

NUTLEY ZONING BOARD OF ADJUSTMENT

Public Session Meeting Minutes

December 14, 2015

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

PRESENT: Lori Castro, Peter Sirica, Mary Ryder, Lou Fusaro, Gary Marino, Serje Demerjian, Tom DaCosta Lobo, Diana McGovern, Esq., Suzanne Brown, Chairman Graziano

ABSENT: None

EXCUSED: None

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No. 1 6-20 Homer Avenue APPROVED 7-0

Applicant: James LaFerriere, 6-20 Homer Avenue, Block-Lot: 9000-75 & 76

Application: To subdivide the above referenced lots, as shown on the plans prepared by Mileto-Godsall, dated April 10, 2014, and major subdivision plat prepared by George Anderson, surveyor, dated May 16, 2014;

Appearances: Thomas DiBiasi, Esq., Frank D. Mileto, Paul Baumann, Anthony Deltufo, Carl Pasqualini, Jason Brown, Mrs. LaFerriere

Letter of Denial was read by Mr. Tom DaCosta Lobo.

Chapter 700, Article VIII, Section 700-46 A of the Codes of Nutley; the "Schedule of Regulations" requires the following:

Section 700-46 A of the Codes of Nutley "Schedule of Regulations"	REQUIRED LOT 75	PROPOSED LOT 75	VARIANCE REQUIRED	REQUIRED LOT 76.
Min Lot Area	5000	5168		5000
Min Lot Width	50	50		50
Min Lot Depth	100	100		100
Lot Size Per Dwelling	5000	5168		5000
Min Front Yard	25	14.16	X	25
Min Rear Yard	30	48.9		30
Min Side Yards	6	11.12		6
Min Side Yard Other	6	18.5		6
Max Building Height	2 1/2	2 1/2		2 1/2
Height/Feet	30	30		30
Max Lot Coverage	35%	17%		35%
Max Impervious Coverage	70%	46%		70%
Front Yard Landscaping Section 700-48	60%	67%		60%
New Proposed Garage Section 700-67 B (1)	6' side & rear yard	6' side & rear yard		6' side & rear yard
Parking Requirement Section 700-91A	2 Spaces; 1 in Garage	2 Spaces; 1 in Garage		2 Spaces; 1 in Garage

Section 700-46 A of the Codes of Nutley "Schedule of Regulations"	REQUIRED LOT 76.02	PROPOSED LOT 76.02	VARIANCE REQUIRED
Min Lot Area	5000	4175	X
Min Lot Width	50	41.75	X
Min Lot Depth	100	100	
Lot Size Per Dwelling	5000	4175	X
Min Front Yard	25	30	
Min Rear Yard	30	30	
Min Side Yards	6	6.15	
Min Side Yard Other	6	6.15	
Max Building Height	2 1/2	2 1/2	
Height/Feet	30	28.5	
Max Lot Coverage	35%	31%	
Max Impervious Coverage	70%	42%	
Front Yard Landscaping Section 700-48	60%	62%	
Parking Requirement Section 700-91A	2 Spaces; 1 in Garage	2 Spaces; 1 in Garage	

Mr. Thomas DiBiasi, Esq., made his opening statement to the board, stating that he was representing Mr. LaFerriere. He explained that he took this client on because he felt it was a dead-end street, private, and he had received the support of all the neighbors. He stated that his client promised 3 one-family homes and said the lot sizes made sense for this particular neighborhood.

Mr. Frank D. Mileto testified to the board as the architect for this project. He introduced Exhibit A1, which was a plot plan with a proposal for the 3 separate homes. He explained that he wished to subdivide the lots. Mr. Mileto introduced Exhibit A2, which showed what the proposed garages would look like. Exhibit A2 B was introduced, which is a new dwelling, and showed the first floor plan including an indoor garage, kitchen, bathroom, 3 bedrooms, 2 bathrooms upstairs, and a walk-in closet for the master bedroom. Mr. Mileto introduced Exhibit A3, which was pictures of the surrounding areas. He stated that the proposed homes blend in with the feel of the neighborhood. Mr. Mileto stated that he felt the proposed project would not negatively impact the character or integrity of the neighborhood. Mr. Serje Demerjian asked Mr. Mileto why one of the dwellings is significantly larger than the others. He responded that it was set back farther and it would comply. Mr. Mileto also stated that the home was only 1,180 square feet, describing it as "conservative."

Mr. Paul Bauman testified to the board as the professional planner on this application. He stated that making it into single family homes brought the lot into conformity. Mr. Bauman stated that the one variance they needed dealt with front yard set back and the other lots needed variances for minimum lot size, etc. He also stated that the creation of this lot would be compliant with on-site parking. Mr. Bauman introduced Exhibit A4, which was a tax map of the area. He stated that he represented that these homes would not be uncharacteristic of the neighborhood, also noting that there were a number of substandard lots in the area. Mr. Bauman made his final statements that his professional opinion was that the benefits outweigh the detriments of this application.

Anthony Deltufo, 24 Homer Avenue, testified that he owns the property two doors down. He expressed his opinion that the proposed homes would fit in with the neighborhood and positively affects the neighborhood. Mr. Tom DaCosta Lobo asked Mr. Deltufo if he actually lived on Homer Avenue. He responded that he did not but his tenants did. Carl Pasqualini, 43 Cortland Street, testified to the board that he liked the idea of one family homes and that these homes would fit into the character of Homer Avenue. Mrs. Jenny LaFerriere, 16 Homer Avenue, stated that she was 94 and saw nothing wrong with the application.

With no further questions from the members and no one in the audience with questions or comments, a motion to grant the variance was made by Mr. Tom DaCosta Lobo, seconded by Mr. Lou Fusaro. The variance was granted by a vote of 7-0.

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No. 2 50 Kingsland Street APPROVED 7-0

Applicant: Phong Kiem La and Xing Guo, 50 Kingsland Street, Block-Lot: 602-6

Application: to install a six (6') foot solid type fence in the side yard, as shown on the survey prepared by James M. Helb, dated April 15, 1985,

Appearances: Steve La, Xing Guo

Letter of Denial was read by Mr. Tom DaCosta Lobo.

Chapter 700, Article XI, Section 700-71 B of the Codes 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 be not less than two feet in height and shall be of 50% open construction (i.e., the open spaces in the fence shall be at least the same width of each picket, slat or other construction element of such fence). The setback for any such fence shall be in line with the furthest setback of the adjacent property or the property upon which the fence is being erected, whichever setback is greater. **The proposed six (6') foot fence is located in the side yard.**

Applicant Xing Guo testified before the board with the help of her son, Steve La (for translating purposes). Steve La testified to the board that there is a 6 foot fence which has been in his yard for 15 years and they wished to replace it. He stated that they lived by Clifton Commons and the area is very busy. Mr. La told the board that they wished to install a new vinyl fence. He stated that the orange line on the survey represents the current fence. Ms. Xing Guo stated that she had previously gotten a variance for the same fence and now wishes to make it better. She explained that the current fence is wood but they wished to replace it with vinyl. Mrs. Guo stated that their house had been previously broken into. Chairman Graziano asked the applicants if they would consider an open fence. The applicant responded that she would not because she wanted privacy and to keep the car lights from entering her home. Exhibit A1 is introduced to the board which was a picture of the current fence.

With no further questions from the members and no one in the audience with questions or comments, a motion to grant the variance was made by Mr. Gary Marino, seconded by Mr. Lou Fusaro. The variance was granted by a vote of 7-0.

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No. 3 145 Hillside Avenue APPROVED 7-0

Applicant: Mr. and Mrs. Joao Romano, 145 Hillside Avenue, Block-Lot: 4500-21

Application: , to leave as erected an eight (8') foot solid bamboo type fence attached to the existing chain link fence, located in the front yard of a corner property, as shown on the survey prepared by Richard J. Hingos, dated February 11, 2014

Appearances: Joao and Bianca Romano

Letter of Denial: was read by Mr. Tom DaCosta Lobo.

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

Applicants Bianca and Joao Romano testified to the board that they have two small children and wished to have a privacy fence with a solid bottom and lattice top. Applicants introduced Exhibit A1 to the board, which was the survey. They explained they wished to have a larger fence because their property is sloped. Serje Demerjian expressed his concern with an 8 foot fence. Mr. Demerjian asked if they'll consider a 6 foot fence with shrubs. The applicants agreed but said they would have to move the fence. Mr. Serje Demerjian suggested moving the fence back 3 feet. Mr. Tom DaCosta Lobo suggested that the fence be moved back so that the car can be seen by other cars when backing out of the driveway. The board members agreed on a 5 foot fence (5 foot solid, 1 foot scallop or lattice).

With no further questions from the members and no one in the audience with questions or comments, a motion to grant the variance was made by Mr. Serje Demerjian, seconded by Mr. Gary Marino. The variance was granted by a vote of 7-0.

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BUSINESS: None

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RESOLUTIONS MEMORIALIZED:

325 Park Avenue

42 East Passaic Avenue

39 East Kenzel Avenue

40 Hawthorne Avenue

118 Lakeside Drive

91 Brookdale Avenue

MINUTES:

November 16, 2015 minutes approved

INVOICES:

LITIGATED MATTERS: None

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Respectfully submitted,

Angelica L. Mitchell

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