

12/15/2025  
Approved  
Doherty

**NUTLEY ZONING BOARD OF ADJUSTMENT**  
**Public Session Meeting Minutes**  
**November 17, 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:** Marc Calicchio, Robin LePre, Patricia Doherty, Theresa Duva, John Cafone, Gregory Tolve, Daniel Tolve, Chairman Graziano, Diana Powell McGovern Esq.

**EXCUSED:** Lorraine Castro, Yvette Wallace

**ABSENT:**

\* \* \* \* \*

**No. 1. 140 Spatz Avenue – Adjourned to January 12, 2026**

**Applicant:** Mr. Gary D. Bennett, Esq., 140 Spatz Avenue, Nutley, NJ 07110

**Application:** Your request for a construction permit, on behalf of your client Fernando Michelin at the above referenced premises, to build a new one-family dwelling, as shown on the plans prepared by Dantas Carrete Architecture dated March 22, 2024 and plans prepared by man|Terra Design LLC dated May 28, 2024

**Appearances:** Mr. Gary D. Bennett, Esq.

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

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

	<b><u>Required</u></b>	<b><u>Proposed</u></b>
<i>Lot Depth</i>	100'	80'
<i>Rear Yard</i>	30'	15.6'
<i>Lot Coverage (including exterior stairway)</i>	35%	36%
<i>Stories</i>	2 1/2	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.

<b>TABLE 1 – DECK &amp; PATIO SETBACKS</b>		
<b>Setback Requirements</b>	<b>Decks and Patios &lt;30 Inches in Height</b>	<b>Decks and Patios &gt;30 Inches in Height</b>
<b>Rear Yard (ft)</b>	<b>24'</b>	<b>13.1'</b>

Chapter 700, Article XIII, Section 700-94 A (1) of the Codes of Nutley states the driveway shall consist of the area directly opposite to an attached garage, detached garage or not more than two feet in front of the main dwelling when a two-foot in-depth landscape area is provided directly in front of the main dwelling or depressed garage or the extension of the side yard into the front yard. The driveway width shall not exceed 16 feet in width for lots up to 50 feet in width. Lots having a width greater than 50 feet may have a driveway width of up to 18 feet in width when conforming to § [700-48](#). However, if there is no garage and no available side yard, a driveway not to exceed 16 feet in width from the side lot line may be constructed.

**Required**

18'

**Proposed**

20'

**\*\* At this point, I am not citing a height variance, with the Zoning Board submission provided a plan detail indicating the proposed building does not exceed the 30' maximum. Chapter 700, Article III, Section 700-3 of the Codes of Nutley states the definition of the height of building is the vertical distance measured, in the case of flat roofs exclusive of bulkheads, from the natural average level of the ground along the front wall of the main structure to the highest point of the roof beams adjacent to the street wall, and in the case of pitched roofs, from the natural average level of the ground along the front wall of the main structure to the mean height of the gable. When a building faces on more than one street, the height shall be measured from the average of the natural grades at the center of the wall of the main structure which faces each street.**

Diana McGovern informs the board that the applicant requested an adjournment to the January 12, 2026 meeting. The applicants did not have all their witnesses available and cannot attend the December meeting. Applicant waived all time constraints.

A motion to adjourn was made and was unanimously approved 7-0.

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**No. 2. 365 Bloomfield Avenue – Approved 7-0**

**Applicant:** Arthur Tuosto, 365 Bloomfield Avenue, Nutley, NJ 07110

**Application:** Your request, at the above referenced premises, to repave the existing driveway to 20', which was originally widened without a permit, as shown on the property survey prepared by Shepard & Shepard dated June 7, 1971

**Appearances:** Arthur Tuosto

**Letter of Denial:**

Chapter 700, Article XIII, Section 700-94 A (1) of the Codes of Nutley states the driveway shall consist of the area directly opposite to an attached garage, detached garage or not more than two feet in front of the main dwelling when a two-foot in-depth landscape area is provided directly in front of the main dwelling or depressed garage or the extension of the side yard into the front yard. The driveway width shall not exceed 16 feet in width for lots up to 50 feet in width. Lots having a width greater than 50 feet may have a driveway width of up to 18 feet in width when conforming to § 700-48. However, if there is no garage and no available side yard, a driveway not to exceed 16 feet in width from the side lot line may be constructed.

Mr. Tuosto states that he will be testifying on behalf of his father. He states that he would like to repave the existing shared driveway that is 20' wide. He states that the driveway has been that way for 55 years.

A motion to approve the variance was made by Theresa Duva and was seconded by Greg Tolve. The board approves this motion by a vote of 7-0.

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**No. 3. 142 Raymond Avenue – Approved 7-0**

**Applicant:** Frank C. Molinaro, 142 Raymond Avenue, Nutley, NJ 07110

**Application:** Your request for a permit, at the above referenced premises, to demolish the existing garage and not to rebuild, and to install a shed, as shown on the property survey prepared by James M. Helb dated April 16, 2004

**Appearances:** Frank C. Molinaro

**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**.

Mr. Molinaro states that he would like to demolish his existing garage rather than rebuild it. He states that it is in disrepair, was built in 1928, and cannot accommodate a modern-sized vehicle. He has plenty of parking and does not need the garage. He states that he will remove the slab and will get the garage exterminated before demolition. He will also erect a shed for lawn care storage.

A motion to approve the variance was made by Theresa Duva and was seconded by Greg Tolve. The board approves this motion by a vote of 7-0.

\* \* \* \* \*

**Bill:** Secretary Fee \$150

**Public Comment :** None.

**Resolutions:** 140 Margaret Ave, 10 Lincoln St, 10 Fitting Pl, 86 East Centre St

**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**