

NUTLEY ZONING BOARD OF ADJUSTMENT
Public Session Meeting Minutes
November 17, 2014

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

PRESENT: Suzanne Brown, Thomas DaCosta Lobo, Gary Marino, Mary Ryder, Paul Scrudato, Chairman, Diana McGovern, Esq., Board Attorney

ABSENT: Louis Fusaro

EXCUSED: Frank Graziano, Ralph Pastore, Serge Demerjian

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No. 1 11 Wilson Avenue (Carry over from 9/15/2014 and 10/20/2014)

Applicant: Mr. Michael Levitt (Levico Development, Inc.)

Application: To construct a new 2 1/2 story dwelling on a pre-existing 62.50 wide by 74.71 length lot, having an 18' front yard setback and a 18.25' rear yard setback, as shown on the preliminary plans prepared by Zimblar Architecture, daed October 10, 2014.

Appearances: Thomas DiBiasi, Esq., Paul Bauman, Planner

Letter of Denial

Revised letter of denial dated October 20, 2014 citing Chapter 700, Article VIII Section 700-46A, Schedule of Regulations, requires a lot in an R-1 Zone to have a lot depth of 100' (74.71' proposed), front yard setback of 25' (18' proposed) and a rear yard setback of 30' (18.25' proposed)

Mr. DiBiasi represented that he had met with neighbor Debra Russo who had been at the previous meeting with objections and based upon that meeting the plans were revised to remove a bedroom on her side of the property and to increase open space so that the requested variances were reduced. Mr. DiBiasi represented that Ms. Russo was satisfied with the changes.

Planning expert, Paul Bauman, testified on behalf of the Applicant that the application started with four variances and now is down to three requested variances because they were able to increase the side yard setback. The new plans also increased the rear yard setback to 18.25' and the house was downsized by a bedroom. The variances are needed due to lot depth and the irregular shape of the lot. Mr. Bauman testified that the application would satisfy both a c and c2 variance. The expert testified that by placing the house in the middle of the lot there would be enough parking in the garage and driveway to satisfy the Code and there would also be additional available parking for two more vehicles. The expert explained the driveway easement with the property to the West.

There was no one from the audience that had a comment. A motion was made by Mr. DaCostaLobo to grant the variance request. Mr. DaCostaLobo stated that the house was a good size for the lot and the hardship was the undersized lot. The

house was in keeping with the neighborhood. The motion was seconded by Mr. Marino.

Approved 5-0

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No. 2 20 Forest Avenue

Applicant: Mr. and Mrs. Michael Panicci Block-5002Lot: 19

Application: request for a permit to erect a six (6') foot solid fence in the side yard of the property.

Appearances: Michael Panicci

Letter of Denial was read by Mr. DaCosta Lobo

Chapter 700, Article XI, Section 700-71B states a fence erected along the side lot 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 not be less than two feet in height and shall be of 50% open construction. The proposed fence shall be erected in the side yard and shall be six (6') feet in height and a solid type fence.

Applicant, Mr. Panicci testified that he wants more privacy because his backyard faces Bloomfield Avenue and is elevated so that there is too much exposure. Mr. Panicci also said that his next door has a lot of plants and that is why he wants a solid fence to keep the plants which are an eyesore and growing into his yard out of his yard. Ms. Brown suggested that applicant reduce the solid portion of the fence to 5' with a one foot picket style top for a total of six (6') feet. Applicant agreed to the proposed condition. Ms. Ryder made a motion to grant the variance with the condition stating that privacy was needed due to Bloomfield Avenue and the fence will not adversely affect the neighbor. Mr. DaCostaLobo seconded the motion,

Granted 4-1 (Mr. Scudato voted no.)

BUSINESS:

None.

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RESOLUTIONS:

12 Florence Street

MINUTES:

INVOICES:

LITIGATED MATTERS: None

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