

NUTLEY ZONING BOARD OF ADJUSTMENT

Public Session Meeting Minutes

June 20, 2016

Approved
8/15/2016
JMC

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: Mr. Tolve, Lori Castro, Peter Sirica, Mary Ryder, Gary Marino, Suzanne Brown, Chairman Graziano and Board attorney, Diana McGovern, Esq.

ABSENT: None

EXCUSED: Lou Fusaro, Tom DaCosta Lobo, Joseph Frusteri

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No. 1 221 Grant Avenue APPROVED 7-0

Applicant: Mr. Michael Bonora, 221 Grant Avenue, Block-Lot: 6505-3

Application: To increase the existing driveway to 18' in width as shown on the survey prepared by Richard J. Hingos, Inc. dated May 17, 2013;

Appearances: Michael Bonora

Letter of Denial: was read by Ms. Mary Ryder

The Code Official having denied said permit by letter dated April 29, 2016, citing Chapter 700, Article XIII, Section 700-94 A (1) of the *Codes of Nutley* which 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;

Applicant Michael Bonora testified to the board that his driveway was currently 9 feet. He expressed that he wanted his driveway bigger in order to create a pathway. He also stated that there was a fire hydrant in front of his home, which interrupts parking. Chairman Grazino asked the applicant to confirm that he was looking for a variance for an 18 foot driveway. The applicant

answered that he was looking to create an 18 foot driveway. Mr. Daniel Tolve asked the applicant if he would still use his enclosed porch and questioned whether or not it would be a hazard. Mr. Bonora answered that he would continue to use the porch and it would not be a hazard because he would be installing a Belgium block border at the end of the driveway to act as a curb stop. Chairman Graziano asked the applicant if he would also put Belgium blocks on the sides. The applicant responded that he would.

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. Lori Castro. The variance was granted by a vote of 7-0.

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No. 2 11 Wilson Street APPROVED 5-1

Applicant: Mr. Michael Levitt, PO Box 7730 (No. Brunswick, NJ), Block-Lot: 8401-22

Application: To leave as erected a driveway in the front yard with a width of 27' to the right side property line and 22' to the easement, the curb cut dimension are the same and will decrease the required front yard 60% coverage to 49%, as shown on the survey submitted to Code Enforcement dated March 30, 2016 and to construct a 10' X 18' (180 SF) deck in the rear yard, having a nine (9') foot rear yard setback, as shown on the property survey prepared by George Anderson LLC, dated March 10, 2016;

Appearances: Michael Levitt, Thomas DiBiasi, Esq.

Letter of Denial: was read by Ms. Mary Ryder.

The Code Official having denied said permit by letter dated April 7, 2016, citing Chapter 700, Article VIII Section 700-46 B (4) (d) of the *Codes of Nutley* which allows a rear deck to encroach six (6') feet. *The required rear yard in an R-1 zone is 30'. The permitted encroachment is six (6') making the required rear yard setback 24'. The proposed rear yard setback is nine (9') feet,* and also citing,

Chapter 700, Article XVI Section 700-113B (2) of the *Codes of Nutley* which states a nonconforming structure or a structure on a nonconforming lot may be enlarged except as to height, provided that the enlargement will not increase the nonconformity of the nonconforming features, and also citing

Chapter 700, Article VIII, Section 700-48 of the *Codes of Nutley* which states any lot containing a residence for one or two families shall have at least 60% of the required front yard in landscaping. This area shall not be covered with paving, walkways or any other impervious surface. Landscaping may consist of grass, ground cover, shrubs and other plant material;

Chairman Graziano recused himself from this matter. Mr. Thomas DiBiasi, Esq. made his opening remarks to the board, stating that he was representing the applicant, Levitt Company. He stated that a certificate of occupancy had been issued. Mr. DiBiasi expressed that his client wanted a wider driveway since there was not much parking. Mr. DiBiasi also stated that he

wished to drop the request by the applicant for a rear deck. Applicant Michael Levitt testified to the board that he prepared the documentation for this application and he was the sole member of his development company. He stated to the board that he had previously testified before them last year, with witnesses and experts present. The applicant advised the board he had been doing construction on 11 Wilson Street ever since. Ms. Suzanne Brown wished to clarify how many feet he wanted the driveway. Mr. Levitt stated he wished the driveway to be 18 feet. Mr. Peter Sirica asked the applicant how many bedrooms there were, to which the applicant responded that there were 3 bedrooms.

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. Lori Castro. The variance was granted by a vote of 5-1.

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No. 3 198 Rutgers Place APPROVED 7-0

Applicant: Mr. Michael Martin, 198 Rutgers Place, Block-Lot: 1700-22

Application: To construct a new 2 story, 17'6" in height (to the mean height) and two car garage, as shown on the plan submitted by Applicant dated April 25, 2016;

Appearances: Michael Martin

Letter of Denial: was read by Ms. Mary Ryder.

The Code Official having denied said permit by letter dated May 23, 2016, citing Chapter 700, Article XI, Section 700-67 A of the *Codes of Nutley* which states detached accessory buildings and accessory uses may occupy in the aggregate an area not to exceed 30% of the area of any rear yard. The height of a detached accessory building shall be one story not to exceed 14 feet. The proposed garage will be 17'6" in building height to the mean height of the building and will be 2 stories;

Applicant Michael Martin testified to the board that he wished to construct a two car garage with a second story due to his current inadequate storage. He stated that his basement had leakage and his attic was tiny. Mr. Martin testified to the board that the garage would not be heated, have plumbing, or be insulated. Chairman Graziano asked the applicant what type of things he would be storing in the garage. He stated that it would be camping stuff, decorations, and seasonal items. Ms. Mary Ryder wished to confirm with the applicant that there would be no running water upstairs. The applicant responded that there would be no running water and he also testified that no part of the garage would be used as living area. Chairman Graziano asked the applicant what his plans were for the siding and the roofing. He stated it would match the current house. Chairman Graziano also asked the applicant if he would be replacing the curb cut with new grass, to which he responded that he would be.

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. Mary Ryder, seconded by Mr. Gary Marino. The variance was granted by a vote of 7-0.

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RESOLUTIONS MEMORIALIZED: 11 Edgar Place, 42 Faber Place, 52 Brookfield Avenue,
72 Crestwood Avenue

MINUTES: May 16, 2016 minutes approved

INVOICES: None

LITIGATED MATTERS: None

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Respectfully submitted,

Anjelica L. Mitchell

Minutes Approved

Anjelica Mitchell
Approved 8/16/2016