

NUTLEY ZONING BOARD OF ADJUSTMENT

Public Session Meeting Minutes

July 18, 2016

Approved
8/15/2016
DM

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

ABSENT:

EXCUSED: Tom DaCosta Lobo, Lori Castro, Peter Sirica, Mary Ryder

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No. 1 18 Dogwood Lane APPROVED 6-0

Applicant: Mr. John Kauffman and Ms. Krystyn Kauffman, 18 Dogwood Lane, Block-Lot: 4101-8

Application: To install a 12' x 20' semi in-ground pool having a three (3') foot rear yard setback, and which will increase the required 35% lot coverage to 36% as shown on the survey prepared by James Pica, Surveyor, dated December 9, 2014;

Appearances: Krysten Kauffman

Letter of Denial: was read by Mr. Marino.

The Code Official having denied said permit by letter dated April 26, 2016, citing Chapter 700, Article V, Section 700-D (2) of the Codes of Nutley which requires a pool to have an eight (8') foot side and rear yard setback and also citing Chapter 700, Article VIII, Section 700-46 A of the Codes of Nutley; the "Schedule of Regulations" which requires lot coverage not to exceed 35% (Proposed is 36%);

Applicant Krystyn Kauffman testified to the board that she was a school teacher and mother of two small children, whom she wished to put in a pool for. She stated that her neighbors had no objection to the building of the pool. Ms. Diana McGovern, Esq., stated that the survey was deceiving and the applicant had a much smaller backyard than the neighboring properties, proving to be a hardship. Chairman Graziano pointed out that she was 1% over on the lot

coverage. Ms. Kauffman stated the pool would be 2 feet above ground and 3 feet underground. Chairman Graziano asked the applicant if there would be a fence around the top of the pool. She responded that there would not be, but there would be a cobble stone wall with steps leading into the pool. She stated that she currently had a 6 foot solid vinyl fence around her yard. Mr. Gary Marino asked the applicant where the filter and heater would go. Ms. Kauffman Stated that the heater and filter will be in the corner as was shown on the survey.

With no further questions from the members and no one in the audience with questions or comments, a motion to grant the 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. 2 25 Ravine Avenue APPROVED 6-0

Applicant: Mr. Daniel Fragnals, 25 Ravine Avenue, Block-Lot: 7500-18

Application: To increase the existing driveway and curb cut to 18' in width, as shown on the survey prepared by Joseph F. Barbieri, dated October 28, 2010;

Appearances: Daniel Fragnals

Letter of Denial: was read by Mr. Marino.

The Code Official having denied said permit by letter dated April 26, 2016, citing Chapter 700, Article XIII, Section 700-94 A (1) of the *Codes of Nutley* which states that 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, and also citing Chapter 700, Article XIII, Section 700-94 A (3) (a) of the *Codes of Nutley* which states curb cuts shall not exceed 16 feet in length;

Applicant Daniel Fragnals testified to the board that his driveway was in disrepair and was not functional. He stated that he often has many family members over and needed more parking spaces. He also expressed that putting an SUV in the current driveway was nearly impossible. Chairman Graziano asked that applicant if he planned on adding 3 feet to the left and 3 feet to the right. The applicant stated that he wanted an 18 foot driveway. Exhibit A1 was introduced by Mr. Fragnals, which was a picture of the driveway. The applicant stated the curb cut would not affect any street parking.

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

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No. 3 28 Hay Avenue APPROVED 6-0

Applicant: Mr. and Mrs. Eric Daniels, 28 Hay Avenue, Block-Lot: 3801-22

Application: To install a 23' X 12' above-ground pool in the rear yard which will increase the lot coverage to 40%, as shown on the survey prepared by Brevard Surveying & Mapping dated June 1, 2006;

Appearances: Jennie Daniels and Eric Daniels

Letter of Denial: was read by Mr. Marino.

The Code Official having denied said permit by letter dated June 15, 2016, citing Chapter 700, Article VIII, Section 700-46 A of the Codes of Nutley; the "Schedule of Regulations" which requires lot coverage not to exceed 35% in an R-1 zoning district. (The pool will increase the lot coverage to 40 %.);

Applicants Jennie and Eric Daniels testified to the board that they fell in love with Nutley and wanted to give their children a pool. Mr. Daniels also told the board that all his neighbors approved of their plans. Mr. Daniel Tolve asked the applicants how tall their fence is. Mrs. Daniels stated that the fence was 5 feet tall. Chairman Graziano asked the applicants where the filter would be located. They both responded that it would be in the right corner.

With no further questions from the members and no one in the audience with questions or comments, a motion to grant the 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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RESOLUTIONS MEMORIALIZED: 11 Wilson Street, 198 Rutgers Place, 221 Grant Avenue

MINUTES: Executive Session minutes from April 18 and May 16, 2016 approved.

INVOICES: None

LITIGATED MATTERS: None

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Respectfully submitted,

Anjelica L. Mitchell

Minutes Approved

~~Anjelica Mitchell~~
8/15/2016