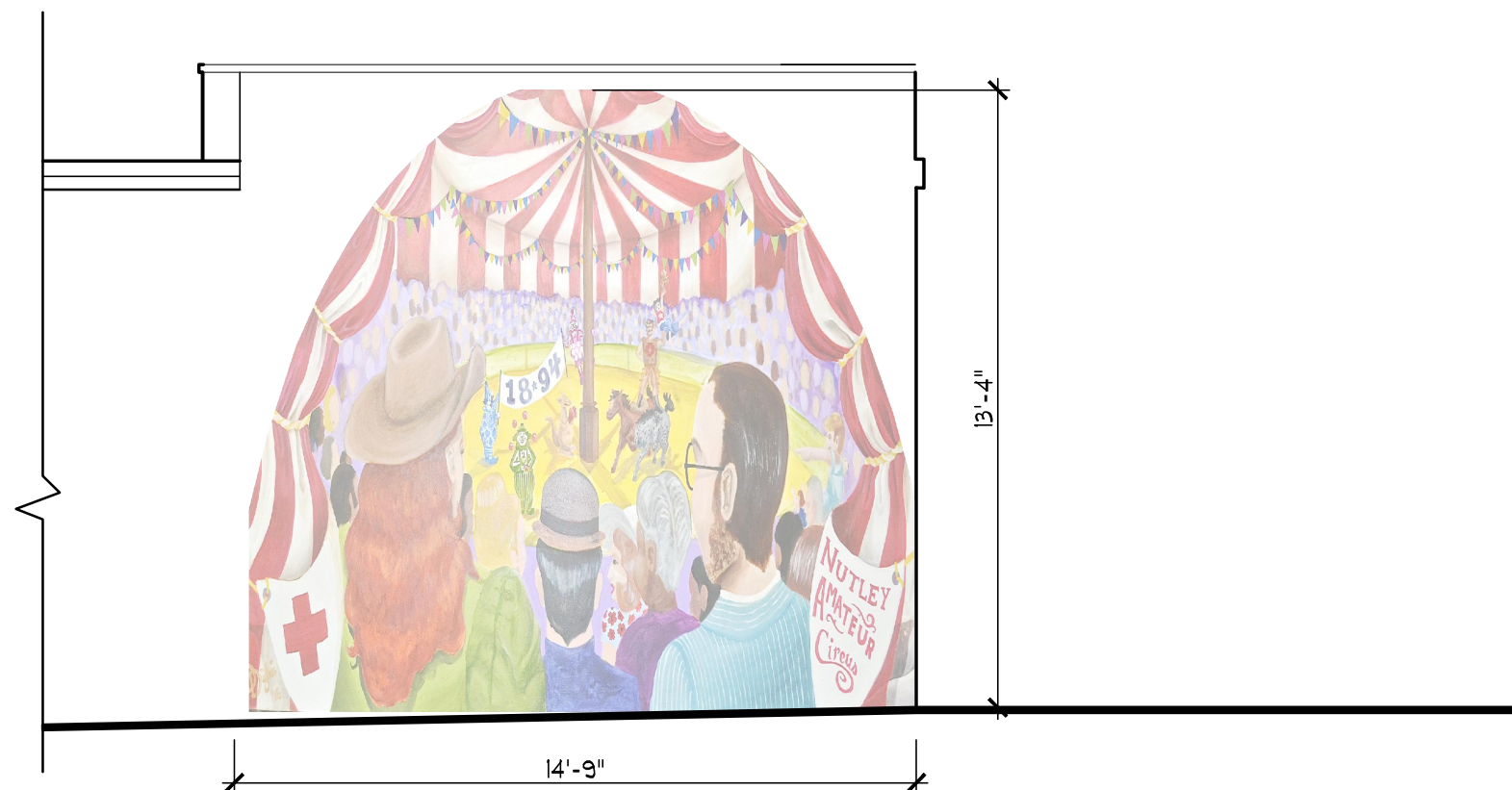
SIGN B
21 sq ft



SIGN C
21.5 sq ft

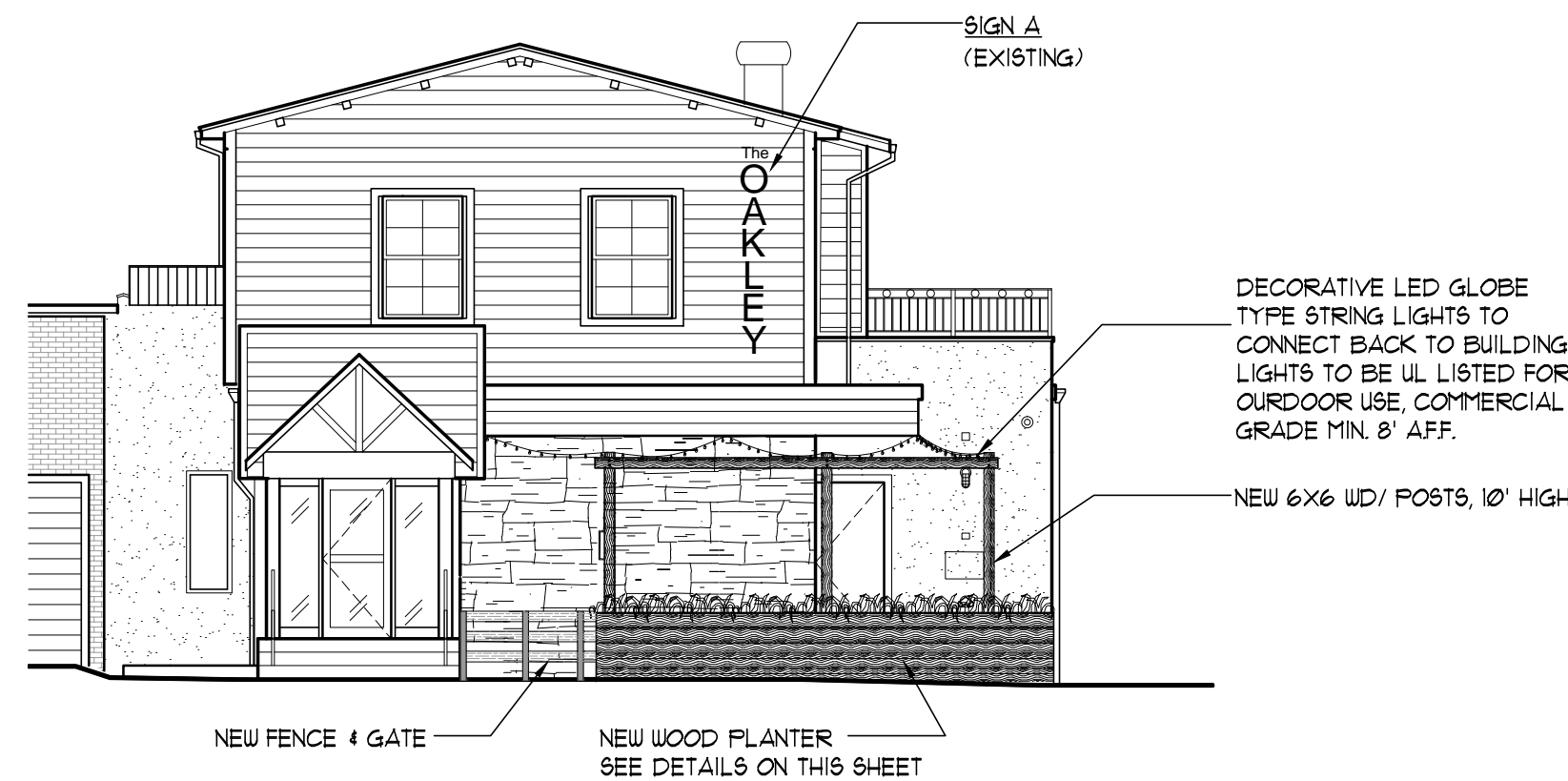


2 PLANTER DETAILS
SCALE: 1/4" = 1'-0"

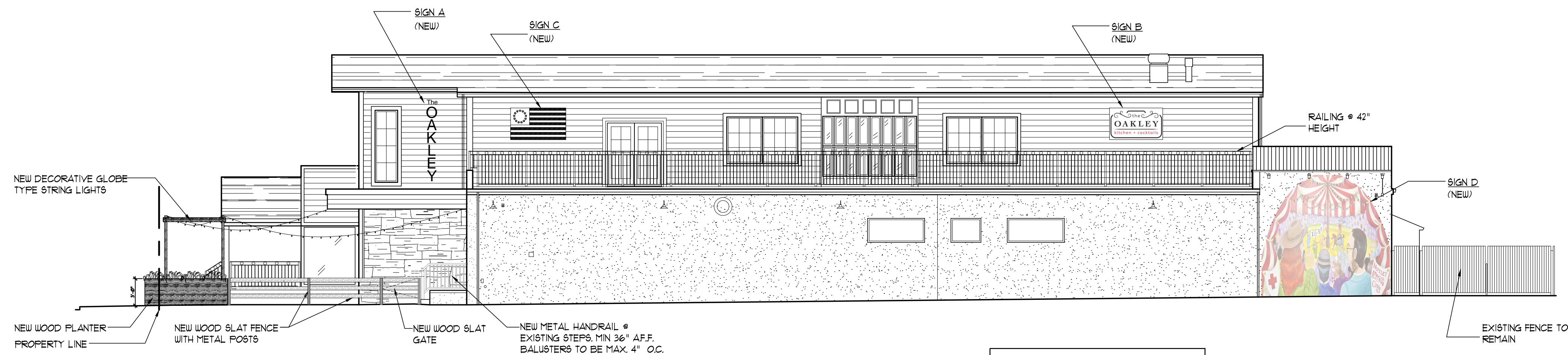


SIGN D
162 sq ft

1 SIGN DETAILS
SCALE: 1/4" = 1'-0"



3 EAST ELEVATION
SCALE: 1/8" = 1'-0"



4 NORTH ELEVATION
SCALE: 1/8" = 1'-0"

NOTE: SEE SIGN DETAILS FOR DIMENSIONS & SQUARE FOOTAGE OF EACH SIGN DETAIL

2-24-20	ISSUED FOR ZONING SUBMISSION
1-29-19	ISSUED FOR ZONING REVIEW
1-22-19	ISSUED FOR ZONING REVIEW

Dassa • Haines
Architectural Group, L.L.C.
Architecture • Planning
Construction Management

16 Portland Place
Montclair, N.J. 07042
tel: 973.233.9355
fax: 973.233.9358

Joseph L. Haines, AIA, PP
NJ lic.# A112995

Elevations
& Sign Details

DATE: 07-22-2019		Z2
SCALE: AS SHOWN		
JOB # 18-107		
BIN:		
DRAWN BY: ve/st	CHECKED BY: jh	2 OF 2