

NUTLEY ZONING BOARD OF ADJUSTMENT

May 16, 2011 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, Thomas DaCosta Lobo, Serge Demerjian, Frank Graziano, Gary Marino, Thomas O'Brien, Ralph Pastore, Mary Ryder, Paul Scudato, Chairman, Diana McGovern, Esq. Board Attorney

ABSENT: None

EXCUSED: None

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No. 1 COCCA REALTY ADJOURNED to June Meeting

Applicant: Dr. Fred Cocca, 93 Schindler Way, Fairfield, NJ,

Application: application to renovate the existing 5 one-bedroom apartments to 5 two-bedroom units at 242 Washington Avenue, Block 6700; Lot 7, Zone B-4

Appearances: Thomas DiBiasi, Esq., Paul Bauman (sworn)

Letter of Denial read and put on the record at the meeting of February 28, 2011.

Mr. DiBiasi requested a continuation to the June meeting. Chairman Scudato requested a motion to adjourn this matter, at the request of the applicant, to May 2011. A motion was made and seconded to adjourn this matter to the June 2011 meeting. The motion was approved by a vote of 7-0.

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No. 2 Maltzen Properties.

Applicant: Konstantine Maltzen, 180-184 Centre Street

Application: to subdivide the premises to build two mixed-use buildings having professional use on the first floor and two one-bedroom dwelling uses on the second floor.

Appearances: Thomas DiBiasi, Esq.

Letter of Denial was read by Mr. DaCosta Lobo at a previous meeting.

This is a D variance which requires five affirmative votes to pass.

Upon Chairman Scudato's requested a motion, a motion made by Ms. Brown to deny this application and seconded by the chairman; the Board members, upon being reminded that a yes vote is a vote for denial, all voted no. The motion did not pass by a vote of 6-1. Another motion was made by Mr. Graziano to approve the application, seconded by Mr. Marino. The variance was approved 6-1.

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No. 3 ESCALONA and ESPINO APPROVED 7-0

Applicant: Marlyn Escalona and Sarah Espino, 313 Washington Avenue, Block 3900; Lot 17; Zone R-1

Application: request to park on the rear yard patio.

Appearances: Marlyn Escalona, Sarah Espino and Silver Testa (309 Washington Avenue) sworn

Exhibits: A-1 survey

Letter of Denial was read by Mr. DaCosta Lobo. Codes of Nutley, Chapter 700, Article XIII, Section 700-94(A)(2) entitled side yard of corner lots states the driveway shall consist of the area directly opposite and adjacent to an attached garage, detached garage or depressed garage. The driveway shall not exceed 16 feet from a rear lot line on a corner property.

With no one else in the audience to speak neither in favor of nor against this application, Chairman Scudato requested a motion. Upon motion by Mr. Pastore and seconded by Mr. Graziano, the application was approved by a vote of 7-0.

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No. 4 WAHL APPROVED 7-0

Applicant: Ms. Dorinda Wahl, 33 Howe Avenue, Block 705 Lot 9; Zone R-1

Application: request for a construction permit to build a 22'x22' two-car, one-story garage on the existing foundation (due to damage from a tree) having a rear yard set back approximately two feet, six inches and a side yard setback of approximately four feet.

Appearances: Ms. Wahl and Jeffrey Imhoff (contractor)

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

- states no accessory structure (garage) shall be located nearer than three (3) feet or half the height of such building up to a distance of six (6) feet,

With no one in the audience to speak neither in favor of nor against this application, Chairman Scudato requested a motion. Upon motion by Mr. Graziano and seconded by Mr. Pastore, the application was approved by a vote of 7-0.

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No. 5 PECORA APPROVED 7-0

Applicant: Block 6504 Lot 2; Zone R-1

Application: request for a construction permit to build a 12'x32' one story rear addition having a rear yard setback of 26 feet.

Appearances: Christine Pecora and Joseph Turano (Design Studio) (sworn)

Letter of Denial was read by Mr. DaCosta Lobo. Codes of Nutley Schedule of Regulations requires a 30-foot rear-yard setback in an R-1 District. The proposed addition has a rear-yard setback of 26 feet.

Ms. Pecora is guardian for her mentally challenged sister. She would like to expand her kitchen and make a put a handicap bathroom in on the first floor to accommodate her sister and her needs.

Mr. Turano said they are not adding onto the house. There is already an addition to the house on the back. They would like to tear it down and reconstruct it correctly. There is already 30 feet between that back wall and the rear of the yard. The survey scales at 27 feet and he doesn't know what the discrepancy is, but there are not going beyond what is already there except to square off the back right hand corner of the house – foundation and all.

Mr. Pastore asked if the addition would match the rest of the house and roof – yes. Any lighting? Outside the double French door there will be decorative sconces. They most likely will not be motion-sensored.

With no one in the audience to speak neither in favor of nor against this application, Chairman Scudato requested a motion. Upon motion by Mr. Graziano and seconded by Mr. Marino, the application was approved by a vote of 7-0.

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BUSINESS:

The resolutions for Brown and Donadio were approved. The minutes of the February 2011 meeting were unanimously approved. The regularly scheduled meeting for July will not be rescheduled, but someone will cover for the recording secretary. The August 15 meeting will be rescheduled to August 22 as Ms. McGovern will be away.

LITIGATED MATTERS: None to be discussed.

Respectfully submitted,

Marie L. Goworek