



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 11, 2026

708 Harmon LLC/Shorena Peikrishvili
31 Overlook Terrace
Nutley, NJ 07110

**RE: Side Yard Fence
31 Overlook Terrace
Block/Lot: 5000/1**

Dear Ms. Peikrishvili,

Your request for a permit, at the above referenced premises, to install a six (6') foot solid type fence located in the left and right side yards, as shown on the property survey prepared by Morgan Engineering & Surveying dated July 24, 2025, is denied for the following reasons:

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

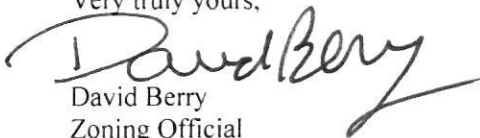
Chapter 700, Article XI, Section 700-71 B of the Codes of Nutley states a fence erected along the side lines from the front line of a main structure to the rear line of such structure and within such lines shall not exceed four feet in height and shall be not less than two feet in height and shall be of 50% open construction (i.e., the open spaces in the fence shall be at least the same width of each picket, slat or other construction element of such fence). The setback for any such fence shall be in line with the furthest setback of the adjacent property or the property upon which the fence is being erected, whichever setback is greater.

A non-refundable filing fee of \$75.00 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,


David Berry
Zoning Official

DB/jl



TOWNSHIP OF NUTLEY, NEW JERSEY

ZONING BOARD OF ADJUSTMENT APPLICATION FORM

Docket No: ZBA-20-0014

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: \$ 75 (on denial letter)

Date of Denial Letter: 5/11/20

Section I: SUBJECT PROPERTY

Address: 31 Overlook Terrace

Block: 5000 Lot: 1 Zone: R-1AA

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

Section II: APPLICANT INFORMATION

Name: 708 Harmon LLC / Shorena Peikrishvili

Address: 31 Overlook Ter.

Nutley, NJ 07110

Telephone: 201-249-1332

Email Address: 708harmonllc@gmail.com

Applicant is a:

____ Corporation ____ Partnership ____ LLC X Individual

X

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> 1 </u>
Total existing and total proposed professional offices	<u> </u>	<u> </u>
Total existing and total proposed parking spaces	<u> </u>	<u> </u>

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).

*Detailed explanation provided on
attached supplemental page.*

X

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

*Detailed explanation provided on
attached supplemental page.*

X

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

Detailed explanation provided on attached supplemental page.

X

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.

Detailed explanation provided on attached supplemental page.

X

Section VI: General Information Answers

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).

There are no known exceptional constraints imposed by the physical characteristics of this land. The property presents no issues of narrowness, shallowness, or irregular topographic conditions. All physical characteristics of the lot are standard and in good standing.

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 extraordinary condition of this land is the significant grade elevation difference between our property and the neighbouring lot on the right side 35 Overlook Ter., which sits at a notably higher level. This topographic situation is unique to our property and creates an exceptional circumstance — our home sits below the neighboring grade, causing full visibility into our living space and rendering normal residential use, privacy, and outdoor child safety impossible without a 6-foot fence. There are no other conditions that would constrain development in accordance with Zoning Regulations.

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

Without a 6-foot fence, our property has no privacy barrier from the neighbouring elevated lot, which sits at a higher grade and allows full visibility into our home's interior, making it impossible to open windows or enjoy normal use of our living space. Additionally, as parents of a 4-year-old child, the absence of any fencing creates an unsafe environment, making it impossible to allow our child to play outside without constant risk. Denying this variance would impose an exceptional and ongoing hardship unique to our property's below-grade position, a condition not shared by surrounding properties on level ground.

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.

Granting this variance will not detrimentally affect the public good, as a 6-foot fence is a common and widely accepted residential structure that simply addresses the unique grade differential between our property and our neighbor's. The fence will remain entirely on our private property, will not obstruct any public views, traffic sightlines, or shared spaces, and is fully consistent with the intent of the Zoning Ordinance to ensure safe, functional, and livable residential properties. Furthermore, our directly adjoining neighbor has reviewed and signed their agreement in support of this variance, welcoming the addition of this attractive, high-quality white fence, as there is currently no barrier between our properties and both parties are in full agreement that this improvement benefits both households.



Nutley

Parcel Offset List

Target Parcel(s): Block-Lot: 5000-1
708 HARMON LLC
31 OVERLOOK TERRACE

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

Block-Lot: 2805-10

RUIZ, GILMA
49 OVERLOOK TERRACE
NUTLEY, NJ 07110
RE: 49 OVERLOOK TERRACE

Block-Lot: 5104-13

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

Block-Lot: 5105-5

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

Block-Lot: 5001-2

LABIB, RAMEZ & IRENE LABIB
14 OVERLOOK TERRACE
NUTLEY, NJ 07110
RE: 14 OVERLOOK TERRACE

Block-Lot: 2804-16

NUTLEY BOARD OF EDUCATION
375 BLOOMFIELD AVE
NUTLEY, NJ 07110
RE: 59 SO. SPRING GARDEN AVE.

Block-Lot: 5104-12

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

Block-Lot: 2805-9

ULLEY, SUSAN
53 OVERLOOK TER
NUTLEY, NJ 07110
RE: 53 OVERLOOK TERRACE

Block-Lot: 2805-11

REMACHE, HECTOR & TINA
43 OVERLOOK TER
NUTLEY, NJ 07110
RE: 43 OVERLOOK TERRACE

Block-Lot: 2805-12

INTINDOLA, BRENDAN D. & MC GARRY, ERIN
39 OVERLOOK TER
NUTLEY, NJ 07110
RE: 39 OVERLOOK TERRACE

Block-Lot: 2804-10

COLLINS, JAMES F. & COLLEEN P.
50 OVERLOOK TER
NUTLEY, NJ 07110
RE: 50 OVERLOOK TERRACE

Block-Lot: 2805-13

MARIANO, MATTHEW & CHRISTIANNE
35 OVRLOOK TER
NUTLEY, NJ 07110
RE: 35 OVERLOOK TERRACE

Block-Lot: 5105-4

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

Block-Lot: 2804-11

O'BRIEN, MICHAEL & CHRISTINA
46 OVERLOOK TER
NUTLEY, NJ 07110
RE: 46 OVERLOOK TERRACE

Block-Lot: 2804-12

DELANZO, JOSEPH & KIMBERLY
42 OVERLOOK TER
NUTLEY, NJ 07110
RE: 42 OVERLOOK TERRACE

Block-Lot: 5105-3

CAREY, WILLIAM C. & DIANE E.
18 ALEXANDER AVE
NUTLEY, NJ 07110
RE: 18 ALEXANDER AVENUE

Block-Lot: 2804-13

GONSIEWSKI, RICHARD E
38 OVERLOOK TER
NUTLEY, NJ 07110
RE: 38 OVERLOOK TERRACE

Block-Lot: 5105-2

FEMANO, PHILIP & FISCHETTE, CHRISTINE
2 ALEXANDER AVE
NUTLEY, NJ 07110
RE: 8 ALEXANDER AVENUE

Block-Lot: 2804-14

BERNADO, MARK A. & LYNN M.
34 OVERLOOK TER
NUTLEY, NJ 07110
RE: 34 OVERLOOK TERRACE

Block-Lot: 2804-15

JANIEC, JOHN MICHAEL
28 OVERLOOK TER
NUTLEY, NJ 07110
RE: 28 OVERLOOK TERRACE

Block-Lot: 5105-7

DUFFY, ELIZABETH & DONALD
44 ALEXANDER AVE
NUTLEY, NJ 07110
RE: 44 ALEXANDER AVENUE

Block-Lot: 5105-6

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

Block-Lot: 5000-4

11 OVERLOOK TERRACE CO.
11 OVERLOOK TER
NUTLEY, NJ 07110
RE: 11 OVERLOOK TERRACE

Block-Lot: 5000-2

SIDLER, PETER & SAMANTHA
23 OVERLOOK TER
NUTLEY, NJ 07110
RE: 23 OVERLOOK TERRACE

Block-Lot: 5000-3

17 OVERLOOK TERRACE CO.
17 OVERLOOK TER
NUTLEY, NJ 07110
RE: 17 OVERLOOK TERRACE

Block-Lot: 5001-1

20 OVERLOOK, LLC
28 ORCHARD STREET
NUTLEY, NJ 07110
RE: 20 OVERLOOK TERRACE

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)

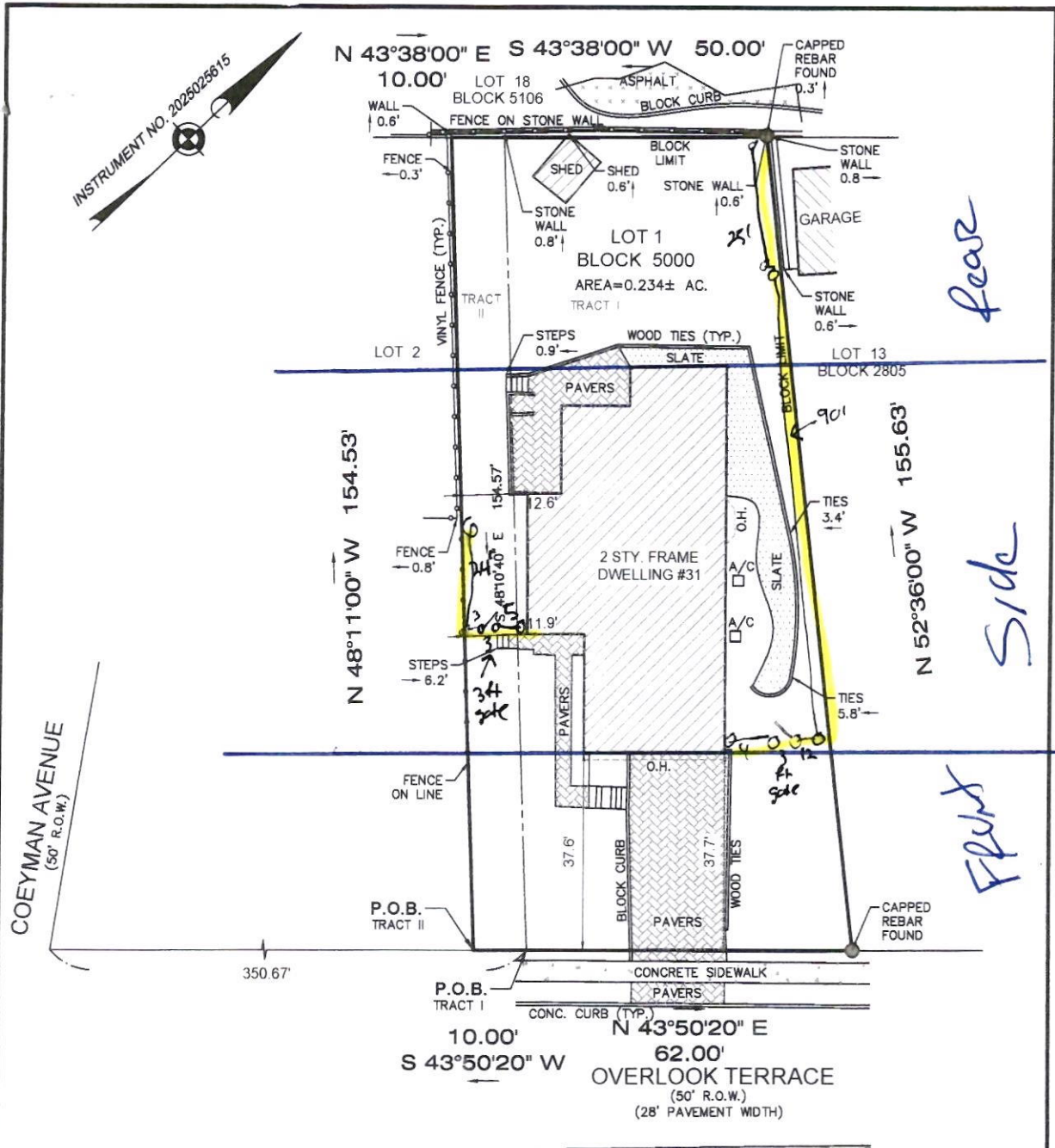
TCI of Northern New Jersey
40 Potash Road
Oakland, NJ 07436
Attn: Dan Gannon

(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



PREPARED FOR: 708 HARMON LLC a limited liability company

TITLE INSURER: SAFE LAND TITLE AGENCY, LLC (SLQ-NJ-3139)
 STEWART TITLE GUARANTY COMPANY

BUYER'S ATTORNEY: FARIS R. SHURBAJI, Esquire
 SHURBAJI VILLAGOMEZ LLP

DISCUSSION TOPIC: SHED CROSSES BOUNDARY LINE.

IMPORTANT NOTES, PLEASE REVIEW:

- I DECLARE THAT, TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF, THIS MAP OR PLAN MADE ON 7/24/2025 BY ME OR UNDER MY DIRECT SUPERVISION IS IN ACCORDANCE WITH THE RULES AND REGULATIONS PROMULGATED BY THE STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS.
- THIS SURVEY DOES NOT PURPORT TO IDENTIFY BELOW GROUND ENCROACHMENTS, UTILITIES, SERVICES LINES OR STRUCTURES, WETLANDS, OR RIPARIAN RIGHTS. NO ATTEMPT WAS MADE TO DETERMINE IF ANY PORTION OF THE PROPERTY IS CLAIMED BY THE STATE OF NEW JERSEY AS TIDELANDS, ENVIRONMENTALLY SENSITIVE AREAS, IF ANY ARE NOT LOCATED BY THIS SURVEY.
- OFFSET DIMENSIONS FROM STRUCTURES TO PROPERTY LINES SHOWN HEREON ARE NOT TO BE USED TO REESTABLISH PROPERTY LINES.
- THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. ALL INFORMATION REGARDING RECORD EASEMENTS, ADJOINERS AND OTHER DOCUMENTS THAT MAY AFFECT THE QUALITY OF TITLE TO TRACT SHOWN HEREON WAS GAINED FROM A TITLE REPORT PROVIDED BY THE TITLE INSURER REFERENCED HEREON.
- PROPERTY CORNERS HAVE NOT BEEN SET AS PER CONTRACTUAL AGREEMENT. (N.J.A.C. 13:40-8.1(D))

INSTRUMENT NO. 2025025615

CERTIFICATE OF AUTHORIZATION: 24GA28229800

MORGAN
 engineering & surveying

P.O. BOX 5232
 TOMS RIVER, N.J. 08754
 TEL: 732-270-9690
 FAX: 732-270-9691

www.morganengineeringllc.com

SURVEY OF PROPERTY

LOT 1 BLOCK 5000

TOWNSHIP OF NUTLEY

COUNTY OF ESSEX

NEW JERSEY

Scale: 1"=20'	Drawn By: J.V.S.	Date: 7/24/2025	JOB #: 25-08057	CAD File #: 25-06057_JVS	Sheet #: 1 of 1
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DAVID J. VON STEENBURG

PROFESSIONAL LAND SURVEYOR
 N.J. LIC. No. 34500