

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

May 18, 2020

Mr. & Mrs. Brendan McMullen  
198 Lakeside Drive  
Nutley NJ 07110

RE: **ABOVE GROUND POOL**  
**198 Lakeside Drive**  
**Block/Lot: 1902/33**

Dear Mr. & Mrs. McMullen:

Your request for a permit at the above referenced premises, to install a 12' x 20' x 54" above ground pool which is attached to the existing deck; therefore, will have a 10' rear yard setback to the rear line, and three (3') foot setback to the existing garage which will reduce the total lot coverage, as shown on the property survey prepared by George Anderson, dated October 8, 1996, is denied for the following reason:

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

Chapter 700, Article XI, Section 700-67 D of the Codes of Nutley states an attached accessory structure or accessory use shall be considered to be a part of the main building.

Chapter 700, Article XI, Section 700-67 C of the Codes of Nutley states no detached accessory building shall be located nearer than 10 feet to a main building.

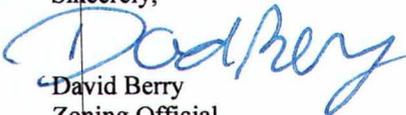
Chapter 700, Article VIII, Section 700-46 A of the Codes of Nutley entitled "Schedule of Regulations as to Bulk, Height and Other Requirements," requires a 30' rear yard setback. *The attached deck/pool will have a 10' rear yard setback.*

A non-refundable filing fee of \$175.00 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 Antonette DeBlasio, at (973) 284-4957. It should be noted that under State Statute, notice of appeal of this decision must be filed with this office not 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/adb



# TOWNSHIP OF NUTLEY, NEW JERSEY

## ZONING BOARD OF ADJUSTMENT APPLICATION FORM

Docket No: ZBA-20-0016

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

Application Fee: \$ 175.00 (on denial letter)

Date of Denial Letter: 5/18/2020

### Section I: SUBJECT PROPERTY

Address: 198 Lakeside Drive

Block: 1902 Lot: 33 Zone: R1

	District Requirements	Proposed
Lot Area	_____	_____
Lot Width	_____	_____
Lot Depth	_____	_____
Front Yard	_____	_____
Side Yard	_____	_____
Rear Yard	_____	_____
Other	_____	_____

### Section II: APPLICANT INFORMATION

Name: Brendan McMullen

Address: 198 lakeside drive

Nutley NJ 07110

Telephone: 201 478 0006

Email Address: Brewmc1010@gmail.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	_____ ✓ 1	_____ ✓ 1
Total existing and total proposed professional offices	_____ -	_____ -
Total existing and total proposed parking spaces	_____ -	_____ -

Present use of premises: One Family Dwelling

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? \_\_\_\_\_

If yes, state the nature, date and the disposition of each such matter: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Section V: PROFESSIONAL INFORMATION**

***Applicant's Attorney***

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

***Applicant's Architect***

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

***Applicant's Engineer***

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

***Applicant's Planning Consultant***

Name: \_\_\_\_\_

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: \_\_\_\_\_

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 or topographic conditions).

*Due to the fact that we have an irregular lot, there is only one place the pool can be constructed.*

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 the fact that our lot is under-sized (narrow), there is only one place the pool can be positioned.*

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

The current pool is 15+ years old and needs to be replaced. Due to the current COVID-19 social restrictions, it would be impracticable to not replace it. Removing the existing deck ~~the~~ would incur hardship.

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.

Granting this variance will not detrimentally affect public good or impair the intent or purpose of the ordinance. Our entire yard is fenced and the entrance to the pool is gated.





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

**CERTIFICATION OF PROPERTY OWNERS WITHIN 200 FEET**

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Docket Number: ZBA-20-0016

Work Site Location: 198 Lakeside Drive

Applicant: McMullen

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

1 to 3, as of 3/19/2020.

*Antonette DeBlasio*

\_\_\_\_\_  
ANTONETTE DEBLASIO  
Technical Assistant/ZBA-PB  
Township of Nutley, NJ



**Nutley**  
*Parcel Offset List*

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**Target Parcel(s):** Block-Lot: 1902-33  
MCMULLEN, BRENDAN & VICTORIA  
198 LAKESIDE DRIVE

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

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**Block-Lot: 1902-41**

BANKS, COLLEEN  
187 LAKESIDE DRIVE  
NUTLEY, NJ 07110  
RE: 187 LAKESIDE DRIVE

**Block-Lot: 1902-30**

D'ANGELO, FRANK J JR. & CHRISTINE S  
192 LAKESIDE DR  
NUTLEY, NJ 07110  
RE: 192 LAKESIDE DRIVE

**Block-Lot: 1902-29**

MONASTERIO, FRANK J & REA, CONCETTA  
188 LAKESIDE DR  
NUTLEY, NJ 07110  
RE: 188 LAKESIDE DRIVE

**Block-Lot: 1902-47**

KASTNER, JOSEPH & PATRICIA  
50 YANTACAW PL  
NUTLEY, NJ 07110  
RE: 50 YANTACAW PLACE

**Block-Lot: 1902-36**

MACKEMULL, PAUL & CARL & SMALLIDGE, M  
201 LAKESIDE DR  
NUTLEY, NJ 07110  
RE: 201 LAKESIDE DRIVE

**Block-Lot: 1902-17**

RAPP, MICHAEL  
18 FITTING PL  
NUTLEY, NJ 07110  
RE: 18 FITTING PLACE

**Block-Lot: 1902-53**

CONNOR, NOEL & MAUREEN  
72 ELM PL  
NUTLEY, NJ 07110  
RE: 72 ELM PLACE

**Block-Lot: 1902-32**

MICALOON, JACQUELINE  
196 LAKESIDE DR  
NUTLEY, NJ 07110  
RE: 196 LAKESIDE DRIVE

**Block-Lot: 1902-23**

HASSAN, OMAR  
9 FITTING PL  
NUTLEY, NJ 07110  
RE: 9 FITTING PLACE

**Block-Lot: 1902-31**

CHANG, KUO SH & PING YEUNG  
194 LAKESIDE DR  
NUTLEY, NJ 07110  
RE: 194 LAKESIDE DRIVE

**Block-Lot: 1902-42**

AMLUNG, CHRIS  
185 LAKESIDE DR  
NUTLEY, NJ 07110  
RE: 185 LAKESIDE DRIVE

**Block-Lot: 1902-55**

STREMEL, MAURICIO & KARINA  
78 ELM PLACE  
NUTLEY, NJ 07110  
RE: 78 ELM PLACE

**Block-Lot: 1902-19**

TOMASZEWSKI, JOHN C. & FARAH M.  
22 FITTING PLACE  
NUTLEY, NJ 07110  
RE: 22 FITTING PLACE

**Block-Lot: 1902-18**

GRODKIEWICZ, THOMAS & MARY  
20 FITTING PL  
NUTLEY, NJ 07110  
RE: 20 FITTING PLACE

**Block-Lot: 1902-54**

TOLVE, GERARD & SHERRIE  
76 ELM PL  
NUTLEY, NJ 07110  
RE: 76 ELM PLACE

**Block-Lot: 1902-37**

LONG, MICHAEL WILLIAM & JIMINEZ, B  
197 LAKESIDE DRIVE  
NUTLEY, NJ 07110  
RE: 197 LAKESIDE DRIVE

**Block-Lot: 1902-27**

LUPINACCI, ANTHONY & LOIS  
182 LAKESIDE DR  
NUTLEY, NJ 07110  
RE: 182 LAKESIDE DRIVE

**Block-Lot: 1902-57**

MICO, MARIO R. & LORENZA  
86 ELM PL  
NUTLEY, NJ 07110  
RE: 86 ELM PLACE

**Block-Lot: 1902-56**

DODDS, JOHN & JAIME  
82 ELM PLACE  
NUTLEY, NJ 07110  
RE: 82 ELM PLACE

**Block-Lot: 1902-20**

NIECZKOWSKI, STEFANIE  
21 FITTING PLACE  
NUTLEY, NJ 07110  
RE: 21 FITTING PLACE

**Block-Lot: 1902-52**

DE AMORIN, JOSEPH & JO-ANN  
68 ELM PL  
NUTLEY, NJ 07110  
RE: 68 ELM PLACE

**Block-Lot: 1902-51**

ROSALES, LUIS F.  
66 ELM PL  
NUTLEY, NJ 07110  
RE: 66 ELM PLACE

**Block-Lot: 1902-16**

SANTIAGO, JOSE  
14 FITTING PLACE  
NUTLEY, NJ 07110  
RE: 14 FITTING PLACE

**Block-Lot: 1902-15**

DMITRZAK, ANDREW W JR & GE, PEINAN  
10 FITTING PL  
NUTLEY, NJ 07110  
RE: 10 FITTING PLACE

**Block-Lot: 1902-50**

GOLDRICK, RICHARD & MARION  
64 ELM PL  
NUTLEY, NJ 07110  
RE: 64 ELM PLACE

**Block-Lot: 1902-21**

BUTLER, DAVID & EMMANUELLE BUTLER  
19 FITTING PLACE  
NUTLEY, NJ 07110  
RE: 19 FITTING PLACE

**Block-Lot: 1902-34**

MCMULLEN, ROBERT G. & LINDA  
200 LAKESIDE DR  
NUTLEY, NJ 07110  
RE: 200 LAKESIDE DRIVE

**Block-Lot: 1902-35**

WINDHEIM III, FRED THOMAS  
211 LAKESIDE DR  
NUTLEY, NJ 07110  
RE: 211 LAKESIDE DRIVE

**Block-Lot: 1902-22**

TENORIO, DENNIS S & MYLENE I  
15 FITTING PL  
NUTLEY, NJ 07110  
RE: 15 FITTING PLACE

**Block-Lot: 1902-28**

SWISTOK, JOSEPH & BARBARA M.  
186 LAKESIDE DR  
NUTLEY, NJ 07110  
RE: 186 LAKESIDE DRIVE

**Block-Lot: 1902-38**

SCORSONE, CHARLES & LINDA  
195 LAKESIDE DR  
NUTLEY, NJ 07110  
RE: 195 LAKESIDE DRIVE

**Block-Lot: 1902-39**

DAMURJIAN, RICHARD J. & JOAN A.  
193 LAKESIDE DR  
NUTLEY, NJ 07110  
RE: 193 LAKESIDE DRIVE

**Block-Lot: 3202-1**

NUTLEY BOARD OF EDUCATION  
375 BLOOMFIELD AVE  
NUTLEY, NJ 07110  
RE: 20 YANTACAW PLACE

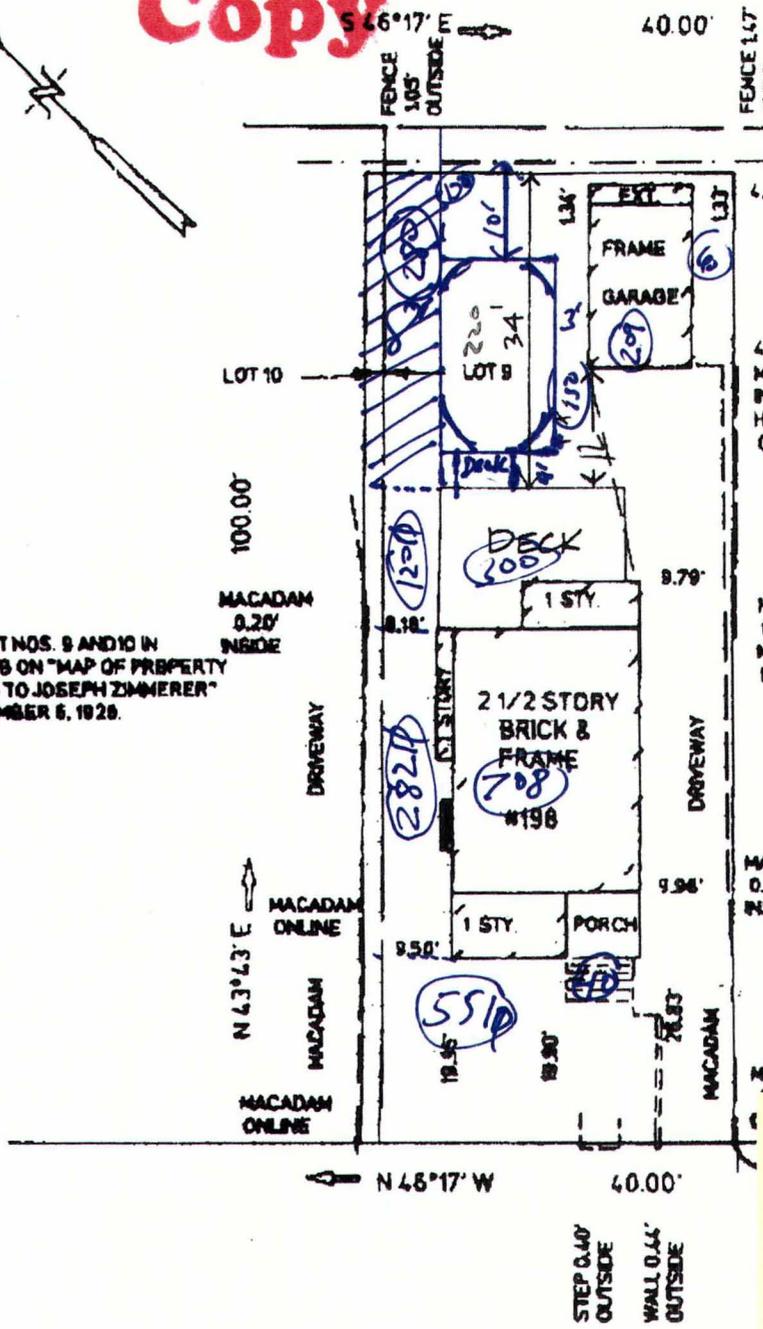
**Block-Lot: 1902-40**

TROVATO, BRIAN & JODI  
191 LAKESIDE DR  
NUTLEY, NJ 07110  
RE: 191 LAKESIDE DRIVE

**Bldg Dept  
Copy**

Lot area 40'x100' =  
4000φ  
35% = 1400φ  
70% = 2800φ  
30% = 1200φ

PART OF LOT NOS. 9 AND 10 IN  
BLOCK 331-B ON "MAP OF PROPERTY  
BELONGING TO JOSEPH ZIMMERER"  
DATED NOVEMBER 6, 1928.



35% lot coverage  
209φ  
300φ  
708φ  
40φ  
1257φ  
+ Pool? φ = 220φ  
1477φ

30% - Required Paving  
Coverage  
551  
282  
120  
280  
150  
60  
150  
20  
1613φ OK

LAKESIDE (50.0' R.D.W.) DRIVE

THIS SURVEY IS CERTIFIED TO PAUL JULIANO AND KAREN JULIANO, HIS  
REALTY TITLE AGENCY, INC., GREENWICH HOME MORTGAGE CORP., ITS  
THEIR INTERESTS MAY APPEAR.

RECEIVED

JAN 2 2002

TOWNSHIP OF NUTLEY  
CODE ENFORCEMENT DEPT.

This certification is made only to the named parties for purchase and/or mortgage of herein delineated  
property by the named purchaser. No responsibility or liability is assumed by Surveyor for use of survey  
for any other purpose including, but not limited to, use of survey for survey affidavits, resale of property,  
or to any other person not listed in certification, either directly or indirectly.

This is a location survey. Property corners were not marked by contractual agreement.

**SHEPARD & SHEPARD, INC.**  
PROFESSIONAL LAND SURVEYORS

22 CHERRY PLACE NUTLEY, N.J. 07110 TEL 973-667-0713 FAX 973-667-0517

MAP OF PROPERTY SITUATED AT:  
198 LAKESIDE DRVE, TOWNSHIP OF NUTLEY  
ESSEX COUNTY, NEW JERSEY

GEORGE J. ANDERSON  
PROFESSIONAL LAND SURVEYOR - LIC. NO. 35706

SURVEY NO. 980630  
BLOCK 331-B LOT(S) 9 TAX MAPS  
SCALE 1"=20.0'  
DRAWN BY LA CHECKED BY GJA

*George J. Anderson*  
DATE(S) 10/08/98