

NUTLEY ZONING BOARD OF ADJUSTMENT
Public Session Meeting Minutes
January 24, 2011

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, Frank Graziano, Gary Marino, Thomas O'Brien, Ralph Pastore, Mary Ryder, Paul Scrudato, Chairman, Diana McGovern, Esq., Board Attorney

ABSENT: None

EXCUSED: None

The following members were reappointed and sworn in:

Thomas DaCosta Lobo - Term: January 1, 2011 – December 31, 2014

Ralph Pastore - Term: January 1, 2011 – December 31, 2014

Thomas O'Brien - Term: January 31, 2011 – December 31, 2011

The following members were appointed to the Board January 1, 2011:

Gary Marino - Term expires December 31, 2014

Mary Ryder, 1st Alternate - Term expires December 31, 2011

Sergio Demerjian, 2nd Alternate - Term expires December 31, 2011

Mr. Scrudato was renamed Chairman, Mr. Graziano was renamed Vice Chairman and Mr. DaCosta Lobo was renamed Secretary. Mrs. McGovern was renamed Board Attorney and sworn in; Mrs. Goworek was approved as recording secretary.

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No. 1 LUPO APPROVED 7-0

Applicant: Mr. & Mrs. A. Lupo, 193 Beech Street, Block 2502; Lot 14, Zone R-1

Application: Permit to enlarge the existing driveway and curb cut to approximately 17 feet (leave as erect)

Appearances: Angelo and Gladys Lupo (sworn)

Letter of Denial was read by Mr. DaCosta Lobo. Codes of Nutley restricts a driveway to a maximum width of 16 feet; curb cuts are limited to a maximum 12 feet.

Mr. Lupo advised the Board that the driveway has been this way since 1987, when his father-in-law originally had it done. He does not know if a permit was issued.

The applicants broke up the driveway to repave it and make a walkway. They were not changing the size of the driveway nor the curb cut.

With no one in the audience to speak either in favor of or in opposition to the application, a motion was made by Mr. Graziano to approve the variance and seconded by Mr. Pastore. The application was approved by a vote of 7-0.

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No. 2 QUINN APPROVED 7-0 (D Variance)

Applicant: Mr. & Mrs. Anthony Quinn, 17 Sargent Street, Block 9000, Lot 90; Zone R-1.

Application: permit to build two one-story additions on an existing legal non-conforming structure (two-family in a one-family zone).

Appearances: Nancy and Anthony Quinn (sworn)

Letter of Denial was read by Mr. DaCosta Lobo. Codes of Nutley prohibits a non-conforming structure to be enlarged, extended, reconstructed, or structurally altered. A previous variance was granted April 26, 2006, to erect a six-foot solid fence in the side yard with the stipulation to plant arborvitae shrubs in front of the fence on Sargent Avenue; no shrubs exist.

Mrs. Quinn said she has pictures of trees in front of her fence. An arborvitae died and will be replaced in the spring.

The Chairman advised that this is a Use Variance and that the applicants will need at least five affirmative votes from seven sitting members.

Mrs. McGovern explained the need and other types of proofs needed for a D-variance (the house is a non-conforming two-family house in a one-family zone). The law requires that for a non-conforming use to be expanded, special reasons are to be established – is it good and beneficial for the community, etc.? An aesthetic improvement to the property can also be considered by the board. The applicants purchased the home as a two-family. The Chairman asked the applicants if they had a copy of the original variance for the solid fence and if it said they needed to put in trees. The variance said it plantings should be on the street side of the fence.

Mrs. Quinn said she is not sure the letter of denial is worded correctly. There is a room already in place that is in need major repair and extend it four feet and add a small bathroom. They are just looking to update the space. Mrs. McGovern said this could be an acceptable variance. Everything is in place, all other codes, setbacks, encroachments are acceptable. They are adding 130 sq. feet.

The applicants have two driveways; the other is used by their tenant. The Chairman asked if the applicants would agree to leave the house as a two-family and comply with the requirements for shrubbery. They agreed.

With no one in the audience either in favor of nor in opposition to the application, motion to grant the variance was made by Mr. Graziano and seconded by Mr. Pastore. The application was approved by a vote of 7-0.

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BUSINESS: Mrs. McGovern, read the resolutions from the December 20, 2010, meeting and the members voted to approve all.

For the benefit of the new members, Chairman Scrudato explained the steps leading to the memorializations and why they are necessary.

Mrs. McGovern presented the bill from Pennoni. Ms. McGovern did investigate the charges and found that they were legitimate. The members approved payment.

LITIGATED MATTERS: Ms. McGovern requested that the members go into closed session to discuss matters in litigation.

Respectfully submitted,

Marie L. Goworek

