



TOWNSHIP OF NUTLEY, NEW JERSEY

ZONING BOARD OF ADJUSTMENT APPLICATION FORM

Docket No: ZBA-20-0005

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: 3/3/20

Section I: SUBJECT PROPERTY

Address: 104 Stanley Avenue

Block: 5104 Lot: 7 Zone: R-1

	District Requirements	Proposed
Lot Area	<u>5,000 sf.</u>	<u>0,800 sf.</u>
Lot Width	<u>50'</u>	<u>49'9"</u>
Lot Depth	<u>100'</u>	<u>138'4"</u>
Front Yard	<u>29'</u>	<u>29'3"</u>
Side Yard	<u>0'</u>	<u>4'10" & 6'5"</u>
Rear Yard	<u>30'</u>	<u>65'2"</u>
Other	<u></u>	<u></u>

Section II: APPLICANT INFORMATION

Name: Thomas Bernard

Address: 104 Stanley Ave
Nutley, NJ 07110

Telephone:

Email Address:

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? 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).

X The property is situated in an R-1 district on a lot with an existing non-conforming 4'3" side yard set back. The primary physical constraint is the narrowness of the current footprint, which was established prior to the modern 6' requirements. The pre-existing condition dictates the vertical alignment for the proposed addition.

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 proposed 2nd Fl. addition follows the existing 4'3" building line to maintain structural & architectural consistency. Adhering to the modern 6' setback would require a structurally impractical set back from the 1st Fl. wall, creating undue hardship in utilizing the property's vertical space without increasing the footprint.

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

X Denial would require a structural unsound and architecturally inconsistent 2nd Fl. set-back that does not align with the existing first-floor foundation.

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 variance will not increase the building's footprint or impact neighboring sightlines. By maintaining the existing building line, the project preserves the neighborhood's aesthetic character without creating any new encroachment on the street or adjacent properties.



CODE ENFORCEMENT DEPT.

THOMAS J. EVANS
Director of Revenue and Finance

TOWNSHIP OF NUTLEY

1 KENNEDY DRIVE
NUTLEY, NEW JERSEY 07110

BUILDING
PLUMBING
ELECTRICAL
FIRE
ZONING

DAVID BERRY
Construction Official
Zoning Official

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

March 3, 2026

Thomas Bernard
104 Stanley Avenue
Nutley, NJ 07110

**Re: Add-a-level Addition
104 Stanley Avenue
Block/Lot: 5104/7**

Dear Mr. Bernard,

Your request for a permit at the above referenced address, to construct a new two-story addition at the rear and to construct a new second floor add-a-level addition, having a 4.3" side yard setback as shown on the plans prepared by Dassa Haines dated June 2, 2025 is disapproved for the following reasons:

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

Chapter 700, Article VII, Section 700-46 A of the Code of Nutley states the Schedule of Regulations requires a six (6') foot side yard setback.

Chapter 700, Article VII, Section 700-46 B (8) of the Codes of Nutley states the required minimum side, front and rear yard dimensions for the alteration of or addition to a one-family or two-family dwelling, provided that the same do not increase the existing lot coverage and/or footprint of existing building outline, shall not apply to the extent that said side, front, and rear yard dimensions (meet or exceed the requirements for side, front and rear yards set forth in the Schedule of Regulations, prior to July 25, 1987) shall be no less than 80% of the required minimum set forth in the Schedule of Regulations. ***The proposed second floor add-a-level addition is not increasing the existing footprint. The required side yard setback is 4'10". The proposed on the right side is 4'3".***

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
Side Yard	3 feet	Principal building setback

Side Yard	<u>Required</u> 6'	<u>Proposed</u> 4'3"
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104 Stanley Avenue

A non-refundable use variance fee of \$175.00 was received by the Code Enforcement Department. **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 Liebold, jliebold@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 to 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,

A handwritten signature in blue ink that reads "David Berry". The signature is fluid and cursive, with the first name "David" being larger and more prominent than the last name "Berry".

DAVID BERRY
Zoning Official

DB/JL



Nutley

Parcel Offset List

Target Parcel(s): Block-Lot: 5104-7
BERNARD, THOMAS R. & MARY JOY C.
104 STANLEY AVENUE

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

Block-Lot: 5104-13

ZAWACKI, MICHAEL & NEEMA ZAWACKI
21 ALEXANDER AVENUE
NUTLEY, NJ 07110
RE: 21 ALEXANDER AVENUE

Block-Lot: 5104-3

SMITH, ROBERT W. JR. & BENAQUISTA, J.S.
120 STANLEY AVE
NUTLEY, NJ 07110
RE: 120 STANLEY AVENUE

Block-Lot: 5105-5

VONROTH, WILLIAM JR. & IRENE M.
30 ALEXANDER AVE
NUTLEY, NJ 07110
RE: 30 ALEXANDER AVENUE

Block-Lot: 5103-5

SOMMERKAMP, DONALD P. & MARIANNE E.
114 MAPES AVE
NUTLEY, NJ 07110
RE: 114 MAPES AVENUE

Block-Lot: 5103-7

NEVILLE, GERALDINE T.
91 STANLEY AVE
NUTLEY, NJ 07110
RE: 91 STANLEY AVENUE

Block-Lot: 5103-4

O'DONNELL, BRIAN & AMY
118 MAPES AVE
NUTLEY, NJ 07110
RE: 118 MAPES AVENUE

Block-Lot: 2702-1

CAPOBIANCO, GREG G. & MARY ANN
84 STANLEY AVE
NUTLEY, NJ 07110
RE: 84 STANLEY AVENUE

Block-Lot: 5103-3

SAPIO, KATHLEEN M.
122 MAPES AVENUE
NUTLEY, NJ 07110
RE: 122 MAPES AVENUE

Block-Lot: 5103-2

PETRUCCI, JAIME M. & JAMES J.
126 MAPES AVENUE
NUTLEY, NJ 07110
RE: 126 MAPES AVENUE

Block-Lot: 5104-12

DIMAGGIO, MARK JAMES
31 ALEXANDER AVE
NUTLEY, NJ 07110
RE: 31 ALEXANDER AVENUE

Block-Lot: 5104-4

BUCCINO, ANTHONY & DAWN
116 STANLEY AVE
NUTLEY, NJ 07110
RE: 116 STANLEY AVENUE

Block-Lot: 5104-14

TUOSTO, MARIE (TR)
17 ALEXANDER AVENUE
NUTLEY, NJ 07110
RE: 17 ALEXANDER AVENUE

Block-Lot: 5105-4

GIAMPIETRO, DAVID
24 ALEXANDER AVE
NUTLEY, NJ 07110
RE: 24 ALEXANDER AVENUE

Block-Lot: 5103-8

SALIMOVA, NIGINA & ULMASOV, PARVIZ
95 STANLEY AVE
NUTLEY, NJ 07110
RE: 95 STANLEY AVENUE

Block-Lot: 5104-9

JONES, GEORGE M. & MAUREEN
5 LANSDOWNE PL
NUTLEY, NJ 07110
RE: 5 LANSDOWNE PLACE

Block-Lot: 2702-36

PETRACCO, ALPHONSE
8 LANSDOWNE PL
NUTLEY, NJ 07110
RE: 8 LANSDOWNE PLACE

Block-Lot: 5103-9

BURROW, THOMAS A
99 STANLEY AVENUE
NUTLEY, NJ 07110
RE: 99 STANLEY AVENUE

Block-Lot: 5103-10

DE LISIO, CHRISTOPHER P
103 STANLEY AVE
NUTLEY, NJ 07110
RE: 103 STANLEY AVENUE

Block-Lot: 2702-35

LABENSKI, RONALD H.
53 ALEXANDER AVE
NUTLEY, NJ 07110
RE: 53 ALEXANDER AVENUE

Block-Lot: 5103-11

NEGRON, LISETTE
107 STANLEY AVE
NUTLEY, NJ 07110
RE: 107 STANLEY AVENUE

Block-Lot: 5104-8

PERRI, GUISEPPE & ZOPPI, NATALIE
98 STANLEY AVE
NUTLEY, NJ 07110
RE: 98 STANLEY AVENUE

Block-Lot: 5103-14

SCEPPAGUERCIO, PATRICK & STEPHANIE
168 RHODA AVE
NUTLEY, NJ 07110
RE: 168 RHODA AVENUE

Block-Lot: 5103-12

ZHANG, SHAOPENG & LI, FENG
113 STANLEY AVE
NUTLEY, NJ 07110
RE: 113 STANLEY AVENUE

Block-Lot: 5104-10

FARLEY, THOMAS & DANA
43 ALEXANDER AVE
NUTLEY, NJ 07110
RE: 43 ALEXANDER AVENUE

Block-Lot: 5103-13

NAGLE, RITA A. & NAGLE, ROBERT J.JR
117 STANLEY AVE
NUTLEY, NJ 07110
RE: 117 STANLEY AVENUE

Block-Lot: 5104-6

BERGEN, ANDREW LANCE & GABRIELLE
108 STANLEY AVE
NUTLEY, NJ 07110
RE: 108 STANLEY AVENUE

Block-Lot: 5104-11

BARISICH, JOHN & GARGIULO, LINDA
35 ALEXANDER AVE
NUTLEY, NJ 07110
RE: 35 ALEXANDER AVENUE

Block-Lot: 5104-5

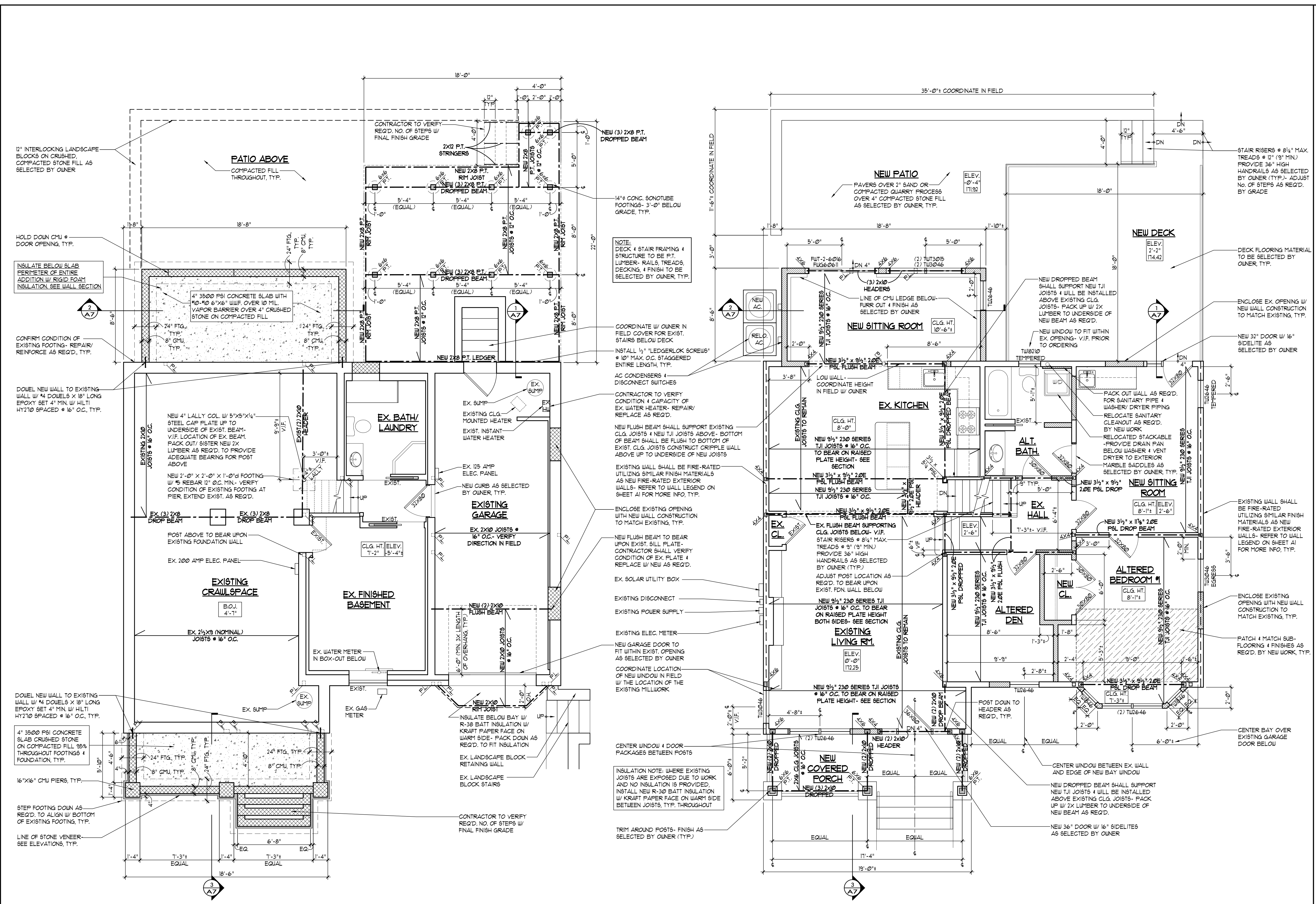
GINGERELLI, ROBERT H.
112 STANLEY AVE
NUTLEY, NJ 07110
RE: 112 STANLEY AVENUE

Block-Lot: 5105-6

WELLS FARGO BANK, N.A.
3415 VISION DR
COLUMBUS, OH 43219
RE: 38 ALEXANDER AVENUE

Block-Lot: 2702-37

TOWNSHIP OF NUTLEY
1 KENNEDY DR
NUTLEY, NJ 07110
RE: 10 LANSDOWNE PLACE



BASEMENT CONSTRUCTION PLAN
SCALE: 1/4" = 1'-0"

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

STAIR RISERS • 8 1/4" MAX.
TREADS • 12" (5" MIN.)
PROVIDE 36" HIGH
HANDRAILS AS SELECTED
BY OWNER (TYP.). ADJUST
NO. OF STEPS AS REQ'D.
BY GRADE

DECK FLOORING MATERIAL
TO BE SELECTED BY
OWNER, TYP.

ENCLOSE EX. OPENING W/
NEW WALL CONSTRUCTION
TO MATCH EXISTING, TYP.

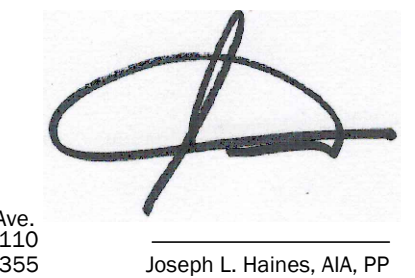
NEW 32" DOOR W/ 16"
SIDELITE AS
SELECTED BY OWNER

EXISTING WALL SHALL
BE FIRE-RATED
UTILIZING SIMILAR FINISH
MATERIALS AS NEW
FIRE-RATED EXTERIOR
WALLS- REFER TO WALL
LEGEND ON SHEET A1
FOR MORE INFO, TYP.

ENCLOSE EXISTING
OPENING WITH NEW WALL
CONSTRUCTION TO
MATCH EXISTING, TYP.

PATCH & MATCH SUB-
FLOORING & FINISHES AS
REQ'D. BY NEW WORK, TYP.

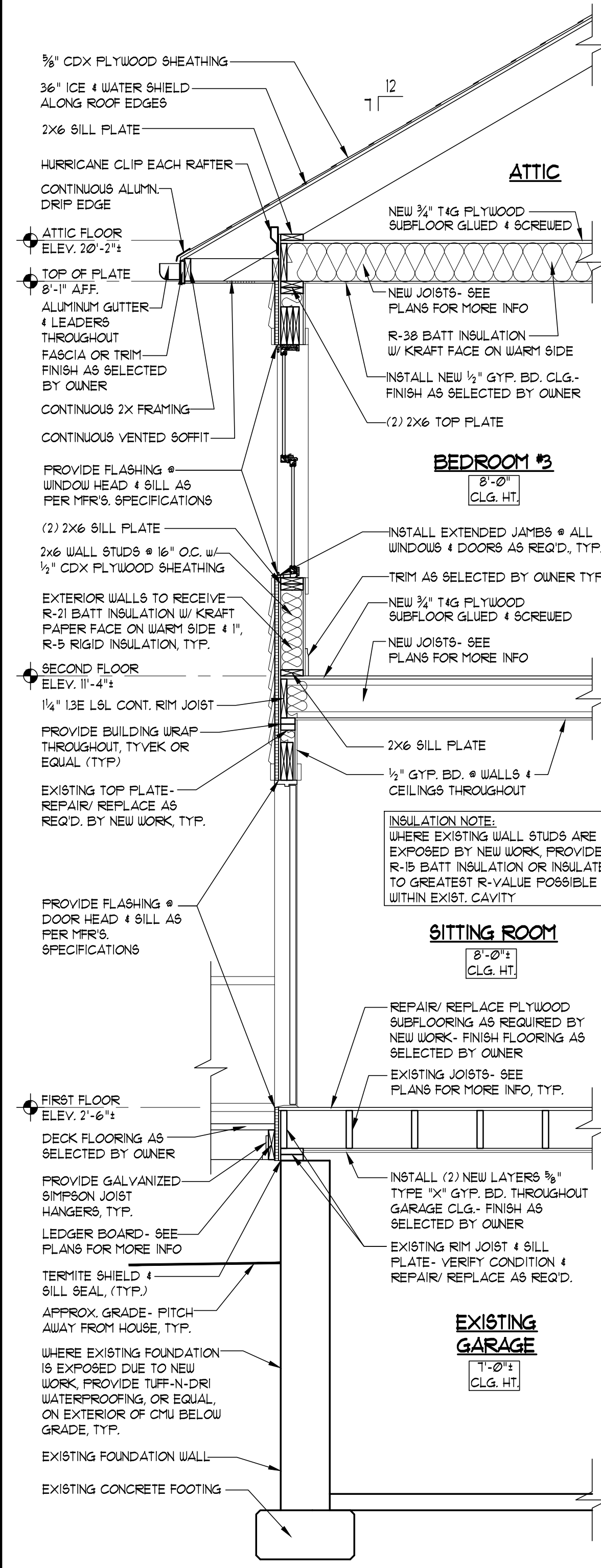
Dassa • Haines
Architectural Group, LLC
Architecture • Planning
Construction Management



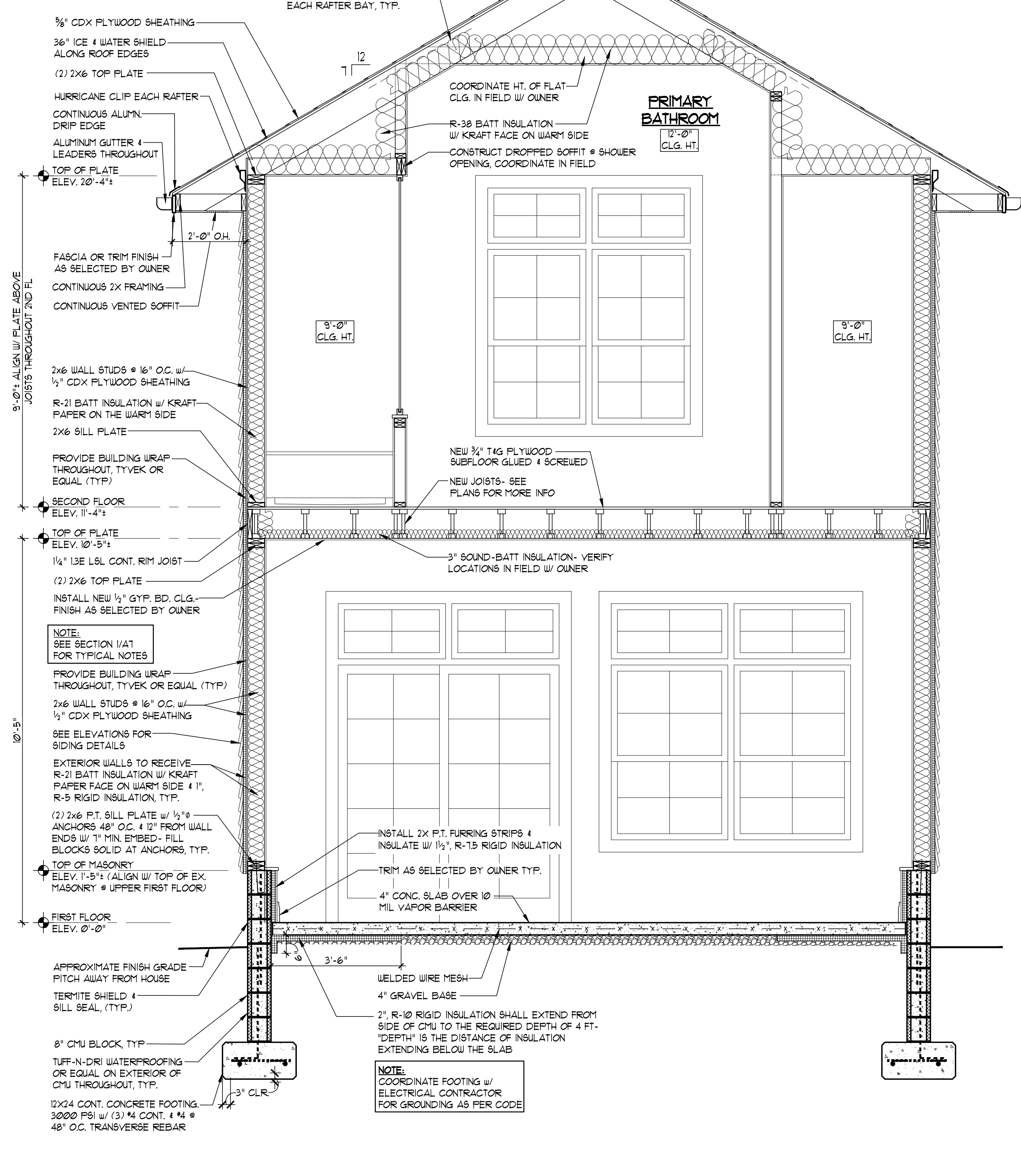
74 E. Passaic Ave.
Nutley, NJ 07110
tel: 973.233.9355
fax: 973.233.9358

**Basement & First
Floor Construction
Plans**

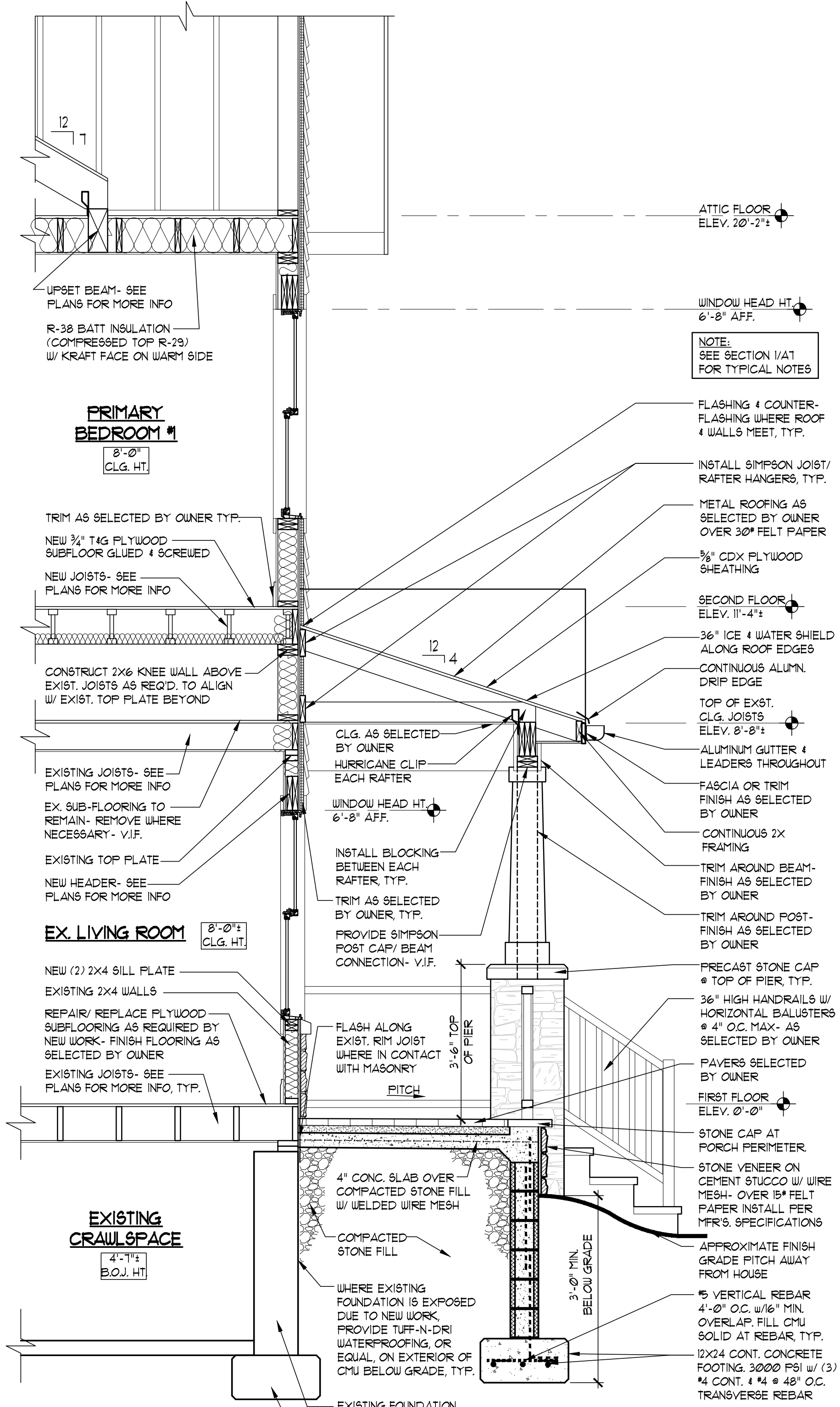
DATE: 06/02/2025	A3	
SCALE: AS SHOWN		
JOB # 23-103		
BIN:		
DRAWN BY: js	CHECKED BY: jh	3 OF 7



1
A7 **TYPICAL WALL SECTION**
SCALE: 1/2" = 1'-0"

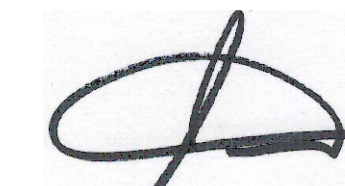


2
A7 **BUILDING SECTION**
SCALE: 1/2" = 1'-0"



3
A7 **WALL SECTION @ PORCH**
SCALE: 1/2" = 1'-0"

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



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

Joseph L. Haines, AIA, PP
NJ lic. # A12995

Building Sections

DATE: 06/02/2025	A7
SCALE: AS SHOWN	
JOB # 23-103	
BIN:	
DRAWN BY: js	CHECKED BY: jh
1 OF 1	