

Nutley Board of Adjustment Application

Information

1. Letter of denial is attached
2. Notarized Completed Application for Variance
3. Certified List of Property Owners within 200'
4. Survey with proposed fence location
5. The original 1977 building permit - The existing conditions have been long standing ever since 1977 when the original solid stockade fence was installed. I have attached a copy of the original application for permit #28882 which was approved as a 6' high fence along the sides and a 5' high fence along the rear. Then existing fence was installed at a later time but did not deviate from the original design. The neighboring property owners have all signed letters of approval stating they had no objection of the installation of a 6' high fence along the sides and a 5' high fence along the rear.
6. The installation of a new white solid vinyl fence at 6' high along the sides and 5' high along the rear will not result in any substantial detriment to the public good and will not substantially impair the intent and purpose of the master plan and zoning ordinance. This can be supported by the fact that a 6' high solid fence along the side and a 5' solid fence along the rear has been in existence since 1977 with no negative impact on the neighborhood, the master plan or zoning ordinance. **See Letters from Neighboring Residents in Support of the Variance.**
7. Type of Construction – Solid vinyl (See attached pictures)
 - 16 sections 6' high Dogwood style home series white color by Active Yards
 - 7 sections 5' high Dogwood style home series white color by Active Yards
 - 2 sections Arrowood style home series white color by Active Yards
 - Install on 5"x 5" posts set in concrete footings with New England posts caps
 - One 42" opening single gate Arrowood style 5' high
8. Photographs of Existing Side Yard and Rear Yard Fences



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

July 29, 2020

Louis Riccio
25 Povershon Road
Nutley, NJ 07110

Re: Side Yard Fence
25 Povershon Road
Block- Lots: 5600/41

Dear Mr. Riccio:

Your request for a permit, at the above referenced premises, to install a six (6') solid type fence, located in both side yards, as shown on the property survey, is denied for the following reasons:

This property is located in an R-1 district as shown on the Nutley Zoning Map.

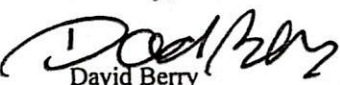
Chapter 700, Article XI, Section 700-71 B of the Codes of Nutley, entitled "Fences and retaining walls," states that "a fence erected along the side lines shall not exceed four feet in height ... and shall be of 50% open construction." *The proposed side yard fence is a six (6') foot solid fence.*

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 973-284-4951 x2236 or ljacobs@nutleynj.org. 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-20-0034

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

Application Fee: \$ 75.⁰⁰ (on denial letter)

Date of Denial Letter: 7/29/2020

Section I: SUBJECT PROPERTY

Address: 25 POVERSHAW ROAD

Block: 5600 Lot: 41 Zone: R-1

	District Requirements	Proposed
Lot Area	_____	_____
Lot Width	_____	_____
Lot Depth	_____	_____
Front Yard	_____	_____
Side Yard	_____	_____
Rear Yard	_____	_____
Other	<u>Fence height 4' 50% open</u>	<u>6' Solid fence</u>

Section II: APPLICANT INFORMATION

Name: Louis A. Riccio

Address: 25 POVERSHAW ROAD

Nutley, NJ 07110

Telephone: 201-787-8189

Email Address: L Riccio @ L Riccio . 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

	Existing	Proposed
Total existing and total proposed dwelling units	<u>1</u>	<u>1</u>
Total existing and total proposed professional offices	<u>0</u>	<u>0</u>
Total existing and total proposed parking spaces	<u>24</u>	<u>24</u>

Present use of premises: Primary 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: _____

Fence Variance - granted

Side yard, rear yard Variance for Pool - granted

Second story Addition - granted

Section V: PROFESSIONAL INFORMATION

Applicant's Attorney

Name: N/A

Address: _____

Telephone: _____ Fax: _____

Email Address: _____

Applicant's Architect

Name: N/A

Address: _____

Telephone: _____ Fax: _____

Email Address: _____

Applicant's Engineer

Name: N/A

Address: _____

Telephone: _____ Fax: _____

Email Address: _____

Applicant's Planning Consultant

Name: N/A

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: NONE

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 01' topographic conditions).

original fence approved is 6' in side yards. the current
fence is deteriorating & needs to be replaced.

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

Due to existing conditions fence will be replaced in
exactly the same locations. There will be no detriment to
the surrounding area or the intent of the Master Plan.

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

Not replacing the fence would create a hardship due to the long standing existing fence.

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.

The public good would not be impacted nor would the purpose of the zone plan & zoning ordinance because the fence has been in existence since 1977 with no impact. The surrounding neighbors have consented to the installation of this fence.

CERTIFICATION

STATE OF NEW JERSEY }
COUNTY OF ESSEX }

ss.

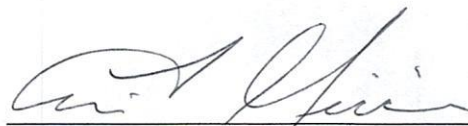
Louis A. Riccio, being duly sworn, hereby certify (check one)

➤ ✓ that I am the applicant

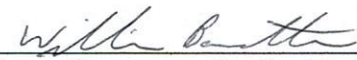
or

➤ _____ 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 31 day of July, 20120.


Signature of person authorized to take oaths

WILLIAM BARRETTA
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 09/06/2022





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

CERTIFICATION OF PROPERTY OWNERS WITHIN 200 FEET

.....

Docket Number: ZBA-20-0034

Work Site Location: 25 Povershon Road

Applicant: Louis Riccio

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

1 to 3, as of May 29, 2020.

Lucy Jacobs
Lucy Jacobs
Clerk



Nutley Parcel Offset List

Target Parcel(s): Block-Lot: 5600-41
RICCIO, LOUIS A. & MARGARET
25 POVERSHON ROAD

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

Block-Lot: 5601-28

CUGLIARI, MICHAEL A. & ALESSANDRA V
41 HOWARD PL
NUTLEY, NJ 07110
RE: 41 HOWARD PLACE

Block-Lot: 5601-4

LOMBARDI, ANTOINETTE M.
12 POVERSHON RD
NUTLEY, NJ 07110
RE: 12 POVERSHON ROAD

Block-Lot: 5503-37

FLEITELL, SANFORD D. & MICHELE A.
39 RIDGE RD
NUTLEY, NJ 07110
RE: 39 RIDGE ROAD

Block-Lot: 5600-5

ANGELO, GERARD & KRISTINA
20 RIDGE RD
NUTLEY, NJ 07110
RE: 20 RIDGE ROAD

Block-Lot: 5601-8

ALBERTI, CARMEN S. & ALFIERI, M.
28 POVERSHON RD
NUTLEY, NJ 07110
RE: 28 POVERSHON ROAD

Block-Lot: 5601-24

DIMAYUGA, EDWIN & MARIA
57 HOWARD PL
NUTLEY, NJ 07110
RE: 57 HOWARD PLACE

Block-Lot: 5600-42

BARTKOVITZ, DAVID J. & CHRISTINE K.
21 POVERSHON RD
NUTLEY, NJ 07110
RE: 21 POVERSHON ROAD

Block-Lot: 5600-38

SOUBERMAN, JOSEPH TRUSTEE
37 POVERSHON RD
NUTLEY, NJ 07110
RE: 37 POVERSHON ROAD

Block-Lot: 5503-41

RIDGE CENTRE, LLC
652 CENTRE ST
NUTLEY, NJ 07110
RE: 652 CENTRE STREET

Block-Lot: 5600-8

WISNIEWSKI, ELIZABETH
32 RIDGE RD
NUTLEY, NJ 07110
RE: 32 RIDGE ROAD

Block-Lot: 5601-11

LAUDADIO, RICHARD & ANNE
40 POVERSHON RD
NUTLEY, NJ 07110
RE: 40 POVERSHON ROAD

Block-Lot: 5600-39

MILLER, JOSEPH M. & JOAN
33 POVERSHON RD
NUTLEY, NJ 07110
RE: 33 POVERSHON ROAD

Block-Lot: 5600-7

O'KEEFE, KERRY A.
28 RIDGE ROAD
NUTLEY, NJ 07110
RE: 28 RIDGE ROAD

Block-Lot: 5601-10

MARANO, COLLEEN PARKINSON
36 POVERSHON RD
NUTLEY, NJ 07110
RE: 36 POVERSHON ROAD

Block-Lot: 5600-40

MOHRBUTTER, C & GILMORE, B
29 POVERSHON ROAD
NUTLEY, NJ 07110
RE: 29 POVERSHON ROAD

Block-Lot: 5600-6

NEJMAN, RICHARD & RONNA
24 RIDGE RD
NUTLEY, NJ 07110
RE: 24 RIDGE ROAD

Block-Lot: 5601-9

CAFONE, PAUL & DIANE
32 POVERSHON RD
NUTLEY, NJ 07110
RE: 32 POVERSHON ROAD

Block-Lot: 5601-23

CHRISTOPHER JUDITH A.
61 HOWARD PL
NUTLEY, NJ 07110
RE: 61 HOWARD PLACE

Block-Lot: 5600-4

CICCHETTI, JOHN P. & SUZANNE
16 RIDGE RD
NUTLEY, NJ 07110
RE: 16 RIDGE ROAD

Block-Lot: 5601-7

SCHEIDEL, NICHOLAS D. & ANN M.
24 POVERSHON RD
NUTLEY, NJ 07110
RE: 24 POVERSHON ROAD

Block-Lot: 5601-25

ZANGARI, PETER & GLORIA A.
53 HOWARD PL
NUTLEY, NJ 07110
RE: 53 HOWARD PLACE

Block-Lot: 5600-43

CRUZ, ADRIAN
62 E PASSAIC AVE
NUTLEY, NJ 07110
RE: 17 POVERSHON ROAD

Block-Lot: 5600-3

KOUKOUTSIS, TERRY & ANETA
12 RIDGE ROAD
NUTLEY, NJ 07110
RE: 12 RIDGE ROAD

Block-Lot: 5601-26

SCAPEROTTA, PHILIP & YANDO, CATHERINE
49 HOWARD PL
NUTLEY, NJ 07110
RE: 49 HOWARD PLACE

Block-Lot: 5601-6

PEDERSEN, GEORGE E. JR. & ANNA MARIE
20 POVERSHON RD
NUTLEY, NJ 07110
RE: 20 POVERSHON ROAD

Block-Lot: 5600-44

TESTA, CAROLE
15 POVERSHON RD
NUTLEY, NJ 07110
RE: 15 POVERSHON ROAD

Block-Lot: 5601-27

DIXIT, MUKESH & MANISHA
45 HOWARD PL
NUTLEY, NJ 07110
RE: 45 HOWARD PLACE

Block-Lot: 5601-5

VITIELLO-FAZIO, LAUREN
16 POVERSHON RD
NUTLEY, NJ 07110
RE: 16 POVERSHON ROAD

Block-Lot: 5600-45

BUCOY, ROQUE & MARIA REBECCA
9 POVERSHON RD
NUTLEY, NJ 07110
RE: 9 POVERSHON ROAD

Block-Lot: 5601-29

LEVIS, STEVEN & ALTAGARCIA
37 HOWARD PL
NUTLEY, NJ 07110
RE: 37 HOWARD PLACE

Block-Lot: 5601-3

SANDOMENCIO, E. & C. P. & D.
8 POVERSHON RD
NUTLEY, NJ 07110
RE: 8 POVERSHON ROAD

Block-Lot: 5600-11

WHITE, DAVID & ERIN
44 RIDGE RD
NUTLEY, NJ 07110
RE: 44 RIDGE ROAD

Block-Lot: 5503-38

LARDNER, THOMAS W. & NOREEN
35 RIDGE RD
NUTLEY, NJ 07110
RE: 35 RIDGE ROAD

Block-Lot: 5503-39

TATE, GOLDEN & ELISE
31 RIDGE RD
NUTLEY, NJ 07110
RE: 31 RIDGE ROAD

Block-Lot: 5600-10

HEARNS, GEORGE & CARLUCCI, JOY
40 RIDGE RD
NUTLEY, NJ 07110
RE: 40 RIDGE ROAD

Block-Lot: 5600-37

SHAVER, MARK & PATRICIA
41 POVERSHON RD
NUTLEY, NJ 07110
RE: 41 POVERSHON ROAD

Block-Lot: 5503-40

BLAIR, NATALIE LEIGH
27 RIDGE RD
NUTLEY, NJ 07110
RE: 27 RIDGE ROAD

Block-Lot: 5600-9

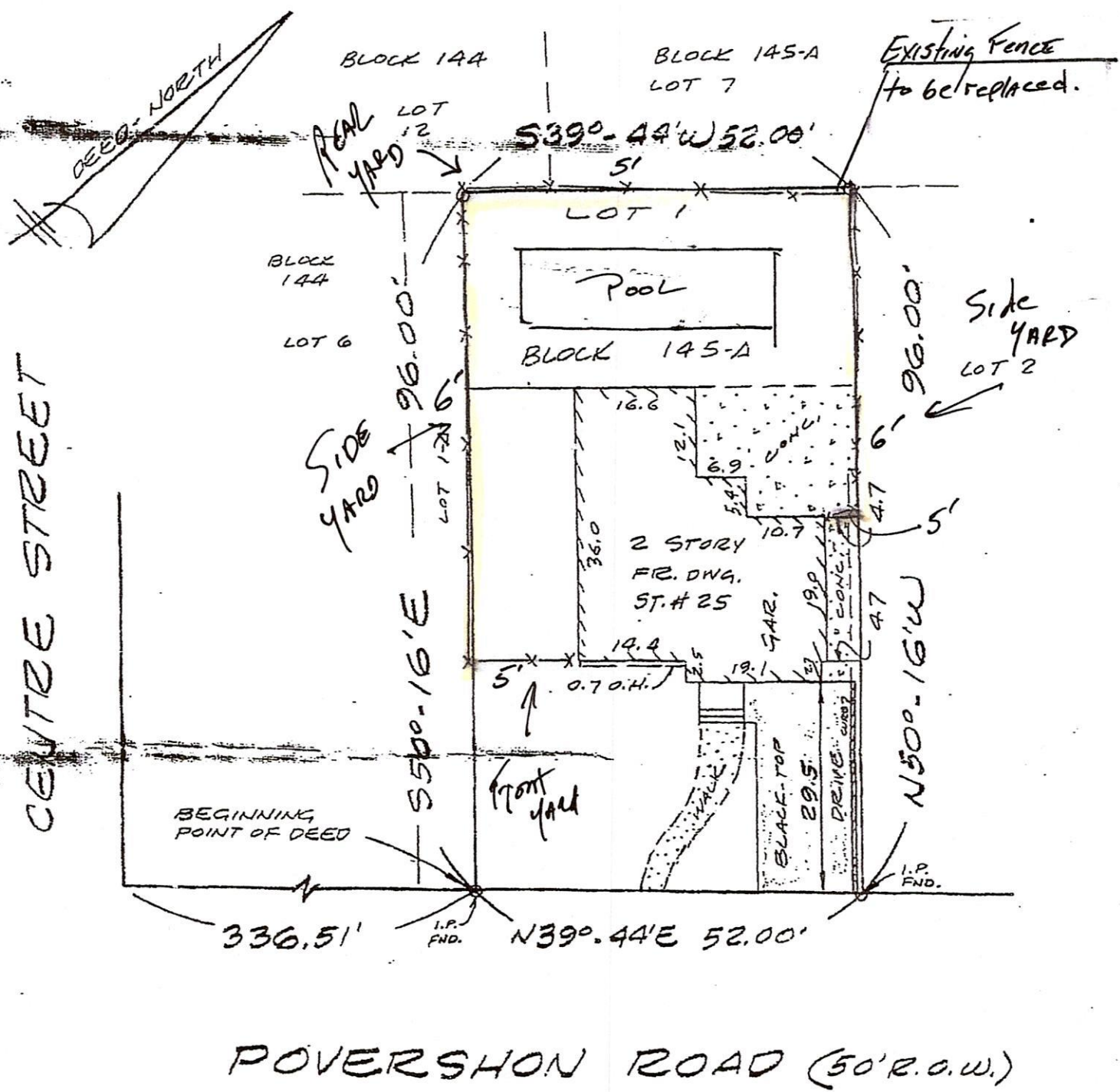
Z & H REALTY, LLC,
273 LONGHILL ROAD
LITTLE FALLS, NJ 07424
RE: 36 RIDGE ROAD

Property Survey

&

Certification in Lieu of Oath

LOCATION SURVEY OF PROPERTY SITUATED IN THE TOWN OF NOTLEY,
ESSEX COUNTY, NEW JERSEY. TAX MAP LOT 1 BLOCK 145-A.



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.
 PROPERTY CORNERS HAVE NOT BEEN SET IN ACCORDANCE WITH N.J.A.C. 13:40-5.1 (d).
 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.

Township of Nutley

For surveys more than six months old

**CERTIFICATION IN LIEU
OF OATH**

I hereby certify that the attached survey accurately represents existing conditions and shows all improvements and that no additions or changes have been made on the property since the date of the survey. I am aware that if any of the above statements are willfully false, I am subject to punishment.

ADDRESS: 25 Povershon Road

BLOCK: 145-A

LOT: 1


Applicant

Date: June 29, 2020

Notary

 6/29/2020



Original 1977 Application for Fence Permit # 28882

APPLICATION FOR PERMIT NO. 28882Map.....Block...145A Lot...1.....

Applications in duplicate must be made for each fence and be accompanied with diagram of property with location from street intersection; location of fence, on plot diagram.

District.....

DEPARTMENT OF PUBLIC WORKS

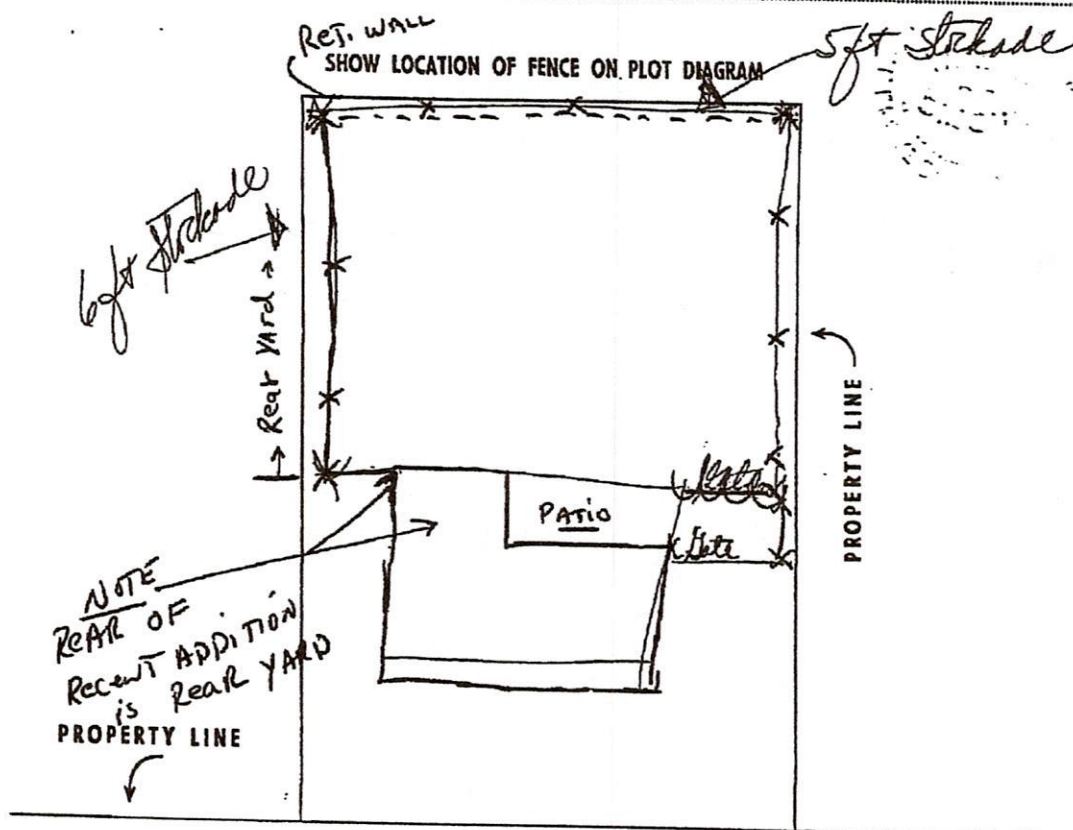
BUILDING DEPARTMENT

NUTLEY, N. J., 8/22 1977

TO THE BUILDING INSPECTOR:

Application for the approval of the detailed statements of the specifications diagram and plans herewith submitted for the erection of fence. All provisions of the Building Zone Ordinance of the Town of Nutley shall be complied with in erection or alteration of said fence whether specified herein or not.

1. Location (Street No.) 25 Pavershon Rd.
2. New Fence Stokade
3. Type of Fence
4. Height of Fence? 6 ft & 5 ft Size of Lot?
5. Fence on Front, Rear or Sides? REAR ONLY
6. Location from front property line? From side lines? 3 inches From rear line? 3 inches
7. Length of Fence?
8. Estimated cost of fence or alteration?



25 Pavershon Rd.

Remarks:

Good side must be turned out -
TOTAL HGT OF FENCE + RET WALL MUST NOT EXCEED SIX FEET
measured from highest grade.

(OVER)

Date.....19.....

.....being duly sworn, deposes and says: That
he resides at.....Street, in the.....of

.....County of.....State of.....
Agent
that he is Contractor for.....
Architect

owner, in fee of all that certain lot, piece or parcel of land, shown on diagram annexed hereto, situated and being in the Town of
Nutley, N. J., and known as No.....He further says that he is duly authorized by.....
owner, to make this application in.....behalf, and that the said specifications, diagram and plans contain a correct
description of the fence, lot and proposed work and that the statements made in the foregoing application are true.

Deponent further says that the full names and correct addresses of the owner or owners of said land and also every person
interested in said fence or proposed fence, either as owner, agent, lessee or in any representative capacity, are as follows:

Name.....Address.....

Interested as.....

Name.....Address.....

Interested as.....

Name.....Address.....

Interested as.....

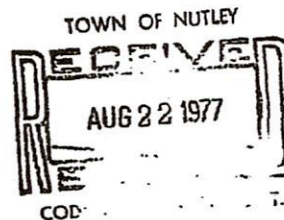
Name.....Address.....

Interested as.....

Sworn to before me this 22
day of August, 1977 X Michael Apostolakis Srako
Beverly J. Mancinelli
Notary County.....

NOTE: Any false swearing in a material point in this affidavit is deemed perjury.

BEVERLY J. MANCINELLI
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Mar. 22, 1981



Fee.....3.00.....

Permit No.....

C. of O.....

APPLICATION

to

BUILDING DEPARTMENT
Department of Public Works

NUTLEY, N. J.

**FOR A PERMIT TO CONSTRUCT
OR ALTER A FENCE**

Location.....235 Loversdown Rd......
Owner.....Srako.....
Contractor.....Self.....
Architect.....

DEPARTMENT OF PUBLIC WORKS

Nutley, N. J. 8/22 1977

I have this day received and examined the within
application, building plot plan, detailed plans and
specifications, and find that they are in accordance
with the Building Code and Zoning Ordinance of
the Town of Nutley.

[Signature]
Building Inspector

Letters of Support from Neighboring Residents

CONSENT TO ERECT A 6 FOOT TALL SOLID FENCE

June 2020

I Ronna L. Neuman currently residing at 24 Ridge Road, Nutley NJ 07110
Nutley, NJ do hereby give written consent as an adjoining property owner to allow Mr. Louis Riccio,
25 Povershon Road, Nutley, NJ to erect a 6' high solid white vinyl fence along the side and rear
property lines between our properties.

Ronna L. Neuman
(Signature)

June 19, 2020
(Date)

CONSENT TO ERECT A 6 FOOT TALL SOLID FENCE

June 2020

I Kate Helen currently residing at 32 RIDGE RD.

Nutley, NJ do hereby give written consent as an adjoining property owner to allow Mr. Louis Riccio,
25 Povershon Road, Nutley, NJ to erect a 6' high solid white vinyl fence along the side and rear
property lines between our properties.

Kate Helen
(Signature)

6-17-20
(Date)

CONSENT TO ERECT A 6 FOOT TALL SOLID FENCE

June 2020

I CHRISTINE Bartkovitz currently residing at 21 Povershon Rd.

Nutley, NJ do hereby give written consent as an adjoining property owner to allow Mr. Louis Riccio,
25 Povershon Road, Nutley, NJ to erect a 6' high solid white vinyl fence along the side and rear
property lines between our properties.

Christine Bartkovitz
(Signature)

6/17/2020
(Date)

CONSENT TO ERECT A 6 FOOT TALL SOLID FENCE

June 2020

I Joe Para Gilmore currently residing at 29 Povershon Road.

Nutley, NJ do hereby give written consent as an adjoining property owner to allow Mr. Louis Riccio, 25 Povershon Road, Nutley, NJ to erect a 6' high solid white vinyl fence along the side and rear property lines between our properties.

Ben L. Gilmore
(Signature)

July 17 2020
(Date)

CONSENT TO ERECT A 6 FOOT TALL SOLID FENCE

June 2020

I Kerry O'Keefe currently residing at 28 RIDGE RD, NUTLEY,

Nutley, NJ do hereby give written consent as an adjoining property owner to allow Mr. Louis Riccio,
25 Pevershon Road, Nutley, NJ to erect a 6' high solid white vinyl fence along the side and rear
property lines between our properties.

Kerry O'Keefe
(Signature)

6/26/20
(Date)