

THOMAS J. EVANS
Director of Revenue and Finance



CODE ENFORCEMENT DEPT.

DAVID BERRY
Construction Official
Zoning Official

TOWNSHIP OF NUTLEY

1 KENNEDY DRIVE
NUTLEY, NEW JERSEY 07110

BUILDING
PLUMBING
ELECTRICAL
FIRE
ZONING

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

October 2, 2020

Mr. Antonino Viola
76 Prospect Street
Nutley, NJ 07110

Re: LAE - Widen Driveway/Front Yard Coverage
76 Prospect Street
Block- Lots: 9000/32

Dear Mr. Viola:

Your request, at the above referenced premises, for a permit to leave as erected the 32' driveway, which reduces the required 60% front yard coverage to 38%, as shown on the plans prepared by Salvatore Corvino, Architect & Planner, LLC, dated April 20, 2020, is denied for the following.

This property is located in an R-1 district as shown on the Nutley Zoning Map.

Chapter 700, Article XIII, Section 700-94 A (1) of the Codes of Nutley states no front yard of a lot upon which is located in a one- or two-family dwelling shall be used for the parking of motor vehicles, except that motor vehicles may be parked upon a driveway in the front yard. The driveway shall consist of the area directly opposite to an attached garage, detached garage or depressed garage or the extension of the side yard into the front yard. The driveway width shall not exceed 16 feet. 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. ***The driveway is 32'.***

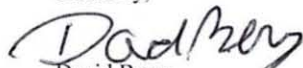
Chapter 700, Article VIII, Section 700-48 of the Codes of Nutley states any lot containing a residence for one or two families shall have at least 60% of the required front yard in landscaping. This area shall not be covered with paving, walkways or any other impervious surface. Landscaping may consist of grass, ground cover, shrubs and other plant material. ***Required front yard coverage – 60%. As built coverage 38%.***

A non-refundable filing fee of \$175.00 in connection with your appeal is to be paid to the Code Enforcement Office in order to begin the application process. **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 Board of Adjustment 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 no 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,


David Berry
Zoning Official

DB/adb



TOWNSHIP OF NUTLEY, NEW JERSEY

ZONING BOARD OF ADJUSTMENT APPLICATION FORM

Docket No: ZBA-20-0019

TO ALL APPLICANTS: This application form is designed to obtain from your information necessary for the processing of your application by the Zoning Board of Adjustment.

Application Fee: \$ 175.00 (on denial letter)

Date of Denial Letter: 5/21/2020

Section I: SUBJECT PROPERTY

Address: 76 Prospect Street

Block: 9000 Lot: 32 Zone: R1

	District Requirements	Proposed
Lot Area	_____	_____
Lot Width	_____	_____
Lot Depth	<u>N/A</u>	<u>N/A</u>
Front Yard	_____	_____
Side Yard	_____	_____
Rear Yard	_____	_____
Other	_____	_____

Section II: APPLICANT INFORMATION

Name: ANTONINO VIOLA

Address: 76 PROSPECT STREET
NUTLEY, NEW JERSEY 07110

Telephone: 973-477-6891

Email Address: ANTONINO@JJAPROPERTY.COM

Applicant is a:

☐ Corporation ☐ Partnership ☐ LLC ☒ Individual

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

Owner Name: ANTONINO VIOLA
Address: 76 PROSPECT STREET
NUTLEY, NJ 07110
Telephone: 973-477-6891
Email Address: ANTONINO@JJA-PROPERTY.COM

Section III: DISCLOSURE STATEMENT

Pursuant to N.J.S. 40:55D-48.1 the names and address of all persons owning 10% of the stock in a corporation or a 10% interest in any partnership must 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: _____

Address: _____

Interest: _____

Name: _____

Address: _____

Interest: _____

Name: _____

Address: _____

Interest: _____

Section IV: PROPERTY INFORMATION

	Existing	Proposed
Total existing and total proposed dwelling units	<u>1</u>	<u>1</u>
Total existing and total proposed professional offices	<u>-</u>	<u>-</u>
Total existing and total proposed parking spaces	<u>2</u>	<u>2</u>

Present use of premises: One 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: _____

VARIANCE GRANTED FOR 356 SF REAR DECK:

ON JUNE 17, 2019 (DOCKET # ZBA-19-0021) ~~FEEL~~

TOTAL BLDG COVERAGE ^{38%} ALLOWED = 2406 SF, ^{38.9%} ACTUAL = 2680 SF
(OVER MAX BY 274 SF)

Section V: PROFESSIONAL INFORMATION

Applicant's Attorney

Name: N/A.

Address: _____

Telephone: _____ Fax: _____

Email Address: _____

Applicant's Architect

Name: SALVATORE CORVINO, AIA

Address: 111 BROOKFIELD AVE
NUTLEY, NJ 07110

Telephone: 973-943-5026 Fax: N/A

Email Address: SCORVINO@OPTONLINE.NET

Applicant's Engineer

Name: N/A.

Address: _____

Telephone: _____ Fax: _____

Email Address: _____

Applicant's Planning Consultant

Name: SALVATORE CORVINO
Address: 111 BROOKFIELD AVE.
NUTLEY, NJ 07110
Telephone: 973-943-5026 Fax: N/A
Email Address: SCORVINO@OPTONLINE.NET

*List any other expert who will submit a report or who will testify for the applicant.
(Attach additional sheets, if necessary)*

Name: N/A
Address: _____

Telephone: _____ Fax: _____
Email Address: _____ Field of Expertise: _____

Section VI: GENERAL INFORMATION

In the space below, state the nature of the constraints imposed by the physical characteristics of the land under consideration (i.e. exceptional narrowness, shallowness or topographic conditions).

THE LAND UNDER CONSIDERATION DOES HAVE A CONSTRAINT IMPOSED BY A PHYSICAL CHARACTERISTIC IN THAT IT SLOPES DOWN FROM THE FRONT OF PROPERTY TO THE REAR APPROXIMATELY 7 FT IN HEIGHT. THE AS-BUILT DRIVEWAY WAS ALSO PAVED WIDER THAN INITIALLY DESIGNED (ORIGINAL 16 FT WIDE / AS-BUILT = 17'6" WIDE BETWEEN MASONRY PIER POSTS @ 2'6" X 2'6" EA WITH A 6'5" WIDE PAVED WALK AT THE SAME ELEV ON THE RIGHT SIDE & EXTENDED PAVED AREA OF 5'1" WIDE ON THE LEFT SIDE JR. P.L.

In the space below, state any other extraordinary or exceptional situation or condition of the land involved which would constrain development in accordance with Zoning Regulations

THE ADDITIONAL PAVED SURFACES IN FRONT YARD WAS NOT INTENDED FOR ADDITIONAL PARKING BUT RATHER TO MAKE THE AREA MORE AESTHETICALLY UNIFORM & FOR EASE OF MAINTENANCE (SNOW & LEAF REMOVAL) BY HAVING ONE LEVEL UNINTERRUPTED PAVE SURFACE FOR WALK & DRIVEWAY. THE TWO (2) MASONRY PIERS RESTRICT THE ABILITY TO PARK MORE THAN TWO (2) VEHICLES IN FRONT YARD IN FRONT OF GARAGE DOORS. THEREFORE, THE ADDITIONAL PAVED AREA COULD NOT BE USED FOR ADDITIONAL PARKING OR DRIVEWAY.

Explain how not granting this variance request would impose peculiar and exceptional practical difficulties or exceptional or undue hardship upon you.

NOT GRANTING THIS VARIANCE WOULD REQUIRE OWNER TO REMOVE A PORTION OF AN OTHERWISE AESTHETICALLY DESIGNED SURFACE THAT COULD NOT POSSIBLY BE USED FOR ANY ADDITIONAL PARKING OR DRIVEWAY SINCE THE TWO (2) PIERS AT THE FRONT PROPERTY LINE WHICH IT SUCH PURPOSE OR USE.

Explain how the granting of this variance will not detrimentally affect the public good or substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance.

THE GRANTING OF THIS VARIANCE WILL NOT DETRIMENTALLY AFFECT THE PUBLIC GOOD OR SUBSTANTIALLY IMPAIR THE INTENT & PURPOSE OF THE ZONE PLAN & ZONING ORDINANCE AS FOLLOWS:

(A) ALTHOUGH BY DEFINITION THE DRIVEWAY WIDTH IS IN VIOLATION OF THE ZONING ORDINANCE (MAX 16' WIDE ALLOWED) THE INCREASED DRIVEWAY WIDTH IS TECHNICALLY ONLY 17'6" WIDE (1'6" WIDER THAN PERMITTED AS IT IS LIMITED BY THE MASONRY PIER POST ON EACH SIDE OF DRIVEWAY). THE ADDITIONAL 1'6" IS TO PROVIDE CLEARANCE AT THESE POSTS, THE EXIST CURB CUT REMAINS 16'0" WIDE (IN COMPLIANCE)

(B) THE ADDITIONAL PAVED SURFACES ON RIGHT & LEFT SIDE OF DRIVEWAY WERE INSTALLED ONLY TO CREATE A UNIFORM EVEN SURFACE FOR AESTHETIC & MAINTENANCE PURPOSE & ALIGN WITH PAVED WALK TO ENTRANCE. NO ADDITIONAL PARKING OF VEHICLES BEYOND TWO WOULD NOT BE POSSIBLE. SINCE THE PIERS RESTRICT IT, THEREFORE IT WOULD NOT CREATE A CONDITION THAT SIGNIFICANTLY VIOLATES THE INTENT & PURPOSE OF THE ZONE PLAN & ZONING ORDINANCE WITH RESPECT TO PARKING & DRIVEWAY WIDTH IN FRONT YARD.

(C) IT ALSO DOES NOT SIGNIFICANTLY VIOLATE THE COVERAGE FOR FRONT YARD (40% MAX) - ACTUAL IS 58% THE PROPERTY IMPROVEMENTS STILL COMPLY WITH TOTAL IMPERVIOUS LOT COVERAGE (70% ALLOWED / 63.9% ACTUAL)

(63.9% ACTUAL)

CERTIFICATION

STATE OF NEW JERSEY }
COUNTY OF ESSEX }

ss.

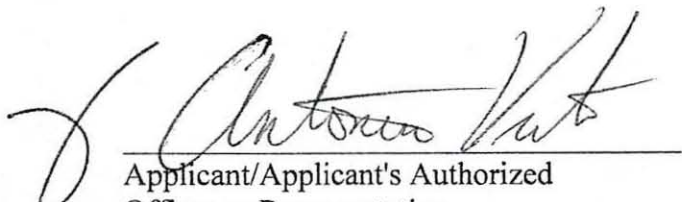
ANTONINO VIOLA, being duly sworn, hereby certify (*check one*)

☒ that I am the applicant

or

☐ that I am the _____ of _____,
(Title) (Company Name)
the Applicant, and that I am duly empowered and authorized to make this representation
on behalf of _____;
(Company Name)

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


Applicant/Applicant's Authorized
Officer or Representative

Subscribed and sworn to before me
this 12 day of August, 2020.


Signature of person authorized to take oaths

ELIZABETH PERALTA
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES JULY 23, 2023



TOWNSHIP OF NUTLEY, NEW JERSEY
ZONING BOARD OF ADJUSTMENT
PLANNING BOARD

CERTIFICATION OF PROPERTY OWNERS WITHIN 200 FEET

Docket Number: ZBA-20-0019

Work Site Location: 76 Prospect Street

Applicant: Viola

I do hereby certify to the ownership of the properties listed on pages

1 to 3, as of 5/29/2020.

Antonette DeBlasio

ANTONETTE DEBLASIO
Technical Assistant/ZBA-PB
Township of Nutley, NJ



Nutley

Parcel Offset List

Target Parcel(s): Block-Lot: 9000-32
VIOLA, JOSEPH, JOSEPHINE & ANTONINO
76 PROSPECT STREET

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

Block-Lot: 9000-46

NSP MNGMT. CO. C/O J.E. HANSON MNGMT
725 MAIN STREET
HACKENSACK, NJ 07601
RE: 221 HARRISON STREET

Block-Lot: 8902-18

FEDE, MICHAEL & MONICA
79 PROSPECT STREET
NUTLEY, NJ 07110
RE: 79 PROSPECT STREET

Block-Lot: 9000-34

REDSTONE, JOHN E. & KIM S.
86 PROSPECT ST
NUTLEY, NJ 07110
RE: 86 PROSPECT STREET

Block-Lot: 9000-28

ANDERSON, HARRY JR. & CHRISTY
56 PROSPECT ST
NUTLEY, NJ 07110
RE: 56 PROSPECT STREET

Block-Lot: 8801-4

KIM, D.A./K/A STEVE & KWANGSOOK
63 PROSPECT ST
NUTLEY, NJ 07110
RE: 63 PROSPECT STREET

Block-Lot: 9000-79

MAURIZIO, ANDREW & JESSICA
30 HOMER AVE
NUTLEY, NJ 07110
RE: 30 HOMER AVENUE

Block-Lot: 9000-30

MAYRER, DAVID G. & ANTIONETTE C.
66 PROSPECT ST
NUTLEY, NJ 07110
RE: 66 PROSPECT STREET

Block-Lot: 8801-5

CHENG, KI & SUN, DAN YAN
59 PROSPECT ST
NUTLEY, NJ 07110
RE: 59 PROSPECT STREET

Block-Lot: 9000-29

ZEGLER, CHRISTOPHER & MAUREEN J.
60 PROSPECT ST
NUTLEY, NJ 07110
RE: 60 PROSPECT STREET

Block-Lot: 9000-80

BROWN, JASON N. & CATRIN
27 HOMER AVE
NUTLEY, NJ 07110
RE: 27 HOMER AVENUE

Block-Lot: 9000-15

TOWNSHIP OF NUTLEY
1 KENNEDY DR
NUTLEY, NJ 07110
RE: 38 DONNA COURT

Block-Lot: 8902-14

SUTLOVICH, MICHAEL A. & BIANCA
PO BOX 554
NUTLEY, NJ 07110
RE: 95 PROSPECT STREET

Block-Lot: 8902-15

REZZONICO, PATRICIA A.
91 PROSPECT ST
NUTLEY, NJ 07110
RE: 91 PROSPECT STREET

Block-Lot: 8902-16

DEROGATIS, L. & G. & A. & P.
87 PROSPECT ST
NUTLEY, NJ 07110
RE: 87 PROSPECT STREET

Block-Lot: 9000-37

BRUGGEMANN, ANDREW & MARIA DECROCE
94 PROSPECT ST
NUTLEY, NJ 07110
RE: 94 PROSPECT STREET

Block-Lot: 8902-17

PARDO, JENNIFER CHRI & GREMANIS P.
83 PROSPECT ST
NUTLEY, NJ 07110
RE: 83 PROSPECT STREET

Block-Lot: 9000-36

SCLANO, ROBERTO & COLOM, CHRISTAL
92 PROSPECT STREET
NUTLEY, NJ 07110
RE: 92 PROSPECT STREET

Block-Lot: 9000-35

COSTANTINO, DENISE
88 PROSPECT ST
NUTLEY, NJ 07110
RE: 88 PROSPECT STREET

Block-Lot: 8902-19

GOMEZCOELLO, LUIS R.
77 PROSPECT ST
NUTLEY, NJ 07110
RE: 77 PROSPECT STREET

Block-Lot: 9000-33

VIOLA, JOSEPH C. & ANTONINO
80 PROSPECT STREET
NUTLEY, NJ 07110
RE: 80 PROSPECT STREET

Block-Lot: 8902-20

BEZZONE, BARBARA
73 PROSPECT ST
NUTLEY, NJ 07110
RE: 73 PROSPECT STREET

Block-Lot: 8902-21

FALDUTI, JOSEPH L. & EDITH M.
71 PROSPECT ST
NUTLEY, NJ 07110
RE: 71 PROSPECT STREET

Block-Lot: 8801-3.01

RIZZO, MICHELE & LAURA
61 PROSPECT ST
NUTLEY, NJ 07110
RE: 61 PROSPECT STREET

Block-Lot: 8801-3.02

RIZZO, MICHELE & LAURA
61 PROSPECT ST
NUTLEY, NJ 07110
RE: 65 PROSPECT STREET

Block-Lot: 9000-68

MC MILLAN, JOHN H. & KATHLEEN
147 CRESTWOOD AVE
NUTLEY, NJ 07110
RE: 51 ALBANY AVENUE

Block-Lot: 8801-2

FUGARAZZO, JOANNE M.
69 PROSPECT ST
NUTLEY, NJ 07110
RE: 69 PROSPECT STREET

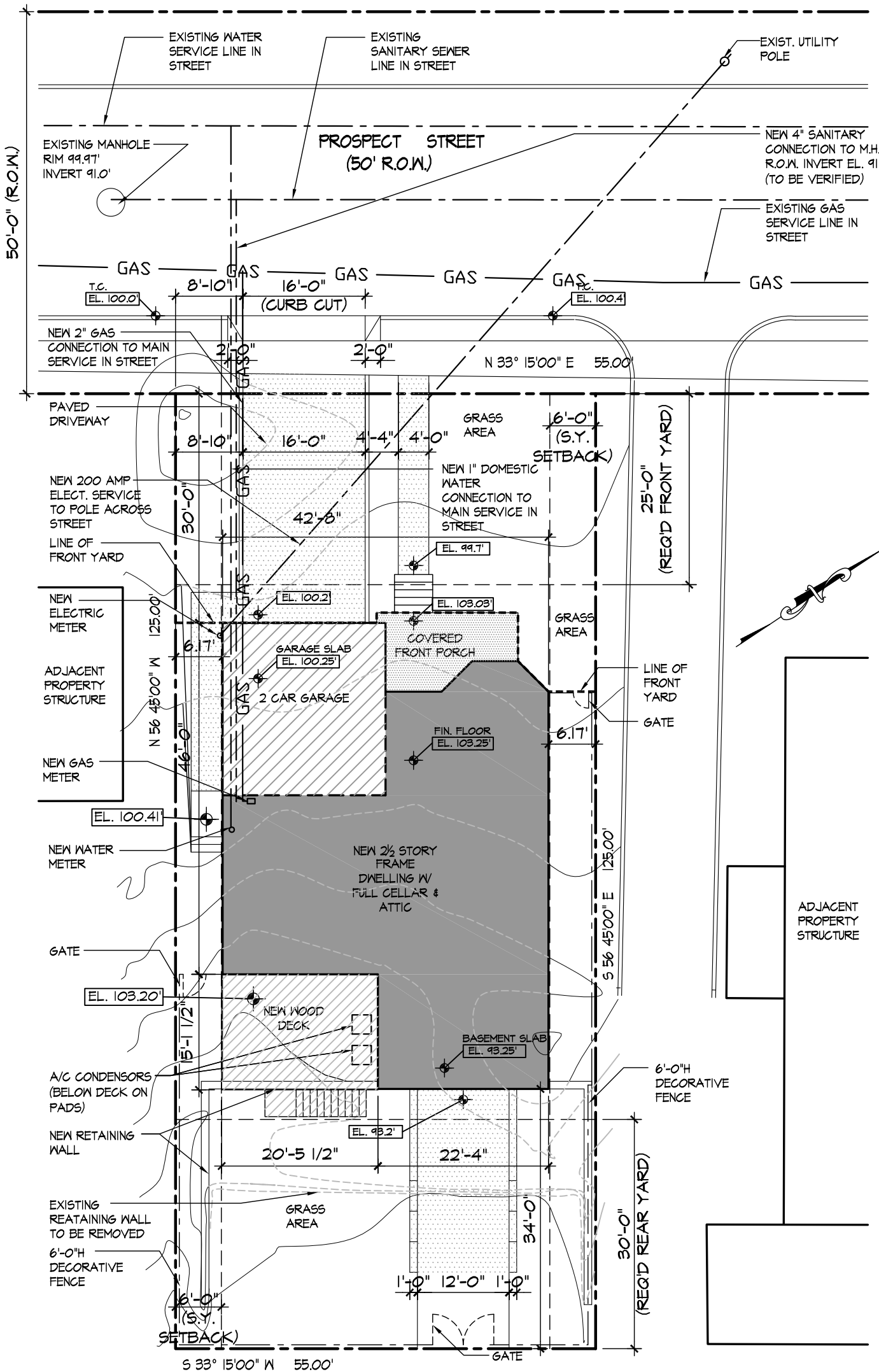
Block-Lot: 9000-31

LALAMA, LINDA S.
70 PROSPECT ST
NUTLEY, NJ 07110
RE: 70 PROSPECT STREET

VIOLA RESIDENCE
NEW SINGLE FAMILY
RESIDENCE

76 PROSPECT STREET
NUTLEY, NJ 07110

PROJECT # 18018
APRIL 20, 2020



SITE PLAN INFORMATION TAKEN FROM SURVEY
DATED: (05-15-18)
BY: OSTERKORN ENGINEERING ASSOCIATES
121 GODWIN AVENUE
WYCKOFF, NJ 07481
CHARLES L. OSTERKORN JR., P.E., L.S., P.P.
NJ LIC. NO. 29071

NOTE:
DATUM BENCHMARK SHALL BE FROM MANHOLE
RIM ELEVATION IN PROSPECT STREET
RIM ELEVATION = 99.97'
INVERT ELEVATION = 91.0'
BASEMENT SLAB ELEVATION = 93.25'
GARAGE SLAB ELEVATION = 100.25'

BUILDING COVERAGE CALCULATIONS

PROPOSED RESIDENCE:	2,146 SF	(31.2%)
PROPOSED FRONT PORCH:	174 SF	(2.5%)
PROPOSED REAR DECK:	356 SF	(5.2%)
TOTAL LOT COVERAGE:	2,676 SF	(38.9%)

TOTAL BLDG. COVERAGE ALLOWED = 2,406 SF (35%)

6,875 SF x .35 = 2,406 SF
2,676 SF > 2,406 SF, THERFORE VARIANCE REQUIRED

NOTE:
VARIANCE GRANTED FOR 356 SF REAR DECK ON JUNE 17, 2019
DOCKET #2BA-19-0021

TOTAL LOT COVERAGE CALCULATIONS

	EXISTING	PROPOSED
BUILDING	N/A	2,146 SF
FRONT PORCH	N/A	174 SF
REAR DECK	N/A	356 SF
DRIVEWAY (FRONT)	N/A	480 SF
DRIVEWAY (REAR)	N/A	340 SF
WALKS	N/A	246 SF
PATIO	N/A	196 SF
TOTAL	N/A	3,938 SF (57.3 %)

TOTAL LOT COVERAGE ALLOWED = 4,813 SF (70%)

6,875 SF x .70 = 4,813 SF
3,938 SF < 4,813 SF, THERFORE COMPLIES

FRONT YARD SETBACKS

HOUSE NUMBER:	TO OPEN PORCH	F.Y. SETBACK
#94	15'-0"	20'-0"
#92	-	17'-0"
#88	8'-0"	11'-0"
#86	8'-0"	11'-0"
#80	25'-0"	31'-0"
#78	(NEW HOUSE)	30'-0"
#70	13'-0"	17'-0"
#66	19'-0"	23'-0"
#60	14'-0"	25'-0"
#56	14'-0"	18'-0"

AVERAGE FRONT YARD = (173' / 9') 19.22'
MINIMUM FRONT YARD = 25'-0" (25'-0" > 19.22'), USE MIN. REQ'D
FRONT YARD PROVIDED = 30'-0" (30'-0" > 25'-0", THEREFORE OK)

FRONT YARD COVERAGE CALCULATIONS

	EXISTING	PROPOSED
FRONT YARD AREA	N/A	1,708 SF
DRIVEWAY (FRONT)	N/A	480 SF
WALKS (FRONT)	N/A	94 SF
STAIRS (FRONT)	N/A	25 SF
WALK (SIDE)	N/A	25 SF
TOTAL COVERAGE	N/A	624 SF (36.5 %)
OPEN SPACE	N/A	1,084 SF (63.5 %)

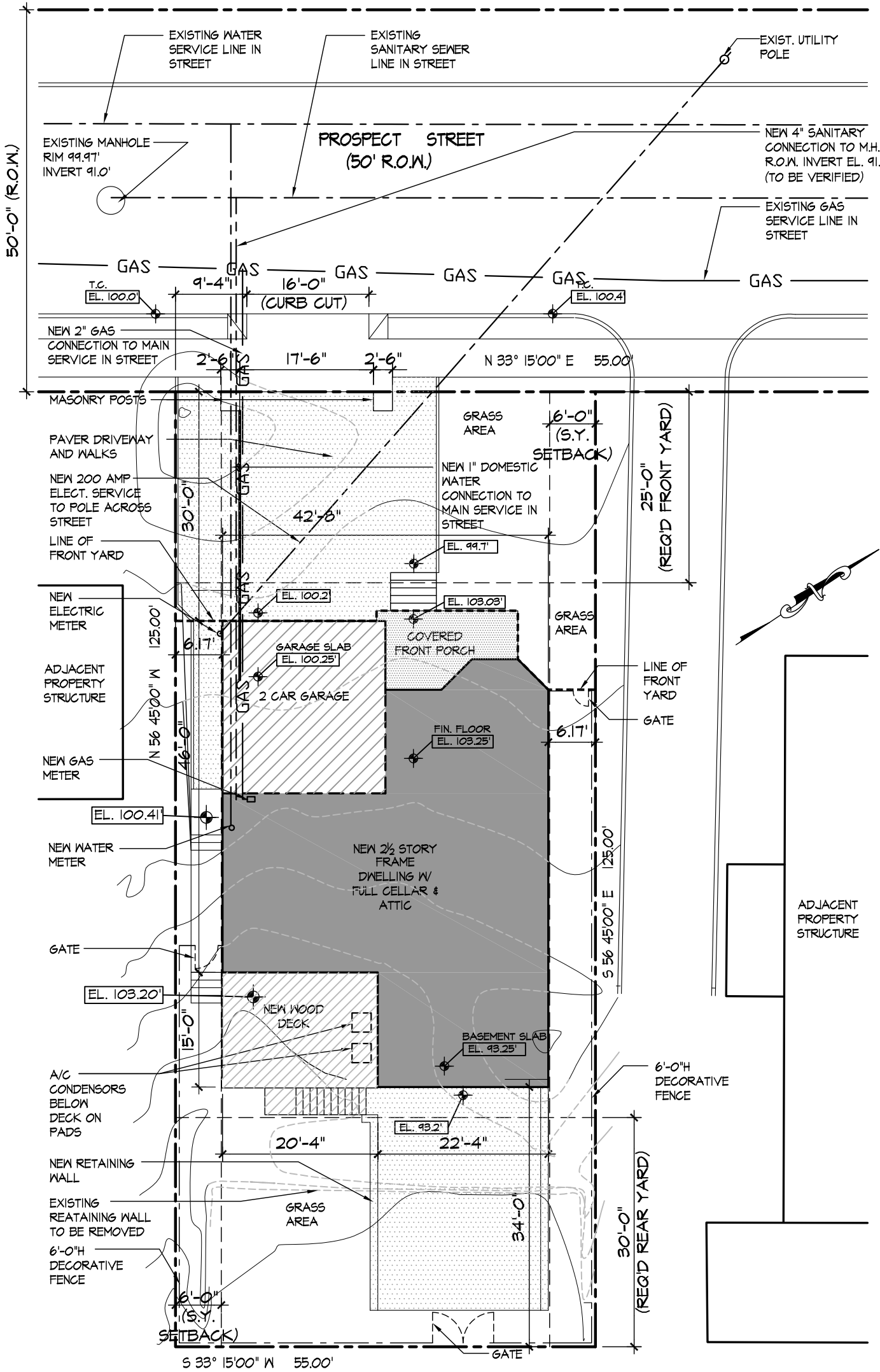
MINIMUM FRONT YARD OPEN YARD = 1,025 SF (60%)

1,708 SF x .60 = 1,025 SF (MIN. OPEN SPACE)
1,084 SF > 1,025 SF, THERFORE COMPLIES
1,708 SF x .40 = 683 SF (MAX. COVERAGE)
624 SF < 683 SF, THERFORE COMPLIES

VIOLA RESIDENCE
NEW SINGLE FAMILY
RESIDENCE

76 PROSPECT STREET
NUTLEY, NJ 07110

PROJECT # 18018
APRIL 20, 2020



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RIM ELEVATION = 99.97'
INVERT ELEVATION = 91.0'
BASEMENT SLAB ELEVATION = 93.25'
GARAGE SLAB ELEVATION = 100.25'

BUILDING COVERAGE CALCULATIONS

PROPOSED RESIDENCE:	2,146 SF	(31.2%)
PROPOSED FRONT PORCH:	178 SF	(2.5%)
PROPOSED REAR DECK:	356 SF	(5.2%)
TOTAL LOT COVERAGE:	2,680 SF	(38.9%)

TOTAL BLDG. COVERAGE ALLOWED = 2,406 SF (35%)

6,875 SF x .35 = 2,406 SF
2,680 SF > 2,406 SF, THERFORE VARIANCE REQUIRED

NOTE:
VARIANCE GRANTED FOR 356 SF REAR DECK ON JUNE 17, 2019
DOCKET #2BA-19-0021

TOTAL LOT COVERAGE CALCULATIONS

	EXISTING	PROPOSED
BUILDING	N/A	2,146 SF
FRONT PORCH	N/A	178 SF
REAR DECK	N/A	356 SF
DRIVEWAY (FRONT)	N/A	525 SF
DRIVEWAY (REAR)	N/A	630 SF
WALKS	N/A	559 SF
TOTAL	N/A	4,394 SF (63.9 %)

TOTAL LOT COVERAGE ALLOWED = 4,813 SF (70%)

6,875 SF x .70 = 4,813 SF
4,394 SF < 4,813 SF, THERFORE COMPLIES

FRONT YARD SETBACKS

HOUSE NUMBER:	TO OPEN PORCH	F.Y. SETBACK
#94	15'-0"	20'-0"
#92	-	17'-0"
#88	8'-0"	11'-0"
#86	8'-0"	11'-0"
#80	25'-0"	31'-0"
#78	(NEW HOUSE)	30'-0"
#70	13'-0"	17'-0"
#66	19'-0"	23'-0"
#60	14'-0"	25'-0"
#56	14'-0"	18'-0"

AVERAGE FRONT YARD = (173' / 9') 19.22'
MINIMUM FRONT YARD = 25'-0" (25'-0" > 19.22'), USE MIN. REQ'D
FRONT YARD PROVIDED = 30'-0" (30'-0" > 25'-0", THEREFORE OK)

FRONT YARD COVERAGE CALCULATIONS

	EXISTING	PROPOSED
FRONT YARD AREA	N/A	1,708 SF
DRIVEWAY (FRONT)	N/A	525 SF
WALKS (FRONT)	N/A	200 SF
STAIRS (FRONT)	N/A	30 SF
WALK (SIDE)	N/A	235 SF
TOTAL COVERAGE	N/A	990 SF (58.0 %)
OPEN SPACE	N/A	718 SF (42.0%)

MINIMUM FRONT YARD OPEN SPACE = 1,025 SF (60%)

1,708 SF x .60 = 1,025 SF (MIN. OPEN SPACE)
718 < 1,025 SF, THEREFORE VARIANCE REQUIRED
1,708 SF x .40 = 683 SF (MAX. COVERAGE)
990 SF > 683 SF, THERFORE VARIANCE REQUIRED

AS-BUILT SITE PLAN

SCALE: 1/16" = 1'-0"