



THOMAS J. EVANS
Director of Revenue and Finance

CODE ENFORCEMENT DEPT.

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

July 17, 2020

Mr. & Mrs. Jarrett & Jennifer Foote
76 Church Street
Nutley, NJ 07110

**Re: Six Foot Solid Fence
Corner Property
76 Church Street
Block- Lots: 5701/19**

Dear Mr. & Mrs. Jarrett & Jennifer Foote:

Your request for a permit, at the above referenced premises, to install a six (6') foot solid fence, located on a corner property, in the side yard, which is adjacent to the front yard of the adjoining property along Prospect Street, as shown on the property survey prepared by Ampol Surveying, LLC, dated February 6, 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 700-71 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 side yard fence will not conform to the requirements of the adjoining property along Prospect Street.***

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 on the Prospect Street side will be located in the front yard of the adjoining property.***

A non-refundable filing fee of \$75.00 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 973-284-4951 x2236 or 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.

Sincerely,


David Berry
Zoning Official

DB/vlw



TOWNSHIP OF NUTLEY, NEW JERSEY

ZONING BOARD OF ADJUSTMENT APPLICATION FORM

Docket No: ZBA-20-0032

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: \$ 75 (on denial letter)

Date of Denial Letter: 7/17/20

Section I: SUBJECT PROPERTY

Address: 76 Church Street Nutley, NJ 07110

Block: 5701 Lot: 19 Zone: _____

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

Section II: APPLICANT INFORMATION

Name: Jarett & Jennifer Foote

Address: 76 Church Street
Nutley, NJ 07110

Telephone: (201) 679-9483

Email Address: jarettfoote.13@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	_____	_____
Total existing and total proposed professional offices	_____	_____
Total existing and total proposed parking spaces	_____	_____

Present use of premises: 1 Family

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: _____

Erect a 12x18' above ground pool in
1999 - previous owners

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).

NO constraints on our property

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

To ensure the safety of our children

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

Parts of the existing chain link fence are broken and worn and this fence and type of fence is unsafe for our 2 year old twin boys.

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.

This variance is to replace an existing fence from chain link to vinyl and will not affect the public.



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

CERTIFICATION OF PROPERTY OWNERS WITHIN 200 FEET

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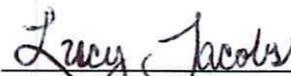
Docket Number: ZBA-20-0032

Work Site Location: 76 Church Street

Applicant: Mr. & Mrs. Jarett & Jennifer Foote

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

1 to 2, as of May 29, 2020.



Lucy Jacobs
Clerk



Nutley Parcel Offset List

Target Parcel(s): Block-Lot: 5701-19
FOOTE, JARRETT & JENNIFER
76 CHURCH STREET

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

Block-Lot: 6001-4.01

FRANKLIN REFORMED CHURCH OF NUTLEY
45 HILLSIDE CRES
NUTLEY, NJ 07110
RE: 60 CHURCH STREET

Block-Lot: 5801-12

CASALE, JACK A. & SUSAN G.
319 PROSPECT ST
NUTLEY, NJ 07110
RE: 319 PROSPECT STREET

Block-Lot: 5900-1

TOWNSHIP OF NUTLEY
1 KENNEDY DR
NUTLEY, NJ 07110
RE: 71 CHURCH STREET

Block-Lot: 5900-2

TOWNSHIP OF NUTLEY
1 KENNEDY DR
NUTLEY, NJ 07110
RE: 61 CHURCH STREET

Block-Lot: 5801-13

MITCHELL, JOSEPH W. & HELEN A.
311 PROSPECT ST
NUTLEY, NJ 07110
RE: 311 PROSPECT STREET

Block-Lot: 5900-46

VALENTINI, BENJAMIN & ENRICA
316 PROSPECT ST
NUTLEY, NJ 07110
RE: 316 PROSPECT STREET

Block-Lot: 5900-3

ANTONIO, ANDERSON & KIMBERLY
57 CHURCH ST
NUTLEY, NJ 07110
RE: 57 CHURCH STREET

Block-Lot: 6001-2

TIERNAN, KELLY L. & RINIK, DAVID
59 HILLSIDE CRES
NUTLEY, NJ 07110
RE: 59 HILLSIDE CRESCENT

Block-Lot: 6001-3

FONTINELLI, DAVID
55 HILLSIDE CRESCENT
NUTLEY, NJ 07110
RE: 55 HILLSIDE CRESCENT

Block-Lot: 5701-15

PROSPECT AVENUE CAPITAL, LLC
PO BOX 924
JACKSON, NJ 08527
RE: 355 PROSPECT STREET

Block-Lot: 5701-26

ZIRPOLI, PERRY J. & PAMELA J.
32 CARTERET PL
NUTLEY, NJ 07110
RE: 32 CARTERET PLACE

Block-Lot: 5701-25

ROBERTS, RICHARD T. & JANICE M.
24 CARTERET PL
NUTLEY, NJ 07110
RE: 24 CARTERET PLACE

Block-Lot: 5701-16

BECHT, THOMAS C & LEVINE, KRISTEN E
2 SURGET ST
NUTLEY, NJ 07110
RE: 349 PROSPECT STREET

Block-Lot: 5701-24

ADVOCAT, GIL & ERICA
11 CEDAR STREET
NUTLEY, NJ 07110
RE: 20 CARTERET PLACE

Block-Lot: 5701-17

GRADY, B. EST (GRADY, BEV. LIFE EST)
345 PROSPECT ST
NUTLEY, NJ 07110
RE: 345 PROSPECT STREET

Block-Lot: 6000-13

IANNITELLI, TIZIANO & FLORIE, JORDA
356 PROSPECT ST
NUTLEY, NJ 07110
RE: 356 PROSPECT STREET

Block-Lot: 5701-18

GAVIGAN, MARK & BARBARA
337 PROSPECT ST
NUTLEY, NJ 07110
RE: 337 PROSPECT STREET

Block-Lot: 5701-22

ORMANBABA, SONER
90 CHURCH ST
NUTLEY, NJ 07110
RE: 90 CHURCH STREET

Block-Lot: 5701-21

VALESE, DANIEL & ROSEMARY
86 CHURCH ST
NUTLEY, NJ 07110
RE: 86 CHURCH STREET

Block-Lot: 5701-23

MACHTEMES, DANIEL & LYNNE
18 TAFT AVE
WOODLAND PARK, NJ 07424
RE: 94 CHURCH STREET

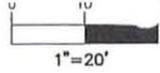
Block-Lot: 5701-20

SIMONE, ROSEMARY
80 CHURCH ST
NUTLEY, NJ 07110
RE: 80 CHURCH STREET

Block-Lot: 6001-1

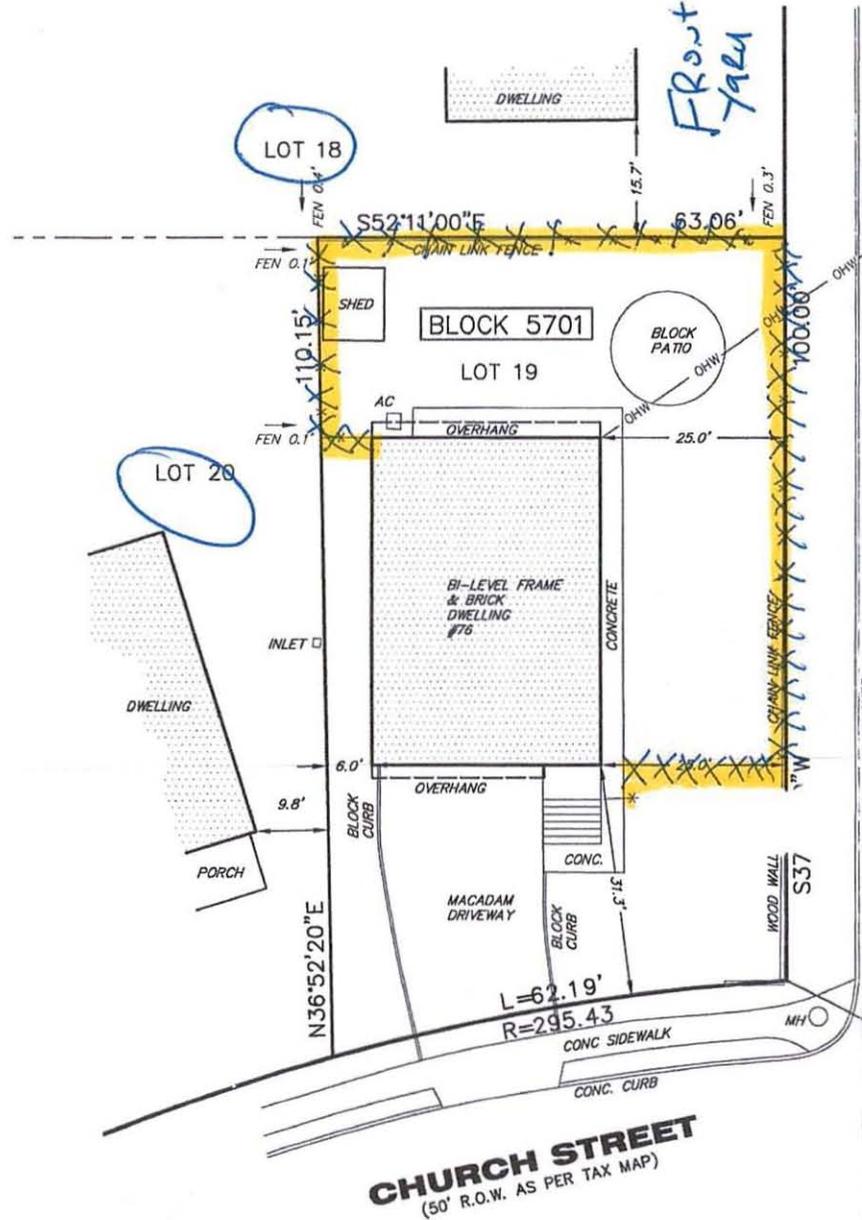
CELONA, MICHAEL & JENNIFER
348 PROSPECT ST
NUTLEY, NJ 07110
RE: 348 PROSPECT STREET





Bldg Dept Copy
Review 6-2-20

RD	ROOF DRAIN	EP	EDGE OF PAVEMENT
DC	DEPRESSED CURB	—	SIGN
BD	BASEMENT DOOR	△	SURVEY POINT
—○—	UTILITY POLE	○	MANHOLE
—○—	FIRE HYDRANT	—	INLET
—○—	WATER VALVE	—	TREE
—○—	GAS VALVE	—	SHRUB
—○—	CLEAN OUT	—	



XXXXX - Proposed 6 Foot Fence

SURVEYOR'S CERTIFICATION:

TO: JARETT FOOTE & JENNIFER FOOTE, I CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, LICENSED TO PRACTICE IN THE STATE OF NEW JERSEY, THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS MAP OR PLAN IS A RESULT OF A FIELD SURVEY MADE ON 02-06-19 UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH THE RULES AND REGULATIONS PROMULGATED BY THE STATE BOARD OF ENGINEERS AND LAND SURVEYORS.

I DECLARE THAT THE INFORMATION SHOWN HEREON CORRECTLY REPRESENTS THE CONDITIONS FOUND AT, AND AS OF THE DATE OF THE FIELD SURVEY, EXCEPT SUCH IMPROVEMENTS OR EASEMENTS, IF ANY, BELOW THE SURFACE AND NOT VISIBLE. ALSO, THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH CONTRACTUAL AGREEMENT. THE PROPERTY LINES SHOWN HEREON REPRESENT, UNLESS OTHERWISE NOTED, THE LINES DESCRIBED IN THE RECORD DOCUMENTS REFERENCED HEREON.

THIS CERTIFICATION IS GIVEN SOLELY TO THE ABOVE NAMED PARTIES EXCEPT AS FOLLOWS:

- A. TITLE INSURER:
STEWART TITLE GUARANTY COMPANY
POLONIA TITLE AGENCY, LLC (File No. PL2082)
- B. LENDER:
CONNECTONE BANK
- C. ATTORNEY:
WARREN S. STROEDECKE, ESQ.

NOTES:

1. THIS SURVEY IS PREPARED SPECIFICALLY FOR THE INDIVIDUAL(S) IN THE TITLE AND/ OR THE CERTIFICATION. THE UNDERSIGNED WILL NOT BE RESPONSIBLE OR ASSUME ANY LIABILITY FOR THE USE OF THIS SURVEY FOR ANY OTHER PURPOSE INCLUDING, BUT NOT LIMITED TO SURVEY AFFIDAVIT, RESALE OF THE PROPERTY OR ASSIGNMENT OF THE SURVEY TO ANY PERSON NOT SO NAMED.
2. SUBJECT TO EASEMENTS AND RIGHT-OF-WAY OF RECORDS.
3. THIS SURVEY WAS PREPARED IN ACCORDANCE WITH A TITLE SEARCH PERFORMED BY ACTION TITLE RESEARCH, FILE NUMBER 656124, EFFECTIVE DATE: 1-14-19.
4. CONTAINING: 6,467 SQ. FT.; 0.15 ACRES MORE OR LESS.
5. 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. 45:8-36.3) AND N.J.A.C. 13:40-5.1(d).

CERTIFICATE OF AUTHORIZATION (N.J.S.A. 45:8-56) 24GA26228600

MAP REFERENCE:

1. TAX MAP OF THE TOWNSHIP OF NUTLEY SHEET NUMBER 57.

DEED REFERENCE:

1. DEED BOOK 4913 PAGE 618 MADE ON JANUARY 22, 1986.

CHURCH STREET
 (50' R.O.W. AS PER TAX MAP)

PROSPECT STREET
 (50' R.O.W. AS PER T.S. & M.S.)

DATE:	02-06-19
PROJECT:	NUTL1-19
SCALE:	1"=20'

Jerzy Baraniewicz, P.L.S.
 Professional Land Surveyor

Jerzy Baraniewicz
 New Jersey License No. 43282
 New York License No. 050767

BOUNDARY SURVEY
 76 CHURCH STREET LOT 19 BLOCK 5701
 TOWNSHIP OF NUTLEY ESSEX COUNTY
 NEW JERSEY

AMPOL SURVEYING, LLC

24 Woodland Court, Kinnelon, NJ 07405

Telephone: (973) 838-4649 Fax: (973) 909-9206 E-mail: ampsurv@optimum.net