

10/18/21
Approved
11/15/2021

NUTLEY ZONING BOARD OF ADJUSTMENT

Public Session Meeting Minutes

October 18, 2021

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: Ms. Doherty, Ms. Wallace, Mr. Scheidel, Mr. Daniel Tolve, Mr. Greg Tolve, Mr. Graziano, Ms. Diana Powell McGovern, Esq.

EXCUSED: Mr. Cafone, Ms. Castro, Ms. Duva

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No. 1: 127-129 Franklin Avenue -Approved 7-0

Applicant: Mr. Tom DiBiasi, DiBiasi & Rinaldi, LLC, 345 Centre Street, Nutley, NJ 07110

Application: Your request, on behalf of your client, Mrs. Joan Rubino, for a construction permit, to add a small entry vestibule addition at the rear of the building, and to renovate and convert the existing ground floor office into a two (2) bedroom, 1,000 square feet dwelling unit, as indicated in the letter of intent by the applicant, dated January 9, 2021 and plans prepared by Architect, Mark Roselli, RA, dated February 10, 2021

Appearances: Thomas S. DiBiasi, Esq.(Attorney), Joan Rubino (Owner), Judy Rubino (Daughter), Mr. Mark Roselli (Architect), Joseph Haines (Planner) Tony Carchia (Neighbor)

Letter of Denial: was previously read

Thomas S. DiBiasi, Esq. represented the Applicant, Joan Rubino. Mrs. Rubino testified that she and her late husband owned the property since 1964 and her husband had his medical practice there until he died in 2020. Mrs. Rubino testified that she wanted to convert one of the street level professional offices currently occupied by attorney Joseph Angelo into living space for herself. Mrs. Rubino's adult daughter lives in one of the apartments above. Mrs. Rubino currently lives in a one family house on North Road. Mrs. Rubino is seeking a ground level apartment, so she does not have to climb stairs. The apartment would be ADA retrofitted to accommodate any future need for use of a walker or wheel chair. Judy Rubino, daughter of the Applicant testified that she resides at 127 Franklin Avenue in an upper level apartment. She has lived there for 20 years and had lived there with her husband until his recent death in August of 2020. She would like her mother to be able to move into the lower apartment so she can be near her mother but also have separate living space. Joseph Angelo, Esq. testified that since

2008, his law practice has been located on the left side of the building but as he is a municipal court judge in three municipalities his practice is limited and he is in his office approximately one day a week. He will move to the other side of the building (Right side) so that Mrs. Rubino can create an apartment on the left side. Architect Mark Roselli testified as an architectural expert. (His qualifications include that he has a Bachelor's degree from NJIT in architecture and he is a licensed architect.) Mr. Roselli testified that only a small 76 sq. ft. addition would be made to create a mud room and one window will be enlarged to make it compliant as an egress window. There are five parking spaces in the rear which satisfy the code requirement. The plans show that the new apartment has two bedrooms; however, the architect explained that the first floor sitting room has a closet but is actually a pass through to the bedroom. Ms. Doherty asked the architect if the doors could be widened to 36" to make the apartment ADA compliant and the architect and applicant agreed as a condition. Ms. Doherty also inquired about the rear 2 1/2 steps and whether a ramp could be installed instead. The architect agreed that the stairs could be changed to a ramp. Mr. Bottaglia pointed out that the sitting room is not functionally a bedroom and the architect testified that intent was a one bedroom. Planning expert, Joseph Haines testified that he has been a licensed planner since 1998 and has testified before the Board before. Mr. Haines testified that the applicant was seeking two variances, a d1 variance to permit a first floor residence and a c2 variance to created an undersized two-bedroom apartment dwelling. The planner testified that the positive criteria was met because the property was well suited to convert vacant office space into a technical two bedroom apartment (Functionally, a one bedroom), that the proposed project was surrounding with the neighborhood as there was a two family house at 142 Franklin and a 14 unit apartment building at 140 Franklin Avenue and the cross street (Chase Street) would benefit from no commercial use on the first floor. Mr. Haines also testified that the project would satisfy zoning purposes set forth in N.J.S.A. 40:55d-2(b) because it was creating fire safety compliance, and (m) because it was more efficient use of land and readapting to a different use. The new handicapped parking space will bring the property into ADA compliance and the parking lot will be aesthetically improved as they would be adding Belgium block curbing and landscaping. There were no negative effects to the project as there are no parking issues and the property will look as it always did. Finally, the expert opined that proposed variance will not impair the intent of the zone plan. As for the c2 variance, the 925 sq. foot apartment would meet the criteria for a one bedroom apartment but due to the small sitting room area the variance is needed.

Neighbor, Tony Carchia of 119 and 123 Franklin Avenue testified that he was in favor of the project.

No opposition was presented to the application.

Ms. Patricia Doherty made a motion to grant the variance with the condition that the doors conform to 36" ADA requirements on the ground floor apartment and a ramp would be installed at the rear entrance that was seconded by Mr. Greg Tolve. The Board granted the motion to grant the variance 7-0.

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No. 2: 127 King Street, Nutley Avenue -CARRIED 7-0

Applicant: Robert Gaccione, Esq., Gaccione Pomaco, P.C., 524 Union Avenue. PO Box 96, Belleville, NJ 07109

Application: Your request, on behalf of your client, Veronica Rose Nutley, LLC, at the above referenced premises, for preliminary and final major site plan approval, and for variances to build a two-story multi-family residential building, having one (1) two-bedroom unit on the ground floor, and three (3) two-bedroom units and a one-bedroom unit on the second floor, and a parking lot with 10 spaces, as shown on the preliminary & final site plan prepared by Stonefield Engineering & Design, dated December 24, 2020, and on the architectural plans prepared by Parette Somjen Architects, dated December 28, 2020

Appearances: Robert Gaccione, Esq.(Attorney), Thomas Maoli (Owner), Robyn Zitola (Neighbor), Rafel Wilches (Neighbor), Maria Warner (Neighbor), Arthur Auyan (Engineering expert), Mark Parette (Licensed Architect), Paul Ricci (Board's Planning Expert), Todd Hay (Boards Engineer)

Letter of Denial: was read by Ms. Doherty

This property is located in an R-2 district as shown on the Nutley Zoning Map.

Chapter 700, Article V, Section 700-12 of the Codes of Nutley, entitled "Permitted uses in R-2 Zoning District," lists the permitted uses in the R-2 Zoning District. ***A residential multi-family building and parking lot is not an approved use in an R-2 Zoning District.***

Chapter 700, Article VIII, Section 700-46 A of the Codes of Nutley, entitled "Schedule of Regulations as to Bulk, Height, and Other Requirements," lists the regulations in an R-2 district as described below.

127 King Street
Proposed Two-Story Multi-Family/Residential Building

Regulation	Required	Proposed	Variance Required?
R-2 Zone	Residential two-family	Multi-family residence – 5 units	Yes
Lot Area	6,000sf	7,500sf	
Lot Width	60ft	75ft	
Lot Depth	100ft	100ft	
SF Per Dwelling Unit	3,000sf	1,500sf	Yes

Front Yard	25ft	6.1ft	Yes/Pre-Existing Condition
Rear Yard	30ft	5.6ft	Yes
1 Side	6ft	3.1ft	Yes
Side Other	6ft	5.1ft	Yes
Stories	2.5	2	
Feet	30ft	25.75ft	
Maximum Lot Coverage	35%	54.7%	Yes
Maximum Impervious Surface Coverage	70%	83.5%	Yes

Chapter 700, Article XIII, Section 700-94 A (1) of the Codes of Nutley, entitled "Additional regulations on off-street parking for one- and two-family dwellings," states that "notwithstanding any other section of this chapter, no front yard of a lot upon which is located a one- or two-family dwelling shall be used for the parking of motor vehicles, except that motor vehicles may be parked upon a driveway in the front yard. Similarly, in the case of corner lots, no side yard facing a street on a lot upon which is located a one- or two-family dwelling shall be used for the parking of motor vehicles, except that motor vehicles may be parked upon a driveway in the side yard. The use of a driveway for the parking of motor vehicles shall be subject to the following limitations: Front yard. The driveway shall consist of the area directly opposite to an attached garage, detached garage or depressed garage or the extension of the side yard into the front yard. The driveway width shall not exceed 16 feet. However, if there is no garage and no available side yard, a driveway not to exceed 16 feet in width from the side lot line may be constructed." ***The maximum allowable driveway width is 16'. The proposed driveway width is 24'.***

Chapter 700, Article XIII, Section 700-94 A (3) (a) of the Codes of Nutley, entitled "Additional regulations on off-street parking for one- and two-family dwellings," states that "each property shall not have more than one driveway and one curb cut. Curb cuts are subject to the following standards: Curb cuts in R-1, R-1A, R1-AA R-2 and R-3 Districts shall not exceed 16 feet in length." ***The maximum allowable curb cut width is 16'. The proposed curb cut width is 24'.***

Chapter 700, Article XIII, Section 700-98 of the Codes of Nutley, entitled "Buffer for parking areas," states that "where any parking or loading area adjoins a lot in any R District, a landscaped buffer strip at least six feet in width containing plantings at least six feet high shall be provided." ***The proposed width as shown is 5.6'. The evergreen trees are not shown to run the entire length of the rear line. The size per the plant schedule is noted as 5-6', whereas the requirement is six (6') feet.***

127 King Street
Proposed Two-Story Multi-Family/Residential Building

Chapter 700, Article XIII, Section 700-96 of the Codes of Nutley, entitled "Location of off-street parking for other uses," states that "except for uses specified above in §§ 700-94 and 700-95, parking and loading areas located in any front yard or side yard abutting a street shall not be permitted within 10 feet of the right-of-way line of a street. The minimum setback of off-street parking and loading area from any other lot line shall be five feet. The five-foot parking and loading area setback need not be provided between properties which have common access and/or common parking areas." ***The handicap space to the front is right up to the front property line; the parking spots to the front left will have a 4'1" setback to the lot line.***

Chapter 600, Section 600-1 of the Codes of Nutley, entitled "Approval required; exceptions" states that "no construction permit or certificate of occupancy shall be issued for any use except one- and two-family detached dwellings and permitted accessory use thereto unless a site plan shall have first been approved by the Board in accordance with the terms of this chapter, except that site plan approval also shall not be required for the following except as set forth in Subsection B."

Chapter 600, Section 600-5 of the Codes of Nutley, entitled "Content of plan," lists the requirements for a site plan. A preliminary review of the site plan prepared by Stonefield Engineering & Design, dated December 24, 2020, indicates that the following items are missing from the site plan checklist:

(B) 18 copies of application and site plan; and

(C) Fee: in accordance with Schedule of Fees, § 85-42.

Additionally, the submitted plans are missing the following requirements, listed under §600-5 F:

(3) A place for the signatures of the Chairman and Secretary of the approving board, which must be changed to "Zoning Board of Adjustment;"

(17) The names of owners and use of property of all lands adjacent to the property and block and lot numbers; and

(31) Construction Official may require building elevation views of adjacent properties

Applicant was represented by Robert Gaccione, Esq. who advised the Board that the Applicant was seeking to convert the former site of Zinicola Bakery to apartments which is a use not permitted in an R-2 Zone. Thomas Maoli of 475 Bernardsville Road, Mendham, New Jersey testified that he is a member of the LLC that owns the property which was purchased 18 months ago. Currently the property is a vacant bakery that is leased to park trucks. The old operation was a bakery with trucks that were loaded at 5AM. The bakery baked goods all day and then 10-15 trucks went out in the afternoon. The property is still used for trucks to load goods from other vendors. The applicant testified that he would like to convert the property to a 5 unit residential apartment building and he will retain ownership of the property. The proposed units would be 4 two-bedroom units and 1 one-bedroom unit.

Robyn Zitola of 20 Wesley Place advised the Board that she has lived behind the property for 16 years and she disputed that description of trucks as she has observed vans not large trucks. She asked the applicant to describe what he meant by "Trucks." Mr. Maoli testified that the trucks at the site are more like step vans and there were only a couple of trucks using the site.

Rafel Wilches of 145 Hancox Avenue testified that he has not seen trucks at the site for the last two years and he also noted that the vehicles were more like vans.

Maria Warner of 52 Freedman Road testified that her father worked at the bakery and she was familiar with the bakery her whole life and the bakery used 4 trucks, most of them were more like vans. She also testified that currently King Street is over run with vehicles.

Engineering expert Arthur Auyan of 92 Park Avenue, Rutherford, New Jersey, testified as an engineering Poly Tech University. He is a licensed engineer in the State of New Jersey and has been involved in land development for 10 years. Mr. Auyan introduced the site plan for the 5 units dated September 7, 2021. He noted that the area is an R-2 Zone which only permits two-family homes. The property has 97% impervious coverage and is a flat site. The expert also introduced a color rendering by Stonefield that showed 10 parking spaces including 1 ADA space. The proposed project will install shrubs near the back with one tree reducing impervious coverage by 1,000 sq. ft. The expert was asked if he was agreeable to installing dry wall drainage and he was. The lighting will illuminate the parking area without much spillover. The expert described ingress and egress was from one driveway on King Street and the proposed parking was a combination of covered and open parking spaces. The bulk violations are pre-existing. The expert stated that he received the Township Engineer's report (Pennoni) and they responded and made all the suggested changes with the exception of the lighting at the North East corner of the property.

Mr. Dan Tolve asked the engineer what the proposed landscaping was that was shown on the plans: grass? Bushes? The proposed site is 75' x 100'. Ms. Doherty asked about the area in the rear which appeared to have a 4-5 foot slope. Ms. Doherty asked if the applicant planned on leveling the area out and the response was yes. The engineer further responded affirmatively to Ms. Doherty's suggestion that irrigation be added to

maintain the plants. The engineer stated that they would add a privacy retaining wall and plant larger, 10 foot, arborvitaes.

The engineer was asked about the density calculation for the number of apartments and the engineer was not exactly sure but thought it was 29.

Member of the public, Robyn Zitola asked about the rear yard setback and how the proposed arborvitaes would be planted if there was only a 5.6' space in which to plant the bushes. Ms. Zitola presented a photograph, marked O-1 to show that her property abutted the rear of the project.

Member of the public, Rafael Wilche asked the engineer to explain how the current storm water is draining and how the proposed project will effect the storm water. The engineer stated that currently the water runs into King Street but the project will capture the water on site.

Member of the public, Maria Warner asked about the limited 5'6" rear setback and how many feet it would be from the fence. She also asked if the parking lot water would spill into the back yard of neighbors.

The engineer stated that arborvitaes were meant to be planted in tight spaces and that there was no run off that would go to the neighboring properties.

Chairman Graziano inquired as to how the arborvitaes could be maintained if there was only 5 feet of space. Mr. Scheidel questioned how the arborvitae would really do anything to maintain privacy. Mr. Graziano expressed his concern that the arborvitaes would not be maintainable. Mr. Graziano asked the expert as to how the Fire Department could get to the rear to the egress windows if they were blocked by the arborvitaes and whether the residents would have to jump into the trees to escape a fire. The engineer's response was that arborvitaes are meant for tight spaces. Mr. Graziano agreed but noted that they still get pretty wide and he is concerned about maintenance and that there was no way to get around the building.

Mark Parette of Parette Somjen Architects, 439 Route 46 East, Rockaway, New Jersey testified as a licensed architect. He testified that he graduated with a degree in architecture from NJIT and was a licensed architect since 1988. Mr. Parette testified that he heard the Board's questions regarding the arborvitaes and the access and he indicated that the parking lot could be raised so that a person can walk and get to the arborvitaes from under the building or if they constructed a retaining wall someone could walk on the wall.

As for the existing structure, Mr. Parette described that it was masonry with some wood frame and was approximately 100 years old. They planned on leaving the section of the building to the right of the bakery and the second floor over the garage. The architect introduced A-4 which was a color rendering of the building dated December 28, 2020. The architect stated that the intention was to repurpose the building on the right as a one-bedroom on the first floor and there would be 3 two-bedrooms and 2 one-bedroom units. The basement would be used for facilities. A-5 dated December 28, 2020 showed

the proposed ground floor plan with individual trash cans behind the stairwell. The architect was asked about density, and he deferred to the planner but also thought it was 29 D/U. The architect did not know the size of the units.

The architect was asked how the fire department was going to get to the back of the building and what was to be done if the egress windows were blocked by arborvitae.

The engineer was recalled and stated that generally 5'6" should be enough without arborvitae to put up a ladder if needed but there was some room that could be made if moved the arborvitae but then he admitted that would end the purpose of the arborvitae as privacy screening.

The architect suggested that it would make sense to shift the building forward to give more room for the plants.

Ms. Wallace asked if the project could be shrunk to give more space around the building. The architect stated that they were dealing with existing structures but changing the use.

Ms. Doherty noted that the interior ground plan measurements did not show the door widths.

Applicant's attorney requested a continuation so that the Applicant could provide new drawings showing how they would respond to the Board's questions and suggestions.

Paul Ricci, the Board's Planning Expert asked if the entire building was going to be removed down to the foundation as the plans were confusing. He questioned how the project would qualify as a 50% destroyed building and noted that it was not an existing condition.

The Board indicated that when the new plans were submitted, they wanted input from the Forester.

Todd Hay of Pennoni Engineering, the Board's Engineer, testified that he just got the new plans last week and the storm water conveyance from the site must be rectified by the Applicant's engineer. Also, storm water must be shown on the plans, lighting levels and the civil engineering plan and architect's plan have to be rectified. Mr. Hay also noted that arborvitae root balls are 30" and need 4 feet of space so it does not appear that arborvitae can go where the Applicant is suggesting and they should consider some other privacy method such as fencing or low maintenance landscaping.

The application was carried by a vote of the Board to November 15, 2021 with the notation that it will be carried again to the December meeting due to the unavailability of the Board's experts who will be at the League of Municipalities on November 15, 2021.

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No. 3: 12 Russell Avenue APPROVED 7-0

Applicant: Giovanni Fracasso, 12 Russell Avenue, Nutley NJ Block/Lot: 6501/14

Application: Your request for a permit, at the above referenced premises, to install a 12'x17' above-ground pool, which will be located in the side and front yard on the street side, having a five (5') foot setback to the front & side lot line, and a seven (7') foot setback to the main dwelling, and to install a four (4') foot solid type fence, which will be located in the side and front yards, street side, which is located in the front yard of the adjoining property, as shown on the property survey prepared by John S. Simmons, L.S., dated May 14, 2002

Appearances: Giovanni Fracasso (Owner)

Letter of Denial: was previously read August 16, 2021

Giovanni Fracasso returned to the Board with a revised request to install a four (4') foot 50% open fence and a 10' x 15' above ground pool on the oddly shaped corner property. The Board reviewed the new survey detailing the placement of the pool and noted that there was a corner lot hardship and now the side yard encroachment was reduced to just one foot.

Ms. Wallace made a motion to grant the variance which was second by Mr. Scheidel. The variance was granted 7-0.

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No. 4: 36 Prospect Street APPROVED 7-0

Applicant: Mr. & Mrs. Jason & Janine Esteves, Nutley, NJ 07110- Block-Lot: 9001-3

Application: Your request for a permit, at the above referenced premises, to leave as erected a deck installed around the existing swimming pool, having an approximately two (2') foot rear yard setback and a 16' side yard setback, as shown on the sketch provided by the owner and on the property survey prepared by Caulfield Associates, LLP., dated November 18, 2014

Appearances: Mrs. Janine Esteves

Letter of Denial: was previously read on September 20, 2021

Applicant, Janine Esteves, returned to the Board with options for the Board to consider adding a higher railing around the pool. The Board noted that the railings must stand a certain force of pressure to be determined by the Building Department.

A motion to grant the variance with the conditions that the railing around the pool must be five (5') feet high and must withstand all railing building code requirements a to force and that Option 1 in white vinyl as submitted by the applicant shall be installed by no later than May 1, 2022 was made by Mr. Battalia and second by Mr. Sheidel. The variance was granted 7-0.

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No. 5: 83 Stager Street APPROVED 7-0

Applicant: Jessica Badis, 83 Stager Street, Nutley, NJ 07110
Block-Lot: 7601-10

Application: Your request for a permit, at the above referenced premises, to increase the existing driveway to a width of 22 feet, as shown on the property survey prepared by Lakeland Surveying, dated May 14, 2020

Appearances: Fadi Badis (owner),

Letter of Denial: was read by Ms. Doherty

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

Chapter 700, Article XIII, Section 700-94 A (2) of the Codes of Nutley, entitled "Additional regulations on off-street parking for one- and two-family dwellings," states that "notwithstanding any other section of this chapter, no front yard of a lot upon which is located a one- or two-family dwelling shall be used for the parking of motor vehicles, except that motor vehicles may be parked upon a driveway in the front yard. Similarly, in the case of corner lots, no side yard facing a street on a lot upon which is located a one- or two-family dwelling shall be used for the parking of motor vehicles, except that motor vehicles may be parked upon a driveway in the side yard. The use of a driveway for the parking of motor vehicles shall be subject to the following limitations: Side yard of corner lots. The driveway shall consist of the area directly opposite and adjacent to an attached garage, detached garage or depressed garage or the extension of the rear yard into the side yard which abuts a street. However, if there is no garage and no available rear yard, a driveway not to exceed 16 feet in width from the rear lot line may be constructed." ***The maximum driveway width is 16 feet. The proposed will be 22 feet.***

Applicant Fadi Badis of 83 Stager Street testified that he and his wife purchased the property six months ago and did a full renovation. There is no garage on the property which is a corner lot that is very long but narrow (45' wide and 134.35' long.) The existing curb cut will not be changed. Applicant desires to be able to park four cars with two side by side. Due to the topography of the property, increasing the driveway forward will not work as the property is on a slope. The driveway as it is currently does not fit two cars tandem as one car hangs over the sidewalk. The Applicant agreed that the driveway will be widened to the right only and not to the left toward the neighbors property.

A motion to grant the variance was made by Ms. Doherty and second by Mr. Greg Tolve. The variance was granted 7-0.

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No. 6: 82 Ridge Road ADJOURNED

Applicant: Michael Cafone, 82 Ridge Road , Block-Lot: 5600/19

Application: Your request for a permit, at the above referenced premises, to construct a 20'x16' unroofed deck, having a 13' rear yard setback, and reducing your required rear lot coverage, as shown on the plans prepared and submitted by the applicant, and on the property survey prepared by Drand Surveying, LLC, dated June 8, 2004

Appearances: None

Letter of Denial: not read

Was adjourned to November 15, 2021 at the request of the attorney for neighboring property owner on Povershon Avenue.

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No. 7: 6 Taft Street , APPROVED 7-0

Applicant: William Glovin, 6 Taft Street , Nutley, NJ, 07110-Block-Lot: 7806/11

Application: Your request for a permit, at the above referenced premises, to construct a new deck approximately 243 square feet in size, which will increase the lot coverage to 38%, as shown on the property survey submitted by the owner, received by the Code Enforcement Department dated July 7, 2021

Appearances: Mr. Glovin (Owner)

Letter of Denial: was read by Ms. Doherty

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

Chapter 700, Article VIII, Section 700-46 A of the Codes of Nutley, entitled "Schedule of Regulations as to Bulk, Height and Other Requirements," lists a required maximum lot coverage of 35% in an R-1 zoning district. ***The proposed lot coverage will be 38%.***

Applicant William Glovin of 6 Taft Street testified that he wants to expand his existing deck by eight (8') feet and misses the allowable lot coverage by 3%. The property is undersized and is only 45 feet wide so had the lot been a standard lot no variance would have been needed.

A motion to grant the variance was made by Mr. Battaglia and second by Mr. Sheidel. The variance was granted 7-0.

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No. 8: 78 Fischer Avenue APPROVED 7-0

Applicant: Ms. Catherine Maria Parigi, 78 Fischer Avenue, Nutley, NJ 07110 Block-Lot: 5403/21

Application Your request for permission, at the above referenced premises, to erect a six (6') foot solid type fence in the rear yard, which requires the consent from the adjoining neighbors, as shown on the property survey prepared by Mark Lee Baker, Professional Engineering & Land Surveying, dated December 16, 1999

Appearances: Catherine Maria Parigi (Owner), Gabriella Miller (Neighbor)

Letter of Denial: was read by Ms. Doherty

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

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.

Applicant Catherine Parigi of 78 Fischer Avenue testified that she wanted to install a six (6') foot solid fence in her rear yard but the neighbors to the rear would not sign the consent. Currently Applicant has a four (4') foot chain link fence and wants a solid white vinyl fence. Mr. Graziano asked the Applicant how maintenance between the proposed

fence and the existing fences on the properties of the neighbors to her rear would be maintained. Ms. Parigi testified that the fencing company would install a black material on the ground to prevent weeds from growing between the two fences. Ms. Doherty pointed out that the property is very long and Applicant might want to reconsider such a high fence. Applicant indicated that only the rear portion of the fence would be 6 feet that the sides were going to be 5 feet high.

Opposition from Gabriella Miller of 153 Ohlson Avenue was presented. Ms. Miller stated that she lived behind the Applicant and has the six foot high beige vinyl fence in the rear yard. Ms. Miller stated that ever since she installed her fence that she has been harassed. The Chairman advised Ms. Miller that the Zoning Board was not the correct venue to air such grievances and any issue with who's property belongs to whom is not for the Board to decide.

A motion to grant the variance with the condition that applicant must install a weed barrier between the fences and that it is the applicant who must maintain the area between the two rear fences so that they are weed free was made by Mr. Battaglia and second by Ms. Wallace. The variance was granted 7-0.

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RESOLUTIONS MEMORIALIZED:

60 Daily Street Block & Lot 2901/32,
61 High Street Block & Lot 3001/10,
104 Crestwood Avenue Block & Lot 8902/22,
212 Hamilton Place Block & Lot 4301/60,
292 Grant Avenue Block & Lot 4200/19,
342 High Street Block & Lot 2503/35

MINUTES: Approved from September 20, 2021

INVOICES: \$150.00 Secretary

NEW BUSINESS: None

LITIGATED MATTERS: Closed Executive Session

**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,

A handwritten signature in cursive script, reading "Lisa Zitola-McGuire".

Lisa Zitola-McGuire

Minutes Approved