



THOMAS J. EVANS
Director of Revenue and Finance

CODE ENFORCEMENT DEPT.

TOWNSHIP OF NUTLEY

1 KENNEDY DRIVE
NUTLEY, NEW JERSEY 07110

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

BUILDING
PLUMBING
ELECTRICAL
FIRE
ZONING

DAVID BERRY
Construction Official
Zoning Official

March 26, 2020

Mr. & Mrs. Arthur & Jamie Lima
28 Nelson Place
Nutley, NJ 07110

**RE: Side Yard Fence - Solid
28 Nelson Place
Block-Lot: 7304/14**

Dear Mr. & Mrs. Lima:

Your request for a permit, at the above referenced premises, to install a 6' solid fence located in your side yard on the left side, as shown on the property survey prepared by William Held Associates, Inc., received by the Nutley Code Enforcement Department on March 10, 2020, is denied for the following reason:

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

Chapter 700, Article XI, Section 700-71 B of the Codes of Nutley, entitled "Fences and Retaining Walls", states that "a fence erected along the side lines from the front line of a main structure to the rear line of such structure and within such lines shall not exceed four feet in height and shall not be less than two feet in height and shall be of 50% open construction." *The proposed side yard fence is six feet in height and of solid construction.*

A non-refundable filing fee of \$75.00 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 Lucy Jacobs 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.

Very truly yours,

DAVID BERRY
Zoning Official

DB/vlw



TOWNSHIP OF NUTLEY, NEW JERSEY

ZONING BOARD OF ADJUSTMENT APPLICATION FORM

Docket No: ZBA-20-0013

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: \$ 75 (on denial letter)

Date of Denial Letter: 3/26/2020

Section I: SUBJECT PROPERTY

Address: 28 Nelson Pl.

Block: 7304 Lot: 14 Zone: _____

	District Requirements	Proposed
Lot Area	_____	_____
Lot Width	_____	_____
Lot Depth	_____	_____
Front Yard	_____	_____
Side Yard	_____	_____
Rear Yard	_____	_____
Other	_____	_____

Section II: APPLICANT INFORMATION

Name: Art Lima

Address: 28 Nelson Pl

Nutley NJ 07110

Telephone: 908 783 8600

Email Address: alima@schoolofrock.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: _____

Address: _____

Interest: _____

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
N/A
N/A

Present use of premises: residence

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? yes

If yes, state the nature, date and the disposition of each such matter: renovation of
structure '12

Section V: PROFESSIONAL INFORMATION

Applicant's Attorney

Name: _____

Address: _____

Telephone: _____ Fax: _____

Email Address: _____

Applicant's Architect

Name: _____

Address: _____

Telephone: _____ Fax: _____

Email Address: _____

Applicant's Engineer

Name: _____

Address: _____

Telephone: _____ Fax: _____

Email Address: _____

Applicant's Planning Consultant

Name: _____

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: _____

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). We currently have no privacy or protection on the front and sides of our unusually narrow lot. With two daughters, we seek to improve security of our property. We have a collegiate cheerleader who works-out and rehearses in the back yard and requires a private and secure space. Existing 4 foot structure provides full visibility. We have concern for the safety of our toddler when she is outside without a proper enclosure. We unfortunately often have to forego outside time for her as it poses great difficulty to constantly manage attending her to ensure she may not wander out of the yard.

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. Our Fence Request entails beginning closer to our driveway on the sidewalk, to ensure that our trash receptacles and recycle bins are within the fence gate, as well as enclosing our AC unit and the access to our water hose. These units are housed within a designated cement pad area adjacent to the sidewalk, as depicted on submitted drawing. Starting the fence in accordance with zoning currently would expose our AC mechanicals, Trash and Recycle receptacles, and our water hose, while placing the fence half way down our sidewalk, which is not aesthetically-preferable and would lessen curb appeal of our property.

(*)
due to the elevation of the adjacent lot.

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

The aesthetic result would be strange in regards to the placement of the fence and gate.

It would continue to be a hardship that the girls are not optimally enclosed for protection when in the back yard.

We have had individuals walk right into our back yard - neighbor looking for ball; solicitation looking to see if anyone home; PSE & G.

Being denied optimal privacy and SAFETY of our young child would be truly disappointing, as we have high hopes to improve our "forever home" with this upgrade and improvement. It is difficult to manage watching over the child at all times in the backyard (i.e. when getting groceries inside - child wants to play outside while parents unload) We are not able to allow our child to just play in the backyard.

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.

This request demonstrates a Thoughtful plan to ensure the beautification of the property and neighborhood, while providing enhanced safety and security for its Residents, and improving property value for surrounding neighbors.

Thank you for your Consideration

CERTIFICATION

STATE OF NEW JERSEY }
COUNTY OF ESSEX }

ss.

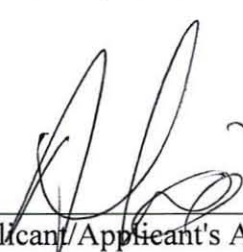
Arthur Limq, being duly sworn, hereby certify (*check one*)

➤ ☒ that I am the applicant

or

➤ _____ that I am the _____ of _____,
(Title) (Company Name)
the Applicant, and that I am duly empowered and authorized to make this representation
on behalf of _____;
(Company Name)

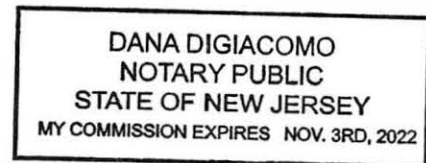
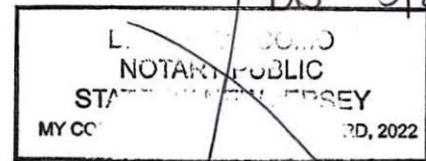
and that the information presented in this application is true, complete and accurate.



Applicant/Applicant's Authorized
Officer or Representative

Subscribed and sworn to before me
this 5 day of 16, 2020

Dana DiGiaco 5/22/2020
Signature of person authorized to take oaths



6' Privacy Fence and Gate
Lima Residence
28 Nelson Pl

State the nature of the constraints imposed by the physical characteristics of the land in question - i.e. narrowness, shallowness, topographic conditions:

We currently have no privacy or protection on the front and sides of our unusually narrow lot.

With two daughters, we'd like to improve security of our property.

We have a collegiate cheerleader who works out and rehearses in the backyard and requires a private and secure space. Existing 4' structure provides full visibility into our yard due to the elevation of the adjacent lot.

We have concern for the safety of our toddler when she is outside without a proper enclosure.

We unfortunately often have to forego outside time for her as it poses great difficulty to constantly manage attending her to ensure she may not wander out of the yard.

State any other extraordinary exceptional situation or condition of the land involved which would constrain development in accordance with zoning regulations:

Our fence request entails beginning closer to our driveway on the sidewalk to ensure that the our trash receptacles and recycle bins are within the fence/gate, as well as enclosing our AC Unit and the access to our water hose line. These units are housed within a designated cement pad area adjacent to the sidewalk, as depicted on the submitted drawing.

Starting the fence in accordance with zoning regulations would expose our AC mechanicals, trash and recycle receptacles, and our water hose, while placing the fence halfway down our sidewalk, which is not aesthetically preferable and would lessen the curb appeal of our property.

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

The aesthetic result would be strange in regards to the placement of the fence and gate.

It would continue to be a hardship that the girls are not optimally enclosed for protection when in the backyard.

We have had individuals walk right into our back yard - neighbor looking for a ball; solicitation looking for someone home; PSE&G

Being denied optimal privacy and safety of our young child would be truly disappointing, as we have high hopes to improve our "forever home" with this upgrade and improvement.

It is difficult to manage watching over the child at all times while in the backyard (getting groceries in - they want to play outside while parents unload); we are not able to allow our child to just play in the backyard.

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:

This request demonstrates a thoughtful plan to ensure the beautification of the property and the neighborhood, while providing enhanced safety and security for its residents, and improving property value for surrounding neighbors.



TOWNSHIP OF NUTLEY, NEW JERSEY
ZONING BOARD OF ADJUSTMENT
PLANNING BOARD

CERTIFICATION OF PROPERTY OWNERS WITHIN 200 FEET

Docket Number: ZBA-20-0013

Work Site Location: 28 Nelson Pl.

Applicant: Arthur & Jamie Lima

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

1 to 3, as of March 19, 2020.

Lucy Jacobs
Technical Assistant/ZBA-PB
Township of Nutley, NJ



Nutley

Parcel Offset List

Target Parcel(s): Block-Lot: 7304-14
LIMA, ARTHUR J. & JAMIE
28 NELSON PLACE

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

Block-Lot: 7502-10

ANTELL, BRENNIAN & STEPHANIE M.
9 NELSON PL
NUTLEY, NJ 07110
RE: 9 NELSON PLACE

Block-Lot: 7304-1

SABADICS, STEPHEN A.
69 FLORENCE ST
NUTLEY, NJ 07110
RE: 69 FLORENCE STREET

Block-Lot: 7304-2

ENGLER, NANCY
61 FLORENCE ST
NUTLEY, NJ 07110
RE: 61 FLORENCE STREET

Block-Lot: 7502-8

JARUSZEWICZ, ANDRZEJ & LUCYNA
17 NELSON PL
NUTLEY, NJ 07110
RE: 17 NELSON PLACE

Block-Lot: 7502-9

MCNULTY, SCOTT M & LYDIA E
13 NELSON PL
NUTLEY, NJ 07110
RE: 13 NELSON PLACE

Block-Lot: 7304-7

WICKENHEISSER, ALYSON R.
85 EVERGREEN AVE
NUTLEY, NJ 07110
RE: 85 EVERGREEN AVENUE

Block-Lot: 7303-16

ROTH, TODD C & MORRIS, MELISSA A
70 EVERGREEN AVENUE
NUTLEY, NJ 07110
RE: 70 EVERGREEN AVENUE

Block-Lot: 7304-9

PRIOLO, CARMELLA
79 EVERGREEN AVE
NUTLEY, NJ 07110
RE: 79 EVERGREEN AVENUE

Block-Lot: 7304-6

DEL POLITO, DAVID & SUSAN
87 EVERGREEN AVE
NUTLEY, NJ 07110
RE: 87 EVERGREEN AVENUE

Block-Lot: 7303-22

ARAMANDO, SAM & MARYLOU
96 EVERGREEN AVE
NUTLEY, NJ 07110
RE: 96 EVERGREEN AVENUE

Block-Lot: 7304-15

BEAUFORT, MARY M. & AARON
12 NELSON PL
NUTLEY, NJ 07110
RE: 12 NELSON PLACE

Block-Lot: 7303-21

TUITE, MICHAEL C & O'DONNELL, B
92 EVERGREEN AVENUE
NUTLEY, NJ 07110
RE: 92 EVERGREEN AVENUE

Block-Lot: 7304-8

FAIELLA, ROBERT & DIANE L.
83 EVERGREEN AVE
NUTLEY, NJ 07110
RE: 83 EVERGREEN AVENUE

Block-Lot: 7400-2

WAY, KATHLEEN & RODRIGUEZ, RAMON
49 CROSS ST
NUTLEY, NJ 07110
RE: 49 CROSS STREET

Block-Lot: 7304-13

VECHIARELLI, DOROTHY
36 CROSS ST
NUTLEY, NJ 07110
RE: 36 CROSS STREET

Block-Lot: 7303-20

AQUINO, MICHAEL V+MARINO, ALYSSA R
86 EVERGREEN AVE
NUTLEY, NJ 07110
RE: 86 EVERGREEN AVENUE

Block-Lot: 7400-3

CASTELLANO, CHRISTOPHER
45 CROSS ST
NUTLEY, NJ 07110
RE: 45 CROSS STREET

Block-Lot: 7303-19

VARGA, J C & H A & MARTINEZ, M & A
84 EVERGREEN AVE
NUTLEY, NJ 07110
RE: 84 EVERGREEN AVENUE

Block-Lot: 7304-10

WATTS, KEVIN & JILL A.
77 EVERGREEN AVE
NUTLEY, NJ 07110
RE: 77 EVERGREEN AVENUE

Block-Lot: 7400-4

SANTORIELLO, ROBERT & ROSA
41 CROSS ST
NUTLEY, NJ 07110
RE: 41 CROSS STREET

Block-Lot: 7304-11

PANZER, DENISE E.
73 EVERGREEN AVE
NUTLEY, NJ 07110
RE: 73 EVERGREEN AVENUE

Block-Lot: 7303-18

BAKER, HENRY LEE III & DOROTHY
80 EVERGREEN AVE
NUTLEY, NJ 07110
RE: 80 EVERGREEN AVENUE

Block-Lot: 7400-5

KLEIN, MATTHEW MCCRAY & STACY LYNN
37 CROSS ST
NUTLEY, NJ 07110
RE: 37 CROSS STREET

Block-Lot: 7304-12

MEDINA, FERNANDO & ET AL.
69 EVERGREEN AVE
NUTLEY, NJ 07110
RE: 69 EVERGREEN AVENUE

Block-Lot: 7303-17

PARIGI, VINCENT & CATHERINE
76 EVERGREEN AVE
NUTLEY, NJ 07110
RE: 76 EVERGREEN AVENUE

Block-Lot: 7400-6

WALLIS, MICHAEL & MCVEY, TARA
33 CROSS ST
NUTLEY, NJ 07110
RE: 33 CROSS STREET

Block-Lot: 7400-7

THOMPSON, BEATA
29 CROSS ST
NUTLEY, NJ 07110
RE: 29 CROSS STREET

Block-Lot: 7400-8

FIGUEROA, JOSE L
26 LINCOLN ST
PASSAIC, NJ 07055
RE: 23 CROSS STREET

Block-Lot: 7304-4

CIBELLI, KENNETH & DIANE
99 EVERGREEN AVE
NUTLEY, NJ 07110
RE: 99 EVERGREEN AVENUE

Block-Lot: 7304-17

SABADICS, JULIA S.
20 NELSON PL
NUTLEY, NJ 07110
RE: 20 NELSON PLACE

Block-Lot: 7304-5

CORNELIESS, LORRAINE
93 EVERGREEN AVE
NUTLEY, NJ 07110
RE: 93 EVERGREEN AVENUE

Block-Lot: 7304-16

WATTS, STANLEY & KATHLEEN
16 NELSON PL
NUTLEY, NJ 07110
RE: 16 NELSON PLACE

Block-Lot: 7502-11

FRAISSINET, JOHN & DONNA
5 NELSON PL
NUTLEY, NJ 07110
RE: 5 NELSON PLACE

Block-Lot: 7502-1

TOWNSHIP OF NUTLEY
1 KENNEDY DR
NUTLEY, NJ 07110
RE: 130 HARRISON STREET

A hand-drawn site plan of a property, likely a residential lot, with various annotations and dimensions. The plan is oriented with North at the top.

- Top Boundary:** Labeled $S 33^{\circ} 30' W$ with a dimension of $42.00'$. A point on this boundary is marked $268.00'$.
- Right Boundary:** Labeled $FLORENCE STREET$ with a width of $(50')$. A point on this boundary is marked $POINT OF BEG.$.
- Bottom Boundary:** Labeled $N 33^{\circ} 30' E$ with a dimension of $42.00'$. A feature labeled $FENCE OUT$ is shown near the bottom right corner.
- Left Boundary:** Labeled $CROSS STREET (30')$. A feature labeled $GATE$ is shown near the bottom left corner.
- Internal Features:**
 - A central area is labeled $1/2 STY. FR. DWG. ST. # 8$ (A.K.A. ST. # 28) with a dimension of 12.4 .
 - A smaller area is labeled 2421 .
 - A feature labeled $CONC. WALK$ is shown near the top left corner.
 - A feature labeled $FR. DWG. 100.00'$ is shown near the top right corner.
 - A feature labeled $Deck$ is shown near the bottom right corner.
 - A feature labeled $Gate$ is shown near the bottom center.
 - A feature labeled $6ft Fence$ is shown near the bottom center.
 - A feature labeled $AREA = 4200 S.F.$ is shown near the bottom center.
 - A feature labeled $CO.H.$ is shown near the bottom center.
 - A feature labeled $HEDGE$ is shown near the bottom left corner.
 - A feature labeled $FR. GAR.$ is shown near the bottom left corner.
- Other Annotations:**
 - A dimension of $100.00'$ is shown along the left boundary.
 - A dimension of 3.05 is shown near the top left corner.
 - A dimension of 16.9 is shown near the top center.
 - A dimension of 12.4 is shown near the top right corner.
 - A dimension of 30.5 is shown near the bottom left corner.
 - A dimension of $55.0^{\circ} 30' E$ is shown near the bottom left corner.
 - A dimension of $56.0^{\circ} 30' W$ is shown near the bottom right corner.
 - A feature labeled $Left$ is circled in blue near the bottom right corner.
 - A feature labeled $FILED MAP - NORTH$ is shown near the bottom right corner.
 - A feature labeled $Blds dept$ is shown near the bottom left corner.

THIS SURVEY IS CERTIFIED ONLY TO THE PARTIES SHOWN HEREON AND IS NOT TRANSFERABLE.
OFFSETS SHOWN HEREON ARE NOT TO BE USED AS BASIS FOR CONSTRUCTION OF FENCES OR OTHER PERMANENT STRUCTURES.
CORNER MARKERS NOT SET PER CONTRACTUAL AGREEMENT.
UNDERGROUND IMPROVEMENTS AND/OR ENCROACHMENTS, IF ANY, ARE NOT SHOWN HEREON, NOR ARE ANY EASEMENTS NOT RECORDED OR SPECIFIED IN THE
TITLE SEARCH SUPPLIED.
NOT RESPONSIBLE FOR CORNER MARKERS NOT SET BY THIS FIRM.

PLAN OF SURVEY OF PROPERTY LOCATED IN THE TOWNSHIP OF NUTLEY,
ESSEX COUNTY, NEW JERSEY. TAX MAP LOT 4, BLOCK 129

KENNETH STAPLES E, CATHERINE STAPLES, H/W
CHICAGO TITLE INSURANCE COMPANY
SANDRA E. GABRIELE, ESQ.
UNITED JERSEY BANK, AND ITS SUCCESSORS AND ASSIGNS AS THEIR
INTERESTS MAY APPEAR

WILLIAM HELD ASSOCIATES, INC.
LAND SURVEYORS

P.O. BOX 576, WESTFIELD, N.J. 07091

Jack I. Held