



CODE ENFORCEMENT DEPT.

THOMAS J. EVANS
Director of Revenue and Finance

TOWNSHIP OF NUTLEY

1 KENNEDY DRIVE
NUTLEY, NEW JERSEY 07110

BUILDING
PLUMBING
ELECTRICAL
FIRE
ZONING

DAVID BERRY
Construction Official
Zoning Official

TELEPHONE: (973) 284-4957 · FACSIMILE: (973) 284-0071

June 24, 2020

Mr. Shabu Kusuman
14 Nutley Avenue
Nutley, NJ 07110

RE: Corner Property
Pool Side Yard
6' Solid Fence Around Entire Property
Leave As Erect 6' & 4' Solid Fence Around Patio/Side Yard
14 Nutley Avenue
Block-Lot: 3802/19

Dear Mr. Kusuman:

Your request for a permit, at the above referenced premises, to install a 12'x17'x52" above-ground pool located in the side yard, and to install a six (6') foot solid fence around the entire corner property, and to leave as erect a six (6') foot solid and four (4') solid fence around the patio in the side yard, as shown on the property survey prepared by Lakeland Surveying, dated May 8, 2019, is denied for the following reasons:

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

Chapter 700, Article XI, Section 700-67 A of the Codes of Nutley, entitled "Accessory buildings and uses," states that "detached accessory buildings and accessory uses may occupy in the aggregate an area not to exceed 30% of the area of any rear yard." *The proposed above-ground pool is located in the side yard, and not the rear yard.*

Chapter 700, Article XI, Section 700-71 A of the Codes of Nutley, entitled "Fences and retaining walls," states that "no fences of any type shall be permitted in any front yard." *The proposed fence will be in the front, side, and rear yards.*

Chapter 700, Article XI, Section 700-71 D of the Codes of Nutley, entitled "Fences and retaining walls," states that "a fence erected on any corner lot shall conform to the fence requirements for the adjoining properties." *The proposed fence will be located along both street sides, which will be bordering the front yards of the adjoining properties along River Road and Nutley Avenue.*

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 Lucy Jacobs at ljacobs@nutleynj.org. It should be noted that, under State Statute, notice of appeal of this decision must be filed with this office no 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.

Very truly yours,


DAVID BERRY
Zoning Official

DB/vlw



TOWNSHIP OF NUTLEY, NEW JERSEY

ZONING BOARD OF ADJUSTMENT APPLICATION FORM

Docket No: ZBA - 20 - 0025

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

Application Fee: \$ 175 (on denial letter)

Date of Denial Letter: 6/24/2020

Section I: SUBJECT PROPERTY

Address: 14 Nutley Ave Nutley, NJ 07110

Block: 3802 Lot: 19 Zone: _____

	District Requirements	Proposed
Lot Area	<u>6,849 SF</u>	_____
Lot Width	<u>44.4'</u>	<u>44.4'</u>
Lot Depth	_____	_____
Front Yard	_____	_____
Side Yard	_____	_____
Rear Yard	_____	_____
Other	_____	_____

Section II: APPLICANT INFORMATION

Name: Shabu Kusuman

Address: 14 Nutley Ave
Nutley, NJ 07110

Telephone: 929-310-3500

Email Address: kusumansha@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	<u> 1 </u>	<u> 1 </u>
Total existing and total proposed professional offices	<u> </u>	<u> </u>
Total existing and total proposed parking spaces	<u> </u>	<u> </u>

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? yes

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

1997- front and side chain link fence
on property line

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 01' topographic conditions).

There is no backyard so the side of property is used as back yard.

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

Since property is corner unit, it (side yard) is next to main road (River Road) so fence is needed for security and privacy. Pool is needed for medical reasons and with no backyard, side of property is only area large enough for it.

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

Safety - car was stolen last year from driveway
- months later second attempt was done

Pool - chiropractor recommended for water
exercise

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 affect public
as it is on private property. Adjacent
neighbors are aware of request and have
already signed consent for variance.



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

CERTIFICATION OF PROPERTY OWNERS WITHIN 200 FEET

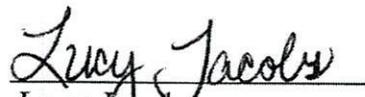
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Docket Number: ZBA-20-0025

Work Site Location: 14 Nutley Avenue

Applicant: Shabu Kusuman

I do hereby certify to the ownership of the properties listed on pages
1 to 2, as of May 29, 2020.



Lucy Jacobs
Clerk
Township of Nutley, NJ



Nutley

Parcel Offset List

Target Parcel(s): Block-Lot: 3802-19
KUSUMAN, SHABU & LEVI, LOIS JINA
14 NUTLEY AVENUE

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

Block-Lot: 3802-16

ORR, JEFFREY & AMBAR
319 RIVER RD
NUTLEY, NJ 07110
RE: 319 RIVER ROAD

Block-Lot: 3802-21

CARNOVALE, IDA
22 NUTLEY AVE
NUTLEY, NJ 07110
RE: 22 NUTLEY AVENUE

Block-Lot: 3802-18

ROTBaum, ADAM & RACHEL ANN
309 RIVER RD
NUTLEY, NJ 07110
RE: 309 RIVER ROAD

Block-Lot: 3802-23

BELLAPIANTA, LENA
30 NUTLEY AVE
NUTLEY, NJ 07110
RE: 30 NUTLEY AVENUE

Block-Lot: 3802-22

RITACCO, FRANK V. & KATHLEEN M.
26 NUTLEY AVE
NUTLEY, NJ 07110
RE: 26 NUTLEY AVENUE

Block-Lot: 3802-20

BOLLANDER, DYANA & VINCENT
18 NUTLEY AVE
NUTLEY, NJ 07110
RE: 18 NUTLEY AVENUE

Block-Lot: 3802-17

ATIG, AHMAD & NASIRA
315 RIVER RD
NUTLEY, NJ 07110
RE: 315 RIVER ROAD

Block-Lot: 3801-12

FALDUTO, THOMAS J. & SUSAN D.
31 NUTLEY AVE
NUTLEY, NJ 07110
RE: 31 NUTLEY AVENUE

Block-Lot: 3801-13

SMERAGLIUOLO, TRACEY J.
27 NUTLEY AVENUE
NUTLEY, NJ 07110
RE: 27 NUTLEY AVENUE

Block-Lot: 3801-14

VI, ANH L.
23 NUTLEY AVE
NUTLEY, NJ 07110
RE: 23 NUTLEY AVENUE

Block-Lot: 3801-15

MANGANO, THOMAS R. & ELAINE
19 NUTLEY AVE
NUTLEY, NJ 07110
RE: 19 NUTLEY AVENUE

Block-Lot: 3801-16

MATTURRO, ROBERT A.
15 NUTLEY AVE
NUTLEY, NJ 07110
RE: 15 NUTLEY AVENUE

Block-Lot: 3801-17

REILLY, FRANCIS X & GONZALEZ, CAROL
11 NUTLEY AVENUE
NUTLEY, NJ 07110
RE: 11 NUTLEY AVENUE

Block-Lot: 3801-18

MILLIGAN, SHAWN
287 RIVER RD
NUTLEY, NJ 07110
RE: 287 RIVER ROAD

Block-Lot: 3801-21

IGLESIAS, ALEX & MARIA LUISA
24 HAY AVE
NUTLEY, NJ 07110
RE: 24 HAY AVENUE

Block-Lot: 3802-11

WONG, GARY & HUE L. LA
25 HIGHFIELD LANE
NUTLEY, NJ 07110
RE: 25 HIGHFIELD LANE

Block-Lot: 3802-12

BRAND, MATTHEW & MORAN, DAYANA
21 HIGHFIELD LANE
NUTLEY, NJ 07110
RE: 21 HIGHFIELD LANE

Block-Lot: 3802-13

DISTEFANO, ANTHONY J. & ROSEMARY
17 HIGHFIELD LN
NUTLEY, NJ 07110
RE: 17 HIGHFIELD LANE

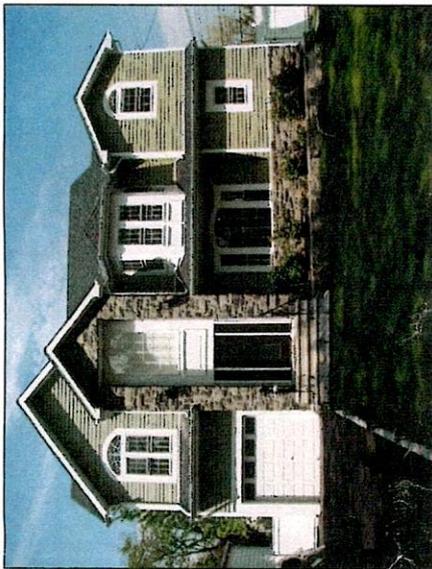
Block-Lot: 3802-14

VICKERS, MATTHEW T & EDLIRA
11 HIGHFIELD LN
NUTLEY, NJ 07110
RE: 11 HIGHFIELD LANE

Block-Lot: 3802-15

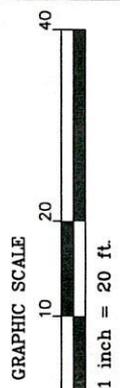
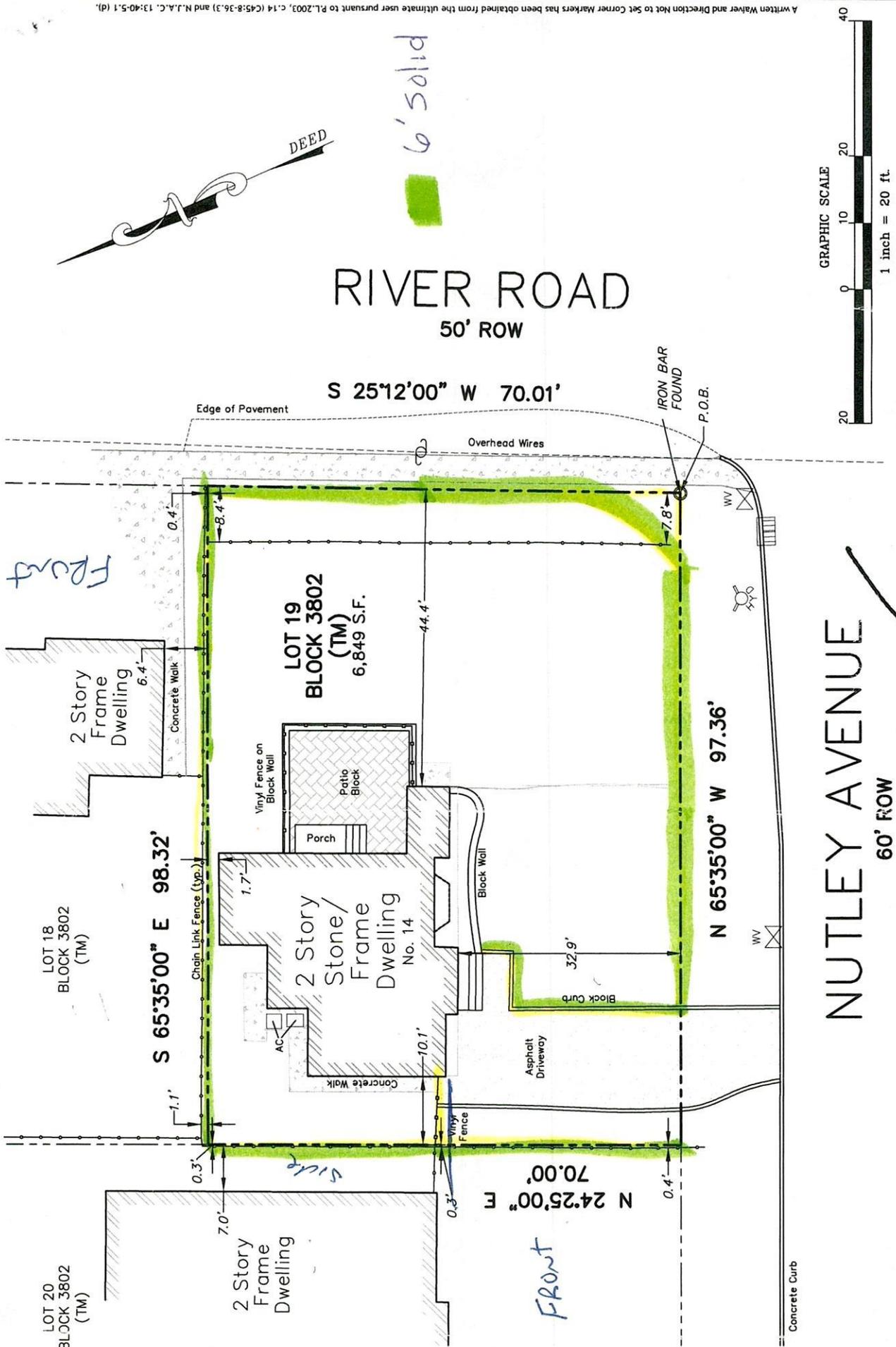
PERALTA, ALEXANDER & KENIA
5 HIGHFIELD LN
NUTLEY, NJ 07110
RE: 5 HIGHFIELD LANE

A written Waiver and Direction Not to Set Corner Markers has been obtained from the ultimate user pursuant to P.L.2003, c.14 (C45:8-36.3) and N.J.A.C. 13:40-5.1 (d).



This survey certified to:
 Shabu Kusuman and Lois Jina Levi
 Everett Financial, Inc., dba Supreme Lending, its successors
 and/or assigns as their interest may appear (cpl# 43039210)
 Signature Settlement & Title Agency, LLC
 Stewart Title Guaranty Company
 Law Offices of Timothy F. McGoughran, LLC

This survey references:
 Instrument No. 2017102705
 Notes:
 Field Survey performed on 05/02/19
 Subject to an accurate title search
 Subject to documents of record



N.J. P.L.S. LIC. No. 24GS04132900
 N.J. P.L.S. LIC. No. 24GS03008700
 MAREK J. CUFONE, Professional Land Surveyor
 JEFFREY W. MALES, Professional Land Surveyor

I declare that this plan is based on actual field survey performed by Lakeland Surveying, Inc., under my direct supervision, in accordance with N.J.A.C. 13:40-5.1 and to the best of my professional knowledge, information and belief, correctly represents the conditions found on the date of the field survey, except such easements, if any, below the surface of the land, not visible. This declaration is given solely to the above named parties for this transaction only and is not transferable. Survey is valid only if print has original raised seal of the undersigned professional. This plan is made to provide information to the title insurer so that it may insure title to the lands shown hereon.



117 Hibernia Avenue | Rockaway | NJ
 Ph: (973) 625-5670 | Fx: (973) 625-4121
 www.LakelandSurveying.com
 Certificate of Authorization #24GA28190000

PROJECT NUMBER 19116		DATE 05/08/19	
REFERENCE NUMBER STA-1:243		CHECKED: MJC	
SCALE 1" = 20'		DWN BY: CMB	
SURVEY OF PROPERTY Tax Lot 19 - Block 3802 14 Nutley Avenue, Township of Nutley Essex County, New Jersey			