

Approved
2/9/2026
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NUTLEY ZONING BOARD OF ADJUSTMENT
Public Session Meeting Minutes
January 12, 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: Marc Calicchio, John Cafone, Patricia Doherty, Yvette Wallace, Gregory Tolve, Daniel Tolve, Chairman Graziano, Diana Powell McGovern Esq.

EXCUSED: Robin LePre, Lorraine Castro, Theresa Duva

ABSENT:

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Reorganization voting:

Frank Graziano -Chairman.

Daniel Tolve- Vice-Chairman.

Patricia Doherty - Board Secretary.

Diana McGovern, Esq. - Board Attorney.

Paul Marranzino- Board Recording Secretary.

No. 1. 140 Spatz Avenue – Approved 7-0

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., Giovannai Amnilio (Engineer), Paulo Duntas (Architect)

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:

	<u>Required</u>	<u>Proposed</u>
<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.

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

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.

<u>Required</u>	<u>Proposed</u>
18'	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.

Mr. Bennet states that the property is on a steep hill and a 78' x 80' lot. The lot has been vacant for years and there is plenty of room for a one-family home to be constructed and it will not be invasive at all.

The Engineer, Mr. Amnilio states that there is a curb cut from the previous home that was demolished between 2014 and 2016. The lot is already non-conforming because it is not 100' deep. The home that is proposed will be a 2-story single family dwelling with a 2-car garage. The driveway will start at 12' and widen to 20' as it approaches the garage. With the overhang the front yard setback is 15.6 feet and this is due to the severe undersized lot. The retaining walls will also be replaced.

The applicant agrees to work with town engineer for drainage. Neighbor Cynthia Norman, just questions whether the bay window view will be blocked by the construction. The engineer shows that their window is actually behind the new homes proposed deck and will not obstruct in any way. The neighbor in the rear, Raymond Guzman, asks about the height of the deck in relation to his yard.

The architect, Mr. Duntas states the home will be 3,500 sqft, and will consist of a dining room, a kitchen and a family room. There will be 9' ceilings and a pre-fabricated fire place. There will also be sliding doors to the deck at the back of the home and upstairs will have 4 bedrooms. There will be no kitchen or living unit in basement. The bedroom/office will be the 5th bedroom. The following conditions are put in place, replace retaining walls including repairing any collateral damage to neighboring properties, work with engineer on drainage and no basement kitchen or living unit.

A motion to grant the variance was made by Yvette Wallace and was seconded by Greg Tolve. The motion was approved by a vote of 6-1.

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No. 2. 34 Humbert Street – Approved 7-0

Applicant: Ketan Darji, 34 Humbert Street, Nutley, NJ 07110

Application: Your request for a permit, on behalf of your client Ketan Darji, at the above referenced premises, to construct a townhouse residential development, consisting of four dwelling units, site development including parking, landscaping, trash enclosure, draining and lighting, etc., located in an R-2 zoning district, as shown on the plans prepared by Architect Salvatore Corvino Architect and Planner, LLC dated October 10, 2024 and Omland and Osterkorn Consulting Engineering & Surveyors dated May 1, 2025

Appearances: Ketan Darji, Kiersten Osterkorn (Engineer), Sal Corvino (Architect), Peter Steck (Planner), Gregory Mascera, Esq. on behalf of Applicant.

Letter of Denial:

Chapter 700, Article VIII, 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.

Chapter 700, Article V, Section 700-12 of the Codes of Nutley states the following uses are permitted in the R-2 Zoning District: uses and buildings permitted in the R-1 District (except home occupation and professions, see § 700-12C), as prescribed, two-family dwellings, not to exceed one building or structure on each lot, and home occupations and professions, Category A. A townhouse residential development is not a listed permitted use. Townhouses are a permitted use in an R-3 zoning district.

Chapter 700, Article VIII, Section 700-46 A, The Schedule of Regulations of the Codes of Nutley requires the following in an R-2 zoning district (see next page).

ZONE	REQUIRE D	PROPOSED	VARIANCE
R-2			
Lot Area	6,000 sf	11,697 sf	No
Lot Width	60'	70'	No
Lot Depth	100'	167.10'	No
Per Dwelling Unit	3,000 sf	2,924 sq	Yes
Front Yard	25'	60.91'	No
Rear Yard	30'	30'	No
1 Side	6'	6'	No
Side Other	6'	6'	No
Stories	2.5	3	Yes
Feet	30'	30'	No
Maximum Lot Coverage	35%	29.4%	No
Maximum Impervious Surface Coverage	70%	69.7%	No

Chapter 700, Article III, Section 700-3 of the Codes of Nutley states the definition of a parking space is an off-street space available for the parking of one motor vehicle and having minimum dimensions of nine feet in width and 18 feet in length, exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct usable access to a street. There are two proposed parking spaces per dwelling unit which will be tandem parking.

Chapter 700, Section 600-1 A of the Codes of Nutley states no construction permit or certificate of occupancy shall be issued for any use except one- and two-family detached dwellings and permitted accessory use thereto unless a site plan shall have first been approved by the Board in accordance with the terms of this chapter, except that site plan approval also shall not be required for the following except as set forth in Subsection B.

Mr. Darji states that the lot has been unimproved and vacant since 2011. Ms. Osterkorn states that the plan is for 4 townhomes. There will be a 24' entrance and the homes will have tandem garages. She states that the plans have been designed to give the project a residential feel. She also states that she believes an exception should be made for the lighting requirements because in her professional opinion, the lighting will be too powerful and will take away from the property. She also states that the plans have drainage in for a 25-year storm.

Architect, Sal Corvino, states that there will be masonry stairs but there will be an entrance under the stairs to access each of the garages and that is also where the trash containers can be stored. Also states that the garage will have a parking space, and a mechanical closet and off of this will be a laundry room and rec room. The second level will have a dining room and a half bath at the rear. On the third floor there will be 2 bedrooms each with a closet. The master will have a large bathroom and large closet. He states that in terms of the setbacks this proposed building would have more of a setback than most for the houses on the block.

Peter Steck, the planner, states that the driveway is wide enough for vehicles to flow in and out of the property. He states if the board wishes that can be reduced to 18' in order to allow for more green space. He states that there will be no shadows that will affect any of the neighbors and the project will help to develop the area.

Anthony Calandra, who lives next door states that he has no opposition to the 6' fence proposed. He states that he wants to taller fence to help hide some of the lighting.

Paul Ricci, town planner, states that 2-bedroom units are needed in the area and usually don't provide many more school age children to the area compared to 3- or 4-bedroom homes. Dipti Raja, the board engineer, states that this project is under the threshold to be considered a major development. She also agrees that the driveway could be made smaller without impacting the safety of the property. She also agrees the appropriate lighting level is probably below the required 1 candle. The following

conditions are put in place, 6' fence on north side, drainage to be improved by town engineer and plan on how to deal with snow removal and landscaping.

A motion to grant this 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. 3. 380 Mount Vernon Street – Approved 7-0

Applicant: Mr. Thomas and Aracelis Hurley, 380 Mount Vernon Street, Nutley, NJ 07110

Application: Your request, at the above referenced premises, to leave as erect an eight (8') foot in height decorative wall located in the rear yard and a patio installed in the side yard along East Passaic Avenue, as shown on the property survey dated January 30, 2023

Appearances: Matthew Horner, Mark Roselli (Architect)

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

Chapter 700, Article XI, Section 700-71 C of the Codes of Nutley states a fence erected along the sidelines from the rear line of a main structure, but excluding an attached accessory deck or similar structure, to the rear property line and along said rear property line and within such lines shall not exceed six feet in height and not be of solid construction. A stockade fence is hereby deemed to be of solid construction.

The constructed retaining wall in the rear yard is partially a retaining wall to the adjacent properties and also extends to be used as a privacy wall. NOTE: both neighbors have signed a consent form for solid construction.

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.

Setback Requirements	Decks and Patios <30 Inches in Height	Decks and Patios >30 Inches in Height
Front yard (feet)	Not permitted	Not permitted
Side yard (other) (feet)	Principal building setback	Principal building setback
Side yard (feet)	3 feet	Principal building setback
Rear yard (feet)	15 feet	24 feet

Ms. Hurley states she constructed the wall, because the previous retaining wall was damaged. The wall isn't visible from his neighbor's yard due to the topography of the property so it should have no impact.

With no further questions or concerns, a motion to grant the variance was made by Daniel Tolve and was seconded by Patricia Doherty. The motion was approved by a vote of 7-0

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No. 4. 3 Union Avenue – Approved 7-0

Applicant: Hua Ping Dong and Xue Rong Tang, 3 Union Avenue, Nutley, NJ 07110

Application: Your request for a permit, at the above referenced premises, to widen the existing driveway to 16', which reduces the front yard coverage, as shown on the property survey prepared by Butler Surveying & Mapping, Inc. dated November 1, 2016

Appearances: Matthew Horner, Mark Roselli (Architect)

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

Chapter 700, Article VIII, Section 700-48 of the Codes of Nutley states any lot containing a residence for one or two families shall have at least 60% of the required front yard in landscaping. This area shall not be covered with paving, walkways or any other impervious surface. Landscaping may consist of grass, ground cover, shrubs and other plant material. The required landscaping is 60%, the proposed is 40%.

Mr. Dong states that he wants to widen his driveway, its currently only 10' wide. He states that street parking is illegal and the closest lot for him to park in is a 10-minute walk from his home. He states if he is allowed to widen the driveway there will still be 2' of grass on the side yard.

With no further questions or concerns, a motion to grant the variance was made by Dan Tolve 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: 21 Tennis Place

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,

A handwritten signature in black ink, appearing to read "Paul Marranzino". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Paul Marranzino
Board Secretary