

approved
1/11/2021
JPR

NUTLEY ZONING BOARD OF ADJUSTMENT

Public Session Meeting Minutes

December 14, 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, Yvette Casabana Wallace, Gregory Tolve, Peter Scirica, Theresa Sullivan Duva, Joseph Battaglia, Chairman Graziano, Diana Powell McGovern, Esq.

EXCUSED: Daniel Tolve

ABSENT:

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No. 1: 104 East Passaic Avenue

(John Cafone recused himself)

Applicant: Mr. Joseph Martinez, 104 East Passaic Avenue , Nutley, NJ, 07110

Application: Your request for a permit, at the above referenced premises, to install a six (6') foot solid type fence located in both of the side yards, as shown on the property survey received by Code Enforcement on June 29, 2020

Appearances: Mr. Joseph Martinez

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

Chapter 700, Article XI, Section 700-71 B of the Codes of Nutley states 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 be not less than two feet in height and shall be of 50% open construction (i.e., the open spaces in the fence shall be at least the same width of each picket, slat or other construction element of such fence). The setback for any such fence shall be in line with the furthest setback of the adjacent property or the property upon which the fence is being erected, whichever setback is greater.

Mr. Martinez states that he would like to construct a 6' solid fence on both sides of his yard. Mr. Martinez states that on the right side of his yard are condos and on the left side there is heavy traffic with frequent trucks passing by. He also states that his children, age 3 and 5, have already jumped over the fence into their neighbor's yard and his neighbor owns a 100lb rottweiler. The fence Mr. Martinez would like to erect is 5' solid with 1' of additional lattice on the top and will have two gates on both sides of the property.

With no further questions or concerns a motion to grant this variance was made by Theresa Duva and was seconded by Gregory Tolve. The variance was granted by a vote of 7-0.

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No. 2: 64 Plymouth Road

Applicant: Laura Valente, 64 Plymouth Road, Nutley, NJ, 07110

Application: Your request for a permit, at the above referenced premises, to leave as erected the widened driveway, which was increased approximately 4.5' to the right side for a total width of 16 feet, which will be located in front of the main dwelling, as shown on the homeowner's sketch which was submitted, and on the property survey prepared by Richard J. Hingos, Jr., dated July 9, 2015

Appearances:

Letter of Denial:

Chapter 700, Article XIII, Section 700-94 A (1) of the Codes of Nutley, entitled "Additional regulations on off-street parking for one- and two-family dwellings," states that "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 increased driveway was installed in front of the main dwelling.***

With no one in attendance for 64 Plymouth Road the board decided to make a motion to adjourn the hearing to the January 11, 2021 meeting.

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No. 3: 76 Prospect Street

(Peter Scirica recused himself)

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: Sal Corvino (Architect and Planner), Antonino Viola, Antoinette Mayrer (neighbor)

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***

Mr. Viola states that he widened his driveway in order to make it easier to clear snow and had no intention of parking more than two cars in his driveway. The board discusses possible ways to cut in the driveway to increase the green space on the property and soften up the look of the front of the house. Mr. Corvino suggests planters be installed in front of the stairs to provide green space and prevent a car from parking in front of the stairs.

Antoinette Mayrer, a neighbor and member of the virtual audience states that she believes that the driveway needs to be cut in and that the boards suggestions will make the property look better. The board then states that they will need to see a more detailed plan for the property to make any decisions so a motion to move this case to January 11th is made and Mr. Viola consents to waive the limits of the zoning board so he can be heard in January.

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No. 4: 67 Crestwood Avenue

Applicant: Ms. Maria Lucila Carnicella, 67 Crestwood Avenue, Nutley, NJ, 07110

Application: Your request, at the above referenced premises, to widen the driveway and curb cut to 19', as shown on the survey prepared by Brunswick Surveying Incorporated, dated November 19, 1998,

Appearances: Ms. Maria Lucila Carnicella & Mr. Georgio Ospina

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 that 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.

Chapter 700, Article XIII, Section 700-94 A (3) (a) of the Codes of Nutley states that curb cuts shall not exceed 16 feet in length.

Ms. Carnicella and Mr. Ospina state that they would like to widen their driveway and curb cut to 19'. They state that the driveway is shorter in length than a standard driveway and comes to a walkway when the driveway meets the home. They state the widening of the driveway would make it more functional and will improve the overall look of the property.

With no further questions or concerns a motion to grant this variance was made by Joseph Battaglia and was seconded by Gregory Tolve. The variance was passed by a vote of 7-0.

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Invoices:

Secretary pay of \$150.

371 Franklin Paul Ricci \$1137.50

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