

NUTLEY ZONING BOARD OF ADJUSTMENT
Public Session Meeting Minutes
September 16, 2013

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: Frank Graziano, Ralph Pastore, Serge Demerjian

EXCUSED: Thomas O'Brien

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No. 1 NAGEL APPROVED 5-0

Applicant: Erik Nagel, 170 Oak Ridge Avenue, Block/Lot/Zone: 6300/19/R-1

Application: request for a permit, at the above referenced premises, to erect a six (6') foot solid type fence in the side yard along Park Drive

Appearances: Erik Nagel (sworn)

Letter of Denial was read by Mr. DaCosta Lobo.

Chapter 700, Article XI, Section 700-71 B of the Codes of Nutley states a fence erected along the side lines from the front line of a main structure to the rear line of such structure and within such lines shall not exceed four (4') feet in height and shall be of 50% open construction. The purposed six (6') foot solid type fence will be installed in the side yard along Park Drive.

Mr. Nagel said that the fence is rotting. They want to replace what is already there with a secure fence to keep other kids off the property and maintain their own privacy. He wants to get a fence that outlines the existing property. Ms. Brown asked if there were holly bushes along the fence (there are). She noted that the fence requested is 6 feet. She asked the applicant if he would consider a five-foot fence with a one-foot lattice. He would.

The Chairman asked if the holly bushes wouldn't serve as a detriment to keep kids from walking across the property. Mr. Nagel said yes, but it is not secure enough for the dog. There is a one-foot clearing at the bottom. The chairman said there must be a hardship to the property; he noted that the property is undersized.

With no one in the audience either in favor of nor in opposition to the application, motion to grant the variance was made by Ms. Brown stating that the property is irregularly shaped and that a five-foot, one-foot lattice vinyl fence will follow the same line as the current fence; seconded by Mr. Marino. The application was approved by a vote of 5-0

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No. 2 ELIZONDO APPROVED 5-0

Applicant: Marisa Elizondo, 187 Ridge Road, Block/Lot/Zone: 5307/14/R-1A

Application: request for a permit, at the above referenced premises, to install a six (6') foot solid wood fence on the side line of a corner property, which is in a front yard of an adjoining property on Beech Street

Appearances: Marisa Elizondo, sworn

Letter of Denial was read by Mr. DaCosta Lobo.

Chapter 700, Article XI, Section 700-71 A of the Codes of Nutley states no fence of any type in any front yard shall be permitted.

Chapter 700, Article XI, Section 700-71 D of the Codes of Nutley states a fence erected on any corner lot shall conform to the fence requirements for the adjoining properties. The proposed six (6') foot solid wood fence installed on the Beech Street side, will be in the front yard of the adjoining property.

Ms. Elizondo explained to the members that she has two children under the age of two. There is no fence now on the property. She is looking to install a fence so here children have a secure place to place in the yard. Since they have moved in, they have had to clean up dog feces in the yard, which is not safe for the children. Neighborhood kids ride their bikes though the yard.

Mrs. Ryder asked the applicant if she would consider a five-foot solid with a one-foot lattice instead of a solid six-foot fence. Before she would agree, Ms. Elizondo asked what the concern is about having a solid six-foot fence and why the board suggests the five-foot with one-foot lattice. Ms. Brown responded that it is her personal opinion that the solid fence is a very harsh barrier and no one can see in or out. The applicant said ok and she was fine with that.

Mr. DaCosta Lobo asked if the tree would be on the inside of the fence (it will). There is a slope, about two or three feet in the yard. Mr. DaCosta Lobo asked if the fence would be placed at five-feet high and set back to where the yard levels off. It will still be about six feet high there. Applicant said yes, that could be done. The tree would then be outside the fence.

With no one in the audience, neither in favor of nor in opposition to the application, motion to grant the variance was made by Mr. DaCosta Lobo and seconded by Mrs. Ryder. The application was approved by a vote of 5-0.

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No. 3 PATEL APPROVED 5-0

Applicant: Siraz Patel, 500 Prospect Street, Block/Lot/Zone: 4500/10/R1

Application: request for a permit, at the above referenced address, to leave the garage, which was constructed into living space, as shown on the survey and floor plan submitted

Appearances: Siraz Patel

Letter of Denial was read by Mr. DaCosta Lobo.

Chapter 700, Article XIII, Section 700-91 A of the Codes of Nutley requires two (2) parking spaces for a single family home; at least one must be in a garage.

Mr. Patel recently purchased the property. The garage was already converted to living space. He feels that the room may have been used as a cabana in the summer. The room has a gas line and electricity, but no plumbing. He is using it for storage. The chairman said the variance would have a condition attached to it – that the room would not be used as a living area.

With no one in the audience neither in favor of nor in opposition to the application, motion to grant the variance was made by Ms. Brown, stating that the garage-turned-room would be used for nothing more than a cabana and seconded by Mr. Marino. The application was approved by a vote of 5-0.

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No. 4 PALANGIO APPROVED 5-0

Applicant: Mr. & Mrs. F. Palangio, 17 White Terrace, Block-Lot-Zone: 3602/7/R1

Application: request for a permit to widen the existing 12' curb cut to 18', at the above referenced premises

Appearances: Mr. and Mrs. Palangio

Letter of Denial was read by Mr. DaCosta Lobo

Chapter 700, Article XIII, Section 700-94 A (3) (a) of the Codes of Nutley states a curb cut for a one-car garage shall not exceed 12 feet in length. The proposed curb cut will be 18'

Mr. Palangio said that entry to the driveway is dangerous on this heavy traffic street because he has to come to a full stop to get over the curb cut. There is about 30 feet of curb in front of his house.

The chairman asked if any of the neighbors on this street have a curb cut as wide as he is requesting. He and his wife responded yes, about 90% of them. The Chairman disagreed with that figure. The applicant said there are quite a few, but he does not know if they are legal or not.

With no one in the audience, neither in favor of nor in opposition to the application, motion to grant the variance was made by Mrs. Ryder and seconded by Ms. Brown. The application was approved by a vote of 5-0.

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RESOLUTIONS: All approved.

363 Walnut Street

28 Grant Ave.

137 Pake Ave.

119 Raymond Ave.

90 Raymond Ave.

36 Witherspoon Street

23 Lafayette Place

19 Kenzel Ave.

17 Edgewood Ave.

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BUSINESS, LITIGATED MATTERS: None

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INVOICES: Penonni for PSE&G: \$630 (site plan letter) and \$300 (finalization of letter). Approved

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ADJOURNED: 8:10

Respectfully submitted,

Marie L. Goworek