



THOMAS J. EVANS
Director of Revenue and Finance

CODE ENFORCEMENT DEPT.

DAVID BERRY
Construction Official
Zoning Official

TOWNSHIP OF NUTLEY

1 KENNEDY DRIVE
NUTLEY, NEW JERSEY 07110

BUILDING
PLUMBING
ELECTRICAL
FIRE
ZONING

TELEPHONE: (973) 284-4957 · FACSIMILE: (973) 284-0071

January 9, 2023

Mr. William Garland
289 Hillside Avenue
Nutley, NJ 07110

**Re: Proposed Pool
289 Hillside Avenue
Block- Lot: 2000/25**

Dear Mr. Garland:

Your request, at the above referenced premises, to install a 12' x 24' semi-inground pool, which is to be installed attached to the existing deck, having an eight (8') foot side yard setback and will reduce the lot coverage to 37.9%, as shown on the property survey prepared by GB Engineering dated April 6, 2012 and the plan by Architect Dassa-Haines dated November 14, 2022, is denied for the following reason.

This property is located in an R-1 district as shown on the Nutley Zoning Map.

Chapter 700, Article XIII, Section 700-46 A of the Codes of Nutley states Nutley states the "Schedule of Regulations as to Bulk, Height and Other Requirements", requires the following:

Lot coverage – Required is 35%
Proposed is 37.9%

Chapter 700, Article V, Section 700-9 D (2) of the Codes of Nutley states a noncommercial swimming pool shall be no closer than eight feet to any side or rear lot line; or nearer to the side street line of a corner lot than the main building on the lot; or if the abutting lot to the rear faces said street line, then the distance equal to the depth of the front yard required on said lot to the rear. However, in no case shall a swimming pool on a corner lot be required to be set back more than 25 feet from a side street.

A non-refundable filing fee of \$175.00 was received by the Code Enforcement Department in order to begin the application process.
All tax and water bills must be paid to date prior to the processing of a variance fee.

Information on procedures for an appeal of this decision to the Board of Adjustment can be obtained from Antonette DeBlasio, adeblasio@nutleynj.org or Jessica D'Onofrio, jdonofrio@nutleynj.org or at 973-284-4957. It should be noted that, under State Statute, notice of appeal of this decision must be filed with this office no later than twenty (20) calendar days from the date of this notice.

Any changes to the proposed plans must be submitted prior the applications being returned to the Code Enforcement Office. No changes can be made once the application is received by this office.

Sincerely,


David Berry
Zoning Official

DB/jd



TOWNSHIP OF NUTLEY, NEW JERSEY

ZONING BOARD OF ADJUSTMENT APPLICATION FORM

Docket No: ZBA-22-0071

TO ALL APPLICANTS: This application form is designed to obtain from your information necessary for the processing of your application by the Zoning Board of Adjustment.

Application Fee: \$ 175 (on denial letter)

Date of Denial Letter: 1/9/23

Section I: SUBJECT PROPERTY

Address: 289 Hillside Avenue

Block: 2000 Lot: 25 Zone: R-1

	District Requirements	Proposed
Lot Area	_____	_____
Lot Width	_____	_____
Lot Depth	_____	_____
Front Yard	_____	_____
Side Yard	_____	_____
Rear Yard	_____	_____
Other	_____	_____

Section II: APPLICANT INFORMATION

Name: William Garkand

Address: 289 Hillside Ave

Nutley, NJ, 07110

Telephone: 973-651-1212

Email Address: BillyG@njbobcat.com

Applicant is a:

☐ Corporation ☐ Partnership ☐ LLC ☒ Individual

If the owner is not the applicant, the following must be provided:

Owner Name: _____

Address: _____

Telephone: _____

Email Address: _____

Section III: DISCLOSURE STATEMENT

Pursuant to N.J.S. 40:55D-48.1 the names and address of all persons owning 10% of the stock in a corporation or a 10% interest in any partnership must disclosed by the applicant. In accordance with N.J.S. 40:55D-48.2, that disclosure requirement applies to any corporation or partnership which owns more than 10% interest.

Name: _____

Address: _____

Interest: _____

Name: _____

Address: _____

Interest: _____

Name: _____

Address: _____

Interest: _____

Section IV: PROPERTY INFORMATION

	Existing	Proposed
Total existing and total proposed dwelling units	_____ 1 _____	_____ 1 _____
Total existing and total proposed professional offices	_____	_____
Total existing and total proposed parking spaces	_____	_____

Present use of premises: One Family Dwelling

Has there been any previous appeal, request, or application to this or any other Township of Nutley Board or the Construction Code Official involving these premises? NO

If yes, state the nature, date and the disposition of each such matter: _____

Section V: PROFESSIONAL INFORMATION

Applicant's Attorney

Name: _____

Address: _____

Telephone: _____ Fax: _____

Email Address: _____

Applicant's Architect

Name: _____

Address: _____

Telephone: _____ Fax: _____

Email Address: _____

Applicant's Engineer

Name: _____

Address: _____

Telephone: _____ Fax: _____

Email Address: _____

Applicant's Planning Consultant

Name: _____

Address: _____

Telephone: _____ Fax: _____

Email Address: _____

***List any other expert who will submit a report or who will testify for the applicant.
(Attach additional sheets, if necessary)***

Name: _____

Address: _____

Telephone: _____ Fax: _____

Email Address: _____ Field of Expertise: _____

Section VI: GENERAL INFORMATION

In the space below, state the nature of the constraints imposed by the physical characteristics of the land under consideration (i.e. exceptional narrowness, shallowness or topographic conditions).

X There are no constraints imposed by the physical characteristics of the land.

The house isn't square with the property line

In the space below, state any other extraordinary or exceptional situation or condition of the land involved which would constrain development in accordance with Zoning Regulations

X The existing deck attaches to the house towards the side (not center) which cause the pool to be slightly into the set back area

Explain how not granting this variance request would impose peculiar and exceptional practical difficulties or exceptional or undue hardship upon you.

We have to leave town each weekend in the summer, because I can't keep my kids cool. I also have an 11yr old son with high functioning autism and swimming is a therapeutic activity, not granting this variance will continue to bring us hardship.

Explain how the granting of this variance will not detrimentally affect the public good or substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance.

It will not detrimentally affect the public good, it will enhance it. It will enhance the neighborhood and increase value to the neighborhood and property.

CERTIFICATION

STATE OF NEW JERSEY }

COUNTY OF ESSEX }

SS.

X William Garland, being duly sworn, hereby certify (check one)
➤ X that I am the applicant

or

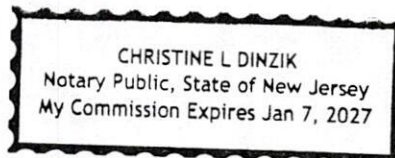
➤ _____ that I am the _____ of _____,
(Title) (Company Name)
the Applicant, and that I am duly empowered and authorized to make this representation
on behalf of _____;
(Company Name)

and that the information presented in this application is true, complete and accurate.

X [Signature]
Applicant/Applicant's Authorized
Officer or Representative

Subscribed and sworn to before me
this 18th day of January, 2023.

X Christine L. Dinzik
Signature of person authorized to take oaths





TOWNSHIP OF NUTLEY, NEW JERSEY
ZONING BOARD OF ADJUSTMENT
PLANNING BOARD

CERTIFICATION OF PROPERTY OWNERS WITHIN 200 FEET

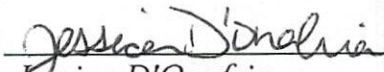
Docket Number: ZBA-22-0071

Work Site Location: William Garland

Applicant: 289 Hillside Avenue

I do hereby certify to the ownership of the properties listed on pages

1 to 2, as of 1/11/23.



Jessica D'Onofrio
Clerk



Nutley

Parcel Offset List

Target Parcel(s): Block-Lot: 2000-25
GARLAND, WILLIAM & ANASTASIA
289 HILLSIDE AVENUE

20 parcels fall within 200 feet of this parcel(s).

Block-Lot: 2001-2

NORTHERN NJ OWNERS LP
227 E 56TH ST #401
NEW YORK NY 10022
RE: 304 HILLSIDE AVENUE

Block-Lot: 2000-23

BENNETT, CHARLES & KIMBERLY A.
299 HILLSIDE AVE
NUTLEY, NJ 07110
RE: 299 HILLSIDE AVENUE

Block-Lot: 2000-24

DA SILVA, ADRIANO C & HELLEN P DA
295 HILLSIDE AVE
NUTLEY, NJ 07110
RE: 295 HILLSIDE AVENUE

Block-Lot: 2002-2

ARGUETA, ISAIAS & MUNOZ, KARLA
19 SAINT PAULS PLACE
NUTLEY, NJ 07110
RE: 19 SAINT PAULS PLACE

Block-Lot: 2002-3

COSTELLO, LOUIS J. & LYNN ANN H.
15 SAINT PAULS PL
NUTLEY, NJ 07110
RE: 15 SAINT PAULS PLACE

Block-Lot: 2000-19

FRANCIS, CHENELE
311 HILLSIDE AVE
NUTLEY, NJ 07110
RE: 311 HILLSIDE AVENUE

Block-Lot: 2000-31

PUCCI, KENNETH & KATHLEEN M.
273 HILLSIDE AVE
NUTLEY, NJ 07110
RE: 273 HILLSIDE AVENUE

Block-Lot: 2000-28

CARROLL, MATTHEW
285 HILLSIDE AVE
NUTLEY, NJ 07110
RE: 285 HILLSIDE AVENUE

Block-Lot: 2000-27

NUTLEY LUMBER CO. INC.
263 HILLSIDE AVE
NUTLEY, NJ 07110
RE: 271 HILLSIDE AVENUE

Block-Lot: 2000-20

BORNEMANN, J. C/O BORNEMANN, MARK
1165 MATTIOLI RD
BARTONSVILLE, PA 18321
RE: 309 HILLSIDE AVENUE

Block-Lot: 2000-21

PYCH, JOAN E.
307 HILLSIDE AVE
NUTLEY, NJ 07110
RE: 307 HILLSIDE AVENUE

Block-Lot: 2000-22

PITTS, RICHARD A
303 HILLSIDE AVE
NUTLEY, NJ 07110
RE: 303 HILLSIDE AVENUE

Block-Lot: 2000-26

ROSAS, JENNYFER V & PEREZ, DORA M
287 HILLSIDE AVE
NUTLEY, NJ 07110
RE: 287 HILLSIDE AVENUE

Block-Lot: 2000-29

GILBERT, DAVID B. & NOVELLA S.
283 HILLSIDE AVE
NUTLEY, NJ 07110
RE: 283 HILLSIDE AVENUE

Block-Lot: 2001-1

ST. PAULS CONG. CHURCH & PARSONAGE
20 SAINT PAULS PL
NUTLEY, NJ 07110
RE: 2-20 SAINT PAULS PLACE

Block-Lot: 2000-30

PACHECO, JOSEPH & GARNELL, JONI L.
277 HILLSIDE AVE
NUTLEY, NJ 07110
RE: 277 HILLSIDE AVENUE

Block-Lot: 2000-33

265 HILLSIDE AVENUE, LLC
P.O. BOX 1068
FAIR LAWN, NJ 07410
RE: 265 HILLSIDE AVENUE

Block-Lot: 2001-27

JOLLY, TODD L.
629 FRANKLIN AVE
NUTLEY, NJ 07110
RE: 629 FRANKLIN AVENUE

Block-Lot: 2000-32

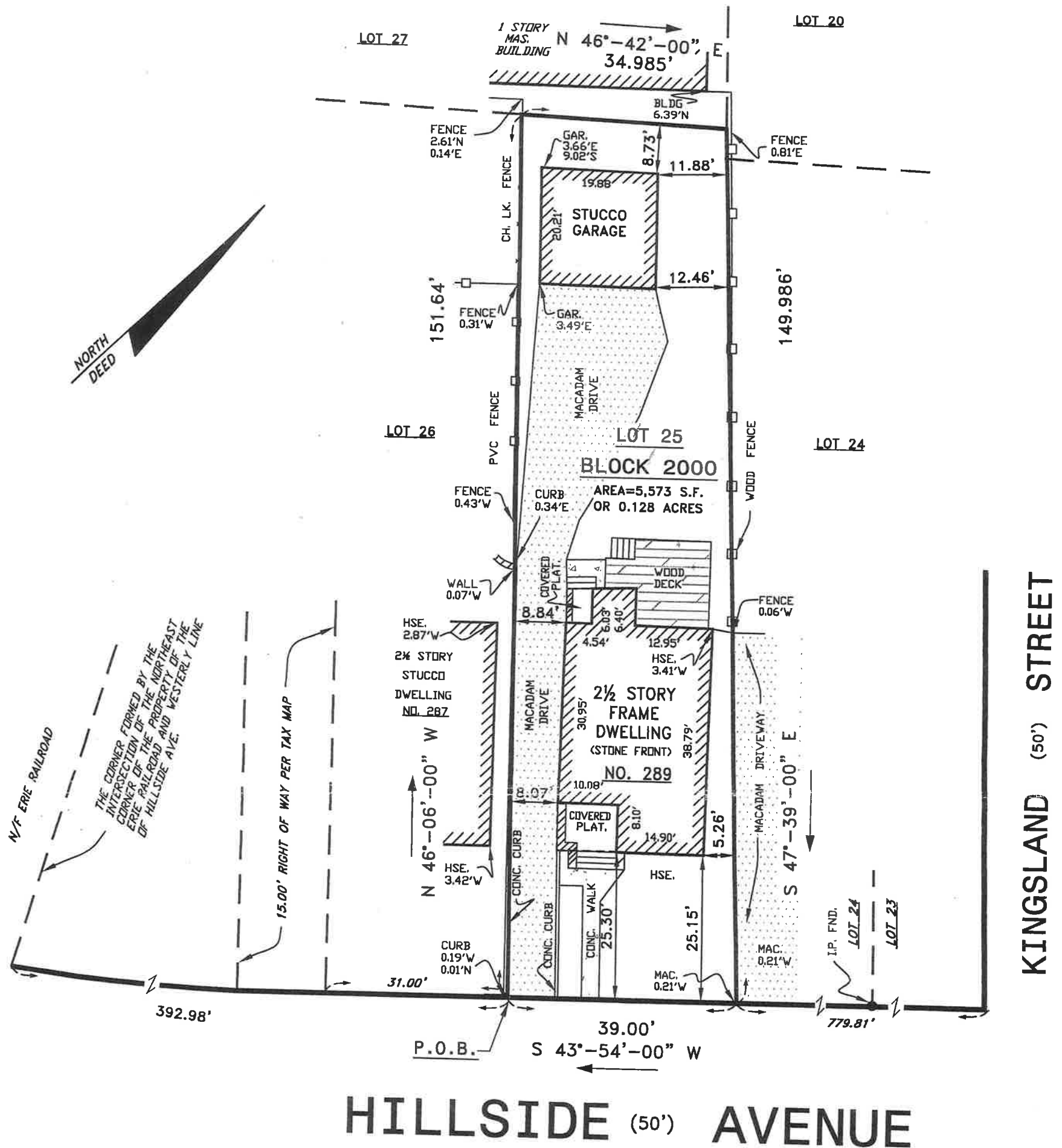
NEWMAN, ROBERT L
269 HILLSIDE AVE
NUTLEY, NJ 07110
RE: 269 HILLSIDE AVENUE

Block-Lot: 2000-5

PB NUTCLIF MASTER, LLC
310 KINGSLAND ST
NUTLEY, NJ 07110
RE: 233 KINGSLAND STREET

THIS CERTIFICATION IS MADE ONLY TO HEREIN NAMED PARTIES FOR PURCHASE OR MORTGAGE OF HEREIN DELINEATED PROPERTY BY NAMED PURCHASER. NO RESPONSIBILITY OR LIABILITY IS ASSUMED BY SURVEYOR FOR USE OF SURVEY FOR ANY OTHER PURPOSE INCLUDING, BUT NOT LIMITED TO, USE OF SURVEY FOR SURVEY AFFIDAVIT, RESALE OF PROPERTY, OR TO ANY OTHER PERSON NOT LISTED IN CERTIFICATION, EITHER DIRECTLY OR INDIRECTLY.

SUBJECT TO EASEMENTS AND RESTRICTIONS THAT AFFECT SUBJECT PROPERTY. SUBJECT TO AN ACCURATE TITLE SEARCH. UNDERGROUND UTILITIES-UNDERGROUND TANKS-TREES-LANDSCAPE FEATURES-HAZARDOUS WASTE-FRESHWATER WETLANDS-FLOOD-RIPARIAN DELINEATIONS, IF ANY, ARE NOT SHOWN HEREIN.



A WRITTEN WAIVER AND DIRECTION NOT TO SET CORNER MARKERS HAS BEEN OBTAINED FROM THE ULTIMATE USER PURSUANT TO P.L.2003, c.14C45: 8-36.3) AND N.J.A.C. 13:40-5.1 (d).

THIS MAP OR ANY PART THEREOF NOT TO BE REPRODUCED WITHOUT WRITTEN CONSENT OF GB ENGINEERING, LLC AND/OR DWN © COPYRIGHT.

THIS BUILDING LOCATION SURVEY MADE FOR TITLE PURPOSES ONLY. ALTHOUGH ABSOLUTE, OFFSET DIMENSIONS ARE NOT TO BE USED FOR PERMANENT CONSTRUCTION.

SURVEY CERTIFIED TO:

WILLIAM J. GARLAND AND ANASTASIA A. GARLAND, H/W,
AFFILIATED BANKERS TITLE AGENCY, LLC,
FIRST AMERICAN TITLE INSURANCE COMPANY,
WEICHERT FINANCIAL SERVICES AND OR SECRETARY OF HUD,
ITS SUCCESSORS AND/OR ASSIGNS, AS THEIR INTEREST MAY APPEAR.

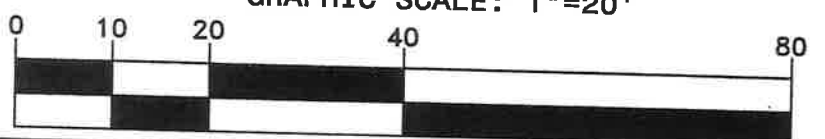
MAP: TOWNSHIP OF NUTLEY TAX MAP ,

DEED BOOK 6296, PAGE 564.

Thomas G. Stearns III

THOMAS G. STEARNS III - LIC. NO. GB40959
N.J. PROFESSIONAL ENGINEER & LAND SURVEYOR

GRAPHIC SCALE: 1"=20'



MAP OF PROPERTY FOR
WILLIAM J. GARLAND AND ANASTASIA A. GARLAND, H/W.
LOT: 25 T.M. BLOCK: 2000 T.M.
- F.M. - F.M.
TOWNSHIP OF NUTLEY
ESSEX COUNTY, NEW JERSEY

GB ENGINEERING, LLC
ENGINEERS AND SURVEYORS
144 JEWELL STREET
GARFIELD, NEW JERSEY 07026
TEL (973) 340-0948 FAX (973) 340-0015

SCALE: 1"= 20'
DATE: APRIL 6, 2012
CERTIFICATE OF AUTHORIZATION NO:
240A-28110300

Proposed Pool
for:
Garland Residence
289 Hillside Avenue
Nutley, NJ
Block: 2000 Lot: 25

GENERAL NOTES

1. ALL WORK SHALL BE IN FULL COMPLIANCE WITH IBC CODES, NATIONAL STANDARD PLUMBING CODE, NATIONAL ELECTRICAL CODE, AND ALL AGENCIES WHICH HAVE JURISDICTION ON THE WORK, AS WELL AS THE REQUIREMENTS OF THE BOROUGH OF NUTLEY, NEW JERSEY.
2. ALL DIMENSIONS AND LOCATIONS AS INDICATED ON THE DRAWINGS SHALL BE CONSIDERED TO BE REASONABLY CORRECT, BUT IT SHALL BE UNDERSTOOD THAT THEY ARE SUBJECT TO MODIFICATIONS AS MAY BE NECESSARY OR DESIRABLE AT THE TIME OF CONSTRUCTION OR INSTALLATION TO MEET ANY UNFORESEEN OR OTHER CONDITIONS.
3. POOL EQUIPMENT AND ALL ACCESSORIES SHALL BE INSTALLED ACCORDANCE TO ALL MANUFACTURER'S AND CODE REQUIREMENTS.

ZONING INFO.

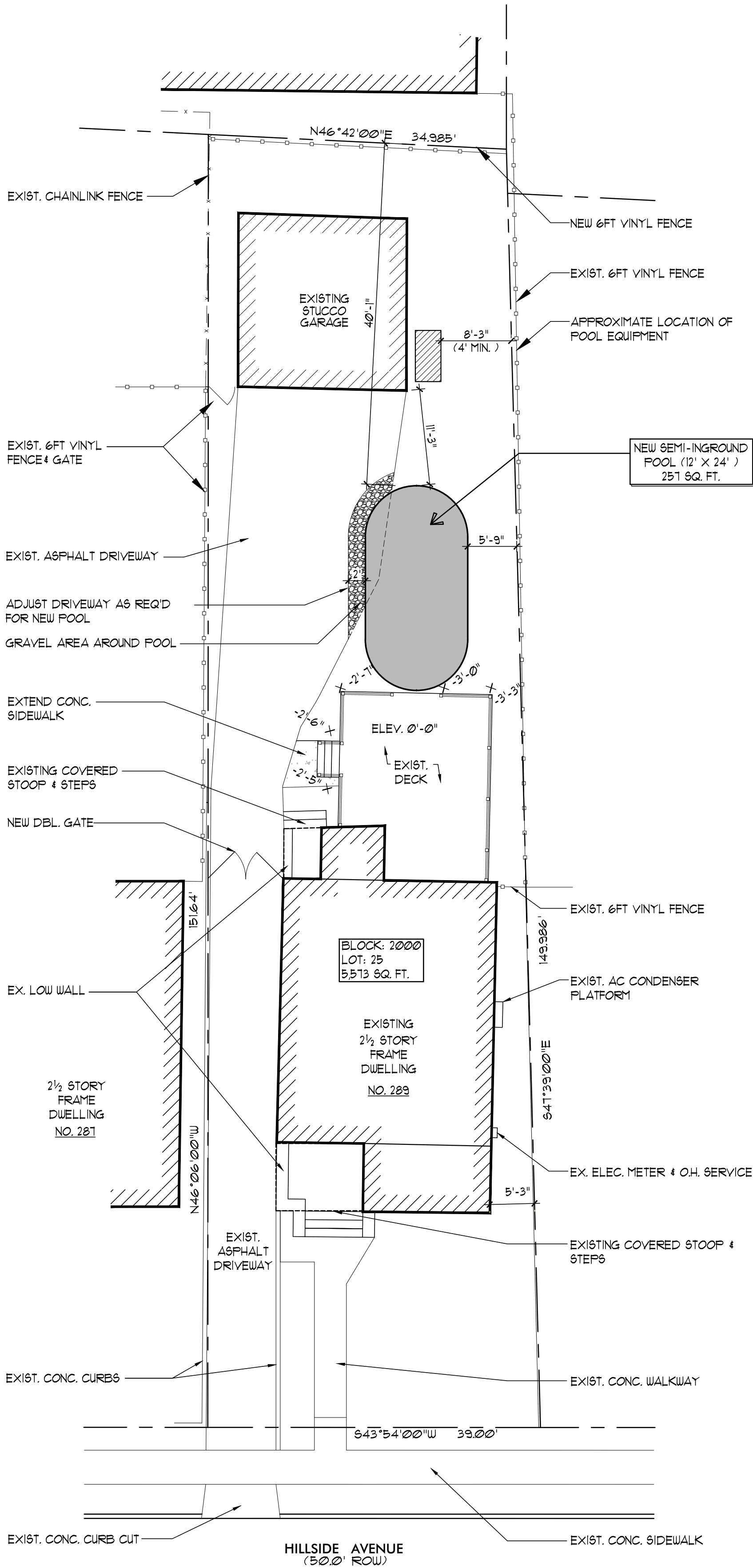
ZONE R-1AA SINGLE FAMILY ZONE				
ITEM	ALLOWED/REQUIRED	EXISTING	PROPOSED	VARIANCE
PRINCIPAL USE	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	NO
LOT AREA (min)	5,000	5,513 sf	5,513 sf	NO
LOT WIDTH (min)	50 ft	38 ft 4 in	38 ft 4 in	EX. NC.
LOT DEPTH (min)	100 ft	150 ft 9 in	150 ft 9 in	NO
PER DWELLING UNIT (sq. ft.)	5,000	5,513 sf	5,513 sf	NO
FRONT YARD SETBACK (min)	25 ft	25 ft 2 in	25 ft 2 in	NO
REAR YARD SETBACK (min)	30 ft	80 ft	80 ft	NO
SIDE YARD SETBACK (min)	6 ft 4 6 ft	3 ft 5 in 4 8 ft 1 in	3 ft 5 in 4 8 ft 1 in	EX. NC.
BUILDING HEIGHT (max)	2 1/2 stories/ 30 ft	2 1/2 stories/ NA	2 1/2 stories/ NA	NO
LOT COVERAGE (max)	35%	33.3%	37.5%	YES
IMPERVIOUS COVERAGE (max)	10%	60.1%	64.3%	NO

ITEM	ALLOWED/REQUIRED	EXISTING	PROPOSED	VARIANCE REQ'D.
ACCESSORY USE	POOL	-	POOL	NO
POOL DIST. FROM PROPERTY LINES (MIN)	8 ft	-	5 ft 9 in	YES
POOL EQUIP. DIST. FROM PROPERTY LINES (MIN)	4 ft	-	8 ft 3 in	NO
POOL DISTANCE FROM STREET LINE (MIN)	50 ft	-	86 ft 5 in	NO
TOTAL POOL & ACCESSORY STRUCTURES REAR YARD AREA (MAX)	30%	17%	28%	NO

* EX. NC. - EXISTING NON CONFORMING

GATE/FENCE NOTES

1. ACCESS GATES SHALL COMPLY WITH THE REQUIREMENTS OF THE 2018 ISFSC CODE AS AMENDED BY THE IBC NJ EDITION BUILDING CODE. ACCESS GATES SHALL BE EQUIPPED TO ACCOMMODATE A LOCKING DEVICE.
2. DOUBLE GATES OR MULTIPLE GATES SHALL HAVE AT LEAST ONE LEAF SECURED IN PLACE AND THE ADJACENT LEAF SHALL BE SECURED WITH A SELF-LATCHING DEVICE. THE GATE AND BARRIER SHALL NOT HAVE OPENINGS LARGER THAN 1/2" WITHIN 18" OF THE LATCH RELEASE MECHANISM. THE SELF-LATCHING DEVICE SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 305.3.3. (2018 ISFSC CODE)
3. THE TOP OF THE BARRIER SHALL BE NOT LESS THAN 48" ABOVE GRADE WHERE MEASURED ON THE SIDE OF THE BARRIER THAT FACES AWAY FROM THE POOL. SUCH HEIGHT SHALL EXIST AROUND THE ENTIRE PERIMETER OF THE BARRIER AND FOR A DISTANCE OF 3' MEASURED HORIZONTALLY FROM THE OUTSIDE OF THE REQUIRED BARRIER.
4. THE VERTICAL CLEARANCE BETWEEN GRADE AND THE BOTTOM OF THE BARRIER SHALL NOT EXCEED 2" FOR GRADE SURFACES THAT ARE NOT SOLID, SUCH AS GRASS OR GRAVEL, WHERE MEASURED ON THE SIDE OF THE BARRIER THAT FACES AWAY FROM THE POOL OR SPA.
5. THE VERTICAL CLEARANCE BETWEEN A SURFACE BELOW THE BARRIER TO A SOLID SURFACE, SUCH AS CONCRETE, AND THE BOTTOM OF THE REQUIRED BARRIER SHALL NOT EXCEED 4" WHERE MEASURED ON THE SIDE OF THE REQUIRED BARRIER THAT FACES AWAY FROM THE POOL.
6. WHERE THE RELEASE MECHANISM OF THE SELF-LATCHING DEVICE IS LOCATED LESS THAN 54" FROM GRADE, THE RELEASE MECHANISM SHALL BE LOCATED ON THE POOL OR SPA SIDE NOT LESS THAN 3" BELOW THE TOP OF THE GATE, AND THE GATE AND BARRIER SHALL NOT HAVE OPENINGS GREATER THAN 1/2" WITHIN 18" OF THE RELEASE MECHANISM.



PROPOSED SITE PLAN

SCALE: 1" = 10'-0"

NOTE:
SURVEY INFORMATION TAKEN FROM PROPERTY SURVEY PREPARED BY
GB ENGINEERING, LLC, ENGINEERS & SURVEYORS
144 JEWEL STREET, GARFIELD, NJ 07028
SURVEY DATED: 04-12-2012

1/17/2023	ISSUED FOR ZONING BOARD SUBMISSION
11/4/2022	ISSUED FOR ZONING REVIEW

Dassa • Haines
Architectural Group, LLC
Architecture • Planning
Construction Management

74 E. Passaic Ave.
Nutley, N.J. 07110
tel: 973.233.9355
fax: 973.233.9358

Joseph L. Haines, AIA, PP
NJ lic. # A112995

Pool Site Plan, Details, & Notes

DATE: 11/4/2022	Z1
SCALE: AS SHOWN	
JOB # 22-132	
BIN:	
DRAWN BY: js / vs	CHECKED BY: jlh
	1 OF 1