



CODE ENFORCEMENT DEPT.

THOMAS J. EVANS
Director of Revenue and Finance

TOWNSHIP OF NUTLEY

1 KENNEDY DRIVE
NUTLEY, NEW JERSEY 07110

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

BUILDING
PLUMBING
ELECTRICAL
FIRE
ZONING

DAVID BERRY
*Construction Official
Zoning Official*

May 7, 2025

Ehab Mersal and Nadia Pasquale
144 Whitford Avenue
Nutley, NJ 07110

**RE: Relief of a Condition
144 Whitford Avenue
Block/Lot: 4102-1**

Dear Mr. Mersal and Ms. Pasquale,

Your request for a permit at the above referenced premises to modify the existing condition from the Zoning Board resolution (#6, the fence will align with the rear of the house), which was approved on January 22, 2024, requires Zoning Board approval. Please see attached the survey approved by the Zoning Board of Adjustment, labeled A5 and the survey received by Code Enforcement on May 7, 2025.

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

The Zoning Board of Adjustment approved a pool and a front yard fence on the corner property. The resolution was memorialized on February 12, 2024 with conditions (see attached). The applicant is proposing to modify condition #6 for the position of the fence.

Information on procedures for an appeal of this decision to the Board of Adjustment can be obtained from 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.

Very truly yours,

David Berry
Zoning Official



TOWNSHIP OF NUTLEY, NEW JERSEY

ZONING BOARD OF ADJUSTMENT APPLICATION FORM

Docket No: ZBA-25-0014

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

Application Fee: \$ 175 (on denial letter)

Date of Denial Letter: 5/7/25

Section I: SUBJECT PROPERTY

Address: 144 Whitford Ave Nutley NJ 07110

Block: 4102 Lot: 1 Zone: R-1

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

Section II: APPLICANT INFORMATION

Name: Nadia Pasquale

Address: 144 Whitford Ave. Nutley NJ 07110

Telephone: 201-736-1911

Email Address: nadia.pasquale63@gmail.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

Total existing and total proposed dwelling units

Existing

Proposed

Total existing and total proposed professional offices

Total existing and total proposed parking spaces

_____ 1 _____

_____ 1 _____

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? yes

If yes, state the nature, date and the disposition of each such matter: A major subdivision was granted on 5/18/66 of the two properties at 272 Nutley Ave & 144 Whitford Ave. A major subdivision was granted on 2/18/03 to subdivide 144 Whitford Ave. into two lots, including the proposed one family dwelling on each lot.

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 01' topographic conditions).

Backyard is narrow and long which makes the space
difficult to use.

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

N/A

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

Due to the narrow and elongated shape of our backyard. Not granting this variance would present several challenges for our family. It would significantly limit our ability to fully utilize our outdoor space and raise safety concerns, particularly for our children. Our son Adam's autistic and the absence of a secure and properly enclosed yard poses a serious risk to his safety.

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.

The proposed changes will not obstruct any sightlines from the street, adjacent properties, or the corner lot. Multiple corner lot properties near us have a fence coming out 10-11 ft from the sidewalk. These properties also have a backyard alongside the front of their neighbors house.

CERTIFICATION

STATE OF NEW JERSEY }

ss.

COUNTY OF ESSEX }

Nadia Pasquale, being duly sworn, hereby certify (check one)

➤ ☒ 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.

Nadia Pasquale

Applicant/Applicant's Authorized
Officer or Representative

Subscribed and sworn to before me
this 7th day of May, 2025.

[Signature]

Signature of person authorized to take oaths





Nutley

Parcel Offset List

Target Parcel(s): Block-Lot: 4102-1
MERSAL, EHAB M & PASQUALE, NADIA R
144 WHITFORD AVENUE

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

Block-Lot: 4102-4

STRIANO, ARNOLD & CINDY
158 WHITFORD AVE
NUTLEY, NJ 07110
RE: 158 WHITFORD AVENUE

Block-Lot: 4101-5

MADANI, ABDELJALIL & HASSOUN, YASM
130 WHITFORD AVENUE
NUTLEY, NJ 07110
RE: 130 WHITFORD AVENUE

Block-Lot: 4202-14

MENZA, JUSTIN A
151 WHITFORD AVE
NUTLEY, NJ 07110
RE: 151 WHITFORD AVENUE

Block-Lot: 4102-3

BERGEN, GEORGES P.
154 WHITFORD AVENUE
NUTLEY, NJ 07110
RE: 154 WHITFORD AVENUE

Block-Lot: 4103-9

FERNANDEZ, ANDRES JR. & KELLY Q.
PO BOX 270
NUTLEY, NJ 07110
RE: 11 TENNIS PLACE

Block-Lot: 4202-15

ATALLA, JOHN & SARA
143 WHITFORD AVENUE
NUTLEY, NJ 07110
RE: 143 WHITFORD AVENUE

Block-Lot: 4102-2

GENOVESE, VINCENT P & LOWELL, MONIQ
150 WHITFORD AVE
NUTLEY, NJ 07110
RE: 150 WHITFORD AVENUE

Block-Lot: 4102-7

DUVAL, JORDAN & ABDI, MONA
272 NUTLEY AVE
NUTLEY, NJ 07110
RE: 272 NUTLEY AVENUE

Block-Lot: 4102-6

PARAULA, BONITA
260 NUTLEY AVE
NUTLEY, NJ 07110
RE: 260 NUTLEY AVENUE

Block-Lot: 4101-6

DI MARCO, RICHARD & JANIS
2 DOGWOOD LN
NUTLEY, NJ 07110
RE: 2 DOGWOOD LANE

Block-Lot: 4101-11

PENA, NEWTON A.
3 DOGWOOD LN
NUTLEY, NJ 07110
RE: 3 DOGWOOD LANE

Block-Lot: 4101-4

ARCUTI, MARK & JODI
126 WHITFORD AVE
NUTLEY, NJ 07110
RE: 126 WHITFORD AVENUE

Block-Lot: 4101-7

FRANNICOLA, ROBERT & ALICIA
10 DOGWOOD LN
NUTLEY, NJ 07110
RE: 10 DOGWOOD LANE

Block-Lot: 4102-5

ANBALAGAN, HEMA PRIYADHARSHINI
162 WHITFORD AVE
NUTLEY, NJ 07110
RE: 162 WHITFORD AVENUE

No Data

Block-Lot: 4103-2

ANSELM, SALVATORE & SUSAN E
257 HIGHFIELD LN
NUTLEY, NJ 07110
RE: 257 HIGHFIELD LANE

Block-Lot: 4202-12

PERRONE, PATRICK & ROSSI, CAROLINE M.
159 WHITFORD AVE
NUTLEY, NJ 07110
RE: 159 WHITFORD AVENUE

Block-Lot: 4202-13

LOMANGINO, VINCENT M. & MICHELE
155 WHITFORD AVE
NUTLEY, NJ 07110
RE: 155 WHITFORD AVENUE

Block-Lot: 10-5

NORFOLK SOUTHERN RAILWAY
125 COUNTY ROAD
JERSEY CITY, NJ 07307
RE: NEWARK BRANCH RAILROAD

Bldg Dept
Copy

MAP OF PROPERTY

SITUATED IN

TOWNSHIP OF NUTLEY, ESSEX COUNTY, N. J.

REVISED
1-10-24

lot Area

90'x80' = 7200

35% = 2520

70% = 5040

30% = 2160

WHITFORD
S 23° 40' W

P.O.B.

NUTLEY
S 66° 20' E

N 66° 20' W
Paved Drive

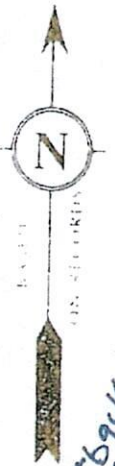
2 STORY STONE &
FRAME DWELLING
NO. 144

AVENUE

A5

144

Whitford



BE IT FURTHER RESOLVED that the following TERMS and CONDITIONS apply to the with Variance:

1. The Applicant is bound by the contents of his testimony as if this testimony was incorporated herein.
2. All construction shall be completed in accordance with the plans submitted and/or the testimony of the Applicant.
3. The approvals granted herein shall expire unless construction is begun within one year of the date of the memorializing resolution as per Chapter 700, Article II, Section 85-19 of the Codes of Nutley.
4. The placement of the pool, pool equipment and fence shall be as indicated on the survey marked as A-5 and attached hereto.
5. The pool shall be moved 10' from the house.
6. The fence will align with the rear of the house.
7. The pool filters and heaters shall be placed next to the steps at the rear of the house as shown on A-5.

ZONING APPROVED

Date 2/28/24

Zoning Officer Dave

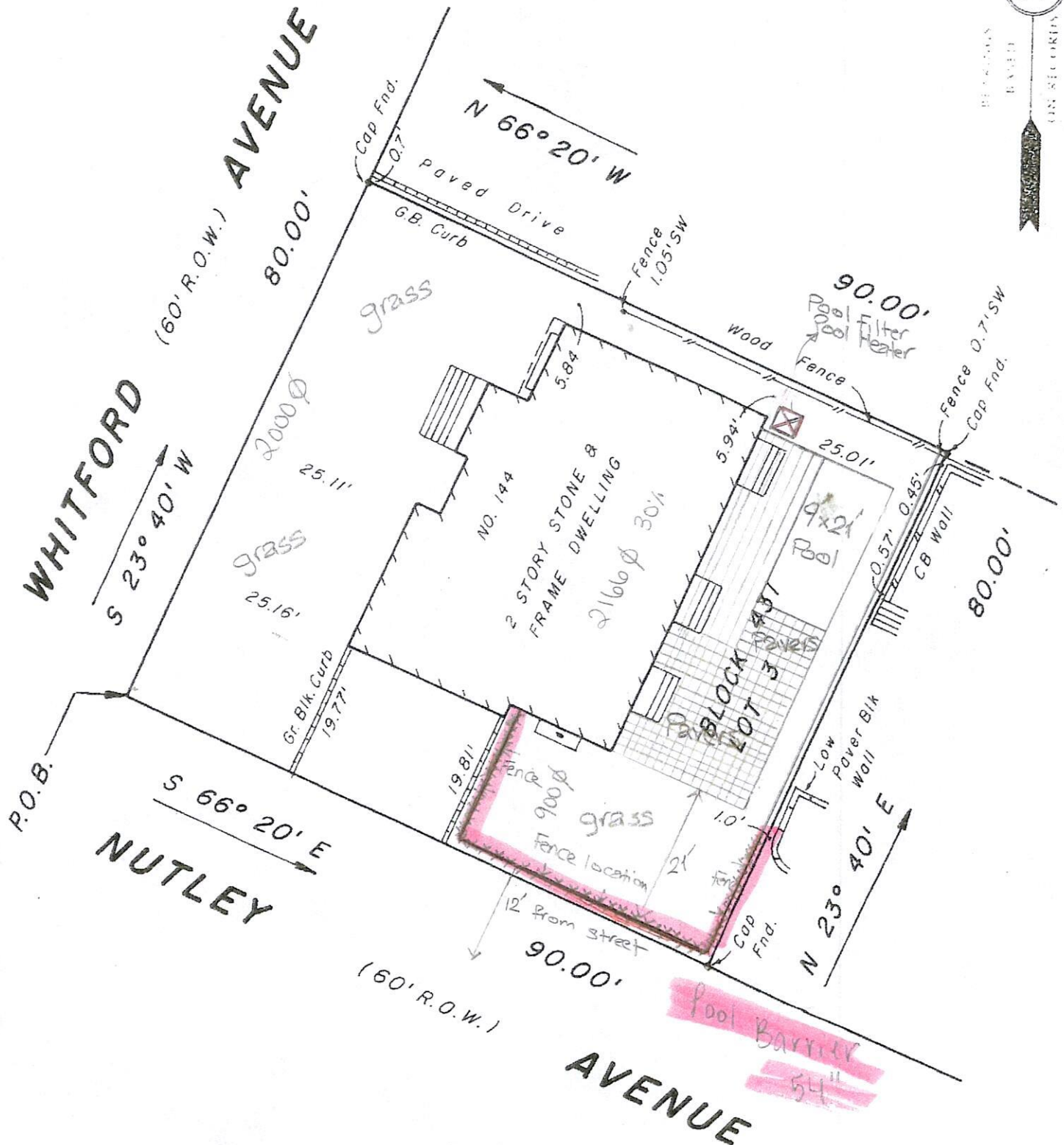
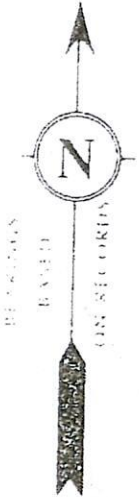
Approved by B.O.A. 12/18/23

Fence for Barrin

MAP OF PROPERTY

SITUATED IN

TOWNSHIP OF NUTLEY, ESSEX COUNTY, N. J.



KNOWN AS LOT 3.0 ON MAP ENTITLED "MAJOR SUBDIVISION PLAT LOT 3, BLOCK 431, TOWNSHIP OF NUTLEY, ESSEX COUNTY, NEW JERSEY, FILED 7 8 05 IN THE ESSEX COUNTY REGISTER'S OFFICE AS FILE NO. 4385

THIS IS A BUILDING ELEVATION SURVEY MADE FOR TITLE PURPOSES ONLY



In the Matter of

EHAB MERSAL and NADIA
PASQUALE

Applicant

ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF NUTLEY
ESSEX COUNTY, NEW JERSEY
DOCKET NO.: 23-0040

RESOLUTION GRANTING BULK VARIANCES

FOR PROPERTY KNOWN AS:
144 Whitford Avenue
Block 4102 Lot 1

APPLICANTS, Ehab Mersal and Nadia Pasquale ("Applicants") having filed an application for a permit with the Code Official of the Township of Nutley, to do the following at the premises known as 144 Whitford Avenue, also being Block 4102, Lot 1 on the Tax Map of the Township of Nutley (the "Premises"):

To install a semi-inground pool having a five (5') foot rear yard setback and to install a 54" pool barrier in the side yard, street side which is in the front yard of the adjacent property, as shown on the property survey received by the Code department on October 16, 2023;

AND the Code Official having denied said permit by letter dated November 15, 2023, citing Chapter 700, Article V, Section 700-9 D (2) of the Codes of Nutley states the 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. *The proposed rear yard setback is five (5') feet;* and also citing,

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; and also citing,

Chapter 700, Article XI, Section 700-71 D of the Codes of Nutley states a fence erected on any corner lot shall conform to the fence requirements for the adjoining properties;

AND the Premises being located in an R-1 District as shown on the Township of Nutley Zoning Map;

AND Applicants 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 December 18, 2023 and January 22, 2024, 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;

AND the Board having fully heard the testimony of the witnesses and examined the exhibits presented at the hearing, and the opposition presented by the adjacent neighbor;

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

1. That Applicants' proposed use of the Premises as proposed would violate the provisions of the *Zoning Ordinance*.
2. That Applicants have met their burden of demonstrating that sufficient legal grounds exist for the granting of the requested variance.
 - a. Applicants have adequately demonstrated peculiar and exceptional practical difficulties arising out of the exceptional narrowness, shallowness, or shape of the Premises such that strict application of the *Zoning Ordinance* would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, Applicants.
 - b. Specifically, the evidence presented demonstrates to the satisfaction of the Board that the property is a corner lot that was created by a subdivision that resulted in shorter side yards. The Applicants revised their plans to move the fence so that it lines up with the rear wall of the house and have agreed to move the pool one foot toward the house to create a lesser variance that is necessary due to the short rear yard. The Applicants further agreed to placement of the pool filter and heater away from the neighboring properties (All shown on the survey marked as A-5 at the hearing and labeled accordingly attached hereto.)
3. That, on the basis of the evidence presented and subject to the terms and conditions described below, the requested relief 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 install a semi-inground pool having a six (6') foot rear yard setback and to install a 54" pool barrier in the side yard, street side which is in the front yard of the adjacent property, as shown on the property survey introduced and marked at the hearing of January 22, 2024 as A-5 and attached hereto;

BE IT FURTHER RESOLVED that the following TERMS and CONDITIONS apply to the with Variance:

1. The Applicant is bound by the contents of his testimony as if this testimony was incorporated herein.

2. All construction shall be completed in accordance with the plans submitted and/or the testimony of the Applicant.

3. The approvals granted herein shall expire unless construction is begun within one year of the date of the memorializing resolution as per Chapter 700, Article II, Section 85-19 of the Codes of Nutley.

4. The placement of the pool, pool equipment and fence shall be as indicated on the survey marked as A-5 and attached hereto.

5. The pool shall be moved 10' from the house.

6. The fence will align with the rear of the house.

7. The pool filters and heaters shall be placed next to the steps at the rear of the house as shown on A-5.

AND BE IT FURTHER RESOLVED that nothing in this resolution is intended to imply that the documentation submitted by Applicants 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.

Bldg Dept
Copy

MAP OF PROPERTY

SITUATED IN

TOWNSHIP OF NUTLEY, ESSEX COUNTY, N. J.

REVISED
1-10-24

lot Area

90'x80' = 7200

35% = 2520

70% = 5040

30% = 2160

WHITFORD AVENUE
160' R.O.W.
80.00'

WHITFORD
S 23° 40' W

P.O.B.

NUTLEY

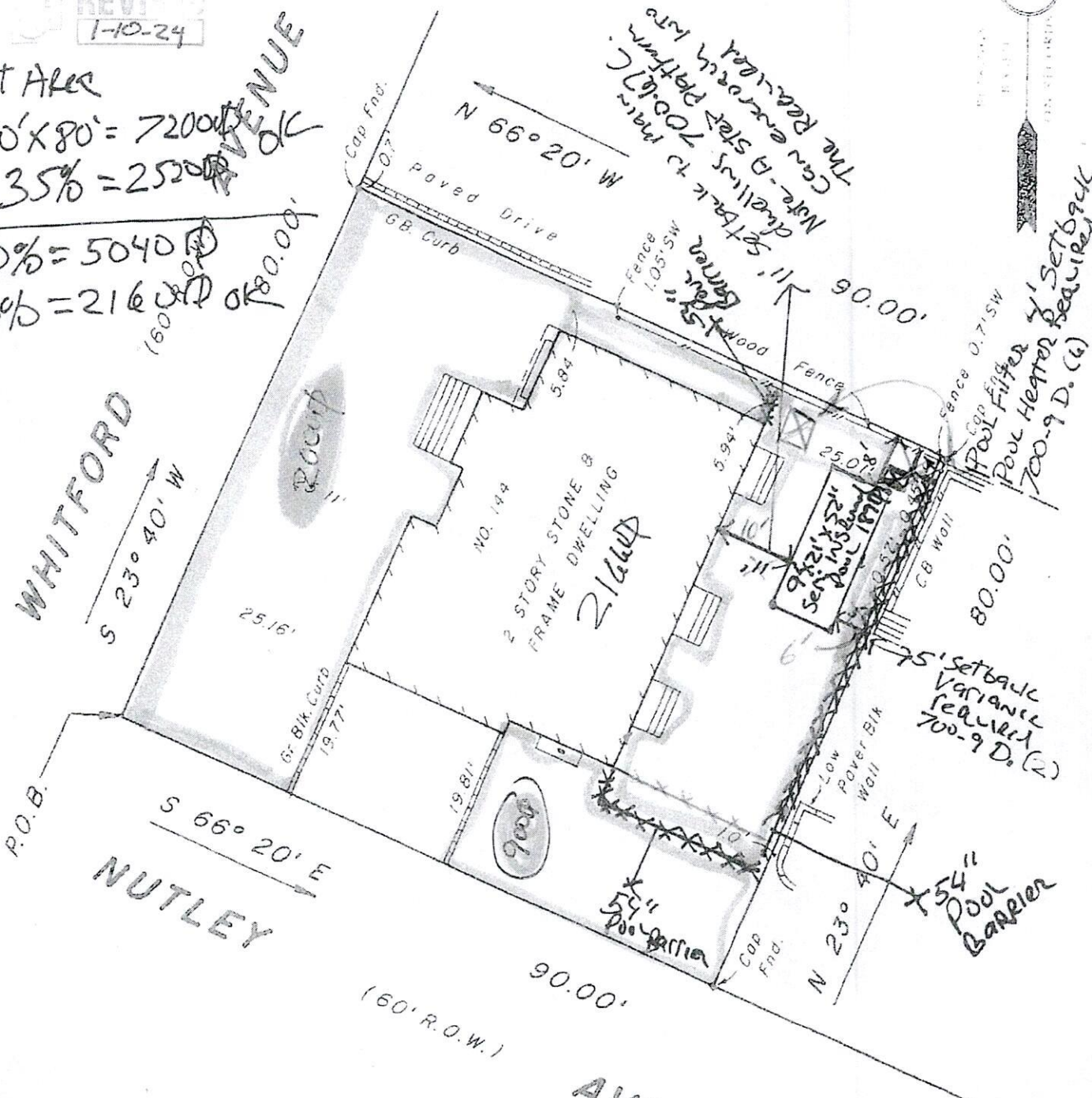
S 66° 20' E

(60' R.O.W.)

AVENUE

AS

144
Whitford



KNOWN AS LOT 3.0 ON MAP ENTITLED "MAJOR SUBDIVISION PLAT LOT 3, BLOCK 431, TOWNSHIP OF NUTLEY, ESSEX COUNTY, NEW JERSEY, FILED 7 8 05 IN THE ESSEX COUNTY REGISTER'S OFFICE AS FILE NO. 4385

THIS IS A BUILDING RELATIVE TO THE MAP MADE FOR THE PURPOSE OF THE MAP

Address: 144 Whitford Avenue

Block: 4102 Lot: 1

Date: January 22, 2024

| NAME | MOTION | SECOND | YES | NO | NOT VOTING |
|-----------|--------|--------|-----|----|---------------|
| GRAZIANO | | | ✓ | | |
| D. TOLVE | | | ✓ | | |
| G. TOLVE | | | | | ✓ |
| CAFONE | | | | | ✓ |
| DUVA | | ✓ | ✓ | | |
| WALLACE | ✓ | | ✓ | | |
| SCHEIDEL | | | | | ✓ |
| CASTRO | | | | | ✓ |
| DOHERTY | | | ✓ | | |
| FRAGINALS | | | | | X |
| | | | | | |

APPLICATION/APEAL GRANTED

 X c(bulk) d(use) variance(s)
 site plan approval
 appeal other _____

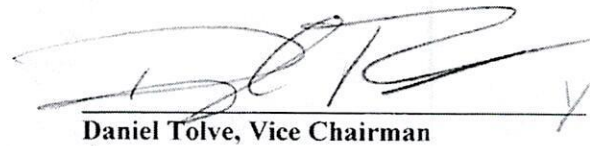
Applicant(s) **Ehab Mersal and Nadia Pasquale**

Property: **144 Whitford Avenue**

Block: **4102** Lot: **1**

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

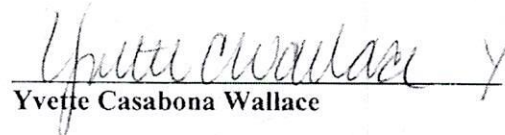

Frank Graziano, Chairman Y

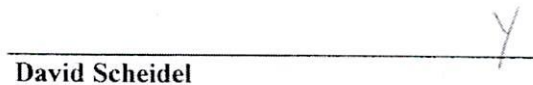

Daniel Tolve, Vice Chairman Y

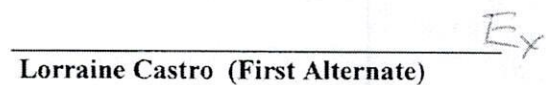

Gregory Tolve Y

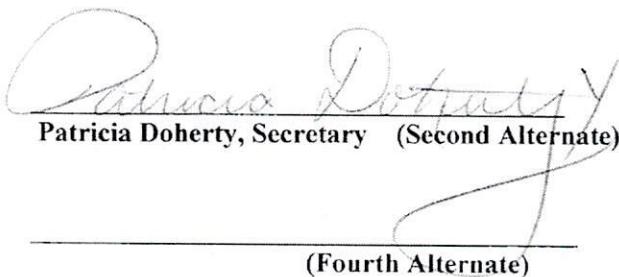

John Cafone Ex


Theresa Duva Y


Yvette Casabona Wallace Y


David Scheidel Y


Lorraine Castro (First Alternate) Ex


Patricia Doherty, Secretary (Second Alternate) Y

(Fourth Alternate)

Recused
Daniel Fragnals (Third Alternate)

Prepared by: 
Diana Powell McGovern, Esq.

Memorialized: February 12, 2024

