

NUTLEY ZONING BOARD OF ADJUSTMENT

Public Session Meeting Minutes

December 18, 2017

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: Joseph Frusteri, Daniel Tolve, Lori Castro, Gary Marino, Suzanne Brown, Chairman Graziano and Board attorney, Diana McGovern, Esq.

ABSENT: None

EXCUSED: Peter Sirica, Tom DaCosta Lobo

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No. 1 103 Park Avenue APPROVED 6-0

Applicant: Mr. Michael J Piromalli, 103 Park Avenue, Block-Lot: 6902-2

Application: to *leave as erect* a 23.4 square foot awning with signage installed at 114 Park Avenue, and to *leave as erect* a pylon sign at 103 Park Avenue, as shown on the plan prepared by Architect, Thomas V. Ashbahian, dated May 26, 2017,

Appearances: Robert Gaccione, Esq., Thomas Ashbahian, Thomas Eastwick, Marco Leon- 110 Park Avenue

Letter of Denial: was read by Mr. Gary Marino

Chapter 700, Article XII, Section 700-90.2 B 1 (d) of the Codes of Nutley restricts awning signage to no more than 35% of the total permitted surface display area for signs for the subject premises. The allowable SF is 13 square feet. ***The proposed is 28.4 square feet.***

The property of 103 Park Avenue is located in an M-1 district as shown on the Nutley Zoning Map.

Chapter 700, Article III, Section 700-3 of the Codes of Nutley states any business sign supported by uprights, braces or masonry wall which is attached to the ground and is not attached to any building, exceeding five feet in height to the top of the sign is a pylon sign. Pylon signs are prohibited in all zones.

Chapter 700, Article VII, Section 700-39 H of the Codes of Nutley prohibits any advertising signs, roof signs and pylon signs in all districts.

Applicant's attorney, Robert Gaccione appeared on behalf of Eastwick College. Thomas Eastwick, President of Eastwick College, testified that he wanted to keep the original signage from 1957. He stated that at 114 Park Avenue he wanted to keep the existing awning and that all he had previously done was change the fabric of the awning. Mr. Thomas Ashbahian testified as the architect and planner on the application. He stated that the college had an unusually long front lawn for the area. He introduced Exhibit A1, which was the HoHoKus sign and the updated Eastwick College sign. Mr. Ashbahian stated that the new sign was much simpler, with internal lighting and no exterior lighting. Exhibit A2 was the awning at 114 Park Avenue. Mr. Ashbahian explained that 103 Park Avenue followed C1 criteria because it was about 70 feet back from the property line. He also stated that the sign was for public good and that a college was an inherently beneficial use. He went on to explain that 114 Park Avenue was in a residential area, but the board had previously approved a D Variance, use in residential zone. He explained that the awning protects from weather as well as serves as a sign. He stated that both signs were a clear improvement, and provided no harmful effects on the zoning plan of Nutley. Chairman Graziano asked the applicant if they would be adding the address on the sign. He stated that they wouldn't. Mr. Daniel Tolve asked the applicant if the original sign was lit. He stated it was and that the auto body near by had a similar sign. Ms. Suzanne Brown expressed that she was concerned the sign was too large and wanted the applicant to keep the sign similar to Exhibit A1, without a filled in bottom. Mr. Gaccione agreed to the suggestion that they would leave the molding off the sign and put landscaping around it. Neighbor, Ms. Leon testified that the sign was not as visible with the box. She also expressed 114 Park Avenue's signage was very clear. Board Attorney, Diana McGovern, Esq., stated that the applicant would not be changing the sign at 114 Park Avenue. Mr. Piromalli expressed that the signs were not for advertising purposes, but identifying purposes. He stated that the sign would only be lit from 4 pm to midnight.

With no further questions from the members and no one in the audience with questions or comments, a motion to grant this variance was made by Ms. Suzanne Brown, seconded by Mr. Gary Marino. The variance was granted by a vote of 6-0.

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No. 24 McKinley Street CARRIED TO THE NEXT MEETING

Applicant: Mr. Kenny Nguyen, 4 McKinley Street, Block-Lot: 1601-23

Application: to *leave as erected* a portion of the driveway that was enlarged to the left side six (6') feet for a total width of 22' (see picture attached). A previous zoning approval was issued June 23, 2017 for a 16' driveway (see survey of 2/11/15). Also, *to leave as erected* a four (4') foot and six (6') foot solid fence located in the side yard having no prior approval or permit as shown on the survey prepared by Donald P. Sweeney & Associates, P.L.S., dated February 11, 2015,

Appearances: Kenny Nguyen, Laurice Hynson

Letter of Denial: was read by Mr. Gary Marino

A denial letter was issued July 25, 2016 and sited for the same variances listed in this denial letter, which was voided due to the applicant complying with the ordinance.

Chapter 700, Article XIII, Section 700-94 A (1) of the Codes of Nutley states no front yard of a lot upon which is located in 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. 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.

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.

Applicant Kenny Nguyen testified before the board that he enlarged his driveway because he has large vehicles. He explained that he had permission to make the driveway 16 feet, but he made it 22 feet instead. Mr. Nguyen stated that he saw a neighbor install a similar driveway, so he assumed he could do the same. He stated that he did not change the curb cut. The applicant stated that he couldn't fit both cars in his garage and that the cars blocked the sidewalk if they were both in the driveway. The board suggested he put his small car in his garage and the 2 SUVs in the driveway. The board experienced some confusion with translation and Chairman Graziano suggested he come back with a translator. Mr. Nguyen asked the board if his brother could translate for him. Ms. Diana McGovern stated that he could.

A motion to carry this application to the next meeting was made.

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No. 3 178 Frank Street CARRIED TO THE NEXT MEETING

Applicant: Mr. and Mrs. Enrique Nunez, 178 Frank Street, Block-Lot: 8302-2

Application:

Appearances: None

Letter of Denial: was previously read.

A motion to carry this application to the next meeting was made.

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The board went into Executive Session at 8:41 pm to discuss a litigation matter.
Executive Session ended at 9:00 pm

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RESOLUTIONS MEMORIALIZED: 13 Prospect Street, 113 Mapes Avenue, 78 Mapes Avenue

MINUTES: None

INVOICES: None

NEW BUSINESS: None

LITIGATED MATTERS: None

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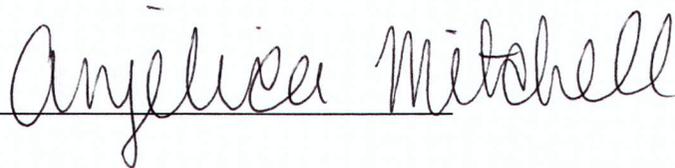
NOTE: THE PROCEEDINGS IN THIS MATTER WERE VOICE RECORDED. THE RECITAL OF FACTS IN THE MINUTES IS NOT INTENDED TO BE ALL-INCLUSIVE, BUT IS A SUMMARY AND HIGHLIGHT OF THE COMPLETE RECORD MADE BEFORE THE ZONING BOARD.

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Respectfully submitted,

Anjelica L. Mitchell

Minutes Approved

 2/12/18