

2/10/2020  
approved  
[Signature]

**NUTLEY ZONING BOARD OF ADJUSTMENT**

**Public Session Meeting Minutes**

**January 10, 2020**

**CALL TO ORDER:** A meeting of the Nutley Zoning Board of Adjustment was called to order at approximately 7:30 p.m. by Chairman Frank Graziano. The Pledge of Allegiance was recited. Roll was called and the Sunshine Notice was read.

**PRESENT:** Tammy Rossi, Patricia Doherty, Peter Scirica, Daniel Tolve, Theresa Sullivan Duva, Joseph Battaglia, Gregory Tolve Suzanne Brown-Vice Chairwoman, Frank Graziano-Chairman, Diana Powell McGovern, Esq.

**EXCUSED:** John Cafone

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**No. 1: 109 King Street**

**Applicant:** Mr. & Mrs. Maurizio Turano

**Application:** to convert the existing two (2) family dwelling into a three (3) family dwelling, in an R-2 zoning district, as shown on the plans prepared by Dassa-Haines Architectural Group, LLC, dated April 22, 2019, along with the applicant's letter of intent, and to leave as erected masonry columns constructed in the side yard along Wesley place.

**Appearances:** Mr. Tom DiBiasi, DiBiasi & Rinaldi, LLC

**Letter of Denial:** was previously read

Mr. DiBiasi, on behalf of the applicants Mr. & Mrs. Maurizio Turano requested an adjournment to the February 10, 2020 regular Zoning Board meeting. The request for adjournment was approved by the Board.

Ms. McGovern advised the Board that she would discuss the size of the driveway and impervious coverage with the Code official as it appears the property has two driveways, one of which is oversized and located in front of the dwelling

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**No. 2: 153 Ohlson Avenue**

**Applicant:** Mr. & Mrs. Brian Miller

**Application:** *To leave as erected a six (6') foot solid type fence in the rear yard, requires the consent from the adjoining neighbor, as shown on the property survey prepared by Rodolfo Pierri, P.L.S., dated June 18, 1999;*

**Appearances:** Brian Miller-Homeowner, Ms. Kathleen Parigi-Neighbor

**Letter of Denial:** was previously read

Mr. Peter Scirica did not participate in this application because he was not present for the first hearing.

Brian Miller testified that when he put up the fence there were chain link fences on both sides of the property and that all of the adjacent neighbors, except the neighbor behind (Parigi) were happy with the fence. Mr. Miller also testified that because they have a pool the previous four-foot chain link fence would not be sufficient to meet Code with the pool. He expressed concern that a chain link fence was also scalable and so the solid fence would be safer as it would be hard to climb and provide privacy. Ms. Kathleen Parigi of 78 Fischer Avenue testified that she is opposed to the fence because she doesn't like the color (Tan) and that it was like a wall. She was also concerned about the maintenance between her four-foot chain link fence and the fence installed by the Applicant.

Mr. Daniel Tolve made a motion to grant the variance to leave the fence as erected citing privacy and security reasons due to the pool. Mr. Joseph Battaglia seconded the motion. Board members G. Tolve, D. Tolve, T. Duva, J. Battaglia and Chairman Graziano voted in favor of the application. Board members P. Doherty and S. Brown voted no.

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**No. 3: 32 San Antonio**

**Applicant:** Mr. & Mrs. Alan Nardiello

**Application: to leave as erected,** a six (6') foot solid type fence on the left side of the property, which is located in a side yard, as shown on the survey prepared by Richard J. Hingos, Inc., dated October 10, 2014

**Appearances:** Mr. Alan Nardiello

**Letter of Denial:** was read by Joseph Battaglia, Secretary

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

Chapter 700, Article XI, Section 700-71 B of the Codes of Nutley states a fence erected along the side lines from the front line of a main structure to the rear line of such structure and within such lines shall not exceed four feet in height and shall be not less than two feet in height and shall be of 50% open construction (i.e., the open spaces in the fence shall be at least the same width of each picket, slat or other construction element of such fence). The setback for any such fence shall be in line with the furthest setback of the adjacent property or the property upon which the fence is being erected, whichever setback is greater.

Alan Nardiello of 32 San Antonio Avenue testified that the property previously had a four (4') foot chain link fence and he mistakenly thought that he could replace the fence without getting a permit. Mr. Nardiello testified that he paid the violation fine. Mr. Nardiello testified that the reason he wanted a six-foot solid fence was because his house had no sidewalks and the side of the house was located very close to the neighbor's driveway so the fence was needed for security for his small children. Also, because the house has a side door and not a rear door, the fence encloses that side door which provides security.

Ms. Theresa Duva made a motion to grant the variance to leave the fence as erected and the motion was seconded by Ms. Brown. Board members voting in favor of the variance were: G. Tolve, P. Scirica, G. Tolve, T. Duva, J. Battaglia, S. Brown and Chairman Graziano.

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**RESOLUTIONS MEMORIALIZED:** 109 Walnut Street Block & Lot 6602/16

**MINUTES:** December 16, 2019 approved

**INVOICES:** Pennoni and Associates 10 Kingsand street \$842.00, Pennoni and Associates 382 Franklin Avenue \$1,342.00, reimbursement to PSEG of escrow fees of \$2,620.00 various address

**NEW BUSINESS:** None

**LITIGATED MATTERS:** None

**NOTE: THE PROCEEDINGS IN THIS MATTER WERE VOICE RECORDED. THE RECITAL OF FACTS IN THE MINUTES IS NOT INTENDED TO BE ALL-INCLUSIVE, BUT IS A SUMMARY AND HIGHLIGHT OF THE COMPLETE RECORD MADE BEFORE THE ZONING BOARD.**

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Respectfully submitted,



Lisa Zitola-McGuire