

Township of Nutley, New Jersey
Planning Board

APPLICATION FOR LAND USE ACTION

To be completed by Township Staff only

Date of Denial Letter 6/29/20 Docket No. PB-20-00002
Application Fee \$175.00 Escrow Fee 1250.00
Date Filed 7/21/20 Hearing Date 8/19/2020
Reviewed for Completeness 8/6/2020

1. SUBJECT PROPERTY:

Location 52 Passaic Avenue

Block 9301 Lot 9 Zoning District R-2 Residential District

| <u>Proposed Lot 9.01</u> | <u>District Requirements</u> | <u>Proposed</u> |
|--------------------------------|------------------------------|---------------------------|
| Lot Area | 6,000 sq. ft. | 3,791.09 sq. ft. (V) |
| Lot Width | 60' | 45.11' (V) |
| Lot Depth | 100' | 82.60' (V) (Pre-existing) |
| Min Lot Size per Dwelling Unit | 3,000 sq. ft. | 1,895.55 sq. ft. (V) |
| Front Yard | 25' | 11.8 (V) (Pre-existing) |
| Side Yard | 6' | 8.8' |
| Side Yard (other) | 6' | 6.68' |
| Rear Yard | 30' | 30.2' |
| Height | 30' / 2.5 stories | <30' / 2 stories |
| Lot Coverage | 35% | 42% |
| Impervious | 70% | 53.7% |
| Min Front Yard Landscaping | 60% | 43.43% (V) |
| Rear Yard Setback to Deck | 30' | 12' (V) |

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Location **52 Passaic Avenue**

Block **9301** Lot **9** Zoning District **R-2 Residential District**

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| Min Front Yard Landscaping | 60% | 43.43% (V) |
| Rear Yard Setback to Deck | 30' | 12' (V) |

Proposed Lot 9.02

District Requirements

Proposed

| | | |
|--------------------------------|-------------------|----------------------|
| Lot Area | 5,000 sq. ft. | 4,057.91 sq. ft. (V) |
| Lot Width | 50' | 44.90' (V) |
| Lot Depth | 100' | 81.98' (V) |
| Min Lot Size per Dwelling Unit | 5,000 sq. ft. | 4,057.91 sq. ft. (V) |
| Front Yard | 25' | 20.92' (V) |
| Side Yard | 6' | 6' |
| Side Yard (other) | 6' | 6' |
| Rear Yard | 30' | 29.07' |
| Height | 30' / 2.5 stories | 27.9' / 2.5 stories |
| Lot Coverage | 35% | 24.33% |
| Impervious | 70% | 34.49% |
| Min Front Yard Landscaping | 60% | 69.42% |

2. APPLICANT INFORMATION

Name: Wood Avenue Assets, LLC

Address: 67 Elmora Avenue, Elizabeth, New Jersey 07202

Telephone: 973-661-4674

Applicant is a

☐ Corporation ☐ Partnership ☒ LLC ☐ Individual

If owner is not the applicant, the following must be provided:

Owner Name: Applicant is the owner

Address: _____

Telephone: _____

3. DISCLOSURE STATEMENT

Pursuant to N.J.S. 40:55D-48.1 The names and addresses of all persons owning 10% of the stock in a corporation or a 10% interest in any partnership must be disclosed by the applicant. In accordance with N.J.S. 40:55D-48.2, that disclosure requirement applies to any corporation or partnership which owns more than 10% interest.

Name: **See attached business entity disclosure**

Address: _____

Interest: _____

4. OWNER

If owner is other than the applicant, provide the following information on the Owner(s):

Owner Name: **Applicant is the property owner**

Address: _____

Telephone: _____

5. PROPERTY INFORMATION

| | Existing | Proposed |
|--|----------|----------|
| Total existing and total proposed dwelling units | <u>2</u> | <u>3</u> |
| Total existing and total proposed professional offices | <u>0</u> | <u>0</u> |
| Total existing and total proposed parking spaces | <u>4</u> | <u>6</u> |

Present use of premises: **1 Two Family Dwelling**

Has there been any previous appeal, request, or application to this or any other Township of Nutley Board or the Construction Code Official involving these premises?

Yes.

If yes, state the nature, date and the disposition of each such matter:

- Zoning board approval for two family dwelling to the subject property with associated bulk variances for minimum lot area, lot frontage and rear yard. (Resolution attached)

- Zoning board denial for subdivision of lot into two lots and construction of a new single family dwelling with a height use variance at the subject property. (Resolution attached)

Restrictions, covenants, easements, association by-laws, existing or proposed on the property: None to the knowledge of the applicant.

NOTE: All deed restrictions, covenants, easements, association by-laws, existing and proposed must be submitted for review and must be written in easily understandable English in order to be approved.

6. APPLICANT'S ATTORNEY

Name: Robert A. Gaccione, Esq. of Gaccione Pomaco, P.C.

Address: 524 Union Avenue, Belleville, NJ 07109

Telephone 973-759-2807 Fax 973-759-6968

7. APPLICANT'S ARCHITECT

Name: Ashgar Ali Qureshi, R.A. of Home Vision Design & Built

Address: 37 Oak Lane, Randolph NJ 07869

Telephone 908-447-5543 Fax _____

8. APPLICANT'S ENGINEER

Name: Adnan A. Khan, P.E. of AWZ Engineering, Inc.

Address: 150 River Road, Suite B3, Montville NJ 07045

Telephone 973-588-7080 Fax 973-588-7079

9. APPLICANT'S PLANNING CONSULTANT

Name: Peter Steck, P.P.

Address: 80 Maplewood Avenue, Maplewood NJ 07040

Telephone 973-762-6568 Fax _____

10. OTHER EXPERTS

List any other expert who will submit a report or who will testify for the Applicant (attach additional sheets as may be necessary)

Name: _____

Field of Expertise: _____

Address: _____ Telephone: _____

11. APPLICATION REPRESENTS A REQUEST FOR THE FOLLOWING:

SUBDIVISION:

- ☐ Minor Subdivision Approval
- ☒ Subdivision Approval (Preliminary)
- ☒ Subdivision Approval (Final)
Number of lots to be created _____ Number of dwelling units _____
(including remainder lot) (if applicable)

SITE PLAN:

- ☐ Minor Site Plan Approval
- ☐ Preliminary Site Plan Approval (Phases if applicable) _____
- ☐ Final Site Plan Approval (Phases if applicable) _____
- ☐ Amendment of Revision to an Approved Site Plan
Area to be distributed (square feet) _____
Total number of proposed dwelling units _____
- ☐ Request for waiver from site plan review and approval
Reason for request: _____
- ☐ Informal Review
- ☐ Appeal decision of Administrative Officer (N.J.S. 40:55D-70a)
- ☐ Map on ordinance interpretation of special question (N.J.S. 40:55D-70b)
- ☒ Variance Relief (hardship) (N.J.S. 40:55D-70c(1))
- ☒ Variance Relief (substantial benefit) (N.J.S. 40:55D-70c(2))
- ☐ Variance Relief (use) (N.J.S. 40:55D-70d)
- ☐ Conditional Use approval (N.J.S. 40:55D-67)
- ☐ Direct issuance of a permit for a structure in bed of a mapped street, public drainage way, or flood control basis (N.J.S. 40:55D-34)
- ☐ Direct issuance of a permit for a lot lacking street frontage (N.J.S. 40:55D-35)

12. VARIANCE INFORMATION

Sections of Ordinance from which a variance is requested:

- **Section 700 Attachment 2 (Minimum Lot Area for proposed Lot 9.01).**
The applicant proposes a lot area of 3,791.09 square feet where 6,000 square feet is required in the R-2 Zone.
- **Section 700 Attachment 2 (Minimum Lot Width for proposed Lot 9.01).**
The applicant proposes a lot width of 45.11 feet where 60 feet is required in the R-2 Zone.
- **Section 700 Attachment 2 (Minimum Lot Depth for proposed Lot 9.01).**
The applicant proposes a lot depth of 82.60 feet where 100 feet is required in the R-2 Zone. Note this is a pre-existing condition which will not be changed as a result of this application.
- **Section 700 Attachment 2 (Minimum Lot Area per dwelling unit for proposed Lot 9.01).**
The applicant proposes a lot area of 1,895.55 square feet per dwelling unit where 3,000 square feet per dwelling unit is required for a two family dwelling in the R-2 Zone.
- **Section 700 Attachment 2 (Minimum Front Yard Setback for proposed Lot 9.01).**
The applicant proposes a front yard setback of 11.8 feet where 25 feet is required in the R-2 Zone. Note this is a pre-existing condition which will not be changed as a result of this application.
- **Section 700 Attachment 2 (Minimum Front Yard Landscaping for proposed Lot 9.01).**
The applicant proposes landscaping to occupy 43.43% of the front yard where 60% is required in the R-2 Zone.
- **Section 700 Attachment 2 (Minimum Rear Yard Setback to existing deck for proposed Lot 9.01).**
The applicant proposes a rear yard setback of 12 feet to the existing deck where 30 feet is required in the R-2 Zone.
- **Section 700 Attachment 2 (Minimum Lot Area for proposed Lot 9.02).**
The applicant proposes a lot area of 4,057.91 square feet where 5,000 square feet is required in the R-2 Zone.
- **Section 700 Attachment 2 (Minimum Lot Width for proposed Lot 9.02).**
The applicant proposes a lot width of 44.90 feet where 50 feet is required in the R-2 Zone.
- **Section 700 Attachment 2 (Minimum Lot Depth for proposed Lot 9.02).**
The applicant proposes a lot depth of 81.98 feet where 100 feet is required in the R-2 Zone.

- **Section 700 Attachment 2 (Minimum Lot Area per dwelling unit for proposed Lot 9.02).**

The applicant proposes a lot area of 4,057.91 square feet per dwelling unit where 5,000 square feet per dwelling unit is required for a single family dwelling in the R-2 Zone.

- **Section 700 Attachment 2 (Minimum Front Yard Setback for proposed Lot 9.02).**

The applicant proposes a front yard setback of 20.92 feet where 25 feet is required in the R-2 Zone.

13. **WAIVERS**

Waivers requested of development standards and/or submission requirements:

- **None to the knowledge of the applicant.**

14. Explain in detail the exact nature of the application and the changes to be made at the premises, including the proposed use of the premises (attach pages as needed):

The applicant is requesting preliminary and final major subdivision approval in order to subdivide existing Lot 9 into two new lots to be known as Lot 9.01 & 9.02 and for the existing two family dwelling to remain on proposed Lot 9.01 and for a new single family dwelling to be constructed on proposed Lot 9.02.

15. Is a public water line available? ☒ Yes ☐ No
16. Is a public sanitary sewer available? ☒ Yes ☐ No
17. Does the application propose a well and septic system? ☐ Yes ☒ No
18. Have any proposed new lots been reviewed with the Tax Assessor to determine appropriate lot and block numbers? ☐ Yes ☒ No
19. Are any off tract improvements required or proposed? ☐ Yes ☒ No
20. Is the subdivision to be filed by Deed or Plat? **Plat.**
21. What form of security does the applicant propose to provide as performance and maintenance guarantees? **Will comply with township requirements.**
22. Other approvals which may be required and date plans submitted:

| | <u>Yes</u> | <u>No</u> | <u>Date Plans Submitted</u> |
|---|-------------------------------------|-------------------------------------|-----------------------------|
| Nutley Municipal Utilities Authority | <input type="checkbox"/> | <input checked="" type="checkbox"/> | _____ |
| Essex County Health Department | <input type="checkbox"/> | <input checked="" type="checkbox"/> | _____ |
| Essex County Planning Board | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Not yet submitted</u> |
| Essex County Soil Conservation District | <input type="checkbox"/> | <input checked="" type="checkbox"/> | _____ |
| NJ Department of Environmental Protection | <input type="checkbox"/> | <input checked="" type="checkbox"/> | _____ |
| Sewer Extension Permit | <input type="checkbox"/> | <input checked="" type="checkbox"/> | _____ |
| Sanitary Sewer Connection Permit | <input type="checkbox"/> | <input checked="" type="checkbox"/> | _____ |
| Stream Encroachment Permit | <input type="checkbox"/> | <input checked="" type="checkbox"/> | _____ |
| Other _____ | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| NJ Department of Transportation | <input type="checkbox"/> | <input checked="" type="checkbox"/> | _____ |
| Public Service Electric and Gas Company | <input type="checkbox"/> | <input checked="" type="checkbox"/> | _____ |

23. Certification from Tax Collector that all taxes due on the subject property have been paid. **Requested as of date of application. To be provided upon receipt.**

24. List maps, reports and other materials accompanying the application (attach additional pages as required for complete listing.)

It is the responsibility of the applicant to mail or deliver copies of the application form and all supporting documents to the members of the professional staff (Engineering, Planning Consultant, Attorney for the Board to which the application is submitted) for their review. The documentation must be received by the Code Enforcement office for the professional staff prior to the application being deemed complete.

| <u>Quantity</u> | <u>Description of Item</u> |
|-----------------|--|
| <u>18</u> | <u>Engineering Plans prepared by Adnan A. Khan, P.E. of AWZ Engineering, Inc. and dated January 6, 2020.</u> |
| <u>18</u> | <u>Architectural Plans prepared by Asghar Ali Qureshi, R.A. of Home Vision Design & Built and dated February 18, 2020.</u> |

CERTIFICATION

STATE OF NEW JERSEY }
 } ss.
COUNTY OF ESSEX }

Guillermo Argote being duly sworn, hereby certify (check one)

➤ _____ that I am the applicant


or

➤ X that I am a **Managing Member** of **Wood Avenue Assets, LLC**

the Applicant, and I am duly empowered and authorized to make this

representation on behalf of **Wood Avenue Assets, LLC** ;

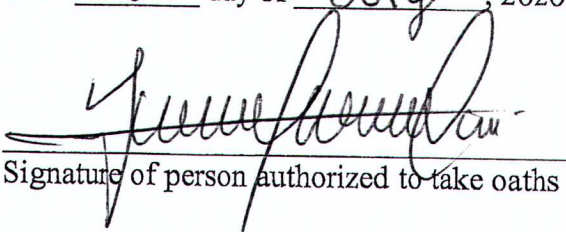
and that the information presented in this application is true, complete and accurate.



Guillermo Argote, Managing Member

Subscribed and sworn to before me

this 6 day of July , 2020.



Signature of person authorized to take oaths



Sworn to and subscribed
before me this

 6 day of July , 20 20

ROBERT A. GACCIONE
FRANK POMACO
DENNIS E. GAGLIONE
ALDO DITROLIO
ANTHONY G. DEL GUERCIO

LESLIE W. FINCH
(1973-2000)

GACCIONE POMACO

A PROFESSIONAL CORPORATION
524 UNION AVENUE
P.O. BOX 96
BELLEVILLE, NEW JERSEY 07109
(973) 759-2807
TELEFAX: (973) 759-6968


MICHAEL J. PIROMALLI
STEVEN M. AHRENDT
WILFREDO CARABALLO
Of Counsel

JOSEPH CICALA
Counsel

Business Entity Disclosure Statement

The Applicant for development at 52 Passaic Avenue in Nutley, New Jersey (Block 9301, Lot 9) is Wood Avenue Assets, LLC. Wood Avenue Assets, LLC is a New Jersey Domestic Limited Liability Company formed in December of 2014 and is owned by the following natural persons:

- | | | |
|--------------------|--------------------------------------|--------------|
| • Guillermo Argote | 67 Elmora Avenue, Elizabeth NJ 07202 | 50% interest |
| • Paula Argote | 67 Elmora Avenue, Elizabeth NJ 07202 | 50% interest |



Guillermo Argote, Managing Member
Wood Avenue Assets, LLC

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

► Go to www.irs.gov/FormW9 for instructions and the latest information.

| | | |
|--|--|---|
| Print or type. See Specific Instructions on page 3. | 1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. Wood Avenue Assets, LLC | |
| | 2 Business name/disregarded entity name, if different from above Not applicable | |
| | 3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input checked="" type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► P Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. <input type="checkbox"/> Other (see instructions) ► | |
| | 4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <small>(Applies to accounts maintained outside the U.S.)</small> | |
| | 5 Address (number, street, and apt. or suite no.) See instructions. 67 Elmora Avenue | Requester's name and address (optional) |
| | 6 City, state, and ZIP code Elizabeth, NJ 07202 | |
| | 7 List account number(s) here (optional) | |

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

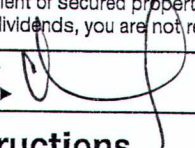
| | | | | | | | | |
|--------------------------------|---|---|---|---|---|---|---|-----|
| Social security number | | | | | | | | |
| | | | - | | | | | |
| or | | | | | | | | |
| Employer identification number | | | | | | | | |
| 4 | 7 | - | 2 | 5 | 2 | 7 | 9 | 8 4 |

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

| | | |
|-----------|--|------------------------|
| Sign Here | Signature of U.S. person ►  | Date ► 7/3/2020 |
| | | |

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (Interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
 - Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
 - Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
 - Form 1099-S (proceeds from real estate transactions)
 - Form 1099-K (merchant card and third party network transactions)
 - Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
 - Form 1099-C (canceled debt)
 - Form 1099-A (acquisition or abandonment of secured property)
- Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.



CODE ENFORCEMENT DEPT.

THOMAS J. EVANS
Director of Revenue and Finance

DAVID BERRY
Construction Official
Zoning Official

TOWNSHIP OF NUTLEY

1 KENNEDY DRIVE
NUTLEY, NEW JERSEY 07110

TELEPHONE: (973) 284-4957 · FACSIMILE: (973) 284-0071

BUILDING
PLUMBING
ELECTRICAL
FIRE
ZONING

June 29, 2020

Mr. Michael J. Piromalli
Gaccione Pomaco
524 Union Avenue
PO Box 96
Belleville, NJ 07109

RE: Wood Avenue Assets, LLC
Major Subdivision/Variations
52 Passaic Avenue
Block-Lot: 9301/9

Dear Mr. Piromalli:

Your request, on behalf of your client, Wood Avenue Assets, LLC, to subdivide the property, at the above referenced premises into two (2) lots, leaving the existing two (2) family dwelling, and to construct a new single family dwelling, as shown on the preliminary and final major subdivision plan, prepared by AWZ Engineering, Inc., dated February 21, 2020, and architectural plans, prepared by Architect, Asgher Ali Qureshi, dated February 18, 2020, is denied for the following reasons.

This property is located in an R-2 district as shown on the Nutley Zoning Map.

Chapter 700, Article XIII, Section 700-46 A of the Codes of Nutley, the schedule entitled "*Schedule of Regulations as to Bulk, Height and Other Requirements*" requires the following in an R-2 zone district:

EXISTING TWO (2) FAMILY DWELLING
DISTRICT R-2
PROPOSED LOT: 9.01

| | Required/Permitted | Proposed | Variance Required |
|-------------------------------------|--------------------|-------------|-------------------------|
| Minimum Lot Area | 6,000 sf | 3,791.09 sf | X |
| Minimum Lot Width | 60' | 45.11' | X |
| Minimum Lot Depth | 100' | 82.60' | Existing Non-Conforming |
| Minimum Per Dwelling Unit | 3,000 | 1,895.55 sf | X |
| Minimum Front Yard | 25' | 11.8' | Existing Non-Conforming |
| Maximum Lot Coverage including deck | 35% | 42% | X |

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. **Required – 60%, proposed – 43%.**

Chapter 700, Article VIII, Section 700-46 B (4) (d) of the Codes of Nutley states by any terrace or porch having its floor level no higher than the floor level of the first story of the building and having no railing or other member higher than three feet above floor level: six feet. **The existing deck has an approximately 12' rear yard setback and the required rear yard setback is 24'.**

**PROPOSED SINGLE FAMILY DWELLING
DISTRICT R-2
LOT: 9.02**

| | Required/Permitted | Proposed | Variance Required |
|---------------------------|--------------------|-------------|-------------------|
| Minimum Lot Area | 5,000 sf | 4,057.91 sf | X |
| Minimum Lot Width | 50' | 44.90' | X |
| Minimum Lot Depth | 100' | 81.98' | X |
| Minimum Per Dwelling Unit | 5,000 sf | 4,057.91 sf | X |
| Minimum Front Yard | 25' | 20.92' | X |
| Minimum Rear Yard | 30' | 29.07' | X |

A preliminary review of the major sub-division, dated February 21, 2020 prepared by AWZ Engineering, Inc., indicates the plan is satisfactory for a submission to the township for review.

18 copies of application to the Planning Board, major subdivision plan, architectural plan, and fees will be required.

Provide elevation views of the adjacent properties on at least 2 properties on each side of the proposed development.

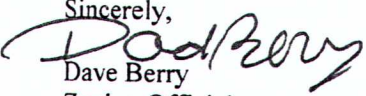
A non-refundable filing fee of \$175 plus a non-refundable subdivision fee of \$1,250, and an escrow fee of \$3,500 for professional review is required in connection with your appeal is to be paid to the Code Enforcement Office in order to begin the application process. Additional fees for professional review may be required by the Planning Board in accordance with the Township Escrow Ordinance.

In order to set up the escrow account, please be sure to have a tax identification number or social security number to be listed on the account, at the time of payment. **All tax and water bills must be paid to date prior to the processing of a variance fee.**

Information on procedures for an appeal of this decision to the Planning Board can be obtained from Antonette DeBlasio at (973)284-4957. It should be noted that under State Statute, notice of appeal of this decision must be filed with this office not later than twenty (20) calendar days from the date of this notice.

Any changes to the proposed plans must be submitted prior the applications being returned to the Code Enforcement Office. No changes can be made once the application is received by this office.

Sincerely,


Dave Berry
Zoning Official
DB/adb



TOWNSHIP OF NUTLEY
DEPARTMENT OF REVENUE AND FINANCE
ONE KENNEDY DRIVE
NUTLEY, NEW JERSEY 07110

THOMAS J. EVANS
Director

TELEPHONE
(973) 284-4956

EDMUND BROWN, CTA
Tax Assessor

FAX
(973) 284-4921

July 16, 2020

Michael J. Piromalli, Esq.
Gaccione Pomaco P.C.
524 Union Avenue
Belleville, NJ 07109

Re: Certified 200' List

Dear Mr. Piromalli,

Enclosed is a certified list of properties, within the Township of Nutley that are situated within 200' of Block 9301, Lot 9 which is better known as 52 Passaic Avenue.

If you have any questions of concerns please feel free to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ed Brown", written over a horizontal line.

Edmund Brown, CTA
Tax Assessor



Nutley Parcel Offset List

Target Parcel(s): Block-Lot: 9301-9
WOOD AVENUE ASSETS LLC
52 PASSAIC AVENUE

28 parcels fall within 200 feet of this parcel(s).

Block-Lot: 9204-21

P & M PROPERTIES, LLC
32 REVEREND ROBERTS PL
NUTLEY, NJ 07110
RE: 40 REV. ROBERTS PLACE

Block-Lot: 9204-12

LI, AI FANG
47 PASSAIC AVENUE
NUTLEY, NJ 07110
RE: 47 PASSAIC AVENUE

Block-Lot: 9204-9

DA ENTERPRISES C/O N. DE ANGELIS
39 ANTIQUA AVE
TOMS RIVER, NJ 08753
RE: 53 PASSAIC AVENUE

Block-Lot: 9305-1

GRECO, PHYLLIS C/O 711 INC.#21390
PO BOX 711
DALLAS, TX 75221
RE: 36 PASSAIC AVENUE

Block-Lot: 9204-14

TUCHI RGP, LLC
160 FRANKLIN AVENUE
NUTLEY, NJ 07110
RE: 39 PASSAIC AVENUE

Block-Lot: 9301-8

VELOSO, VICENTE & CARMEN
56 PASSAIC AVE
NUTLEY, NJ 07110
RE: 56 PASSAIC AVENUE

Block-Lot: 9301-10

GONZALEZ, JOSE & MADELINE VEGA
50 PASSAIC AVE
NUTLEY, NJ 07110
RE: 50 PASSAIC AVENUE

Block-Lot: 9301-11

TOWNSHIP OF NUTLEY
1 KENNEDY DR
NUTLEY, NJ 07110
RE: 280 HANCOX AVENUE

Block-Lot: 9204-10

BONO, FRANCESCO P. & ROSA
246 ORIENTAL PL
LYNDHURST, NJ 07071
RE: 51 PASSAIC AVENUE

Block-Lot: 9204-11

GUERRERO, ANDRES & MASIL ESTEVES
49 PASSAIC AVE
NUTLEY, NJ 07110
RE: 49 PASSAIC AVENUE

Block-Lot: 9204-13

ZHENG, TING ZHI
147-39 45TH AVENUE
FLUSHING, NY 11355
RE: 45 PASSAIC AVENUE

Block-Lot: 9205-16

HOLY FAMILY CATHOLIC CHURCH
28 BROOKLINE AVE
NUTLEY, NJ 07110
RE: 10 MSGR. DI LUCA PLAZA

Block-Lot: 9305-3

CONIR INC. C/O GLEN THOMAS
P.O. BOX 406
CALDWELL, NJ 07006
RE: 30 PASSAIC AVENUE

Block-Lot: 9305-2

LIBERTY REALTY AND MANAGEMENT, LLC
428 HARRISON AVE
NUTLEY, NJ 07110
RE: 287 HANCOX AVENUE

Block-Lot: 9305-7

TOWNSHIP OF NUTLEY
1 KENNEDY DR
NUTLEY, NJ 07110
RE: 255 HANCOX AVENUE

Block-Lot: 9205-14

DARJI, N. & DARJEE, D. & TAILOR, J.
225 E 63RD ST APT 1M
NEW YORK, NY 10065
RE: 75 PASSAIC AVENUE

Block-Lot: 9205-15

PAPARATTO, MARIA C.
73 PASSAIC AVENUE
NUTLEY, NJ 07110
RE: 73 PASSAIC AVENUE

Block-Lot: 9204-3

HOLY FAMILY CATHOLIC CHURCH
28 BROOKLINE AVE
NUTLEY, NJ 07110
RE: 36 MSGR. DI LUCA PLAZA

Block-Lot: 9302-1

TOWNSHIP OF NUTLEY
1 KENNEDY DR
NUTLEY, NJ 07110
RE: 250 HANCOX AVENUE

Block-Lot: 9301-4

CUNDIFF, RONALD W & DAWN
68 PASSAIC AVENUE
NUTLEY, NJ 07110
RE: 68 PASSAIC AVENUE

Block-Lot: 9204-4

CAPALBO, ANGELO & ASSUNTA
36 MSGR. DI LUCA PLAZA
NUTLEY, NJ 07110
RE: 5 MSGR. DI LUCA PLAZA

Block-Lot: 9204-5

CAPALBO, ANGELO & ASSUNTA (LIFE EST)
36 MSGR DI LUCA PLAZA
NUTLEY, NJ 07110
RE: 61 PASSAIC AVENUE

Block-Lot: 9301-5

SAYSON, JOHN & MARIA & BALAGTAS, M
66 PASSAIC AVE
NUTLEY, NJ 07110
RE: 66 PASSAIC AVENUE

Block-Lot: 9204-6

BAGNATO, RAVEN M & SIKORA, WILLIAM
59 PASSAIC AVENUE
NUTLEY, NJ 07110
RE: 59 PASSAIC AVENUE

Block-Lot: 9204-7

GERRIS, PEGGY & THOMAS A.
57 PASSAIC AVE
NUTLEY, NJ 07110
RE: 57 PASSAIC AVENUE

Block-Lot: 9301-6

~~COFONE, ANTONIO E~~
~~15 TURNBRIDGE PLACE~~
~~BLOOMFIELD, NJ 07003~~
RE: 60 PASSAIC AVENUE

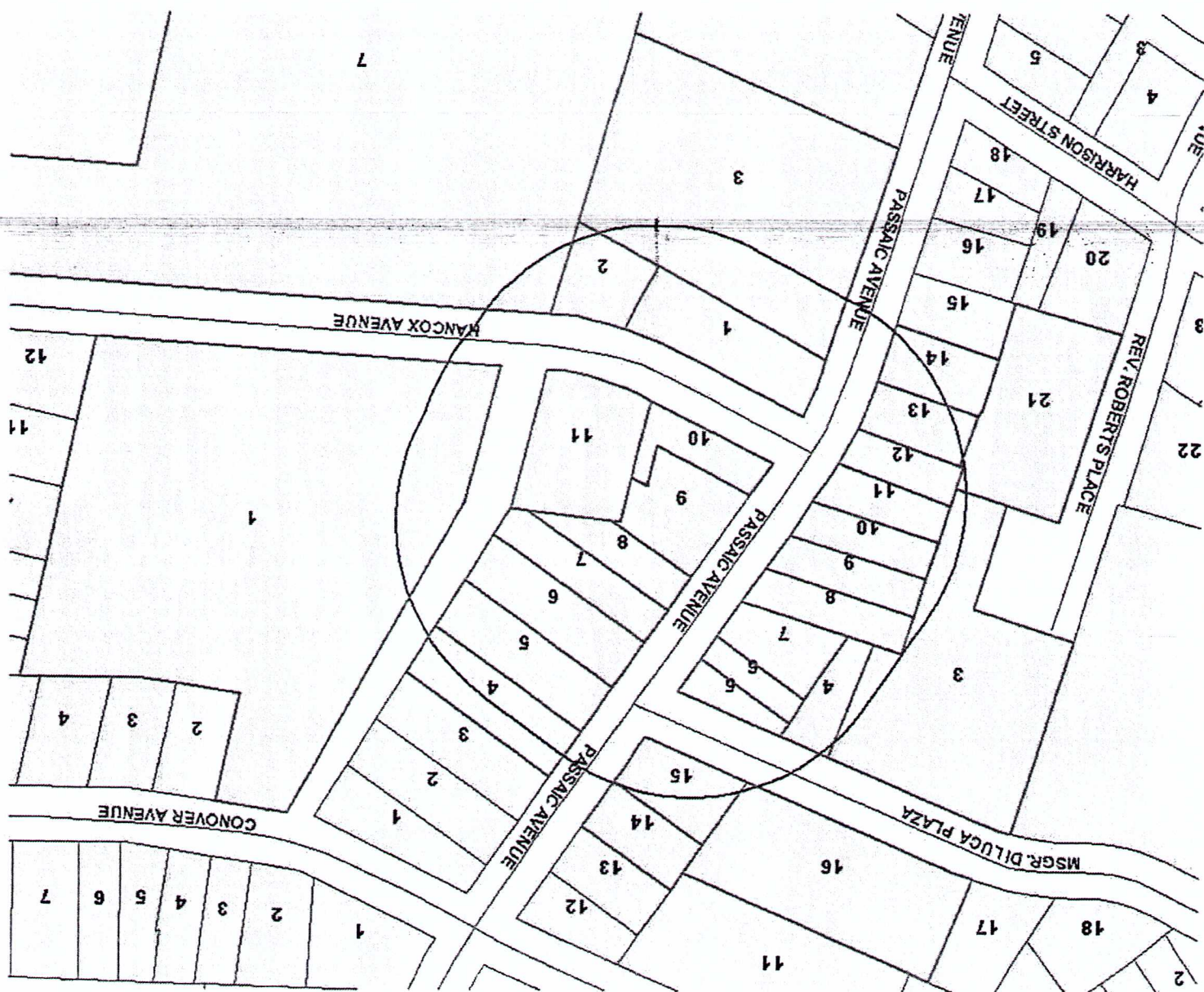
Block-Lot: 9204-8

J & K SANTOS, LLC
6 FIRST STREET
NORTH ARLINGTON, NJ 07031
RE: 55 PASSAIC AVENUE

Block-Lot: 9301-7

VAN BIERT, CYNTHIA A. & KEITH E.
58 PASSAIC AVE
NUTLEY, NJ 07110
RE: 58 PASSAIC AVENUE

Noguera, Blanca
60 Passaic Ave
Nutley NJ 07110



UTILITIES

(A)

AT & T
Corporate Office
P.O. Box 7207
Bedminster, NJ 07921-7207

(B)

NJ Dept. of Transportation
1035 Parkway Avenue
CN-600
Trenton, NJ 08625

(C)

Essex County Planning Board
Public Works Building
900 Bloomfield Avenue
Verona, NJ 07044

(D)

PSE&G Company
Manager-Corporate Properties
80 Park Plaza, T6B
Newark, NJ 07102

(E)

North Jersey District Water Supply Co.
1 F.A. Orechio Drive
Wanaque, NJ 07465

(F)

Passaic Valley Water Co.
1525 Main Avenue
Clifton, NJ 07011

(G)

Verizon
540 Broad Street, Room 305
Newark, NJ 07101

(H)

TCI of Northern New Jersey
40 Potash Road
Oakland, NJ 07436
Attn: Dan Gannon

(I)

Essex County Utilities Authority
Leroy R. Smith Jr. Public Safety Building
60 Nelson Place – 6th Floor
Newark, NJ 07102

(J)

Norfolk Southern Railway
125 County Road
Jersey City, NJ 07307

In the Matter of

SOBHY ABOZEAD

Applicant

**ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF NUTLEY
ESSEX COUNTY, NEW JERSEY**

RESOLUTION DENYING VARIANCE

FOR PROPERTY KNOWN AS:

52 Passaic Avenue
Block 340, Lot 1

APPLICANT Sobhy Abozead ("Applicant") having filed an application for a permit with the Construction Code Official of the Township of Nutley, to use the premises commonly known as 52 Passaic Avenue, being also Block 340, Lot 1 on the tax map of the Township of Nutley (the "Premises"), in the following manner:

To subdivide the property into two (2) lots, including the proposed one (1) family dwelling on each lot, having setbacks as shown on the subdivision plat by Cozzarelli Cirminiello Architects, dated June 1, 2007;

AND the Construction Code Official having denied said permit by letter dated June 12, 2007, citing, Chapter 240, Article VI, Section 240-23A of the *Code of the Township of Nutley* (the "Zoning Ordinance"), which requires the following for existing lot (52 Passaic Avenue):

- a) Lot area of 6,000 square feet (proposed is 3,638 square feet).
- b) Lot width of 60' (proposed is 41.50').
- c) Lot Depth of 100' (proposed is 89.17').
- d) Front yard setback of 25' (existing is 12.04').
- e) Rear yard setback of 30' (existing is 23.25').

And the following variances being required for the new proposed lot:

- a) Lot area of 6,000 square feet (proposed is 4,211 square feet).
- b) Lot width of 60' (proposed is 51.82').
- c) Lot depth of 100' (proposed is 89.60').
- d) Maximum height of 30' or 2 ½ stories (proposed is 34' and 3 stories).

AND the Premises being located in an R-2 District as shown on the Nutley Township Zoning Map;

AND Applicant having filed an application with the Zoning Board of Adjustment of the Township of Nutley (the "Board"), requesting a major subdivision with variances from the cited terms of the *Zoning Ordinance*;

AND the Board having held public hearings on said application on September 24, 2007 and December 17, 2007, 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 examined the exhibits presented at the hearing, and having heard the arguments of the parties for and against the requested relief;

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 failed to meet its burden of demonstrating that a legal basis exists for the granting of the requested major sub-division with variances. Specifically, the evidence presented demonstrates that the granting of the application would have created two non-conforming lots that were 30% (new) and 40% (old) undersized, that the three houses in the neighborhood referenced by the Applicant's expert as having similar dimensions pre-date the Code and the Master Plan having been revised since that date has not included any change to the plan to reflect undersized lots as being acceptable in the area, that the only "hardship" is that which is created by the Applicant in his desire to create undersized lots and additional height, that as to height there does not appear to be any reason why the proposed dwelling has to exceed the height limit thus there were no special reasons presented.

BE IT THEREFORE RESOLVED by the Zoning Board of Adjustment of the Township of Nutley, that for the reasons stated above, the requested MAJOR SUBDIVISION and VARIANCE from the provisions of the *Zoning Ordinance* is hereby DENIED.

APPLICATION/APEAL DENIED

Applicant(s) Arzread

Property 52 Passaic Av Block 340 Lot 1

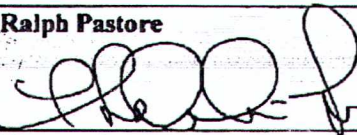
AND BE IT FURTHER RESOLVED that the [application][appeal] is hereby DENIED in accordance with this decision.

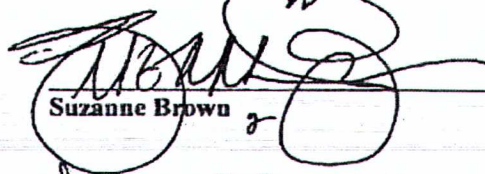


Thomas J. Sposato, Chairman y


Frank Graziano, Vice Chairman y

Kirk Chagnon, Secretary

Kathleen D. Bissell y

Ralph Pastore

Thomas Da Costa Lobo g


Suzanne Brown g

James Blanda (1st Alternate) No


Robert Beck (2nd Alternate) y

Diana Petolino (3rd Alternate)

Stephen Murphy (4th Alternate)

Prepared By: 
Diana Powell McGovern, Esq.

Memorialized: 1/14/08

Puro

(1) MURRELL A. MALLOY

BOARD OF ADJUSTMENT OF THE TOWN
OF NUTLEY, NEW JERSEY

Appellant

Granting of a Variance for
Property known as:

-vs-

ERNEST R. PIRO,
BUILDING INSPECTOR,

Lots 1 & 3, Block 340 & 341
52 Passaic Avenue
Nutley, New Jersey

Respondent

MURRELL A. MALLOY

having filed an application for
a permit with ERNEST R. PIRO, Building Inspector of the Town of
Nutley, to use the premises known as Block 340 & 341, Lot 1 & 3
in the following manner:

move 2-family dwelling to above location

and the said Building Inspector having denied said permit on the
ground that the proposed use requested by the said Appellant would
violate the provisions of the Zoning Ordinance of the Town of
Nutley, and the said Appellant having filed an application with
the Board of Adjustment of the Town of Nutley requesting the fol-
lowing variance from the terms of said Ordinance:

and the Board of Adjustment having held a public hearing on said
application on May 17, 1965, after due public notice and after
due notice to property owners in the manner prescribed by said
Zoning Ordinance and the statute in such case made and provided,
and the Board of Adjustment having inspected the premises and hav-
ing fully heard the testimony of the witnesses presented at said
Hearing and the arguments of the parties,

We, the Board of Adjustment of the Town of Nutley, do find
as follows:

1. That the above-mentioned proposed use of the pre-
mises known as BLOCK 340 & 341, Lot 1 & 3
on the Assessment Maps of the Town of Nutley would
violate the provisions of the Zoning Ordinance of
the Town of Nutley.
2. That for the following reasons:

The area is zoned for 2-family houses and all homes are two families or
more. There are no lots within the area that have a frontage of 60 feet.
The proposed combination of lots Nos. 1 and 3 will have a frontage of
55 ft.

(1A)

a strict application of the regulations of the said zoning Ordinance would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of Block 340 & 341, Lot 1 & 3.

3. That the granting of such variance can be made without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and Zoning Ordinance.

BE IT, THEREFORE, RESOLVED by the Board of Adjustment of the Town of Nutley for the reasons aforesaid that a variance from the provisions of the Zoning Ordinance of the Town of Nutley be and the same is hereby granted to allow:

the removal of a 2-family dwelling from the present location at #18 Passaic Avenue, to be placed at #52 Passaic Avenue, a lot with a frontage of less than 60 ft. and an area less than 6000 sq. ft., with a rear yard of about 9.5 ft. at the tight point.

BE IT FURTHER RESOLVED that the Building Inspector be and he is hereby directed to issue a permit in accordance with this Decision.

DATED: May 18, 1965

Chairman

Vice-Chairman

Secretary

