

THOMAS J. EVANS  
Director of Revenue and  
Finance



CODE ENFORCEMENT  
DEPT.

## TOWNSHIP OF NUTLEY

1 KENNEDY DRIVE  
NUTLEY, NEW JERSEY 07110

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

DAVID BERRY  
Construction Official  
Zoning Official

BUILDING  
PLUMBING  
ELECTRICAL  
FIRE  
ZONING

August 28, 2020

Michael Fazio  
87 Ohlson Avenue  
Nutley, NJ 07110

Re: Pool/Corner Property  
Fence 6' Solid/Corner Property  
Leave as Erected/Shed  
Block-Lot: 5503-23

Dear Mr. Fazio:

Your request for a permit, at the above referenced premises, to install a 12'x17'x54" above-ground pool, and to install a six (6') foot solid type fence, and to leave as erected an 8'x12' shed, having a zero (0') foot setback, as shown on the property survey by James Pica, dated October 28, 2016, is denied for the following reasons:

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

Chapter 700, Article V, Section 700-9 D (2) of the Codes of Nutley, entitled "Permitted uses in R-1 Zoning District," states that "the pool shall be no closer than eight feet to any side or rear lot line; or nearer to the side street line of a corner lot than the main building on the lot; or if the abutting lot to the rear faces said street line, then the distance equal to the depth of the front yard required on said lot to the rear. However, in no case shall a swimming pool on a corner lot be required to be set back more than 25 feet from a side street." ***The proposed above-ground pool will be nearer to the side street line of a corner lot than the main building on the lot.***

Chapter 700, Article XI, Section 700-67 A of the Codes of Nutley, entitled "Accessory buildings and uses," states that "detached accessory buildings and accessory uses may occupy in the aggregate an area not to exceed 30% of the area of any rear yard. The height of a detached accessory building shall be one story not to exceed 14 feet." ***The proposed above-ground pool will not be located in the rear yard.***

Chapter 700, Article XI, Section 700-71 A of the Codes of Nutley, entitled "Fences and retaining walls," states that "no fences of any type shall be permitted in any front yard." ***The proposed six (6') foot solid type fence will be in the front yard of this corner property.***

Chapter 700, Article XI, Section 700-71 D of the Codes of Nutley, entitled "Fences and retaining walls," states that "a fence erected on any corner lot shall conform to the fence requirements for the adjoining properties." ***The proposed six (6') foot solid type fence will be in the front yard of the adjoining property.***

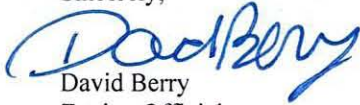
A non-refundable filing fee of \$175.00 in connection with your appeal is to be paid to the Code Enforcement Office in order to begin the application process. **All tax and water bills must be paid to date prior to the processing of a variance fee.**

Page 2  
87 Ohlson Avenue

Information on procedures for an appeal of this decision to the Board of Adjustment can be obtained from Lucy Jacobs, at 973-284-4951 x2236 or [ljacobs@nutleynj.org](mailto:ljacobs@nutleynj.org). 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/vlw



## TOWNSHIP OF NUTLEY, NEW JERSEY

### ZONING BOARD OF ADJUSTMENT APPLICATION FORM

Docket No: ZBA-20-0043

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.<sup>00</sup> (on denial letter)

Date of Denial Letter: 8/28/20

#### Section I: SUBJECT PROPERTY

Address: 87 OHLSON AVE.

Block: 5503 Lot: 23 Zone: \_\_\_\_\_

	District Requirements	Proposed
Lot Area	_____	_____
Lot Width	_____	_____
Lot Depth	_____	_____
Front Yard	_____	_____
Side Yard	_____	_____
Rear Yard (SHED)	<u>3'</u>	<u>0'</u>
Other	_____	_____

#### Section II: APPLICANT INFORMATION

Name: MICHAEL FAZIO & KRISTEN FAZIO

Address: 87 OHLSON AVE.  
NUTLEY, NJ 07110

Telephone: (973) 725-9841

Email Address: THEFAZIO@AOL.COM

Applicant is a:

\_\_\_\_ Corporation    \_\_\_\_ Partnership    \_\_\_\_ LLC    ☒ Individual

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

Owner Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email Address: \_\_\_\_\_

**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% i nterest.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Interest: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Interest: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Interest: \_\_\_\_\_

**Section IV: PROPERTY INFORMATION**

	Existing	Proposed
Total existing and total proposed dwelling units	_____	_____
Total existing and total proposed professional offices	_____	_____
Total existing and total proposed parking spaces	_____	_____

Present use of premises: \_\_\_\_\_

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? \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Section V: PROFESSIONAL INFORMATION**

***Applicant's Attorney***

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

***Applicant's Architect***

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

***Applicant's Engineer***

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_



***Applicant's Planning Consultant***

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email Address: \_\_\_\_\_

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

Name: \_\_\_\_\_  
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).

Our property does NOT have a back yard  
leaving our side yard the only option  
for a pool and privacy fence.  
Two-thirds of fence area has Arbor Vitae  
which are very tall and will remain.

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Our family desires A pool for both recreation and needed exercise. Our side property is the only space AVAILABLE.

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.

THIS AREA IS PRIMARILY SHIELDED BY EXISTING ARBOR VITAE. THUS THE FENCE WILL BE GENERALLY UNNOTICED. THE SHED HAS BEEN PRESENT SINCE BEFORE OUR PURCHASE. THE POOL WILL NOT CREATE ANY UNDUE DISTRACTION OR INCONVENIENCE TO NEIGHBORS.

**CERTIFICATION**

STATE OF NEW JERSEY }  
COUNTY OF ESSEX } ss.

Michael Fazio, 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.

Michael Fazio  
Applicant/Applicant's Authorized  
Officer or Representative

Subscribed and sworn to before me  
this 2nd day of Sept, 2020

James J. [Signature]  
Signature of person authorized to take oaths  
Attorney at Law NJ





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

**CERTIFICATION OF PROPERTY OWNERS WITHIN 200 FEET**

.....


Docket Number: ZBA-20-0043

Work Site Location: 87 Ohlson Avenue

Applicant: Michael Fazio

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

1 to 3, as of August 4, 2020.

  
\_\_\_\_\_  
Lucy Jacobs  
Clerk



## Nutley

### Parcel Offset List

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**Target Parcel(s):** Block-Lot: 5503-23  
FAZIO, MICHAEL  
87 OHLSON AVENUE

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

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**Block-Lot: 5503-28**

KELLISH, ALEXANDER R & PERRONE, G  
75 RIDGE ROAD  
NUTLEY, NJ 07110  
RE: 75 RIDGE ROAD

**Block-Lot: 5502-9**

TINEBRA, ELLA ESTATE  
94 OHLSON AVE  
NUTLEY, NJ 07110  
RE: 94 OHLSON AVENUE

**Block-Lot: 5502-7**

INTILI, ANTHONY & VALERIE  
102 OHLSON AVE  
NUTLEY, NJ 07110  
RE: 102 OHLSON AVENUE

**Block-Lot: 5201-25**

IMFELD, MARY ANN  
15 GLENVIEW RD  
NUTLEY, NJ 07110  
RE: 15 GLENVIEW ROAD

**Block-Lot: 5502-11**

PUGLIESE, PATRICIA A  
86 OHLSON AVE  
NUTLEY, NJ 07110  
RE: 86 OHLSON AVENUE

**Block-Lot: 5503-21**

ABBATIELLO, ANTHONY & JACQUELINE  
82 GERARD RD  
NUTLEY, NJ 07110  
RE: 82 GERARD ROAD

**Block-Lot: 5503-26**

LIU, RICHARD  
83 RIDGE RD  
NUTLEY, NJ 07110  
RE: 83 RIDGE ROAD

**Block-Lot: 5600-21**

PADAVANO, ROBERT & FEARON, ANGELA  
88 RIDGE RD  
NUTLEY, NJ 07110  
RE: 88 RIDGE ROAD

**Block-Lot: 5503-19**

LUCIA, JAMES & MANDY  
74 GERARD RD  
NUTLEY, NJ 07110  
RE: 74 GERARD ROAD

**Block-Lot: 5503-27**

SOBIESKI, BRIAN & LINDA  
79 RIDGE RD  
NUTLEY, NJ 07110  
RE: 79 RIDGE ROAD

**Block-Lot: 5600-20**

KORIBANICK, KATHRYN  
84 RIDGE RD  
NUTLEY, NJ 07110  
RE: 84 RIDGE ROAD

**Block-Lot: 5600-19**

CAFONE, MICHAEL  
82 RIDGE RD  
NUTLEY, NJ 07110  
RE: 82 RIDGE ROAD

**Block-Lot: 5201-23**

CASSIE, ANTHONY & LORI ANN  
21 GLENVIEW RD  
NUTLEY, NJ 07110  
RE: 21 GLENVIEW ROAD

**Block-Lot: 5502-6**

RILLI, JOSEPH  
106 OHLSON AVE  
NUTLEY, NJ 07110  
RE: 106 OHLSON AVENUE

**Block-Lot: 5201-24**

MANTONE, THOMAS & JOANNE  
17 GLENVIEW RD  
NUTLEY, NJ 07110  
RE: 17 GLENVIEW ROAD

**Block-Lot: 5502-8**

SALINAS, JOSE  
98 OHLSON AVE  
NUTLEY, NJ 07110  
RE: 98 OHLSON AVENUE

**Block-Lot: 5201-26**

MCDONALD, GERARD & JESSICA  
9 GLENVIEW RD  
NUTLEY, NJ 07110  
RE: 9 GLENVIEW ROAD

**Block-Lot: 5502-10**

COSTELLO, T. J. & S. M. LINDSAY  
296 EAST 6TH STREET  
CLIFTON, NJ 07011  
RE: 90 OHLSON AVENUE

**Block-Lot: 5201-28**

BRESNAHAN, KAREN E. (LIFE ESTATE)  
111 RIDGE ROAD  
NUTLEY, NJ 07110  
RE: 111 RIDGE ROAD

**Block-Lot: 5501-3**

BRANCATO, RONALD & MARIA  
105 OHLSON AVE  
NUTLEY, NJ 07110  
RE: 105 OHLSON AVENUE

**Block-Lot: 5501-4**

TURANO, PASQUALE & KAISER, CYNTHIA M  
101 OHLSON AVE  
NUTLEY, NJ 07110  
RE: 101 OHLSON AVENUE

**Block-Lot: 5502-12**

GROEGER, NICHOLAS & JUSTINE GROEGER  
82 OHLSON AVENUE  
NUTLEY, NJ 07110  
RE: 82 OHLSON AVENUE

**Block-Lot: 5501-5**

BUSTOS, GODOFREDO T. JR. & MARILYN C.  
91 GERARD RD  
NUTLEY, NJ 07110  
RE: 91 GERARD ROAD

**Block-Lot: 5502-13**

MASCELLINO, KAREN  
78 OHLSON AVE  
NUTLEY, NJ 07110  
RE: 78 OHLSON AVENUE

**Block-Lot: 5501-8**

STEPHENS, ERIC & STEPHANE  
30 FISCHER AVE  
NUTLEY, NJ 07110  
RE: 30 FISCHER AVENUE

**Block-Lot: 5600-24**

CAPUTO, GEROLAMO & ROSA  
106 RIDGE RD  
NUTLEY, NJ 07110  
RE: 106 RIDGE ROAD

**Block-Lot: 5501-7**

CALI, JAMES & ROSANN  
26 FISCHER AVE  
NUTLEY, NJ 07110  
RE: 26 FISCHER AVENUE

**Block-Lot: 5501-6**

O'CONNELL RICHARD F. & MARIE C.  
75 GERARD RD  
NUTLEY, NJ 07110  
RE: 75 GERARD ROAD

**Block-Lot: 5503-22**

FALCONCINO, MICHAEL A. & MARTA  
86 GERARD RD  
NUTLEY, NJ 07110  
RE: 86 GERARD ROAD

**Block-Lot: 5503-24**

KRAEMER, ANNE MARIE  
85 BAYSIDE DR  
ATLANTIC HIGHLANDS, NJ 07716  
RE: 77 OHLSON AVENUE

**Block-Lot: 5600-23**

FRUSTERI, JOSEPH & BEVERE, CHRISTINA  
100 RIDGE RD  
NUTLEY, NJ 07110  
RE: 100 RIDGE ROAD

**Block-Lot: 5503-25**

OSTROWSKI, MICHAEL & TARA  
87 RIDGE RD  
NUTLEY, NJ 07110  
RE: 87 RIDGE ROAD

**Block-Lot: 5600-22**

LEWIS, PETER  
94 RIDGE RD  
NUTLEY, NJ 07110  
RE: 94 RIDGE ROAD

**Block-Lot: 5503-20**

CIMO, JOSEPH G. & ROSEANNE M.  
78 GERARD RD  
NUTLEY, NJ 07110  
RE: 78 GERARD ROAD

BEING KNOWN AS LOT 22 IN BLOCK 140 ON A MAP ENTITLED, "MAP OF RIDGE VIEW HEIGHTS, PROPERTY OF GERARD ESTATES, INC., FILED ON MARCH 17, 1948 AS CASE NO. 1641.

**Bldg Dept  
Copy**



*Handwritten:*  
Fence  
Type  
of  
Adjacent  
Property  
S 39° 44' 00" W

54.81'

CL. FENCE  
0.38' NW  
3.67' SW

1.53'

1.26'

FENCES  
0.51' NW  
0.51' SW

VINYL FENCE

8.90'

8.70'

N 50° 16' 00" W

100.00'

CL. FENCE  
0.38' NW  
3.67' SW

ASPHALT

23.12'

DRIVE

PAVERS

2 STORY  
BRICK  
FRAME  
#87

DECK

CONC.

CL. FENCE  
0.30' SW

24.83'

26.75'

24.80'

25' BUILDING  
SET BACK

N 39° 44' 00" E

62.58'

GERARD ROAD

NO RESPONSIBILITY OR LIABILITY IS ASSUMED BY SURVEYOR FOR USE OF SURVEY FOR ANY OTHER PURPOSE INCLUDING, BUT NOT LIMITED TO, USE OF SURVEY FOR SURVEY AFFIDAVIT, RESALE OF PROPERTY, OR TO ANY OTHER PERSON NOT LISTED IN CERTIFICATION, EITHER DIRECTLY OR INDIRECTLY. A WRITTEN "WAIVER AND DIRECTION NOT TO SET CORNER MARKERS" HAS BEEN OBTAINED FROM THE ULTIMATE USER PURSUANT TO P.L. 2003, c.14 (N.J.S.A. 45:8-36.3) AND N.J.A.C. 13:40-6.1(d) THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH. THIS SURVEY IS NOT VALID WITHOUT THE EMBOSSED SEAL OF THE LICENSED SURVEYOR

SURVEY OF PROPERTY SITUATED AT #87 OHLSON AVENUE IN THE TOWNSHIP OF NUTLEY, ESSEX COUNTY, NEW JERSEY.

BEING KNOWN AS LOT 23 IN BLOCK 5503 ON THE TAX MAP IN THE TOWNSHIP OF NUTLEY, ESSEX COUNTY, NEW JERSEY.

CERTIFY TO: MICHAEL A. FAZIO & KRISTEN L. PUZIO, SINGLE; WESTCOR LAND TITLE INSURANCE COMPANY & OLDE SCHOOL TITLE SERVICES, LLC; STEVEN J. MARTINO, ESQ.; INVESTORS HOME MORTGAGE, ITS SUCCESSORS AND/OR ASSIGNS AS THEIR INTEREST MAY APPEAR.

REVISED:

**P<sup>2</sup> LAND SURVEYING, INC.**

P.O. BOX 241  
(908) 955-7161

FLANDERS, NJ 07836  
FAX (908) 955-7162

DRAWN BY: CG

SCALE: 1" = 16'

DATE: 10-28-16

TITLE NO.

JOB NO.

CHECKED BY: JP

OST4700

16-17395

**JAMES PICA**

PROFESSIONAL LAND SURVEYOR  
NEW JERSEY LICENSE NUMBER 24GS03795400