



**THOMAS J. EVANS**  
Director of Revenue and Finance

CODE ENFORCEMENT DEPT.

**PAT INTINDOLA**  
Construction Official

## TOWNSHIP OF NUTLEY

1 KENNEDY DRIVE  
NUTLEY, NEW JERSEY 07110

BUILDING  
PLUMBING  
ELECTRICAL  
FIRE  
ZONING

**DAVID BERRY**  
Zoning Official

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

June 18, 2020

Mr. & Mrs. John Kaufman  
18 Dogwood Lane  
Nutley NJ 07110

**RE: EXPIRED APPROVAL APPLICATION JULY 18, 2016**  
**I/G POOL/ COVERAGE**  
**18 Dogwood Lane**  
**Block/Lot: 4101/8**

Dear Mr. & Mrs. Kaufman:

Your request to renew the approved resolution with conditions from the Zoning Board of Adjustment on July 18, 2016 which has expired, for a permit at the above referenced premises, to install a 12' X 17' in-ground pool having a three (3') foot rear yard setback, as shown on the survey prepared by James Pica, Surveyor, dated December 9, 2014, is denied for the following reason:

Please note: Pool was reduced from 12' X 20' to 12' X 17' which adheres to the coverage %; therefore, is redacted from this denial letter.

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

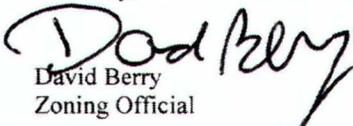
Chapter 700, Article V, Section 700-9 D (2) of the Codes of Nutley requires a pool to have an eight (8') foot side and rear yard setback.

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-20-0022

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 (on denial letter)

Date of Denial Letter: 6/1/2020

### Section I: SUBJECT PROPERTY

Address: 18 Dogwood Lane

Block: 4101 Lot: 8 Zone: R-1AA

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

### Section II: APPLICANT INFORMATION

Name: Krystyn Kaufman & John Kaufman

Address: 18 Dogwood Ln  
Nutley, NJ 07110

Telephone: 973-661-5297 Cell - 732-690-4562

Email Address: Krysty723@aol.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? yes

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

7/18/16 - to install a 12x20 semi inground pool  
having 3' rear yard setback & 36%  
lot coverage / Condition - pool equip to be  
placed in rear yard right corner

**Section V: PROFESSIONAL INFORMATION**

(see attached)

***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).

Our backyard is shallow in depth.

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

No extraordinary situations except depth

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

Krystyn is a school teacher and home with the children (Shayla 6 y.o. and Shane 4 y.o.) during the summer. The pool will allow the kids to learn to swim and spend quality time at home with the family.

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.

The pool will be in the safety of our yard, married to a fence/barrier up to town code.

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**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-20-0022

Work Site Location: 18 Dogwood Lane

Applicant: Kaufman

I do hereby certify to the ownership of the properties listed on pages  
1 to 2, as of 5/29/2020.

*Antonette DeBlasio*

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



# Nutley

## Parcel Offset List

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**Target Parcel(s):** Block-Lot: 4101-8  
KAUFMAN, JOHN F. JR. & KRISTYN M.  
18 DOGWOOD LANE

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

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**Block-Lot: 4101-3**

JOYCE, BRIAN M. & NANCY  
122 WHITFORD AVE  
NUTLEY, NJ 07110  
RE: 122 WHITFORD AVENUE

**Block-Lot: 4101-16**

MATEUS, BELKIS  
44 CHESTNUT STREET  
NUTLEY, NJ 07110  
RE: 44 CHESTNUT STREET

**Block-Lot: 4101-9**

CARELLA, CHARLES M. & SANDRA C.  
19 DOGWOOD LN  
NUTLEY, NJ 07110  
RE: 19 DOGWOOD LANE

**Block-Lot: 4101-15**

HRESKO, JOSEPH S. & AILEEN P.  
38 CHESTNUT ST  
NUTLEY, NJ 07110  
RE: 38 CHESTNUT STREET

**Block-Lot: 4101-1**

LAMOND, CHRISTOPHER J. & DONNA S.  
66 CHESTNUT ST  
NUTLEY, NJ 07110  
RE: 66 CHESTNUT STREET

**Block-Lot: 4101-14**

MCCARTHY, TIMOTHY J. & DANA M.  
30 CHESTNUT ST  
NUTLEY, NJ 07110  
RE: 30 CHESTNUT STREET

**Block-Lot: 4101-17**

FISCHER, BRIAN LENNON & S  
50 CHESTNUT ST  
NUTLEY, NJ 07110  
RE: 50 CHESTNUT STREET

**Block-Lot: 4101-13**

BUDD, ALAN L. & MARGARET  
26 CHESTNUT ST  
NUTLEY, NJ 07110  
RE: 26 CHESTNUT STREET

**Block-Lot: 4101-5**

REDDINGTON, HARRY  
130 WHITFORD AVE  
NUTLEY, NJ 07110  
RE: 130 WHITFORD AVENUE

**Block-Lot: 4201-12**

FAREWELL, KEVIN & GALE  
285 NUTLEY AVE  
NUTLEY, NJ 07110  
RE: 285 NUTLEY AVENUE

**Block-Lot: 4101-6**

DI MARCO, RICHARD & JANIS  
2 DOGWOOD LN  
NUTLEY, NJ 07110  
RE: 2 DOGWOOD LANE

**Block-Lot: 4201-13**

WEI, AUSTIN & AMY  
123 WHITFORD AVE  
NUTLEY, NJ 07110  
RE: 123 WHITFORD AVENUE

**Block-Lot: 4101-11**  
PENA, NEWTON A.  
3 DOGWOOD LN  
NUTLEY, NJ 07110  
RE: 3 DOGWOOD LANE

**Block-Lot: 4101-4**  
ARCUTI, MARK & JODI  
126 WHITFORD AVE  
NUTLEY, NJ 07110  
RE: 126 WHITFORD AVENUE

**Block-Lot: 4101-7**  
FRANNICOLA, ROBERT & ALICIA  
10 DOGWOOD LN  
NUTLEY, NJ 07110  
RE: 10 DOGWOOD LANE

**Block-Lot: 4201-14**  
PIGNATARO, VINCENZO & COSIMINA  
117 WHITFORD AVE  
NUTLEY, NJ 07110  
RE: 117 WHITFORD AVENUE

**Block-Lot: 4101-10**  
NAVARRA, JOSEPH A. & RUTH B.  
11 DOGWOOD LN  
NUTLEY, NJ 07110  
RE: 11 DOGWOOD LANE

**Block-Lot: 4201-15**  
DALFINO, ANTHONY S. & MARILYN E. H.  
111 WHITFORD AVE  
NUTLEY, NJ 07110  
RE: 111 WHITFORD AVENUE

**Block-Lot: 4101-2**  
BEVEC, SHAWN C.  
116 WHITFORD AVE  
NUTLEY, NJ 07110  
RE: 116 WHITFORD AVENUE

**Block-Lot: 10-6**  
NORFOLK SOUTHERN RAILWAY  
125 COUNTY ROAD  
JERSEY CITY, NJ 07307  
RE: NEWARK BRANCH RAILROAD

BEING KNOWN AS LOT 27 IN BLOCK 430 ON MAP ENTITLED:  
 "MAP OF PROPERTY BELONGING TO HERMAN ENDRES, TOWN OF NUTLEY,  
 ESSEX COUNTY, N.J." FILED JULY 10, 1963 AS MAP NO. 2709.

**Bldg Dept  
 Copy**



Lot Area  
 5775  $\phi$   
 35% = 2021  $\phi$   
 60% = 3465  $\phi$   
 40% = 2310  $\phi$   
 OK



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 AFFIDAVIT, RESALE OF PROPERTY, OR TO ANY OTHER PERSON NOT LISTED IN CERTIFICATION, EITHER DIRECTLY OR INDIRECTLY. A WRITTEN WAIVER AND DIRECTION NOT TO SET CORNER MARKERS HAS BEEN OBTAINED FROM THE ULTIMATE USER PURSUANT TO P.L. 2003, c.14 (N.J.S.A. 45:8-38.3) AND N.J.A.C. 13:40-5.1(d) THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH. THIS SURVEY IS NOT VALID WITHOUT THE EMBOSSED SEAL OF THE LICENSED SURVEYOR.

SURVEY OF PROPERTY SITUATED AT #18 DOGWOOD LANE IN THE TOWN OF NUTLEY, ESSEX COUNTY, NEW JERSEY

BEING KNOWN AS LOT 8 IN BLOCK 4101 ON THE TAX MAP IN THE TOWN OF NUTLEY, ESSEX COUNTY, NEW JERSEY

CERTIFY TO JOHN F. KAUFMAN, JR. & KRISTYN M. KAUFMAN, H/W; OLDE SCHOOL TITLE SERVICES, LLC; WESTCOR LAND TITLE INSURANCE COMPANY; DONALD J. RINALDI, ESQ.; UNITED WHOLESALE MORTGAGE, ITS SUCCESSORS AND/OR ASSIGNS AS THEIR INTEREST MAY APPEAR

REVISED:

**P<sup>2</sup> LAND SURVEYING, INC**  
 P.O. BOX 241 FLANDERS, NJ 07836  
 (908) 955-7161 FAX (908) 955-7162

DRAWN BY: MS SCALE: 1" = 20'  
 DATE: 12-09-14 TITLE NO. JOB NO.  
 OST3660 14-1386

CHECKED BY: JP

*James Pica*

**JAMES PICA**  
 PROFESSIONAL LAND SURVEYOR  
 NEW JERSEY LICENSE NUMBER 24GS03795400

In the Matter of

**JOHN & KRISTYN  
KAUFMAN**

Applicants

**ZONING BOARD OF ADJUSTMENT  
TOWNSHIP OF NUTLEY  
ESSEX COUNTY, NEW JERSEY**

***RESOLUTION GRANTING BULK VARIANCES***

**FOR PROPERTY KNOWN AS:**

**18 Dogwood Lane  
Block 4101, Lot 8**

**APPLICANTS, John and Krystyn Kaufman (“Applicants”) having filed an application for a permit with the Code Official of the Township of Nutley, to do the following at the premises known as 18 Dogwood Lane, also being Block 4101, Lot 8 on the Tax Map of the Township of Nutley (the “Premises”):**

**To install a 12’ x 20’ semi in-ground pool having a three (3’) foot rear yard setback, and which will increase the required 35% lot coverage to 36% as shown on the survey prepared by James Pica, Surveyor, dated December 9, 2014;**

**AND the Code Official having denied said permit by letter dated April 26, 2016, citing Chapter 700, Article V, Section 700-D (2) of the Codes of Nutley which requires a pool to have an eight (8’) foot side and rear yard setback and also citing Chapter 700, Article VIII, Section 700-46 A of the Codes of Nutley; the “Schedule of Regulations” which requires lot coverage not to exceed 35% (Proposed is 36%);**

**AND the Premises being located in an R-1AA District as shown on the Township of Nutley Zoning Map;**

**AND Applicants having filed an application with the Zoning Board of Adjustment of the Township of Nutley (the “Board”), requesting a variance from the terms of the *Zoning Ordinance*;**

**AND the Board having held a public hearing on the application on July 18, 2016 after due public notice and due notice to property owners in the manner and within the time frames prescribed by the *Zoning Ordinance* and by the *Municipal Land Use Law* and the *Open Public Meetings Act* of the State of New Jersey;**

AND the Board having fully heard the testimony of the witnesses and examined the exhibits presented at the hearing, and having heard the arguments of the parties for requested relief and there being no opposition;

NOW, THEREFORE, WE, the Zoning Board of Adjustment of the Township of Nutley, find as follows:

1. That Applicants' proposed use of the Premises as proposed would violate the provisions of the *Zoning Ordinance*.
2. That Applicants have met their burden of demonstrating that sufficient legal grounds exist for the granting of the requested variance.
  - a. Applicants have adequately demonstrated peculiar and exceptional practical difficulties arising by reason of an extraordinary and exceptional situation uniquely affecting the Premises or the structures lawfully existing thereon, such that strict application of the *Zoning Ordinance* would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, Applicants.
  - b. Specifically, the evidence presented demonstrates to the satisfaction of the Board that the Applicants lot is oddly configured such that the survey on the right side shows a lot length of 129 feet due to the measurement to the curve of the cul-de-sac and the right side of the property has a lot length of only 79 feet. The existing rear yard is very shallow- only 25' which creates a hardship. The proposed pool as placed in the rear yard of the property with the pool heater/filter in the rear corner as shown on the survey makes the most sense and will not create a hardship to the rear or side neighbor.
3. That, on the basis of the evidence presented, the requested variance can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan or the *Zoning Ordinance*. The proposed project will have no negative impacts on the surrounding neighborhood, will be consistent with the character of the surrounding neighborhood, and will not interfere with the neighbors' use and enjoyment of their properties.

BE IT THEREFORE RESOLVED by the Zoning Board of Adjustment of the Township of Nutley that for the reasons stated above, a VARIANCE from the provisions of the *Zoning Ordinance* is hereby GRANTED to permit Applicants to install a 12' x 20' semi in-ground pool having a three (3') foot rear yard setback, and which will increase the required 35% lot coverage to 36% as shown on the survey prepared by James Pica, Surveyor, dated December 9, 2014.

BE IT FURTHER RESOLVED that the following TERMS and CONDITIONS apply to the within VARIANCE:

1. The pool filter/heater shall be placed in the rear right corner of the yard as shown on the survey submitted with the application.

AND BE IT FURTHER RESOLVED, that nothing in this resolution is intended to imply that the documentation submitted by Applicants to the Board in support of this application is adequate for the issuance of a construction permit by the Code Official, and nothing herein should be so construed.

APPLICATION/APPEAL GRANTED

c (bulk)  d (use) variance(s)  site plan approval  appeal

other: (semi in ground pool / lot coverage)

Applicant: Mr. + Mrs. Kaufman

Property: 18 Dogwood Lane

Block 4101 Lot 8

AND BE IT FURTHER RESOLVED the Construction Code Official is hereby directed to issue a permit in accordance with this decision.

Frank D. Graziano  
Frank Graziano, Chairman yes

Suzanne Brown  
Suzanne Brown, Vice Chairwoman

Excused  
Thomas Da Costa Lobo, Secretary

Louis Fusaro yes  
Louis Fusaro

Excused  
Mary Ryder

Gary Marino yes  
Gary Marino

Excused  
Peter Scirica

Excused  
Lori Castro (1<sup>st</sup> Alternate)

Daniel Tolve yes  
Daniel Tolve (2<sup>nd</sup> Alternate)

Joseph Frusteri yes  
Joseph Frusteri (3<sup>rd</sup> Alternate)

Prepared By: Diana Powell McGovern  
Diana Powell McGovern, Esq.

Memorialized: August 15, 2016