

NUTLEY ZONING BOARD OF ADJUSTMENT

Public Session Meeting Minutes

October 21, 2019

CALL TO ORDER: A meeting of the Nutley Zoning Board of Adjustment was called to order at approximately 7:30 p.m. by Vice Chairwoman, Suzanne Brown. The Pledge of Allegiance was recited. Roll was called and the Sunshine Notice was read.

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

EXCUSED: Gregory Tolve, Peter Scirica, Thomas Da Costa Lobo, Chairman Graziano

ABSENT:

* * * * *

No. 1: 54 Entwistle Avenue

Applicant: Mr. & Mrs. Manuel Lelinho, 54 Entwistle Avenue, Nutley, NJ, 07110

Application: Your request to convert the existing one (1) family dwelling into a new two (2) family dwelling, in an R-2 zoning district, and to install a six (6') foot solid type fence located in the side yard which is located along the street side of a corner property, at the above referenced premises, as shown on the property survey prepared by Manno Surveying, dated March 19, 2019, and plans prepared by Sal Corvino Architect, dated May 7, 2019

Appearances: Marie Cappola homeowner's daughter, Salvatore Corvino Expert Architect and Planner, Anthony M Catalano property manager

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

Chapter 700, Article VIII, Section 700-46 A of the Codes of Nutley, entitled "Schedule of Regulations as to Bulk, Height and Other Requirements," has requirements for a two (2) family in an R-2 district on a corner property (see attachment).

Mr. Corvino testifies as a planning and architectural expert that the applicant would like to convert their one family house to a two-family house. Their property is undersized which is the reason a variance is needed. Mrs. Cappola states that the house is marked as a one family but they have been getting taxed as a two family house. Mr. Corvino states that there are many two and even three family houses in the surrounding area on undersized lots. There will be no change to the footprint of the house just want it made a two family on paper.

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

Fencing

Mr. John Cafone recuses himself.

Mr. Corvino states that the applicant is looking to install a 6' solid fence on the west corner of the property and run in northwest to the end of the wood deck and then run it out to the Meacham Ave property line and then to the back of the property. The board is concerned that the fence will block the view on the corner for neighbors pulling out of their driveways. There is an agreement to have a 6' tall fence, 4' solid and 2' lattice along rear of property and have a 50% open fence on Meacham and move it 6' back from the curb. With no further questions or concerns a motion to grant this variance was made by Joseph Battaglia and was seconded by Theresa Duva. The variance was granted by a vote of 7-0.

* * * * *

No. 2: 18 Elm Place

Applicant: Mr. Dharmesh Rupadia, 18 Elm Place, Nutley, NJ, 07110

Application: Your request for a permit, at the above referenced premises, to leave as erected two (2) AC condensers located in the right side yard having less than a six (6') foot side yard setback, (previously foreclosure property), as shown on the survey prepared by Richlan, Lupo, & Pronesti, dated April 8, 1986

Appearances: Dharmesh Rupadia, Geeta Kumali

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

Chapter 700, Article III, Section 700-3 B of the Codes of Nutley entitled "Definitions"; Side Yard is an open unobstructed space between the building and the side line of the lot extending through from the front to the rear yard or to another street, into which space there is no extension of the building above the grade level. **The condenser will be located in the right side yard which is less than six (6") feet. The required side yard in an R-1 zoning district is six (6') feet.**

Suzanne Brown recuses herself, and Joseph Battaglia will not vote

Ms. Kumali states that the condensers are 30" x 30" and they will not fit next to each other on the side of the chimney because the space on that side of the house is only 5' 2". She states a tree would have to be removed for these condensers to be moved. She agrees to come back next month after speaking to an air conditioning contractor.

A motion to adjourn was made by Daniel Tolve and was seconded by John Cafone. The motion to adjourn was approved by a vote of 7-0.

* * * * *

No. 3: 110 High Street

Applicant: Mr. Denton Heaney, 110 High Street, Nutley, NJ, 07110

Application: Your request for a permit, at the above referenced premises, to demolish the detached existing garage in the rear of the property, as shown on the property survey prepared by Paporozzi Associates, Inc., dated April 2, 2019

Appearances: Denton Heaney

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

A previous property survey submitted to Code Enforcement prepared by Gerald G. Capasso, from 1991, construction permits indicate the structure at the rear of the property is a garage. There is no driveway access to this garage.

Chapter 700, Article XIII, Section 700-9 A of the Codes of Nutley, states a single-family dwelling, 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**.

Mr. Heaney would like to demolish his garage and not replace it. He says that there is no street access and no garage door, and the structure really isn't a garage.

With no further questions of concern a motion to grant this variance was made by Joseph Battaglia and seconded by Daniel Tolve. The variance was granted b a vote of 7-0.

* * * * *

No. 4: 27 Pauline Drive

Applicant: Mr. & Mrs. Nicholas Berardinelli, 27 Pauline Drive, Nutley, NJ, 07110

Application: Your request, at the above referenced premises, to widen the existing driveway and curb cut to approximately 19', as shown on the survey prepared by S.J. Kaszynski, dated August 10, 1993

Appearances: Joanne and Nick Berardinelli

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

Chapter 700, Article VIII, Section 700-46 A of the Codes of Nutley entitled "Schedule of Regulations as to Bulk, Height and Other Requirements" requires on a corner property in an R-1 zoning district to have a 30' rear yard setback from the street line side. ***The proposed one story addition will have a 21'4" rear yard setback.***

Joanne Berardinelli states that she wants to expand her driveway so they could park two cars side by side. She stated this is necessary because they were damaging their cars trying to get them side by side. They also want to take down one of the walls and fix the

drainage in the driveway. She wants to add 3' of width to take the driveway from 16' to 19'. An agreement is made to keep the curb cut the same but to extend the driveway to 18'.

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

* * * * *

No. 5: 98 Nutley Ave

Applicant: Mr. Giacomo DiPiazza, 98 Nutley Ave, Nutley, NJ, 07110

Application: Your request for permission, at the above referenced premises, to install a six (6') foot fence [five (5') foot solid /one (1') foot lattice] along the right side of the property, which is located in a side yard, as shown on the survey prepared by Glucker & Den Bleyker, Professional Land Surveyors, dated November 22, 2005

Appearances: James DiPiazza

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. DiPiazza wants to add a 6' fence 5' solid and 1' lattice along the right side of the property. Mr. DiPiazza says that he has small children and the neighbors have dogs and he wants to replace his neighbor's fence that exists now. He will also add a gate 5' tall, the top foot being lattice.

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

Invoices: Secretary pay of \$150.

Public Comment: None

**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,

A handwritten signature in black ink, appearing to read "Paul Marranzino". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Paul Marranzino

Board Secretary