

NUTLEY ZONING BOARD OF ADJUSTMENT

Public Session Meeting Minutes

August 17th, 2015

*Approved
9/21/15
BAIL*

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: Suzanne Brown, Lou Fusaro, Gary Marino, Chairman Graziano, Diana McGovern, Esq., Board Attorney, Tom DaCosta Lobo, Lori Castro

ABSENT: Mary Ryder, Serje Demerjian

EXCUSED: Peter Sirica

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No. 1 3 Union Avenue APPROVED 6-0

Applicant: Michael Rebele, 69 West 34th Street, Block-Lot: 9407-21 =

Application: application for a permit to demolish the existing garage and construct a new 2 1/2 story single family dwelling with a lot width of 37.5 feet and the lot area of 3,750 square feet, as shown on the plans prepared by Mileto-Godsall Associates dated February 12, 2015

Appearances: Michael Piromali, Esq., Michael Rebele, Frank Mileto, John McGeown

Letter of Denial was read by Mr. DaCosta Lobo.

Mr. Michael Piromalli, Esqs. represented the developer/applicant, Mr. Michael Rebele. Mr. Piromalli advised that the applicant wished to demolish the current structure (A garage) and make it into a new, single family dwelling. He stated that the variances they were looking for were for minimum lot area and minimum lot width. Mr. Piromalli stated that the lot is isolated and undersized.

Applicant Michael Rebele testified that he did not own the property, but wished to build a 2,000 square foot home on the property. He stated that he was currently under contract. Mr. Rebele testified that the property was an empty lot with only a garage on it. He stated that he had been working in Nutley for many years as a developer and wished to begin construction as soon as possible and have the new dwelling ready for sale by spring. Mr. Lou Fusaro asked Mr. Rebele if this would be a "flip and sell." Mr. Rebele responded that it would be a "flip and sell."

Architect Frank D. Mileto testified before the board. Exhibit A1 was introduced to the board, which was a tax map of the surrounding area. Mr. Mileto described the site as vacant (except for a garage) and flat. Exhibit A2 was introduced to the board, which showed the colorized site plan, indicating the location of the proposed dwelling. Exhibit A3 was introduced to the board, which was the colorized version of the interior of the proposed house. The plan proposed vinyl siding, stone features, shingles, and changes in elevation to avoid "boxy" look. Mr. Mileto testified that the home would have three bedrooms and two parking spaces. Exhibit A4 was introduced to the board, which was a photo board of the surrounding properties on the west and east side of Union Avenue, stating that the look of the new home would fit in with the surrounding homes. Mr. Mileto stated that there were several lots in the area with the same square footage this application was proposing. Ms. Suzanne Brown asked the architect what their plans for the attic were. Mr. Mileto responded that the attic would be strictly for storage. Mr. Tom DaCosta Lobo asked the architect if they would buy another property and make this one larger. Mr. Mileto responded that all the surrounding properties were already developed.

Mr. John McGeown, 1 Union Avenue, testified to the board, expressing his concerned about the application. Mr. McGeown stated that he was extremely concerned about privacy, sunlight, views, etc. Mr. Gary Marino asked Mr. McGeown what he was looking for the board to do. He stated that he wished to see a ranch-style house.

Mr. Piromalli stated that the applicant would consider putting up a vinyl fence so the neighbor would have privacy. Ms. Suzanne Brown suggested shrubbery instead of privacy fence. Mr. McGeown stated he was concerned the shrubbery would take years to grow. Ms. Suzanne Brown suggested the applicant put in six foot shrubs.

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. 2 211 Franklin Avenue APPROVED 6-0

Applicant: Express Store, Inc., 100 Main Street, Block-Lot: 5902-21

Application: application for a permit to install two (2) illuminated signs, which are located at the corner property of Franklin Avenue and Centre Street within 100 feet of a traffic light, as shown on the sign renderings prepared by GNS Group dated February 12

Appearances: Sean O'Connor, Esq.(On behalf of the applicant), Ervi Patel, Daniel Peterson

Letter of Denial was read by Mr. DaCosta Lobo.

Chapter 700, Article XII, Section 700-89 which states signs in which the colors red, amber or green ae used in direct illumination or in high reflection by the use of special preparations such as fluorescent paint or glass shall not be located within 100 feet of any approved traffic light or other safety device using red or green

Mr. Sean O'Connor testified to the board that he was representing the owner of the franchise, Mr. Ervi Patel. Mr. O'Connor stated that there was a question to whether or not a variance was even needed because the sign in question is not actually illuminated. Mr. Patel testified that it is a Verizon Wireless franchise store and therefore the store was required to follow Verizon's guidelines. Mr. Patel stated that if the sign is not allowed, he would have to move his store to another location. Exhibit A1 was shown to the board, which was a picture of the store with the signage in question. Exhibit A2 was also shown to the board, which was a picture of the signage at night time.

Traffic expert, Mr. Daniel Peterson testified to the board that the according to the ordinance one cannot have illuminated signs that are red, green, or amber, in order to not be confused with a traffic light. Mr. Peterson introduced Exhibit A3 to the board, which was a colorized map of the area. He stated that it is impossible for the sign in question to be confused for a traffic signal for numerous reasons. Mr. Peterson stated the first time the driver will see the sign is in front of the laundromat. Chairman Graziano asked Mr. Peterson what would occur if a driver saw the sign, thought it was a traffic light, and simply stops. Mr. Peterson replied that this was a highly improbable situation.

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 Mr. Tom DaCosta Lobo. The variance was granted by a vote of 6-0.

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No. 3 361 Harrison Street CARRYOVER

Applicant: Nutley Adult Daycare Center, Inc.

Application: To renovate an existing commercial office building located in an R-1 zoning district into an Adult Day Care Facility, as shown on the plans prepared by Architect, Dass-Haines, dated April 24, 2015.

Appearances: None

Letter of Denial: was not read by Mr. DaCosta Lobo

The applicant requested the matter be carried over to the next regular meeting on September 21, 2015 due to witness unavailability. The application was adjourned as requested.

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No. 4 204 Passaic Avenue APPROVED 5-1

Applicant: Mr. Edwin Leon, 204 Passaic Avenue, Block-Lot: 7202-3

Application: request for a permit at the above referenced address, to pave a portion of the rear yard, which will increase the required 70% impervious lot coverage to 85%

Appearances: Edwin Leon and Marisol Zazareo

Letter of Denial was read by Mr. Tom DaCosta Lobo

Chapter 700, Article VIII, Section 700-46 A of the Codes of Nutley entitled Schedule of Regulations as to Bulk, Height and Other Requirements," requires properties in an R-1 zoning district not to exceed 70% impervious coverage. **The proposed coverage is 85%.**

Ms. Zazareo testified to the board that the household was having problems with their backyard because of the severe mud when it rains or snows. Ms. Zazareo stated that the plans read they wanted 70% coverage, but they actually wanted 85% coverage. She stated that the green colored area on the plans was grass and the yellow colored area on the plans was what they wished to pave. Mr. Tom DaCosta Lobo pointed out that the plans appeared to be the same plans as the last time they appeared before the board. Ms. Suzanne Brown expressed her concern as to why the applicants needed to pave a 20 x 50 space, which would be enough room to park five cars. Ms. Zazareo responded that they did not wish to park five cars, they wanted to get rid of the mud and the problems associated with it. Exhibit A1 and Exhibit A2 were introduced to the board, which were pictures of the driveway. Chairman Graziano suggested the applicants attain an architect because their plans were inaccurate. Mr. Gary Marino suggested that the applicants pave a 20 x 30 area. The applicants were not completely pleased but agreed to Exhibit A3 as their plans, which the board had drawn on a 20 x 30 paved area.

With no further questions from the members and no one in the audience with questions or comments, a motion to grant the continuance was made by Mr. Tom DaCosta Lobo, seconded by Mr. Gary Marino. The variance was granted by a vote of 5-1.

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BUSINESS:

Ms. Penny Landry of 135 Lakeside Drive, Nutley, New Jersey, wished to be written into the record as being present to video the meeting.

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RESOLUTIONS MEMORIALIZED:

21 Alexander Avenue

625 Bloomfield Avenue

313 Washington Avenue

81 Glendale Street

36 Wesley Street

104 Rhoda Avenue

29 South Spring Garden Avenue

MINUTES:

July 20, 2015 minutes approved

INVOICES: None

LITIGATED MATTERS: None

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Respectfully submitted,

Anjelica L. Mitchell

Minutes Approved _____