approved 1/13/2020 DM

NUTLEY ZONING BOARD OF ADJUSTMENT

Public Session Meeting Minutes

December 16th, 2019

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

PRESENT: Tammy Rossi, Patricia Doherty, John Cafone, Gregory Tolve, Daniel Tolve, Theresa Sullivan Duva, Joseph Battaglia, Thomas Da Costa Lobo, Suzanne Brown, Chairman Graziano, Diana Powell McGovern, Esq.

EXCUSED: Peter Scirica

ABSENT:

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No. 1: 153 Ohlson Ave

Applicant: Mr. & Mrs. Brian Miller, 153 Ohlson Ave, Nutley, NJ, 07110

Application: Your request for permission, at the above referenced premises, 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: Gabriella Miller (Homeowner), Catherine Parigi (Neighbor)

Letter of Denial: The Letter of Denial was read by Patricia Doherty

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.

Chapter 700, Article XI, Section 700-71 H of the Codes of Nutley states a solid fence requires written consent of the adjoining property owner/owners is filed with the Construction Official.

John Cafone recuses himself

Mrs. Miller states that she erected the fence in her backyard for privacy. She has a pool and often times her small dog will escape the backyard. She also states than animals like

skunks have found their way into her backyard. She claims the neighbor behind her has a dog that barks a lot. Mrs. Miller replaced the existing fence with a 6' solid fence without permission from her rear neighbor.

Catherine Parigi, a neighboring living at 78 Fisher Ave, says the fence is an eye sore. She also states that there is a gap between the two fences and there is nothing done to control the growth.

The two decide, with help of the board, that they will attempt to work out an agreement themselves and return next month, on January 13th. With no further questions or concerns the board grants the motion to adjourn by a vote of 7-0.

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No. 2: 18 Elm Place

Applicant: Mr. Dharmesh Rupadia, 18 Elm Place, Nutley, NJ, 07110

Application: Your request for a permit, at the above referenced premises, to leave as erected two (2) AC condensers located in the right side yard having less than a six (6') foot side yard setback, (previously foreclosure property), as shown on the survey prepared by Richlan, Lupo, & Pronesti, dated April 8, 1986

Appearances: Geeta Kumali

Letter of Denial: The Letter of Denial was read by Patricia Doherty

Chapter 700, Article III, Section 700-3 B of the Codes of Nutley entitled "Definitions"; Side Yard is an open unobstructed space between the building and the side line of the lot extending through from the front to the rear yard or to another street, into which space there is no extension of the building above the grade level. ***The condenser will be located in the right side yard which is less than six (6") feet. The required side yard in an R-1 zoning district is six (6') feet.***

Suzanne Brown recuses herself

The application for 18 Elm Place was withdrawn, the homeowners decided to take a route that does not need a variance.

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Invoices: Secretary pay of $150.

Public Comment: 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.

Respectfully Submitted,

Paul Marranzino

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Board Secretary