

75 East Centre Street
Mr. Ryan Landrigan

Block 396, Lot 18
Overnight Truck Parking

APPLICATION/APPEAL GRANTED

☐ c(bulk) ☒ (d) variance(s)
☐ site plan approval
☐ appeal ☐ other

Applicant(s) RYAN LANDRIGAN
Property 75 EAST CENTRE ST Block 396 Lot 18

*Variance granted 9-27-04
for Landscaping Vehicles ONLY see Resolution
for stipulation
C/P issued 11-8-04 # 2004-0545*

BE IT FURTHER RESOLVED that the Construction Code Official is hereby directed to issue a permit in accordance with this decision.

Daniel Byles (yes)
Daniel Byles, Chairman

Thomas Spang (yes)
Thomas Spang, Vice-Chairman

Dean Galante (yes)
Dean Galante, Secretary

Kathleen D. Bissell
Kathleen D. Bissell

Ralph Pastore (yes)
Ralph Pastore

Michael W. Kneid
Michael W. Kneid

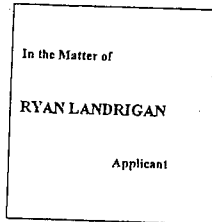
Frank Graziano (yes)
Frank Graziano

Gerard Del Tufo (1st Alternate)
Gerard Del Tufo (1st Alternate)

James Blanda (yes)
James Blanda (2nd Alternate)

Prepared by: Diana Powell McGovern, Esq.
Diana Powell McGovern, Esq.

Memorialized: Oct. 19, 2004



ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF NUTLEY
ESSEX COUNTY, NEW JERSEY

RESOLUTION GRANTING USE VARIANCE

FOR PROPERTY KNOWN AS:
75 East Centre Street
Block 396 Lot 18

APPLICANT Ryan Landrigan ("Applicant") having filed an application for a permit with the Code Official of the Township of Nutley, to use the premises known as 75 East Centre Street also being Block 396, Lot 18 on the Tax Map of the Township of Nutley (the "Premises") in the following manner:

To rent the rear portion of the property to park trucks associated with a landscaping business;

AND the Code Official having denied said permit by letter dated December 19, 2003, citing Chapter 240 of the Code of the Township of Nutley (the "Zoning Ordinance"), Article V, Section 240-16A, which does not list parking of commercial vehicles as a principal use by a non-property owner, therefore not a permitted use, and further citing Section 240-21E which prohibits truck terminals in all districts (Three trucks rated over 1 1/2 tons G.V.W. parked overnight is defined as a truck terminal);

AND the Premises being located in a B-4 District as shown on the Township of Nutley Zoning Map;

AND Applicant having filed an application with the Zoning Board of Adjustment of the Township of Nutley (the "Board"), requesting a variance from the terms of the Zoning Ordinance;

AND the Board having held a public hearing on the application on September 27, 2004, after due public notice and due notice to property owners in the manner and within the time frames prescribed by the Zoning Ordinance and by the Municipal Land Use Law and the Open Public Meetings Act of the State of New Jersey;

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AND the Board having fully heard the testimony of the witnesses and examined the exhibits presented at the hearing, and having heard the arguments of the parties for and against the requested relief;

NOW, THEREFORE, WE, the Zoning Board of Adjustment of the Township of Nutley, find as follows:

1. That Applicant's proposed use of the Premises as proposed would violate the provisions of the Zoning Ordinance. Specifically, the proposal would result in a use in a district restricted against such use.
2. That Applicant has met his burden of demonstrating that special reasons exist for the granting of the requested variance.
 - a. Specifically, the evidence presented demonstrates to the satisfaction of the Board that the proposed project carries out a purpose of zoning, as follows: the property has been used by the owner to park commercial landscape trucks and the proposed use is a continuation of the existing use of the property, that if the Applicant had purchased the property he would have been allowed to park the same trucks as proposed, that the surrounding area will suffer no detriment from the requested variance and that the Applicant agrees to the following conditions which will alleviate any problems with truck noise or exhaust.
3. That, on the basis of the evidence presented and subject to the terms and conditions described below, the requested variance can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan or the Zoning Ordinance.

BE IT THEREFORE RESOLVED by the Zoning Board of Adjustment of the Township of Nutley that for the reasons stated above, a VARIANCE from the provisions of the Zoning Ordinance is hereby GRANTED to permit Applicant to rent the rear portion of the property to park trucks associated with a landscaping business.

AND BE IT FURTHER RESOLVED, that said VARIANCE is GRANTED upon the following TERMS AND CONDITIONS:

1. Applicant shall landscape the west side and across the front of the property with buffer plants to camouflage the trucks being parked in the rear.
2. There shall be no dumping or storage of other materials on site.
3. Landscape vehicles only may park at the site, no large heavy equipment such as tractor-trailers or semi-dump trucks are permitted to park at the site.

AND BE IT FURTHER RESOLVED, that nothing in this resolution is intended to imply that the documentation submitted by Applicant to the Board in support of this application is adequate for the issuance of a construction permit by the Code Official, and nothing herein should be so construed.