

6/15/2026  
approved  
DPM

Nutley Zoning Board of Adjustment  
Public Session Meeting Minutes  
May 18, 2026

**CALL TO ORDER:** A meeting of the Nutley Zoning Board of Adjustment was called to order at approximately 7:30 p.m. by Chairman Frank Graziano. The Pledge of Allegiance was recited. Roll was called and the Sunshine Notice was read.

**PRESENT:** Robin LePre, Marc Calicchio, Patricia Doherty, Yvette Wallace, John Cafone, Greg Tolve, Daniel Tolve, Chairman Graziano, Diana Powell McGovern, Esq.

**EXCUSED:** Lorraine Castro, Theresa Duva

**ABSENT:**

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**No. 1. 198 Park Avenue – Approved 7-0**

**Applicant:** 198 Park Avenue, LLC, 198 Park Avenue, Nutley, NJ 07110

- Michael Rubin, Esq. sat in for Diana Powell McGovern, Esq.

**Application:** To apply to the Board of Adjustment for a certificate of continued non-conforming use and/or apply for a use variance to operate a contractor yard for the parking of commercial vehicles and storage of materials, located in an R-3 zoning district, as shown on the plans prepared by Architect Sal Corvino dated March 10, 2026.

**Appearances:** Tom DiBiasi (attorney), Salvatore Corvino (architect/planner), Frank Grossi, Jr.

**Letter of Denial:** Letter of Denial was read by Patricia Doherty

Chapter 700, Section 700-7 A of the Codes of Nutley states no building shall hereafter be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land or building be used, designed or arranged to be used for any purpose other than is included among the uses listed in this article as permitted in the district in which such building or land is located nor in any manner contrary to any of the requirements specified in this article, and also citing Chapter 700, Article V, Section 700-13 of the Codes of Nutley lists the permitted uses in the R-3 zoning district. A contractor/storage yard is not listed as a permitted use. The Code Enforcement Department has not issued any zoning permits for the proposed use of the property nor has any records to certify the use as a contractor parking/storage yard.

Mr. DiBiasi stated the two contract purchasers are requesting a certificate of continued non-conforming use to operate a contractor yard for the parking of commercial vehicles and storage of materials. According to tax records and a Sandborne map, the property has operated as a construction area for 120 years. The current tenants of the property will not renew their leases once the applicant takes over. Salvatore Corvino reiterated the records regarding the longstanding operation. Frank Grossi, Jr. stated he will be storing light-duty construction equipment for his construction company. There will be a decrease in the amount of equipment that will be kept there. The Board issued the following conditions: they must abide by the noise ordinance, remove the wood chips/split wood on site, remove abandoned vehicles, and before a CO is issued, the Health Dept. and Fire Dept. must inspect the property. Before the resolution is adopted, we must have the Fire and Health Depts. inspection reports.

Patricia Konstantaros of 110 Myrtle Avenue appeared regarding 198 Park Avenue and expressed concerns about noise, rodents, and fumes coming into her home.

A motion to grant the variance was made by Yvette Wallace and seconded by Greg Tolve. The motion was approved by a vote of 7-0.

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**No. 2. 395 Walnut Street – Approved 7-0**

**Applicant:** Eva and Ricardo Reillo, 395 Walnut Street, Nutley, NJ 07110

**Application:** to install new additions to the front and rear of the existing dwelling, having a three (3') foot or less side yard setback on the right side, as shown on the property survey prepared by Manno Surveying, Inc. dated January 19, 2026 and plans prepared by Architect Javier Fuentes dated July 31, 2025.

**Appearances:** Eva Reillo

**Letter of Denial:** Letter of Denial was read by Patricia Doherty

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 addition on the second floor at the front and rear are not increasing the footprint. The required side yard setback in an R-1 zone is six (6') feet: 80% is 4.8 ft. The proposed side yard is three (3') feet or less.

Ms. Reillo stated their lot is undersized and no longer meets the current needs of their family. The addition would create a more functional living space and allow them to remain in the community long term. The Board stated the foundation will not be changed as the addition is going straight up and will not increase the already existing setback shortages due to the undersized lot, there will be no change in the footprint, and no change to the back of the dwelling. The Board issued the following conditions: all new siding and roof and any new AC condensers shall be installed in the rear yard.

A motion to grant the variance was made by Daniel Tolve and seconded by Greg Tolve. The motion was approved by a vote of 7-0.

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**No. 3. 371 Walnut Street — Carried to June 15, 2026**

**Applicant:** Vittorio Virili, 371 Walnut Street, Nutley, NJ 07110

**Application:** to install a 10' x 12' gazebo, having an approximate eight (8') foot setback to the attached deck and will increase the total lot coverage to 40%, as shown on the survey prepared by Manno Surveying, Inc. dated August 20, 2025.

**Appearances:** Vittorio Virili

**Letter of Denial:** Letter of Denial was read by Patricia Doherty

Chapter 700, Article XI, Section 700-67 D of the Codes of Nutley states an attached accessory structure or accessory use shall be considered to be a part of the main building, and also citing, Chapter 700, Article XI, Section 700-67 C of the Codes of Nutley states no detached accessory building shall be located nearer than 10 feet to a main building. The existing deck is attached to the main dwelling. The garage will have an approximate eight (8') foot setback to the deck and Chapter 700, Article VIII, Section 700-46 A of the Codes of Nutley states the Schedule of Regulations requires the following in an R-1 zone. The Board of Adjustment approved variances in 2003 to replace the pool and deck around the pool.

Mr. Virili stated the gazebo will create a more desirable and visibly open environment. It will provide shade and would be a form of storage for outdoor furniture.

Neighbors, Diabelen and Andrew Zolonowski of 130 North Road appeared to object to the application. Mr. and Mrs. Zolonowski testified that they live behind the applicant's property and the items in the yard (the shed and the deck) are not correctly shown on the survey. Mr. Zolonosky stated that the shed is on the property line and not 3 feet from the line as shown by the survey. The Applicant testified that the survey, which is dated August 20, 2025 and was prepared by a licensed surveyor (Manno Surveying) was prepared after a site visit by the surveyor and the shed which is in the yard now is the same shed and in the same position as when the survey was prepared. The Board stated they need clarification on the lot coverage calculation because there was confusion as to why additional coverage was calculated for the gazebo when that area of the yard already is covered with pavers. The Board also wanted the Construction Official to inspect the shed to make sure it matches the survey because that could change the lot coverage calculation.

A motion to carry the application to the next regularly scheduled Zoning Board on June 15, 2026. The application was approved to be carried by a vote of 7-0.

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**Bills:** Secretary Fee \$150

**Public Comment:** None.

**Resolutions:** 165 Franklin Avenue, 55 Highfield Lane, 104 Stanley Avenue, 72 Whitford Avenue, 24 Joerg Avenue

**NOTE: THE PROCEEDINGS IN THIS MATTER WERE VOICE RECORDED. THE RECITAL OF FACTS IN THE MINUTES IS NOT INTENDED TO BE ALL-INCLUSIVE, BUT IS A SUMMARY AND HIGHLIGHT OF THE COMPLETE**

**RECORD MADE BEFORE THE ZONING BOARD**

**Respectfully Submitted,**

*Jessica Liebold*

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