

Approved  
DP  
5/19/2025

**NUTLEY ZONING BOARD OF ADJUSTMENT**  
**Public Session Meeting Minutes**  
**April 21, 2025**

**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, Theresa Duva, Daniel Fragnals John Cafone Patricia Doherty, Gregory Tolve, Daniel Tolve, Chairman Graziano, Diana Powell McGovern Esq.

**EXCUSED:** Marc Calicchio, Yvette Wallace, Lorraine Castro,

**ABSENT:**

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**No. 1. 51 Albany Avenue – Approved 7-0**

**Applicant:** Mr. Tom DiBiasi, 51 Albany Avenue, Nutley, NJ 07110

**Application:** Your request for a permit on behalf of your client John Beskaly, at the above referenced premises, to demolish the existing one-family dwelling and to construct a new one-family dwelling, as shown on the plot plan by Donohue Engineering, LLC dated January 22, 2025 and architectural plans prepared by Dassa Haines dated January 22, 2025

**Appearances:** Tom DiBiasi Esq., Mr. Haines (Architect), Thoman Donahue (Engineer), Sal Corvino (Planner)

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

Chapter 700, Section 700-46 A, Article VIII of the Codes of Nutley entitled "Schedule of Regulations as to Bulk, Height and Other Requirements," requires the following in an R-1 zoning district:

	Required Max.	Proposed
Building height	30'	31.78'
Stories	2 1/2 stories	3 stories

Chapter 700-3, Section 700-3, Article III of the Codes of Nutley states the definition of story above grade is any story having its finished floor surface entirely above grade, except that a basement shall be considered as a story above grade where the finished surface of the floor above the basement is more than six feet above the finished ground level for more than 50% of the total building perimeter.

The subject property is located within a Flood Zone and may be in a Special Flood Hazard Area and Floodway. Consultation with your professionals and legal representative(s) is highly encouraged to review possible applicable flood maps and flood regulations which may include:

- Township of Nutley Floodplain Management Regulations (Chapter 349)
- FEMA and NJ Flood Maps, Profiles and Studies
- FEMA Substantial Improvement/Substantial Damage Assessment
- N.J.A.C. 7:13 Flood Hazard Area Control Act Rules (N.J.A.C. 7:13)
- ASCE 24
- Uniform Commercial Code

Mr. DiBiasi states that his client would like to demolish the home on the property and rebuild a new one family home. Mr. Haines, Architect, states that the home is in disrepair in its current state. The first-floor footprint will be 1,130 square feet. The first floor will be an open concept floor plan. There will be a laundry room at the top of the stairs. There will also be 4 bedrooms on the second floor. The front of the house will be brick and panels and the sides will be made on vinyl siding. The AC condenser will be in the rear of the home on a raised platform. The home was raised 2' above grade plane. So, by Nutley definition the crawl space is considered a story even though there is no living space. This is creating a high variance of about 1' 9".

Thomas Donohue, Engineer, states that he will comply with all of the recommendations presented by DEP Nutley report. Believes this will have no negative impact on the town of Nutley. The next witness called is Sal Corvino, the planner, states the house is in a flood zone and that is the hardship faced. The property will be better and safer moving it further from the river and consolidating the garage into the primary home. The property will also have a lower impervious coverage.

With no further questions or concerns a motion to grant the variance was made by Patricia Doherty and was seconded by Greg Tolve. The board approves this motion by a vote of 7-0.

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**No. 2. 495 Harrison Street – Approved 6-0**

**Applicant:** Andrew Russo, 495 Harrison Street, Nutley, NJ 07110

**Application:** Your request for a permit, at the above referenced premises, to install a new six (6') foot solid type fence located on the left side in a portion of the side yard, as shown on the property survey prepared by Lakeland Surveying dated February 26, 2021

**Appearances:** Andrew Russo

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

John Cafone Recuses himself



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.

Andrew Russo states that he wasn't aware and are here now to get permission from the fence. He states his neighbor perfectly okay with the fence. He needs the variance for only one 5' section of the fence. The 6' gate will be 1 foot lattice.

With no further questions or concerns a motion to grant this variance was made by Theresa Duva and was seconded by Greg Tolve. The motion was approved by a vote of 6-0.

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### **No. 3. 33 Jefferson Street – Approved 6-0**

**Applicant:** John and Debra Riccio, 33 Jefferson Street, Nutley, NJ 07110

**Application:** Your request for a permit, at the above referenced address, to install a four (4') foot chain link fence located in the side yard of the corner property, which is located in the front yard of the adjoining property along Brown Street, as shown on the property survey submitted to Code Enforcement on March 14, 2025

**Appearances:** Debra Riccio

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

John Cafone Recuses himself

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.

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.

Mrs. Riccio states that she would like to install a 4-foot chain link fence. It's a corner lot so it will be both a side and front yard fence. It goes from the side of the home to the walkway and will stop on the retaining wall by brown street. It does not extend to the front of the house. Black chain link.

With no further questions or concerns a motion to grant this variance was made by Greg Tolve and was seconded by Dan Tolve. The motion was approved by a vote of 6-0.

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**No. 4. 279 Washington Avenue – Approved 7-0**

**Applicant:** Michael and Paula Santuoso, 279 Washington Avenue, Nutley, NJ 07110

**Application:** Your request for a permit at the above referenced address, to construct an addition on to the existing garage, having a 2.34 foot side yard setback, as shown on the plot plan by Architect Cozzarelli Cirminiello dated March 7, 2025 and plans submitted by the homeowner to the Code Department on March 18, 2025,

**Appearances:** Michael Santuoso

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

Chapter 700, Article XI, Section 700-67 B (1) of the Codes of Nutley states no detached accessory building or accessory use shall be located:

(1) Nearer than three feet or 1/2 the height of such building up to a distance of six feet, whichever is greater, to a side or rear lot line.

Required  
6'

Proposed  
2.34'

Michael Santuoso states that he would like to extend his garage. He wants to keep the garage the width but would like to extend it back. He has a work van and he would like to store it in there overnight. No plumbing or running water. The garage won't really be visible for the neighbor. The garage is 10' to the peak. Matching siding and roof. No plumbing or electric.

With no further questions or concerns a motion to grant this variance was made by Theresa Duva and was seconded by John Cafone. The motion was approved by a vote of 7-0.

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**No. 5. 9 Shephard Place – Approved 7-0**

**Applicant:** Miguel Rodriguez and Lorena Garcia, 9 Shephard Place, Nutley, NJ 07110



**Application:** Your request for permission, at the above referenced premises, not to rebuild a one car garage, which was demolished without a permit by the previous homeowner, is denied for the following reason:

**Appearances:** Lorena Garcia

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

Chapter 700, Article V, Section 700-9 A of the Codes of Nutley states the following uses are permitted in the R-1 Zoning District: Single-family dwellings, not to exceed one dwelling unit on each lot. No other principal use is permitted on the same lot with a single-family dwelling. Each single-family dwelling shall have two parking spaces, at least one of which is in a garage.

Lorena Garcia states that she just purchased her first home. The day before closing she was made aware that the garage was demolished without a permit. She is looking for a variance to no rebuild. Three cars fit in the garage. There is a shed on the property to store equipment. Apparently the shed was also constructed without a variance and the Board agreed that if a variance for the location of the shed should be necessary that the Board was granting that variance with this application. (The Board attorney confirmed that the notice submitted was sufficient to include the shed as part of the application.)

With no further questions or concerns a motion to grant this variance was made by Theresa Duva and was seconded by John Cafone. The motion was approved by a vote of 7-0.

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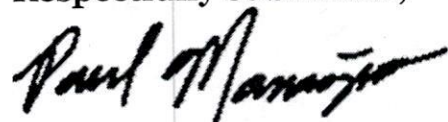
**Bill:** Secretary Fee \$150

**Public Comment :** None.

**Resolutions:** 11 Knox Place, 36 Lake Street, 409 Walnut Street

**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,



**Paul Marranzino**  
**Board Secretary**