

Approved
9/15/14

NUTLEY ZONING BOARD OF ADJUSTMENT
Public Session Meeting Minutes
August 18, 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, Serge Demerjian, Lou Fusaro, Gary Marino, Ralph Pastore, Mary Ryder, Paul Scrudato, Chairman, Diana McGovern, Esq., Board Attorney

ABSENT: Frank Graziano

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No. 1 ANZALDI Carryover from August 18, 2014

Applicant: Ms. Jennifer Anzaldi, 209 Raymond Avenue, Block-Lot-Zone: 5602-2-R1

Application: request for a fence permit, at the above referenced premises, to install a five (5') foot privacy fence in the side yard along Summit Way of a corner property, which is the front yard of the adjoining property on Summit Way.

Appearances:

Letter of Denial was read by Mr. DaCosta Lobo at the May 19, 2014 NZBA meeting.

Ms. McGovern advised the members that she got an e-mail from the applicant stating that she would not be able to be present at this hearing and requested an adjournment until September 15.

Ms. McGovern spoke with the town engineer about this application and she was advised that the town engineer and the town attorney have not yet reached a decision as to whether the town can lease this parcel of property. She asked the Board if they would like to grant the applicant's request for an adjournment.

Mr. DaCosta Lobo asked if there was any particular reason that a decision has not been made. It is Ms. McGovern's understanding that the town attorney has some reservations about it. She said he has been getting conflicting information that it has been done before in other area of the town. The question is now, is this particular area of town different from where it has been done before because it is a right of way and they are concerned about a precedent being created. She said other cases were where an owner's stairs encroached on the town property and access to from the house was via the right of way. In this case, the applicant wants to install a fence which is considered a luxury and not a necessity.

Mr. DaCosta Lobo wondered if perhaps a license would be considered as opposed to a lease; it is an option to get this moving and off the agenda. Ms. McGovern said she would suggest it to the town attorney. If the issue is just a matter of privacy, Mrs. McGovern noted that a row of arborvitaes would also do the trick.

With no further questions from the members and no one in the audience with questions or comments, a motion was made by Tom DaCosta Lobo to carry to the next meeting on September 15, 2014 was made; seconded by Mr. Marino. The application will be continued on September 15, 2014.

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No. 2 SEDICINO Carry over from May, 2014 APPROVED 6-1

Applicant: Ms. Frances Sedicino, 733 Bloomfield Avenue, Block/Lot/Zone: 2304/25/R-1

Application: request for a demolition permit to demolish the existing one (1) car garage due to an Unsafe Structure Notice issued by the Building Department, and not rebuild it

Appearances: Frances Sedicino (sworn)

Letter of Denial was read by Mr. DaCosta Lobo.

- Chapter 700, Article XIII, Section 700-91 A of the Codes of Nutley states a single family dwelling shall be required to have two (2) parking spaces and one space must be in a garage.

Ms. Sedicino said it would be a hardship to build another garage. Access in an out of the garage is difficult to maneuver because it is very narrow, she does have two parking spots in front of her house.

The chairman asked if she planned to replace the garage with a prefabricated shed. Ms. Sedicino would like to put up a shed. In all the years she has bene there she has never used the garage for her cars because the driveway is too narrow she has only inches on either side of the car. She has two driveways and in the winter, it is too much for her to shovel both. The shed would be for her lawn mower and other tools.

Mr. Demerjian asked if a survey was provided with the application. There was not, and the applicant did not have one with her. She said she was not asked to submit a survey.

Ms. McGovern noted that this was in municipal court for a violation. Ms. McGovern asked if Ms. Sedicino got a letter saying she has to take this down or fix it. She replied that she had to take it down, saying that it was an unsafe structure and could not be repaired.

Ms. McGovern said the notice to the Applicant says that an unsafe garage must be demolished immediately; without mention of the Code provision that says there has to be a garage, therefore, Applicant was not advised that she also had the option of repairing the garage which potentially was much less expensive than demolishing the existing garage and building a new garage, thus, the Board might want to consider the faulty notice as a hardship to the Applicant.

With no further questions from the members and no one in the audience with questions or comments, a motion was made by Mr. Pastore and seconded by Mr. Marino. The variance was granted by a vote of 6-1.

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No. 3 WADDLETON APPROVED 7-0

Applicant: Mr. & Mrs. W. Waddleton, 101 New Street, Block/Lot/Zone: 5901/4/R1

Application: request to demolish the existing one (1) car garage and replace it with an 8' x 12'6" shed with the mean height of 7½ feet having a 3½ foot rear and side yard setback

Appearances: Andrea Waddleton (sworn)

Letter of Denial was read by Mr. DaCosta Lobo.

- Chapter 700, Article V, Section 700-9 A of the Codes of Nutley states a single-family dwelling, not to exceed one dwelling unit on each lot. No other principal use is permitted on the same lot with a single-family dwelling. Each single-family dwelling shall have two parking spaces, at least one of which is in a garage.
- Chapter 700, Article XI, Section 700-67 B (1) of the Codes of Nutley states no detached accessory building or accessory use shall be located three (3') feet or 1/2 the height of such building up to a distance of six (6') feet, whichever is greater, to a side or rear lot line. The proposed shed will have a 3 1/2 foot setback from the rear and side yard.

Ms. Waddleton said the garage is in a terrible state of disrepair – the roof is in bad shape, the siding is falling off, the property is very narrow. They only use it for storage. It is unsafe for anyone, especially her children to go in. It takes up a big chunk of yard space. She would like to replace it with a shed, one larger than the one she requested in her application (adding two feet to the height). As of yet, they have not picked what they wanted to install. In response the Chairman's question, Ms. Waddleton said the setback would be the same.

Mr. DaCosta Lobo said even if the applicants had a larger shed, he doesn't see that it would be a problem. With a 7 1/2-foot shed, they need 3 3/4' - the mean height 7.5 feet. They put in for 3 1/2 feet, the extra three inches . . .

Ms. Waddleton said when they started looking at sheds, they realized they could get a little bit more out of a bigger shed. She realizes that it would have to be set back a little more; the bigger the shed . . . Mr. DaCosta Lobo said it's the height that matters. She agreed that the shed would be within the setback.

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. DaCosta Lobo. He stated that the lot is exceedingly narrow and the garage takes up an inappropriately amount of the rear yard space. The applicants agreed to replace it with a shed and based on the cited height will conform with the setbacks. The only variance required is for the non-replacement for the garage . Seconded by Ms. Brown. The application was approved by a vote of 7-0.

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No. 4 PARRELLA APPROVED 7-0

Applicant: Mr. & Mrs. Vincent Parrella, 57 Jefferson Street, Block/Lot/Zone: 8901/18/R1

Application: request for a permit, at the above referenced premises, to construct a four (4') foot by six (6') foot canopy roof over the existing stair platform having a 16' front yard setback

Appearances: Vincent Parrella

Letter of Denial was read by Mr. DaCosta Lobo.

- Chapter 700, Article VIII, Section 700-46 B (4) of the Codes of Nutley permits extension into a required front yard. The required front yard setback in an R-1 district is 25'.
- Chapter 700, Article VIII, Section 700-46 B (4) (d) of the Codes of Nutley limits an open porch to encroach six (6') feet into the required front yard. The minimum front yard setback is 19.73'.

Mr. Parrella said he wants to install a portico to enhance the beauty of the home and the street. Many houses in the neighborhood have porticos and they have an old awning. In the winter, snow and ice accumulates on the awning, hanging over the steps and drips and slips below.

Mr. DaCosta Lobo asked how far the awning projects as opposed to what the portico might. Mr. Parrella said he really had no idea, but he thinks it will be less because the portico will angle down.

With no further questions from the members and no one left in the audience with questions or comments, a motion to approve the application was made by Mr. Demerjian. He stated that the proposed portico would enhance the architectural aesthetic of the house and the neighborhood. The motion was seconded by Mr. Marino. The application was approved by a vote of 7-0.

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No. 5 O'GRADY NO SHOW VOTED TO CARRY ONE MONTH

Applicant: Mr. & Mrs. Paul O'Grady, 33 Forest Avenue, Block/Lot/Zone: 5002/1/R-1A

Application: request for a permit, at the above referenced premises, to leave as erected two (2) AC condensers within the eight (8') foot side yard setback, and to widen the existing driveway to 20' which will decrease the front yard landscaping coverage to 56%,

Appearances: None

Letter of Denial was not read.

The applicant did not appear. When Ms. McGovern asked what the board wanted to do, Mr. DaCosta Lobo made a motion to carry it another month (to September 15, 2014); seconded by Mr. Demerjian. All approved.

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BUSINESS: Ms. McGovern introduced Angelica Mitchell who will be covering the next two meetings for the recording secretary.

INVOICES: Approved.

Pennoni:

- \$590 for work on Kingsland and Passaic application
- \$1910 site plan review

Alessio – refund of escrow fee \$2250.

RESOLUTIONS: Approved.

Mr. Nicholas Auriemma, 42 Milton Avenue, Block/ Lot/Zone: 8401/33/R1

Mr. and Ms. Haines, 204 Prospect Street, Block-Lot-Zone: 7602/2/ R-1

Mr. & Mrs. Gajewski, 109 Mapes Avenue, Block-Lot-Zone: 5102/5/R1

Mr. & Mr. Joslee Torres, 21 Freeman Place, Block/Lot/Zone: 7200/48/R1

Mr. & Mrs. Gregory Reed, 239 Ridge Road, Block/Lot/Zone: 5004/5/R1

Mr. Gregory Weber, 482 Kingsland Street, Block/Lot/Zone: 102/7/R1

Mr. Randy Frum, 50 Hope Street, Block/Lot/Zone: 8808/20/R1

Mr. & Mrs. Leo Anderson, 160 Church Street, Block/Lot/Zone: 5702-11-R1

Mr. Nick Mellie, 45 Beech Street - 83 Prospect Street, Block/Lot/Zone: 8902-17-R1.

MINUTES: Approved.

July 21, 2014