

In the Matter of
CAROL BARAN

Applicant

ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF NUTLEY
ESSEX COUNTY, NEW JERSEY
DOCKET NO.: ZBA 26-0002

RESOLUTION GRANTING BULK VARIANCE

FOR PROPERTY KNOWN AS:
28 May Place
Block 1702 Lot 1

APPLICANT, Carol Baran (“Applicant”) having filed an application for a permit with the Code Official of the Township of Nutley, to do the following at the premises known as 28 May Place, also being Block 1702, Lot 1 on the Tax Map of the Township of Nutley (the “Premises”):

To construct a two and a half story addition to the front of the existing dwelling for the use of an elevator, as shown on the plans by Mark Roselli, Architect, dated January 9, 2026;

AND the Code Official having denied said permit by letter dated January 23, 2026, citing Chapter 700, Article VIII, Section 700-46A (Schedule of Regulations) of the Codes of Nutley which states the requirement in the R-1 zoning district for the front yard setback is twenty-five (25’) feet and twelve feet, four inches (12’ 4”) is proposed;

AND the Premises being located in an R-1 District as shown on the Township of Nutley Zoning Map;

AND Applicant having filed an application with the Zoning Board of Adjustment of the Township of Nutley (the “Board”), requesting a variance from the terms of the *Zoning Ordinance*;

AND the Board having held a public hearing on the application on March 16, 2026, after due public notice and due notice to property owners in the manner and within the time frames prescribed by the *Zoning Ordinance* and by the *Municipal Land Use Law* and the *Open Public Meetings Act* of the State of New Jersey;

AND the Board having fully heard the testimony of the witnesses, including Applicant's Architect, Mark Roselli, and examined the exhibits presented at the hearing, and there being no opposition presented;

NOW, THEREFORE, WE, the Zoning Board of Adjustment of the Township of Nutley, find as follows:

1. That Applicant's proposed use of the Premises as proposed would violate the provisions of the *Zoning Ordinance*.
2. That Applicant has met her burden of demonstrating that sufficient legal grounds exist for the granting of the requested variance.
 - a. Applicant has adequately demonstrated peculiar and exceptional practical difficulties arising out of the exceptional narrowness, shallowness, or shape of the Premises such that strict application of the *Zoning Ordinance* would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, Applicant (c(1)). Additionally, Applicant has adequately demonstrated that the purposes of the MLUL would be advanced by a deviation from the *Zoning Ordinance* requirements.
 - b. Specifically, the evidence presented demonstrates to the satisfaction of the Board that the property is a corner lot, thus creating two front yards. The addition will be located on the side of the house abutting a street that overlooks the park and there is just one other house on the side street (Memorial Drive) that is accessed by another street. The addition is necessary to provide handicapped access to the home for the owner of the property, thus advancing purpose a. (promoting the general welfare), i. (desirable visual through good civic design) and l. (encouraging senior citizen community housing).
 - c. That, on the basis of the evidence presented and subject to the terms and conditions described below, the requested relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan or the *Zoning Ordinance*.

BE IT THEREFORE RESOLVED by the Zoning Board of Adjustment of the Township of Nutley that for the reasons stated above, a VARIANCE from the provisions of the *Zoning Ordinance* is hereby GRANTED to permit Applicant to construct a two and a half story addition to the front of the existing dwelling for the use of an elevator, as shown on the plans by Mark Roselli, Architect, dated January 9, 2026;

BE IT FURTHER RESOLVED that the following TERMS and CONDITIONS apply to the with Variance:

1. The Applicant is bound by the contents of their testimony as if this testimony was incorporated herein.
2. All construction shall be completed in accordance with the plans submitted and/or the testimony of the Applicant and his witnesses.
3. The approvals granted herein shall expire unless construction is begun within one year of the date of the memorializing resolution as per Chapter 700, Article II, Section 85-19 of the Codes of Nutley.
4. Applicant must match all existing siding and roof.

AND BE IT FURTHER RESOLVED that nothing in this resolution is intended to imply that the documentation submitted by Applicant to the Board in support of this application is adequate for the issuance of a construction permit by the Code Official, and nothing herein should be so construed.

Address: 28 May Place

Block: 1702 Lot: 1

Date : March 16, 2026

NAME	MOTION	SECOND	YES	NO	NOT VOTING
GRAZIANO			✓		
D. TOLVE			✓		
G. TOLVE		✓	✓		
CAFONE			✓		
DUVA	✓		✓		
WALLACE			✓		
DOHERTY			✓		
CASTRO					✓
CALICCHIO					✓
LEPRE					✓

In the Matter of
ARACELI M. NAEL
Applicant

**ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF NUTLEY
ESSEX COUNTY, NEW JERSEY
DOCKET NO.: ZBA 25-0047**

RESOLUTION GRANTING BULK VARIANCES

**FOR PROPERTY KNOWN AS:
51 Kingsland Street
Block 601 Lot 18**

APPLICANT, Araceli M. Nael (“Applicant”) having filed an application for a permit with the Code Official of the Township of Nutley, to do the following at the premises known as 51 Kingsland Street, also being Block 601, Lot 18 on the Tax Map of the Township of Nutley (the “Premises”):

To construct a new addition to the rear of the property, as shown on the property survey prepared by Darnstatter, Inc dated July 11, 2025 and plans by Architect Lester Katz, NCARB dated August 21, 2025;

AND the Code Official having denied said permit by letter dated January 5, 2025, citing Chapter 700, Article VIII, Section 700-46A (Schedule of Regulations) of the Codes of Nutley which states the requirement in the R-1 zoning district for the rear yard setback is thirty (30’) feet and 14.11 feet is proposed, permitted lot coverage is 35% and proposed lot coverage is 40% and 70% maximum impervious coverage is permitted which is exceeded and requires a variance, and also citing, Chapter 700, Article XI, Section 700-67C of the Codes of Nutley which states no detached accessory building shall be located nearer than 10 feet to a main building;

AND the Premises being located in an R-1 District as shown on the Township of Nutley Zoning Map;

AND Applicant having filed an application with the Zoning Board of Adjustment of the Township of Nutley (the “Board”), requesting a variance from the terms of the *Zoning Ordinance*;

AND the Board having held a public hearing on the application on March 16, 2026, after due public notice and due notice to property owners in the manner and within the time frames prescribed by the *Zoning Ordinance* and by the *Municipal Land Use Law* and the *Open Public Meetings Act* of the State of New Jersey;

AND the Board having fully heard the testimony of the witnesses and Applicant having been represented by Dominick Iannarella, Esq., and examined the exhibits presented at the hearing, and there being no opposition presented;

NOW, THEREFORE, WE, the Zoning Board of Adjustment of the Township of Nutley, find as follows:

1. That Applicant's proposed use of the Premises as proposed would violate the provisions of the *Zoning Ordinance*.
2. That Applicant has met her burden of demonstrating that sufficient legal grounds exist for the granting of the requested variance.
 - a. Applicant has adequately demonstrated peculiar and exceptional practical difficulties arising out of the exceptional narrowness, shallowness, or shape of the Premises such that strict application of the *Zoning Ordinance* would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, Applicant (c(1)). Additionally, Applicant has adequately demonstrated that the purposes of the MLUL would be advanced by a deviation from the *Zoning Ordinance* requirements.
 - b. Specifically, the evidence presented demonstrates to the satisfaction of the Board that the property is only 40 feet wide and has a steep topography. The proposed addition will be located in the rear in the area which currently exists a covered deck, though there will be an increase to the rear of where the deck ends. Already existing on the property is a shed as the property does not have a garage. The Applicant is elderly and lives with her sister and grandchildren. The Applicant and her sister have physical limitations making it difficult to access the second floor of the house where the only full bathroom is located and where the Applicant and her sister have bedrooms. The proposed addition will allow the Applicant and her sister to each have a bedroom on the first floor and use of a full bathroom. The addition is necessary to provide handicapped access within the home for the owner of the property, thus advancing purpose a. (promoting the general welfare), i. (desirable visual through good civic design) and l. (encouraging senior citizen community housing).
 - c. That, on the basis of the evidence presented and subject to the terms and conditions described below, the requested relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan or the *Zoning Ordinance*.

BE IT THEREFORE RESOLVED by the Zoning Board of Adjustment of the Township of Nutley that for the reasons stated above, a VARIANCE from the provisions of the *Zoning Ordinance* is hereby GRANTED to permit Applicant to construct a new addition to the rear of the property, as shown on the property survey prepared by Darnstatter, Inc dated July 11, 2025 and plans by Architect Lester Katz, NCARB dated August 21, 2025;

BE IT FURTHER RESOLVED that the following TERMS and CONDITIONS apply to the with Variance:

1. **The Applicant is bound by the contents of their testimony as if this testimony was incorporated herein.**
2. **All construction shall be completed in accordance with the plans submitted and/or the testimony of the Applicant and his witnesses.**
3. **The approvals granted herein shall expire unless construction is begun within one year of the date of the memorializing resolution as per Chapter 700, Article II, Section 85-19 of the Codes of Nutley.**
4. **Applicant must match all existing siding and roof.**
5. **Applicant must remove the patio and all pavers that remain after the addition is constructed.**
6. **The 14.11 foot setback that remains after the addition is constructed must be maintained as landscaping or grass.**
7. **The shed located on the property may remain.**
8. **Applicant must supply the exact calculation of existing impervious coverage and the calculations for the impervious coverage after the addition is constructed.**
9. **No additional impervious coverage may be added to the property (such as walkways, pavers or other hardscapes).**
10. **Applicant must clean up the front yard and remove all debris to the satisfaction of the Township Code Official.**
11. **Gutters and leaders on the addition must be directed to the street and away from any neighboring property. Applicant will comply with all stormwater directives as determined by the Township Engineer and Building Department.**

AND BE IT FURTHER RESOLVED that nothing in this resolution is intended to imply that the documentation submitted by Applicant to the Board in support of this application is adequate for the issuance of a construction permit by the Code Official, and nothing herein should be so construed.

Address: 51 Kingsland Street

Block: 601 Lot: 18

Date : March 16, 2026

NAME	MOTION	SECOND	YES	NO	NOT VOTING
GRAZIANO			✓		
D. TOLVE			✓		
G. TOLVE		✓	✓		
CAFONE			✓		
DUVA	✓		✓		
WALLACE			✓		
DOHERTY			✓		
CASTRO					
CALICCHIO					✓
LEPRE					✓

APPLICATION/APPEAL GRANTED

 X c(bulk) d(use) variance(s)
 site plan approval
 appeal other _____

Applicant(s) **Araceli M. Nael**

Property: **51 Kingsland Street**

Block:601 Lot: 18


BE IT FURTHER RESOLVED that the Construction Code Official is hereby directed to issue a permit in accordance with this decision.



Frank Graziano, Chairman Y



Daniel Tolve, Vice Chairman Y



Gregory Tolve Y



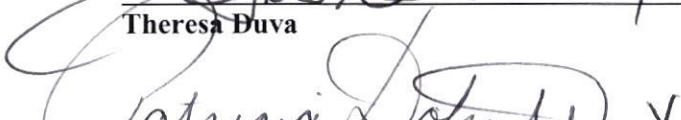
John Cafone Y



Theresa Duva Y



Yvette Casabona Wallace Y




Patricia Doherty, Secretary Y

Lorraine Castro (First Alternate) Ex

Marc Calicchio (Second Alternate) Ex

Robin S. LePre (Third Alternate) Ex

(Fourth Alternate)

Prepared by: 

Diana Powell McGovern, Esq.

Memorialized: April 13, 2026