

NUTLEY ZONING BOARD OF ADJUSTMENT

March 19, 2012 Minutes – Public Session Meeting

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CALL TO ORDER: A meeting of the Nutley Zoning Board of adjustment was called to order at approximately 7:30 p.m. by Chairman Scudato. The Pledge of Allegiance was recited. Roll was called and the Sunshine Notice was read.

PRESENT: Suzanne Brown, Serge Demerjian, Thomas DaCosta Lobo, Frank Graziano, Gary Marino, Thomas O'Brien, Mary Ryder, Paul Scudato, Chairman, Diana McGovern, Esq., Board Attorney

ABSENT: --

EXCUSED: Ralph Pastore

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No. 1 HONG Carried until April 16 (held over from October, 2011)

Applicant: Hong, 255 Centre Street, Block/Lot/District:

Application: Increase dwelling units.

Appearances: Tom DiBiasi, Esq.

Exhibits:

Letter of Denial was read by _____:

Chairman Scudato requested a motion. A motion was made by Mr. _____ and seconded by _____. The motion was approved by a vote of _____.

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No. 23 RASHI INC.

Applicant: Rashi Inc.,

Application: 688 Franklin Avenue and 155-159 Kingsland Street. Block/Lot/Zone: 1900/1, 2, 3/B-2, B-2, R-1 Mixed Use building having the first floor of 5,472 square feet of retail space; a second floor having three two-bedroom dwelling units with parking, landscaping, fencing, etc., at the above referenced premises, as shown on sheets C1.0; C2.1; C2.2; C3.3; C2.4; C3.1, C3.2; C3.3 all dated December 2, 2011, and C4.1 and C4.2 dated August 1, 2011 and SV-1 dated February 16, 2011, prepared by Bertin Engineering Assoc.

Appearances: (sworn)

Letter of Denial was read by Mr. Da Costa Lobo. Codes of Nutley:

1. prohibits a mixed use building in an R-1 district;
2. prohibits parking spaces located in any front and/or side yard abutting a street with 10 feet of the property line and five feet from any other lot line. Parking is shown to be two feet from Kingsland Street, seven feet from Franklin Avenue and three feet from an interior lot line;

3. limits curb cuts to a maximum of 20 feet in length. The proposed curb cuts widths are 44 feet;
4. requires a rear yard setback to be twice the height of the building in a B-2 district. A 58 foot rear yard setback is required. The plans indicate a 39-foot and 6.7 foot rear yard setback;
5. states that the maximum height of a mixed use building shall be two stories. The proposed building is two stories and has an average height of 29 feet. The required height is 25 feet.
6. prohibits fences of any type in any front yard, prohibits six foot solid type fences in any side yard and rear yard without the consent of the adjoining property owner (153 Kingsland Street);
7. prohibits ground signs in a B-2 district;
8. states in no event shall the maximum display area for a premise exceed 150 square feet; proposed signage is 390 square feet;
9. states ground signed not exceeding five feet in height, which shall not be erected within five feet of any property line and which shall have a maximum display area not exceeding 25 square feet. The proposed ground signage is as follows: One sign is 14'x6 with the display area on both sides totaling 168 square feet. One sign is 6'x6' with the display area on both sides totaling 72 square feet; and
10. requires site plan review. Section 600-5 A and B lists the site plan requirements. (A copy of the checklist and application is attached to the letter of denial). A preliminary review of the site plan, dated December 2, 2011 indicates the following items are missing from the site plan checklist: F(5); F(6); F(7); F(26), and F(30).

After further discussion, and with no one in the audience to speak in favor of, nor against, this application, Chairman Scudato requested a motion. Upon motion by _____ and seconded by _____, the application was approved by a vote of _____.

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No. 4 APPROVED

Applicant: Block/Lot/Zone 9001/8/R-1

Application:

Appearances: (sworn)

Letter of Denial was read by Mr. Da Costa Lobo. Codes of Nutley states:

With no one in the audience to speak neither in favor of nor against this application, Chairman Scudato requested a motion. _____ made a motion to approve the application. Seconded by _____, the application was approved by a vote of _____.

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No. 5 Carry over from last month

Applicant:
Application:
Appearances:
Letter of Denial

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No. 6

Applicant:
Application:
Appearances:
Letter of Denial

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No. 7

Applicant: Block/Lot/Zone:
Application:
Appearances: (sworn)
Exhibits:
Letter of Denial was read by Mr. Da Costa Lobo.

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BUSINESS:

Resolutions and Minutes:

Liquid Church, 300 and 325 Franklin Ave.

Sylvan Learning Center, 240-244 Franklin Ave.

Nutley Family Service Bureau, 155 Chestnut St.

Thomas J. Evans, 18 Edgewood Ave.

Andrew Garruto, 5-7 St. Paul's Pl.

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LITIGATED MATTERS: None

Respectfully submitted,

Marie L. Goworek