

NUTLEY ZONING BOARD OF ADJUSTMENT
Public Session
Special Meeting Minutes
October 6, 2014

CALL TO ORDER: A special 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, Frank Graziano, Gary Marino, Ralph Pastore, Mary Ryder, Paul Scrudato, Chairman, Diana McGovern, Esq., Board Attorney

EXCUSED: Serge Demerjian, Lou Fusaro

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No. 1 MEKA Continued from September 22, 2014

Applicant: Ken Meka, North American Eagle Construction, c/o Thomas DiBiasi, Esq. DiBiasi & Rinaldi, LLC, 345 Centre Street, Nutley, NJ, 649 Passaic Ave., 98 Kingsland St., and 108 Kingsland St. Block/Lot/Zone: 502/15, 16, 17 / R1 and B2.

Application: Mixed use building, major sub-division and major site plan

Appearances: Thomas DiBiasi, Esq.

Letter of Denial: Mr. DaCosta Lobo read the revised letter of denial.

- Chapter 700, Article V, Section 700-9 of the codes of Nutley does not permit a mixed use building in an R-1 district.
- Chapter 700, Article VII, Section 700-40E limits the maximum height of a mixed-use building to two (2) stories. *Plan shows three (3) stories.*
- Chapter 700, Article VII, Section 700-40F limits maximum lot coverage to 45%. *Lot coverage of upper floors is 66.23% and ground-floor coverage of 12.8%.*
- Chapter 700, Article XIII, Section 700-94A (3)(c) limits a maximum curb cut to 20 feet. *The plan shows a 24-foot curb cut.*
- Chapter 700, Article III, Section 700-3B, entitled “definitions” requires a parking space having minimum dimensions of 9’X19”. *The three (3) compact spaces are not permitted and 9’x18’ parking spaces are one foot short in length.*
- Chapter 600, Section 600-5B of the Codes of Nutley lists the requirements to be on the site plan drawings. Using the checklist following will require waiver requests: Items #7, #8, #11 and #30.

Chairman Scrudato stated that the proceedings would be operated as they were at the meeting held on September 22, 2014. Questions will be taken from the audience after each expert witness’ testimony. He then reminded Mr. DiBiasi that the new plans were not filed 10 days prior to this meeting and, therefore, the members did not get 10 days’ to review them. The public also had only a limited number of days to review the new submissions which are filed with the township building department. Mr. DiBiasi confirmed the chairman’s statements.

Ms. Brown made a motion to carry the matter to the next regular meeting stating that four days is not sufficient time to review the amended plans and make comments nor have the consultants had time to review and comment on them.

Ms. McGovern advised the audience that the next meeting on October 20 is a regularly scheduled meeting; therefore, no new notices would be required. No one in the audience

had an issue with the adjournment. The motion was seconded by Mr. Graziano. The matter was adjourned by a vote of 7-0.

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ADJOURNED: 7:37

Respectfully submitted,

Marie L. Goworek
Recording Secretary