

NUTLEY ZONING BOARD OF ADJUSTMENT

September 17, 2012 Minutes – Public Session Meeting

* * * * *

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, Serge Demerjian, Thomas DaCosta Lobo, Gary Marino, Thomas O’Brien, Ralph Pastore, Mary Ryder, Chairman Paul Scrudato, Diana McGovern, Esq., Board Attorney

ABSENT: Frank Graziano

EXCUSED: None

* * * * *

No. 1 FORTE CAPITAL MANAGEMENT, LLC -- ADJOURNED UNTIL SPECIAL MEETING OCTOBER 22

Applicant: 649 Passaic Avenue, 98 Kingsland Street, and 108 Kingsland Street (Corner Properties) Block/-Lot/Zone: 502/15,16, and 17/B-2 and R-1

Application: Proposed 7-11 convenience store; to build a 2,940 square foot 7-11 convenience store, with a parking lot, landscaping, fencing, etc.

Appearances: Thomas DiBiasi, Esq.; Rosanna Reese and Anna Marie Marrone (sworn)

Letter of Denial was not read into the record:

Attorney for applicant requested an adjournment and a special meeting to be held on October 22.

All in favor.

* * * * *

No. 2 FERNANDEZ

Applicant: Mr. Omar Fernandez, 112 Kenzel Avenue, Block/Lot/Zone: 102-14 (R-1)

Application: permit, at the above referenced premises, to install a six (6’) foot PVC solid type fence, in both, side and rear yards of the property

Appearances:

Letter of Denial was read by Mr. DaCosta Lobo. 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 feet in height and shall not be less than two feet in height and shall be of 50% open construction. The proposed 6’ solid fence is in the side yard. Codes of Nutley states a fence erected in the rear yard shall not be of solid construction without written consent of the adjoining property owners.

Applicant did not show up. This matter was adjourned.

All in favor.

* * * * *

No. 3 LEVIS APPROVED 7-0

Applicant: Mr. and Mrs. Levis, 37 Howard Place, Block/Lot/Zone: 5601-29/R-1

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

Appearances: Mr. Levis (sworn)

Letter of Denial was read by Mr. DaCosta Lobo. 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 proposed six (6') foot solid PVC type fence will be installed in the side yard along Park Drive.

Codes of Nutley states an attached accessory structure or accessory use shall be considered to be a part of the main building.

After some discussion, and with no one in the audience to speak in favor of, nor against, this application, Chairman Scrudato requested a motion. Upon motion by Mr. Pastore and seconded by Mr. Marino, the application was approved by a vote of 7-0.

* * * * *

No. 4 SALZARULO ADJOURNED TO OCT. 15

Applicant: Mr. and Mrs. Gerald Salzarulo, 63 Ridge Road, Block/Lot/Zone 5503-31/R-1

Application: request for a permit, at the above referenced premises, to construct a 41' X 24'6" unroofed deck, around the existing pool, approximately 24" off the ground, having a zero setback on the southern sideline, a five (5') foot six (6") inches rear yard setback, increasing the lot coverage to 59%, and the impervious coverage to 71%.

Appearances: Mr. and Mrs. Salzarulo (sworn)

Letter of Denial was read by Mr. DaCosta Lobo. The Codes of Nutley, the Schedule of Regulations, regulates the maximum lot coverage to a maximum of 35%. The proposed deck will increase the coverage to 59%. Further, Codes of Nutley:

- permits decks to encroach six (6') feet into the required rear yard. The required setback for an unroofed deck shall be 24'. The proposed setback is approximately five (5') feet, six (6") inches.
- permits decks to encroach three (3') feet into the required side yard setback. The required side yard for a deck shall be three (3') feet. The proposed will be zero.
- states an attached accessory structure or accessory use shall be considered to be a part of the main building

The applicant will return on October 15, 2012 with a survey to scale which will include the deck.

With no further questions from the Board or the audience, Chairman Scrudato requested a motion. A motion was made by Mr. DaCosta Lobo and seconded by Mr. Marino to adjourn this matter until October 15. The motion was approved by a vote of 7-0.

* * * * *

BUSINESS:

RESOLUTIONS AND MINUTES:

* * * * *

LITIGATED MATTERS:

Respectfully submitted,