

approved
11/16/2020
SPR

NUTLEY ZONING BOARD OF ADJUSTMENT

Public Session Meeting Minutes

October 19, 2020

CALL TO ORDER: A meeting of the Nutley Zoning Board of Adjustment was called to order at approximately 7:30 p.m. via Zoom by Chairman Graziano. The Pledge of Allegiance was recited. Roll was called and the Sunshine Notice was read.

PRESENT: Tammy Rossi, Patricia Doherty, John Cafone, Gregory Tolve, Daniel Tolve, Theresa Sullivan Duva, Joseph Battaglia, Chairman Graziano, Diana Powell McGovern, Esq.

EXCUSED: Peter Scirica

ABSENT:

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No. 1: 434-438 Centre Street

Applicant: Frank Oliver, 434-438 Centre Street, Nutley, NJ, 07110

Appearances: Mr. Inglesino

Modification or Resolution: John Inglesino, Esq. attorney for the Township of Nutley in its affordable housing litigation, reported that the Township worked out a judicially approved settlement with the Fair Share Housing Center that would allow the Township to substitute payments to the fund to be utilized elsewhere in the town to refurbish existing properties as affordable housing. As part of the settlement, the project that had been approved for 434438 Centre Street to include 5 the affordable housing units was to be modified to allow for payment so that the Nutley Affordable Housing Fund would receive \$50,000 for each previously proposed unit (Noted as Condition 1.C on the site plan resolution), totaling \$250,000. As part of that modification, the site plan would further include the modification that the three-bedroom unit would be reduced to a two-bedroom unit. Mr. Inglesino states that this request has been judicially approved and feels that the request is fair and reasonable.

With no further questions or concerns a motion to modify the resolution was made by Patricia Doherty and was seconded by Gregory Tolve. The motion was passed by a vote of 7-0.

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No. 2: 4 Povershon Road

Applicant: Mr. Scheidel, 4 Povershon Road, Nutley, NJ, 07110

Application: Your request for a permit, at the above referenced premises, to leave as erected a portion of the garage which was converted into living space, leaving approximately 10' wide by 10'6" in the existing garage, as shown on the sketch submitted to the Code Enforcement Department on September 15, 2020

Appearances: Matthew Scheidel

Letter of Denial: The Letter of Denial was read by Patricia Doherty

Chapter 700, Article V, Section 700-9 A of the Codes of Nutley, entitled "Permitted uses in R-1 Zoning District," states that "the following uses are permitted in the R-1 zoning district: Single-family dwellings, not to exceed one dwelling unit on each lot. No other principal use is permitted on the same lot with a single-family dwelling. Each single-family dwelling shall have two parking spaces, at least one of which is in a **garage.**" ***A portion of the garage has been converted into living space; the existing portion of the remainder of the garage cannot meet the size dimension of 9'x19' as per the parking space dimension.***

Matthew Scheidel states that he would like to leave as erected a portion of his garage that is used a pantry. Mr. Scheidel recently renovated the new pantry with new sheet rock and tile floors. Mr. Scheidel stated that he realized this was a problem when he went to sell his home. He states that this portion of the garage was a pantry when he purchased the home. The rest of the garage is currently used for storage or could be used to garage a subcompact vehicle.

With no further questions or concerns a motion to approve this variance was made by Joseph Battaglia and was seconded by Theresa Duva. The variance was approved by a vote of 7-0.

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No. 3: 76 Prospect Street

Applicant: Mr. Antonino Viola, 76 Prospect Street, Nutley, NJ, 07110

Application: Your request, at the above referenced premises, for a permit to leave as erected the 32' driveway, which reduces the required 60% front yard coverage to 38%, as shown on the plans prepared by Salvatore Corvino, Architect & Planner, LLC, dated April 20, 2020

Appearances: Mr. Antonino Viola, Antoinette Mayrer

Letter of Denial: The Letter of Denial was read by Patricia Doherty

Chapter 700, Article XIII, Section 700-94 A (1) of the Codes of Nutley states no front yard of a lot upon which is located in a one- or two-family dwelling shall be used for the parking of motor vehicles, except that motor vehicles may be parked upon a driveway in the front yard. The driveway shall consist of the area directly opposite to an attached garage, detached garage or depressed garage or the extension of the side yard into the front yard. The driveway width shall not exceed 16 feet. However, if there is no garage

and no available side yard, a driveway not to exceed 16 feet in width from the side lot line may be constructed. ***The driveway is 32'.***

Chapter 700, Article VIII, Section 700-48 of the Codes of Nutley states any lot containing a residence for one or two families shall have at least 60% of the required front yard in landscaping. This area shall not be covered with paving, walkways or any other impervious surface. Landscaping may consist of grass, ground cover, shrubs and other plant material. ***Required front yard coverage – 60%. As built coverage 38%.***

Mr. Viola states that states that he sent notices of to his neighbors via certified mail. Mrs. Mayrer who lives at 56 Prospect Street states that she got a letter of notice on Saturday and it was not through certified mail. Because of this the application cannot be heard and will be re-noticed for the November 16th.

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Invoices: Secretary pay of \$150.

Public Comment:

**NOTE: THE PROCEEDINGS IN THIS MATTER WERE VOICE RECORDED.
THE RECITAL OF FACTS IN THE MINUTES IS NOT INTENDED TO BE ALL-
INCLUSIVE, BUT IS A SUMMARY AND HIGHLIGHT OF THE COMPLETE
RECORD MADE BEFORE THE ZONING BOARD.**

Respectfully Submitted,



**Paul Marranzino
Board Secretary**