



THOMAS J. EVANS
Director of Revenue and Finance

DAVID BERRY
Construction Official
Zoning Official

TOWNSHIP OF NUTLEY
1 KENNEDY DRIVE
NUTLEY, NEW JERSEY 07110

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

CODE ENFORCEMENT DEPT.

BUILDING
PLUMBING
ELECTRICAL
FIRE
ZONING

May 13, 2025

David and Tanny Kyak
81 Ellen Street
Nutley, NJ 07110

RE: Convert One (1) Family to Two (2) Family Dwelling
Construct Additions/Alteration
Construct a New Second Driveway
81 Ellen Street
Block/Lot: 6703/10

Dear Mr. Kyak,

Your request for a permit at the above referenced address, to construct a new one story addition, having a 12'5" setback to the street side and to install another driveway and curb cut on the Roma Street side and to install a four (4') foot, 50% open fence located in the front yard and side yard other along Roma Street, on shown on the plans by Architect Dassa Haines dated March 28, 2025 is denied for the following reasons:

This property is located in a R-2 zoning district as shown on the Nutley Zoning Map.

The proposed project meets the Township Bulk Requirements as listed in Section 700-46 titled the Schedule of Regulations.

Chapter 700, Article VIII, Section 700-46 A, the Schedule of Regulations, requires the following in a R-2 zone.

<u>Side Yard Other</u>	<u>Proposed</u>
25'	12'5"

Chapter 700, Article XIII, Section 700-94 A (3) of the Codes of Nutley states each property shall not have more than one driveway and one curb cut. *The applicant proposed an 18' wide driveway and curb cut along Roma Street and already has one on the Ellen Street side.*

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.

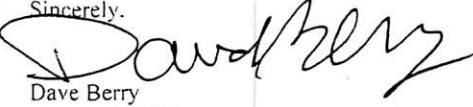
Chapter 700, Article XI, Section 700-71 D of the Codes of Nutley states a fence erected on any corner lot shall conform to the fence requirements for the adjoining properties.

A non-refundable variance fee of \$175 was received in connection with your appeal in order to begin the application process. Additional fees for professional review may be required by the Board in accordance with the Township Escrow Ordinance. *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 Jessica D'Onofrio at jdonofrio@nutleynj.org or (973) 284-4957. It should be noted that under State Statute, notice of appeal of this decision must be filed with this office not later than twenty (20) calendar days from the date of this notice.

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

Sincerely,


Dave Berry
Zoning Official



TOWNSHIP OF NUTLEY, NEW JERSEY

ZONING BOARD OF ADJUSTMENT APPLICATION FORM

Docket No: ZBA-25-0018

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: 5/13/25

Section I: SUBJECT PROPERTY

Address: 81 Ellen Street

Block: 0703 Lot: 10 Zone: R-2

	District Requirements	Proposed
Lot Area	<u>0,500 sf</u>	<u>8,283 sf.</u>
Lot Width	<u>05'</u>	<u>82'3"</u>
Lot Depth	<u>100'</u>	<u>100'</u>
Front Yard	<u>25'</u>	<u>20'1"</u>
Side Yard	<u>25'</u>	<u>12'5"</u>
Rear Yard	<u>30'</u>	<u>30'2"</u>
Other	<u>0'</u>	<u>13'</u>

Section II: APPLICANT INFORMATION

Name: Tanny Kyak

Address: 81 Ellen Street Nutley NJ 07110

Telephone: 201 667 4128

Email Address: dkyak418@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

	Existing	Proposed
Total existing and total proposed dwelling units	<u>1</u>	<u>2</u>
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 01' topographic conditions).

* The lot is a corner lot, and the front yard (other side yard) off Roma street, is a pre-existing, non-conforming set back, this poses multiple difficulties towards the proposed design. The location of the new stairwell up to the proposed 2nd floor addition is the most logical due to its proximity to the proposed driveway, as well as maximizing privacy & safety. The existing driveway is only wide enough for tandem parking and does not offer enough to accommodate four vehicles. If the existing driveway were to be widened, it would be in front of the house.

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

* The current layout of the existing first floor does not allow for a new stairwell up to the proposed 2nd floor. While we acknowledge having a front yard setback variance off Roma street, our proposed setback is greater than the average setbacks of the neighboring dwellings. Being a corner lot, we were able to space the driveways out so that each was on a separate street front, similar to multiple neighboring corner lots.

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

X The existing floor plan of the dwelling does not allow for the construction of a new stairwell up to the proposed second story and would require significant layout changes to accommodate. Locating the new addition anywhere else on the site would block required egress windows. Additionally, our current driveway cannot handle more than two cars, so if we are denied the second driveway, we would have difficulty being able to provide enough off street parking, which would also pose an issue with the overnight parking rules of the township.

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.

X The side yard driveway will not block traffic flow on Roma street. Our corner property is not a typical four-way corner, it has fewer potential hazards than a typical four-way intersection. The corner consists of an intersection with Roma and Ellen streets. Roma is one-way traffic ending in a right turn onto Ellen street. Any changes we are proposing to our property will not harm the value of adjacent properties or be detrimental to the public good, all changes are within property boundaries and will not affect vehicle traffic sightliness or pedestrian foot traffic. The proposed fence will not hinder or obscure sightlines.

CERTIFICATION

STATE OF NEW JERSEY }
COUNTY OF ESSEX } SS.

X TANNY S. KYAK, being duly sworn, hereby certify (*check one*)

➤ ☒ that I am the applicant

or

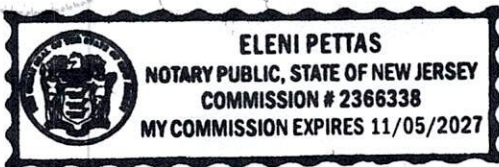
➤ ☐ that I am the _____ of _____,
(Title) (Company Name)
the Applicant, and that I am duly empowered and authorized to make this representation
on behalf of _____;
(Company Name)

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

X Tanny Kyak
Applicant/Applicant's Authorized
Officer or Representative

Subscribed and sworn to before me
this 23rd day of May, 20 25.

X Eleni Pettas 5/23/2025
Signature of person authorized to take oaths





Nutley

Parcel Offset List

Target Parcel(s): Block-Lot: 6703-10
KYAK, DAVID A & TANNY S
81 ELLEN STREET

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

Block-Lot: 6700-6

BOUDAHER, GEORGE A.
226 WASHINGTON AVE
NUTLEY, NJ 07110
RE: 226 WASHINGTON AVENUE

Block-Lot: 6700-5

CAROL AND RODDY MUNYON IRREVOCABLE
180 WASHINGTON AVE
NUTLEY, NJ 07110
RE: 218 WASHINGTON AVENUE

Block-Lot: 6701-2

CANETE, MANUEL SR. ET AL
12 SPURR PLACE
NUTLEY, NJ 07110
RE: 12 SPURR PLACE

Block-Lot: 6700-4

CAROL AND RODDY MUNYON IRREVOCABLE
180 WASHINGTON AVE
NUTLEY, NJ 07110
RE: 200 WASHINGTON AVENUE

Block-Lot: 6703-16

ILARDI, SABASTIAN & GRACE
522 PAGE AVE
LYNDHURST, NJ 07071
RE: 27 HUMBERT STREET

Block-Lot: 6703-13

ORELLANA SERRANO, EFREN DARIO
41 HUMBERT ST
NUTLEY, NJ 07110
RE: 41 HUMBERT STREET

Block-Lot: 6703-8

CAPALBO, ANTONIO
36 ROMA ST
NUTLEY, NJ 07110
RE: 36 ROMA STREET

Block-Lot: 6702-13

HUMMINGBIRD REALTY, LLC
42 HUMBERT STREET APT 9
NUTLEY, NJ 07110
RE: 42 HUMBERT STREET

Block-Lot: 6702-16

ROSE, ROBERT A
1 TALUS ROAD
CLIFTON, NJ 07013
RE: 67 ELLEN STREET

Block-Lot: 6702-17

LUZZI, CATHERINE
61 ELLEN ST
NUTLEY, NJ 07110
RE: 61 ELLEN STREET

Block-Lot: 6702-10

DARJI, KETAN
428 HARRISON STREET
NUTLEY, NJ 07110
RE: 34 HUMBERT STREET

Block-Lot: 6703-15

HOPKINS, JAMES P. JR. & PHYLLIS
33 HUMBERT ST
NUTLEY, NJ 07110
RE: 33 HUMBERT STREET

Block-Lot: 6703-6

MINICHINI, GIANLUCA
30 ROMA ST
NUTLEY, NJ 07110
RE: 30 ROMA STREET

Block-Lot: 6702-14

46 HUMBERT NUTLEY LLC
26 FOULKS TER
LINCROFT, NJ 07738
RE: 46 HUMBERT STREET

Block-Lot: 6700-14

LOPES, ABEL S
20 RIVER RD G
NUTLEY NJ 07110
RE: 31-33 ROMA STREET

Block-Lot: 6700-11

UHLIK, APRIL J. & AMY M.
11 SPURR PLACE
NUTLEY, NJ 07110
RE: 11 SPURR PLACE

Block-Lot: 6700-12

MJJ PROPERTIES, LLC
153 PARK AVENUE
WEST CALDWELL, NJ 07006
RE: 3 SPURR PLACE

Block-Lot: 6701-1

CASIELLO, JOHN & KAREN M
4 SPURR PLACE
NUTLEY, NJ 07110
RE: 4 SPURR PLACE

Block-Lot: 6701-13

TRAMA, ANTHONY & VITA
68 ELLEN ST
NUTLEY, NJ 07110
RE: 68 ELLEN STREET

Block-Lot: 6701-12

ARDITO, JOSEPH
10 GRENADA ST
TOMS RIVER, NJ 08757
RE: 64 ELLEN STREET

Block-Lot: 6701-11

MARESE, PAUL R. & CHRISTINA
62 ELLEN ST
NUTLEY, NJ 07110
RE: 62 ELLEN STREET

Block-Lot: 6703-11

PERDON, BRANDON
75 ELLEN ST
NUTLEY, NJ 07110
RE: 75 ELLEN STREET

Block-Lot: 6703-12

COHEN, MELISSA
47 HUMBERT ST
NUTLEY, NJ 07110
RE: 47 HUMBERT STREET

Block-Lot: 6703-9

SOLODKOVA, MARINA & IGOR
40 ROMA ST
NUTLEY, NJ 07110
RE: 40 ROMA STREET

Block-Lot: 6700-13

WORTH, SHARON
35 ROMA ST
NUTLEY, NJ 07110
RE: 35 ROMA STREET

Block-Lot: 6700-15

KRAUSE, ALFRED P & COURTNEY
27 ROMA ST
NUTLEY, NJ 07110
RE: 27 ROMA STREET

Block-Lot: 6703-7

MERXHUSHI, ENDRI & IRFANE
34 ROMA ST
NUTLEY, NJ 07110
RE: 34 ROMA STREET

Block-Lot: 6703-14

CONTI, EDWARD D & COVIELLO, JOSEPH
35 HUMBERT STREET
NUTLEY, NJ 07110
RE: 35 HUMBERT STREET

Block-Lot: 6700-7

COCCA REALTY, LP

14 WARWICK ROAD

MORRISTOWN, NJ 07960

RE: 242 WASHINGTON AVENUE

UTILITIES

(A)

AT & T
Corporate Office
P.O. Box 7207
Bedminster, NJ 07921-7207

(B)

NJ Dept. of Transportation
1035 Parkway Avenue
CN-600
Trenton, NJ 08625

(C)

Essex County Planning Board
Public Works Building
900 Bloomfield Avenue
Verona, NJ 07044

(D)

PSE&G Company
Manager-Corporate Properties
80 Park Plaza, T6B
Newark, NJ 07102

(E)

North Jersey District Water Supply Co.
1 F.A. Orechio Drive
Wanaque, NJ 07465

(F)

Passaic Valley Water Co.
1525 Main Avenue
Clifton, NJ 07011

(G)

Verizon
540 Broad Street, Room 305
Newark, NJ 07101

(H)

TCI of Northern New Jersey
40 Potash Road
Oakland, NJ 07436
Attn: Dan Gannon

(I)

Essex County Utilities Authority
Leroy R. Smith Jr. Public Safety Building
60 Nelson Place – 6th Floor
Newark, NJ 07102

(J)

Norfolk Southern Railway
125 County Road
Jersey City, NJ 07307

Zoning Drawings

for:
Kyak Residence
located at:
81 Ellen Street
Nutley, NJ 07110

SCOPE OF WORK

THIS WORK CONSISTS OF A NEW 2ND FLOOR ADDITION OVER THE EXISTING 1-STORY HOUSE AND A NEW COVERED PORCH. THE EXISTING FRONT WALK WAY WE BE PARTIALLY REMOVED AND REWORKED FOR THE NEW PORCH STEPS.
ADDITIONALLY THERE WILL BE A NEW SIDE ENTRANCE WITH STAIRS GOING UP TO THE NEW SECOND FLOOR UNIT, AND A CURB CUT AND 2-CAR DRIVEWAY ALONG ROMA STREET FOR THE PROPOSED SECOND FLOOR APARTMENT UNIT.

BUILDING INFO.

	EXISTING AREA	PROPOSED EX. AREA	PROPOSED NEW AREA	TOTAL AREA
1st FLOOR	1224 SF.	1224 SF.	320 SF.	1544 SF.
2nd FLOOR	- SF.	- SF.	1364 SF.	1364 SF.
	1233 SF.	1224 SF.	1684 SF.	2,900 SF.

ZONING INFO.

ZONE R-2 RESIDENTIAL - ONE-FAMILY ZONE

ITEM	REQUIRED/ALLOWED	EXISTING	PROPOSED	VARIANCE
USE	2-FAMILY	1-FAMILY	2-FAMILY	
LOT AREA (min)	6500 sf	8283 sf	8283 sf	NO
LOT WIDTH (min)	65 ft	82 ft 3 in	82 ft 3 in	NO
LOT DEPTH (min)	100 ft	100 ft 0 in	100 ft 0 in	NO
PER DUELLING UNIT (min)	3250 sf	8283 sf	4341 sf	NO
FRONT YARD (min)	25 ft	26 ft 1 in	26 ft 1 in	NO
REAR YARD (min)	30 ft	30 ft 2 in	30 ft 2 in	NO
SIDE YARD (corner lot) (min)	25 ft	20 ft 11 in	12 ft 5 in	YES
SIDE YARD (other)	6 ft	13 ft 0 in	13 ft 0 in	NO
HEIGHT (max)	2 1/2 stories/ 30 ft	1 stories/ 12 ft 5 in	2 stories/ 25 ft 2 in	NO
LOT COVERAGE (max.)	35%	205%	23.6%	NO
IMPROVED COVERAGE (max.)	70%	33.6%	42.9%	NO
FENCE HEIGHT (front yard)	NOT ALLOWED	na	4 ft / 50% OPEN	YES
FENCE HEIGHT (side yard)	4 ft	na	6 ft	YES

* EXISTING CONDITION WITH VARIANCE

AVERAGE SETBACKS

ROMA STREET	BLOCK	LOT	SETBACK
22 ROMA STREET	6103	5	4 ft 5 in
30 ROMA STREET	6103	6	6 ft 6 in
34 ROMA STREET	6103	7	8 ft 0 in
36 ROMA STREET	6103	8	10 ft 6 in
40 ROMA STREET	6103	9	3 ft 8 in
AVG. SETBACK= 6 ft 7 in			

ELLEN STREET	BLOCK	LOT	SETBACK
75 ELLEN STREET	6103	11	16 ft 5 in
AVG. SETBACK= 16 ft 5 in			

APPROVALS

TOWNSHIP OF NUTLEY
ZONING BOARD

BOARD CHAIR	DATE
SECRETARY	DATE
ENGINEER	DATE

05/11/2025	REVIEWED PER ZONING COMMENTS
03/28/2025	ISSUED FOR ZONING REVIEW

Dassa • Haines
Architectural Group, L.L.C.
Architecture • Planning
Construction Management

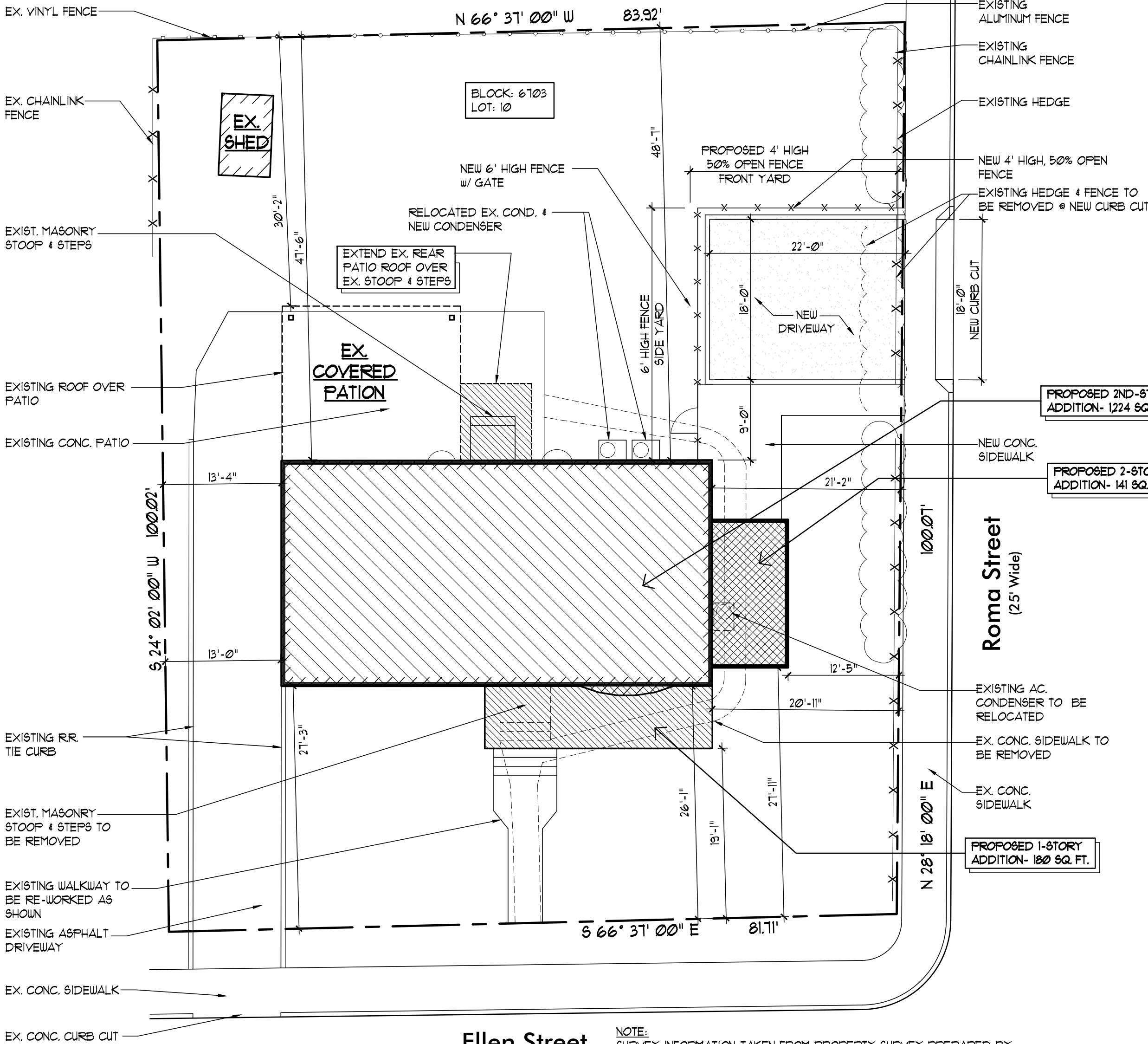
74 E. Passaic Ave.
Nutley, N.J. 07110
Tel: 973.233.9355
Fax: 973.233.9358

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

Proposed Site Plan,
Zoning Chart,
First Floor &
Second Floor Plan

DATE:	03/28/2025
SCALE:	AS SHOWN
JOB #	25-103
BIN:	
DRAWN BY:	Jjs
CHECKED BY:	Jjh
	1 OF 2

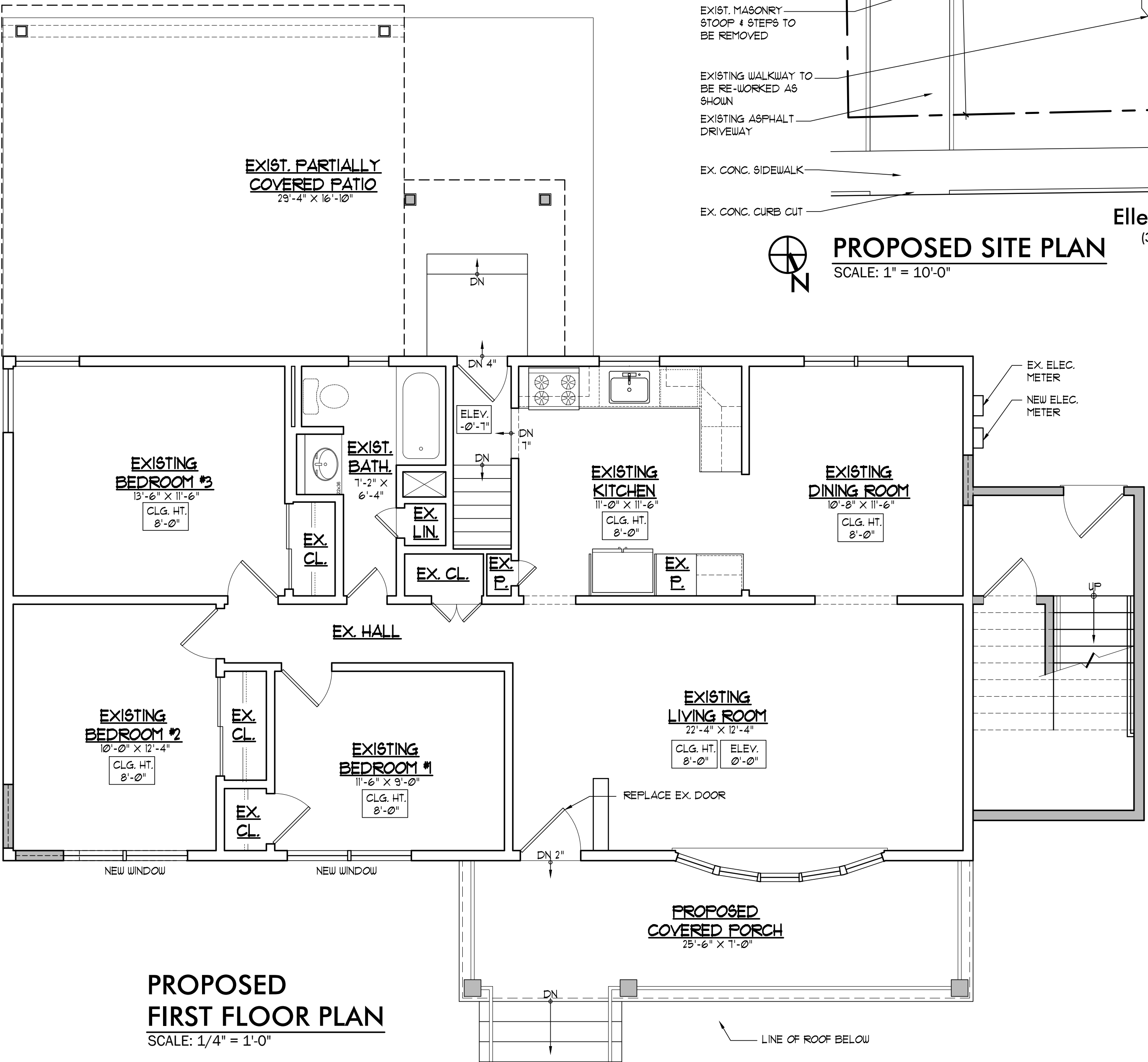
Z-1



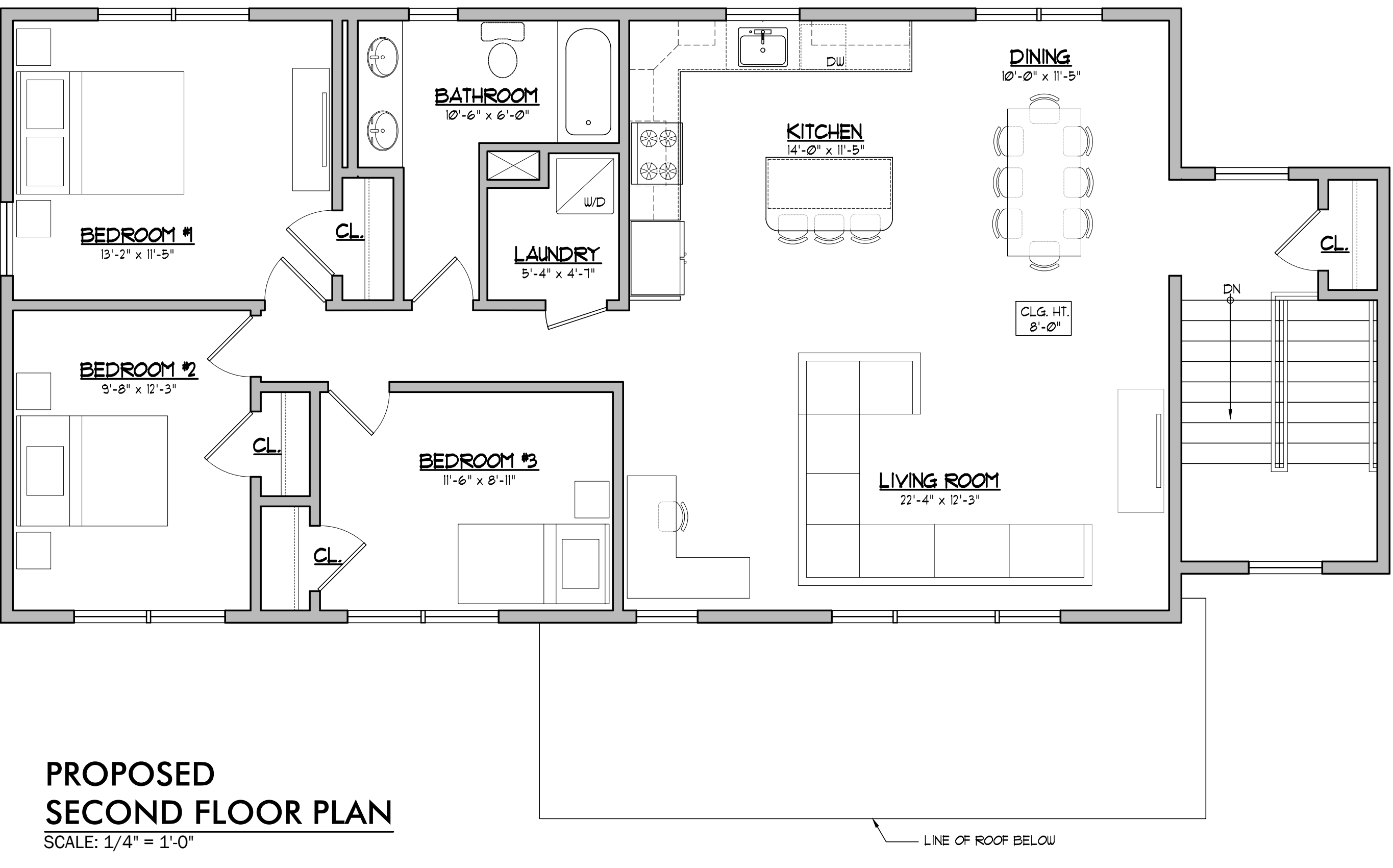
PROPOSED SITE PLAN
SCALE: 1" = 10'-0"

Ellen Street
(30' Wide)

NOTE:
SURVEY INFORMATION TAKEN FROM PROPERTY SURVEY PREPARED BY
P³ LAND SURVEYING, INC.
P.O. BOX 241, FLANDERS, NJ 07836
SURVEY DATED: 11/18/2022



**PROPOSED
FIRST FLOOR PLAN**
SCALE: 1/4" = 1'-0"



**PROPOSED
SECOND FLOOR PLAN**
SCALE: 1/4" = 1'-0"

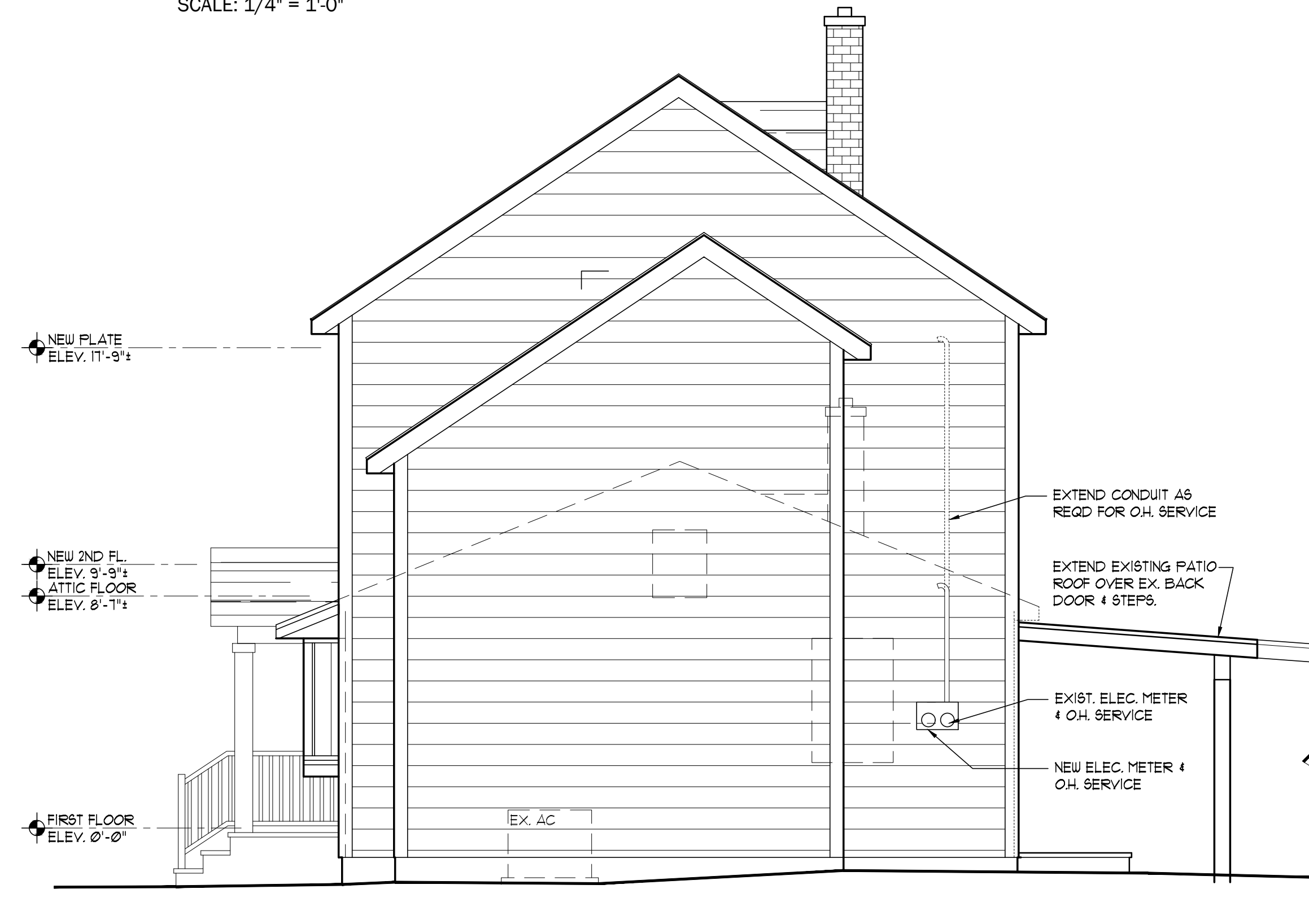
Zoning Drawings
for:
Kyak Residence
located at:
81 Ellen Street
Nutley, NJ 07110



**PROPOSED
EAST ELEVATION**
SCALE: 1/4" = 1'-0"



**PROPOSED
NORTH ELEVATION**
SCALE: 1/4" = 1'-0"



**PROPOSED
WEST ELEVATION**
SCALE: 1/4" = 1'-0"



**PROPOSED
SOUTH ELEVATION**
SCALE: 1/4" = 1'-0"

05/11/2015	REVISED PER ZONING COMMENTS
03/28/2015	ISSUED FOR ZONING REVIEW

Dassa • Haines
Architectural Group, L.L.C.
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

**Proposed
Elevations**

DATE:	03/28/2025
SCALE:	AS SHOWN
JOB #	25-103
BIN:	
DRAWN BY:	Checked BY:
JLH	JLH
2	OF 2

Z-2