

THOMAS J. EVANS
Director of Revenue and
Finance



CODE ENFORCEMENT
DEPT.

TOWNSHIP OF NUTLEY

1 KENNEDY DRIVE
NUTLEY, NEW JERSEY 07110

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

BUILDING
PLUMBING
ELECTRICAL
FIRE
ZONING

DAVID BERRY
Construction Official
Zoning Official

August 28, 2020

Michael Fazio
87 Ohlson Avenue
Nutley, NJ 07110

**Re: Pool/Corner Property
Fence 6' Solid/Corner Property
Leave as Erected/Shed
Block-Lot: 5503-23**

Dear Mr. Fazio:

Your request for a permit, at the above referenced premises, to install a 12'x17'x54" above-ground pool, and to install a six (6') foot solid type fence, and to leave as erected an 8'x12' shed, having a zero (0') foot setback, as shown on the property survey by James Pica, dated October 28, 2016, 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 V, Section 700-9 D (2) of the Codes of Nutley, entitled "Permitted uses in R-1 Zoning District," states that "the pool shall be no closer than eight feet to any side or rear lot line; or nearer to the side street line of a corner lot than the main building on the lot; or if the abutting lot to the rear faces said street line, then the distance equal to the depth of the front yard required on said lot to the rear. However, in no case shall a swimming pool on a corner lot be required to be set back more than 25 feet from a side street." ***The proposed above-ground pool will be nearer to the side street line of a corner lot than the main building on the lot.***

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 height of a detached accessory building shall be one story not to exceed 14 feet." ***The proposed above-ground pool will not be located in 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 six (6') foot solid type fence will be in the front yard of this corner property.***

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 six (6') foot solid type fence will be in the front yard of the adjoining property.***

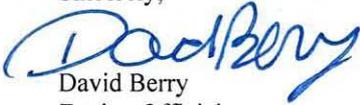
A non-refundable filing fee of \$175.00 in connection with your appeal is to be paid to the Code Enforcement Office in order to begin the application process. **All tax and water bills must be paid to date prior to the processing of a variance fee.**

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87 Ohlson Avenue

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,

A handwritten signature in blue ink that reads "David Berry". The signature is stylized and cursive.

David Berry
Zoning Official

DB/vlw



TOWNSHIP OF NUTLEY, NEW JERSEY

ZONING BOARD OF ADJUSTMENT APPLICATION FORM

Docket No: ZBA-20-0043

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: 8/28/20

Section I: SUBJECT PROPERTY

Address: 87 OHLSON AVE.

Block: 5503 Lot: 23 Zone: _____

	District Requirements	Proposed
Lot Area	_____	_____
Lot Width	_____	_____
Lot Depth	_____	_____
Front Yard	_____	_____
Side Yard	_____	_____
Rear Yard (SHED)	<u>3'</u>	<u>0'</u>
Other	_____	_____

Section II: APPLICANT INFORMATION

Name: MICHAEL FAZIO & KRISTEN FAZIO

Address: 87 OHLSON AVE.

NUTLEY, NJ 07110

Telephone: (973) 725-9841

Email Address: THEFAZ@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% i nterest.

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: _____

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).

Our property does NOT have a back yard
leaving our side yard the only option
for a pool and privacy fence.
Two-thirds of fence area has ARBOR VITAE
WHICH ARE VERY TALL AND WILL REMAIN.

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

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

Our family desires A pool for both recreation and needed exercise. Our side property is the only space AVAILABLE.

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 AREA IS PRIMARILY SHIELDED BY EXISTING ARBOR VITAE. THUS THE FENCE WILL BE GENERALLY UNNOTICED. THE SHED HAS BEEN PRESENT SINCE BEFORE OUR PURCHASE. THE POOL WILL NOT CREATE ANY UNDOE DISTRACTION OR INCONVENIENCE TO NEIGHBORS.



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-20-0043

Work Site Location: 87 Ohlson Avenue

Applicant: Michael Fazio

I do hereby certify to the ownership of the properties listed on pages
1 to 3, as of August 4, 2020.

Lucy Jacobs

Lucy Jacobs
Clerk



Nutley

Parcel Offset List

Target Parcel(s): Block-Lot: 5503-23
FAZIO, MICHAEL
87 OHLSON AVENUE

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

Block-Lot: 5503-28

KELLISH, ALEXANDER R & PERRONE, G
75 RIDGE ROAD
NUTLEY, NJ 07110
RE: 75 RIDGE ROAD

Block-Lot: 5502-9

TINEBRA, ELLA ESTATE
94 OHLSON AVE
NUTLEY, NJ 07110
RE: 94 OHLSON AVENUE

Block-Lot: 5502-7

INTILI, ANTHONY & VALERIE
102 OHLSON AVE
NUTLEY, NJ 07110
RE: 102 OHLSON AVENUE

Block-Lot: 5201-25

IMFELD, MARY ANN
15 GLENVIEW RD
NUTLEY, NJ 07110
RE: 15 GLENVIEW ROAD

Block-Lot: 5502-11

PUGLIESE, PATRICIA A
86 OHLSON AVE
NUTLEY, NJ 07110
RE: 86 OHLSON AVENUE

Block-Lot: 5503-21

ABBATIELLO, ANTHONY & JACQUELINE
82 GERARD RD
NUTLEY, NJ 07110
RE: 82 GERARD ROAD

Block-Lot: 5503-26

LIU, RICHARD
83 RIDGE RD
NUTLEY, NJ 07110
RE: 83 RIDGE ROAD

Block-Lot: 5600-21

PADAVANO, ROBERT & FEARON, ANGELA
88 RIDGE RD
NUTLEY, NJ 07110
RE: 88 RIDGE ROAD

Block-Lot: 5503-19

LUCIA, JAMES & MANDY
74 GERARD RD
NUTLEY, NJ 07110
RE: 74 GERARD ROAD

Block-Lot: 5503-27

SOBIESKI, BRIAN & LINDA
79 RIDGE RD
NUTLEY, NJ 07110
RE: 79 RIDGE ROAD

Block-Lot: 5600-20

KORIBANICK, KATHRYN
84 RIDGE RD
NUTLEY, NJ 07110
RE: 84 RIDGE ROAD

Block-Lot: 5600-19

CAFONE, MICHAEL
82 RIDGE RD
NUTLEY, NJ 07110
RE: 82 RIDGE ROAD

Block-Lot: 5201-23

CASSIE, ANTHONY & LORI ANN
21 GLENVIEW RD
NUTLEY, NJ 07110
RE: 21 GLENVIEW ROAD

Block-Lot: 5502-6

RILLI, JOSEPH
106 OHLSON AVE
NUTLEY, NJ 07110
RE: 106 OHLSON AVENUE

Block-Lot: 5201-24

MANTONE, THOMAS & JOANNE
17 GLENVIEW RD
NUTLEY, NJ 07110
RE: 17 GLENVIEW ROAD

Block-Lot: 5502-8

SALINAS, JOSE
98 OHLSON AVE
NUTLEY, NJ 07110
RE: 98 OHLSON AVENUE

Block-Lot: 5201-26

MCDONALD, GERARD & JESSICA
9 GLENVIEW RD
NUTLEY, NJ 07110
RE: 9 GLENVIEW ROAD

Block-Lot: 5502-10

COSTELLO, T. J. & S. M. LINDSAY
296 EAST 6TH STREET
CLIFTON, NJ 07011
RE: 90 OHLSON AVENUE

Block-Lot: 5201-28

BRESNAHAN, KAREN E. (LIFE ESTATE)
111 RIDGE ROAD
NUTLEY, NJ 07110
RE: 111 RIDGE ROAD

Block-Lot: 5501-3

BRANCATO, RONALD & MARIA
105 OHLSON AVE
NUTLEY, NJ 07110
RE: 105 OHLSON AVENUE

Block-Lot: 5501-4

TURANO, PASQUALE & KAISER, CYNTHIA M
101 OHLSON AVE
NUTLEY, NJ 07110
RE: 101 OHLSON AVENUE

Block-Lot: 5502-12

GROEGER, NICHOLAS & JUSTINE GROEGER
82 OHLSON AVENUE
NUTLEY, NJ 07110
RE: 82 OHLSON AVENUE

Block-Lot: 5501-5

BUSTOS, GODOFREDO T. JR. & MARILYN C.
91 GERARD RD
NUTLEY, NJ 07110
RE: 91 GERARD ROAD

Block-Lot: 5502-13

MASCELLINO, KAREN
78 OHLSON AVE
NUTLEY, NJ 07110
RE: 78 OHLSON AVENUE

Block-Lot: 5501-8

STEPHENS, ERIC & STEPHANE
30 FISCHER AVE
NUTLEY, NJ 07110
RE: 30 FISCHER AVENUE

Block-Lot: 5600-24

CAPUTO, GEROLAMO & ROSA
106 RIDGE RD
NUTLEY, NJ 07110
RE: 106 RIDGE ROAD

Block-Lot: 5501-7

CALI, JAMES & ROSANN
26 FISCHER AVE
NUTLEY, NJ 07110
RE: 26 FISCHER AVENUE

Block-Lot: 5501-6

O'CONNELL RICHARD F. & MARIE C.
75 GERARD RD
NUTLEY, NJ 07110
RE: 75 GERARD ROAD

Block-Lot: 5503-22

FALCONCINO, MICHAEL A. & MARTA
86 GERARD RD
NUTLEY, NJ 07110
RE: 86 GERARD ROAD

Block-Lot: 5503-24

KRAEMER, ANNE MARIE
85 BAYSIDE DR
ATLANTIC HIGHLANDS, NJ 07716
RE: 77 OHLSON AVENUE

Block-Lot: 5600-23

FRUSTERI, JOSEPH & BEVERE, CHRISTINA
100 RIDGE RD
NUTLEY, NJ 07110
RE: 100 RIDGE ROAD

Block-Lot: 5503-25

OSTROWSKI, MICHAEL & TARA
87 RIDGE RD
NUTLEY, NJ 07110
RE: 87 RIDGE ROAD

Block-Lot: 5600-22

LEWIS, PETER
94 RIDGE RD
NUTLEY, NJ 07110
RE: 94 RIDGE ROAD

Block-Lot: 5503-20

CIMO, JOSEPH G. & ROSEANNE M.
78 GERARD RD
NUTLEY, NJ 07110
RE: 78 GERARD ROAD

**Bldg Dept
Copy**



BEING KNOWN AS LOT 22 IN BLOCK 140 ON A MAP ENTITLED, "MAP OF RIDGE VIEW HEIGHTS, PROPERTY OF GERARD ESTATES, INC., FILED ON MARCH 17, 1948 AS CASE NO. 1641.

(FAZIO)

③ Shed 0' setback

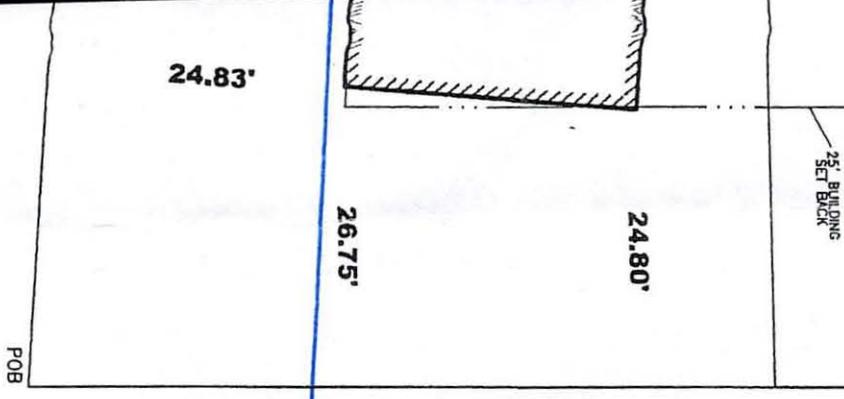
② Install 12'x10' above ground pool

① Install 6' Foot Solid Fence corner property

FRONT
YARD
OF
ADJACENT
PROPERTY
S 39° 44' 00" W

OHLSON

AVENUE



N 39° 44' 00" E 62.58'

GERARD ROAD

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. 45:8-36.3) 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 #87 OHLSON AVENUE IN THE TOWNSHIP OF NUTLEY, ESSEX COUNTY, NEW JERSEY.

BEING KNOWN AS LOT 23 IN BLOCK 5503 ON THE TAX MAP IN THE TOWNSHIP OF NUTLEY, ESSEX COUNTY, NEW JERSEY.

CERTIFY TO: MICHAEL A. FAZIO & KRISTEN L. PUZIO, SINGLE; WESTCOR LAND TITLE INSURANCE COMPANY & OLDE SCHOOL TITLE SERVICES, LLC; STEVEN J. MARTINO, ESQ.; INVESTORS HOME MORTGAGE, ITS SUCCESSORS AND/OR ASSIGNS AS THEIR INTEREST MAY APPEAR.

REVISED:
P² LAND SURVEYING, INC.
P.O. BOX 241
(908) 955-7161
FLANDERS, NJ 07836
FAX (908) 955-7162

DRAWN BY: CG
DATE: 10-28-16
CHECKED BY: JP
SCALE: 1" = 16'
TITLE NO. OST4700
JOB NO. 16-17395

JAMES PICA
PROFESSIONAL LAND SURVEYOR
NEW JERSEY LICENSE NUMBER 24GS03795400