



TOWNSHIP OF NUTLEY, NEW JERSEY

ZONING BOARD OF ADJUSTMENT APPLICATION FORM

Docket No: ZBA-25-0044

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: 10/24/25

Section I: SUBJECT PROPERTY

Address: 380 Mount Vernon Street

Block: 8005 Lot: 26 Zone: R-1

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

Section II: APPLICANT INFORMATION

Name: Thomas and Aracelis Hurley

Address: 380 Mount Vernon Street

Nutley, NJ 07110

Telephone: 201 952-0507

Email Address: ara.hurley@hotmail.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	_____ _____	_____ _____
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? yes

If yes, state the nature, date and the disposition of each such matter: A variance was granted on 9/18/78 to construct a 3' canopy over front entrance to dwelling & which is not to be enclosed as agreed by applicant. A variance was also granted with conditions to install a 6' solid type fence located in the side yard street side, which is located in the front yard of the adjoining property along East Passaic Avenue.

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).

X N/A

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 N/A

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

We removed the shed and hot tub in rear yard area due to rodents nesting in these areas and creating infestations. Therefore, we repurposed pavers that were underneath these structures and filled out the area with additional refurbished pavers. As for the new patio, it was created within the compounds of the approved fence. → continued on bottom of page.

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.

None of these repairs or installations will detrimentally affect the public good or impair intent or purpose of zoning in the area. In fact, the wall benefits and reinforces both our neighbors' fences which previously leaned over into our yard property line. Even with the rear patio being revamped, there is still ample green in the rear yard and proper drainage is maintained. Lastly, we assure these additions remain for residential use and support the goal of providing reasonable housing use.

Lastly, the retaining wall which was 4ft high was damaged as per our insurance carrier and was asked to repair or replace in order to keep homeowner's policy. We did as requested in order to keep our policy and decided to match the height of our neighbors.

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

October 24, 2025

Mr. Thomas and Aracelis Hurley
380 Mount Vernon Street
Nutley, NJ 07110

Re: Violation
Patio
Retaining Wall/Decorative Wall
380 Mount Vernon Street
Block-Lot:8005/26

Dear Mr. and Mrs. Hurley,

Your request, at the above referenced premises, to leave as erect an eight (8') foot in height decorative wall located in the rear yard and a patio installed in the side yard along East Passaic Avenue, as shown on the property survey dated January 30, 2023, 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 XI, Section 700-71 C of the Codes of Nutley states a fence erected along the sidelines from the rear line of a main structure, but excluding an attached accessory deck or similar structure, to the rear property line and along said rear property line and within such lines shall not exceed six feet in height and not be of solid construction. A stockade fence is hereby deemed to be of solid construction.

The constructed retaining wall in the rear yard is partially a retaining wall to the adjacent properties and also extends to be used as a privacy wall. NOTE: both neighbors have signed a consent form for solid construction.

Chapter 700, Article XI, Section 700-67 E. (3) of the Codes of Nutley states decks and patios must meet the following minimum setback requirements of Table 1.

Table 1 - Deck and Patio Setbacks

Setback Requirements	Decks and Patios <30 Inches in Height	Decks and Patios >30 Inches in Height
Front yard (feet)	Not permitted	Not permitted
Side yard (other) (feet)	Principal building setback	Principal building setback
Side yard (feet)	3 feet	Principal building setback
Rear yard (feet)	15 feet	24 feet

1. The constructed patio at the side yard street side requires a principal building setback, which is 25' in this zone.
2. The constructed patio at the rear which was extended requires a three (3') feet side yard and a 15' rear yard. The proposed is installed to the rear and side yard lot line).

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 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



Nutley

Parcel Offset List

Target Parcel(s): Block-Lot: 8005-26
TATZZ LLC
380 MOUNT VERNON STREET

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

Block-Lot: 8102-16

CARACCIO, STEVEN & NANCY
75 HASTINGS AVE
NUTLEY, NJ 07110
RE: 75 HASTINGS AVENUE

Block-Lot: 8005-1

HERNANDEZ, VENUS
274 E PASSAIC AVE
NUTLEY, NJ 07110
RE: 274 EAST PASSAIC AVENUE

Block-Lot: 8102-13

CIANCI, JOSEPH & THERESA
248 E PASSAIC AVE
NUTLEY, NJ 07110
RE: 248 EAST PASSAIC AVENUE

Block-Lot: 8005-27

VALE, TAKISHA & TAJ GIBSON
270 E PASSAIC AVE
NUTLEY, NJ 07110
RE: 270 EAST PASSAIC AVENUE

Block-Lot: 8005-2

PADERON, JORDAN & APRIL ANNE YALONG
171 COLUMBIA AVENUE
NUTLEY, NJ 07110
RE: 171 COLUMBIA AVENUE

Block-Lot: 8005-3

PETRUCELLI, MICHAEL D. & CAROLYN G.
167 COLUMBIA AVE
NUTLEY, NJ 07110
RE: 167 COLUMBIA AVENUE

Block-Lot: 8005-4

GUERRERO, WARNER R & OSORIO, YESENIA
163 COLUMBIA AVENUE
NUTLEY, NJ 07110
RE: 163 COLUMBIA AVENUE

Block-Lot: 8005-5

SUSSKO, KATHLEEN M.
159 COLUMBIA AVE
NUTLEY, NJ 07110
RE: 159 COLUMBIA AVENUE

Block-Lot: 8005-25

TASKOS, NATALYA
378 MOUNT VERNON ST
NUTLEY, NJ 07110
RE: 378 MOUNT VERNON STREET

Block-Lot: 8102-15

SHAH, RUPAM
81 HASTINGS AVENUE
NUTLEY, NJ 07110
RE: 81 HASTINGS AVENUE

Block-Lot: 8005-24

THATIPARTHE, VENKATESWARAREDDY ETAL
376 MOUNT VERNON ST
NUTLEY, NJ 07110
RE: 376 MOUNT VERNON STREET

Block-Lot: 8005-23

GRILLO, JENNER
374 MOUNT VERNON ST
NUTLEY, NJ 07110
RE: 374 MOUNT VERNON STREET

Block-Lot: 8001-10

WALSKI, HARRY R JR & AMY WARREN
282 E PASSAIC AVE
NUTLEY, NJ 07110
RE: 282 EAST PASSAIC AVENUE

Block-Lot: 8001-9

GUERRIERO, ANGELA
172 COLUMBIA AVE
NUTLEY, NJ 07110
RE: 172 COLUMBIA AVENUE

Block-Lot: 8005-22

ZILIOOTTO, PAUL J.
160 MOUNT VERNON ST
NUTLEY, NJ 07110
RE: 160 MOUNT VERNON STREET

Block-Lot: 8102-14

AGUILA, ELISEIS & GARCIA, RAQUEL
175 MOUNT VERNON ST
NUTLEY, NJ 07110
RE: 175 MOUNT VERNON STREET

Block-Lot: 8102-12

PRIETO, CONSTANTINO & SILVIA M.
244 E PASSAIC AVE
NUTLEY, NJ 07110
RE: 244 EAST PASSAIC 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

P.L. CAULFIELD, JR.
N.J. LIC. NO. 16757

CAULFIELD ASSOCIATES, LLP.

TELEPHONE (201) 792-0445
FAX (201) 792-7714

JOSEPH T. CAULFIELD
N.J. LIC. NO. 37579

PROFESSIONAL LAND SURVEYOR
132 MADISON STREET
HOBOKEN, N.J. 07030

JOB NO.

Certified to Thomas Hurley.

LOT 26
7,978.5 SQ. FT.
(0.18 ACRE)



S-50°-00'-E

EAST
PASSAIC



$75 \times 100 = 7500$
 $70\% = 5250$
 $30\% = 2250$
 $1 - 34 \times 20 = 680$
 $2 - 30 \times 22 = 660$
 $3 - 10 \times 20 = 200$
 $4 - 40 \times 30 = 1200$
 $5 - 2 \times 45 = 90$
 $6 - 12 \times 25 = 300$
Total = 3445

AVENUE

LOCATED AT

MOUNT VERNON STREET 50' R.O.W.

SURVEY OF PROPERTY

380 MOUNT VERNON STREET
TOWN OF NUTLEY, ESSEX CO., N.J.

BLOCK 8005
LOT 26
DATE JAN. 30, 2023
SCALE 1 INCH = 15 FEET

A written "Waiver and Direction Not to Set Corner Markers," has been obtained from the ultimate user pursuant to P.L. 2003, c.14 (N.J.S.A. 45:8-36.3) and N.J.A.C. 13:40-5.1(d).

THIS SURVEY IS NOT TO BE USED AS A BASIS FOR ANY CONSTRUCTION. IT IS SUBJECT TO THE FACTS REVEALED BY AN ACCURATE AND COMPLETE TITLE SEARCH. THE CERTIFICATION IS MADE ONLY TO THE PARTIES NAMED HEREON, AND IS NONTRANSFERABLE. BEARINGS ARE RELATIVE.

PATRICK L. CAULFIELD, JR.
PROF. LAND SURVEYOR
N.J. LIC. NO. 16757