

Approved
8/19/2019
DA

NUTLEY ZONING BOARD OF ADJUSTMENT
Public Session Meeting Minutes
July 15, 2019

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

PRESENT: Tammy Rossi, Patricia Doherty, Daniel Tolve, Gregory Tolve, Joseph Battaglia, John Cafone, Secretary, Suzanne Brown, Frank Graziano – Chairman, Diana Powell McGovern, Esq.

EXCUSED: Theresa Sullivan Duva

ABSENT: Thomas Da Costa Lobo, Peter Scirica

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No. 1: 109 Walnut Street

Applicant: Mr. & Mrs. Pinho, 109 Walnut Street, Nutley, NJ, 07110

Application: Your request, on behalf of your client, Mr. & Mrs. Pinho, for a construction permit, at the above referenced premises, to construct an addition on to the existing legal non-conforming two family dwelling in an R-1 zoning district, as shown on the plans prepared by Architect, Mileto-Godsall Associates LLC, dated April 1, 2019, and the submitted property survey, prepared by Surveyor, Manno Surveying dated September 25, 2019

Appearances:

Letter of Denial: Chapter 700, Article XVI, Section 700-113 A of the Codes of Nutley prohibits a non-conforming structure to be enlarged, extended, reconstructed or structurally altered.

The applicant requested more time, and requested the case be adjourned to August 19th, 2019. A motion approved the adjournment to August 19th, 2019 by a vote of 7-0.

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No. 2: 1 Whitford Avenue (Continued from June 17, 2019)

Applicant: Mr. & Mrs. Long, 1 Whitford Ave, Nutley, NJ, 07110

Application: Your request for a permit, at the above referenced premises, to erect a six (6') foot fence (5' Solid & 1' Lattice) located in the side yard street side, along Park Avenue, which is in the front yard of the adjoining property, as shown on the survey prepared by Morgan Engineering & Surveying, dated December 4, 2018

Appearances: Joseph Long

Letter of Denial: The Letter of Denial was read by Theresa Duva on June 17, 2019. Chapter 700, Article XI, Section 700-71 A of the Codes of Nutley states no fence of any type in any front yard shall be permitted.

Chapter 700, Article XI, Section 700-71 D of the Codes of Nutley states a fence erected on any corner lot shall conform to the fence requirements for the adjoining properties.

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. ***The proposed fence is to be installed on the street line corner property (Park Avenue) which is in the front yard of the adjoining property and the opposite side yard.***

Joseph Long testifies that he will want to install an aluminum picket fence or a 4-foot black chain link fence. He will also be planting small bushes outside of the fence.

With no further questions or comments a motion to grant this variance was made by Suzanne Brown and seconded by Patricia Doherty. The motion was granted by a vote of 6-0 (Mr. Cafone recused himself from this application).

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No. 3: 24 Jackson Street

Applicant: Mr. and Mrs. Abdon Villa, 24 Jackson Street, Nutley, NJ, 07110

Application: Your request for a permit at the above referenced premises, to widen the existing driveway (16') and curb cut (12') to 25.50 feet, as shown on the survey submitted prepared by Drand Surveying LLC, dated May 4, 2004

Appearances: Abdon and Rebecca Villa

Letter of Denial: The Letter of Denial was read by Greg Tolve Chapter 700, Article XIII, Section 700-94 A (1) of the Codes of Nutley states in an R-1 district a 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 proposed driveway will be widen to 25.50 feet.***

Chapter 700, Article XIII, Section 700-94 A (3) (a) of the Codes of Nutley states in an R-1 district, a curb cut width shall not exceed 16 feet in length. ***The proposed curb cut will be widen to 25.50 feet.***

Mr. Villa testifies that his family has four cars and having a single width car driveway makes it a burden for his family to have to shuffle cars when someone needs to leave the property. He states there is only 2-hour street parking so he cannot park his cars on the street. He also goes on to state that trucks back down the street and have already knocked off one of his side-view mirrors, so he doesn't like to park on the street any longer.

Mrs. Villa states then when all four cars are in the driveway, they are not able to close their gate which is a security concern for them. Chairman Graziano asserts that the issue being discussed is not a hardship and that for this variance to be allowed they need to express a hardship regarding the property.

Mrs. Villa reiterates the fact that they cannot close the gate when cars are parked behind it so they have to move the cars out in order to close the gate. Additionally, Applicant testified that they want to have a pool in the future and are concerned that there will be no way to barricade the property if all four cars are parked in the driveway.

The Board noted that if the driveway was widened then the street would lose a parking space.

With no further comments or questions, a motion to deny this variance was made by Suzanne Brown and seconded by Tammy Rossi. The motion was denied by a vote of 7-0.

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No. 4: 544-546 Centre Street

Applicant: Mr. Stephen Martins-Yasneski, 544-546 Centre Street, Nutley, NJ, 07110

Application: Your request for a permit, at the above referenced premises, to construct an additional driveway and curb cut on the left side of the dwelling, as shown on the survey prepared by Derek J. Kennedy & Associates, LLC, received by the building department, October 10, 2018

Appearances: Stephen Martins-Yasneski

Letter of Denial: The Letter of Denial was read by Greg Tolve. Chapter 700, Article XIII, Section 700-94 A (3) of the Codes of Nutley states each property shall not have more than one driveway and one curb cut.

Mr. Yasneski wants to install a driveway with curb cut on the left side of his dwelling. The driveway would run from fence to the street. He states that he has two cars and his tenant has 1 car, but previous tenants had three cars. He states that he would add a barrier to keep cars from going over the wall.

His house is a duplex, so he wants one to add an additional driveway to the left side of the house. Chairman Graziano states that there is a parking spot in front of the house on the property and he wants that removed and replaced with grass. Chairman Graziano also wants the code office to take a look at the retaining wall to check the safety of it.

With no further questions or comments a motion to grant the variance for a second driveway as long as the spot in front of the house is covered by grass, the retaining wall will be inspected, there will be a 9-foot curb cut along the driveway, the driveway will stop at the end of the house, and the driveway will be checked by coding office because it is on a county road was made by Joseph Battaglia and seconded by Gregory Tolve. The motion was granted by a vote of 7-0.

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No. 5: 55 Edison Avenue

Applicant: Josie and Bella Hernandez, 55 Edison Ave, Nutley, NJ, 07110

Application: Your request for a fence permit, at the above referenced premises, to install a six (6') foot solid type fence in the left side yard of the property, as shown on the survey prepared by the North Surveyors, Inc., dated May 31, 2002

Appearances: Josie & Bella Hernandez

Letter of Denial: The Letter of Denial was read by Greg Tolve

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 not be less than two feet in height and shall be of 50% open construction. ***The proposed fence shall be erected in the left side yard and shall be six (6') feet in height and solid type fence.***

Mr. Hernandez wants to add a 6-foot solid fence on the left side of his property. Mr. Hernandez states that the fence will give his family more privacy. He states there is a 5-foot chain link fence right now in the back, but it is the neighbor's fence. The suggested fence will be 6 inches from the property line and 1-foot from the neighbor's fence.

Chairman Graziano suggests a 6ft in the back of the property and a 4-foot in front up to front of the house. Mr. Hernandez likes the suggestion and agrees that is what he will do.

With no further question or comments a motion to grant the 6-foot fence in the back and the 4-foot fence up the front of the house made of solid vinyl was made by Daniel Tolve and seconded by Patricia Doherty. The motion was granted by a vote of 7-0 (Mr. Cafone recused himself from this application).

Invoices: None.

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,



Paul Marranzino

Board Secretary