

*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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Rear Yard Setback to Deck	30'	12' (V)

<u>Proposed Lot 9.02</u>	<u>District Requirements</u>	<u>Proposed</u>
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>	Date Plans Submitted
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.

Quantity	Description of Item
<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 &amp; 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

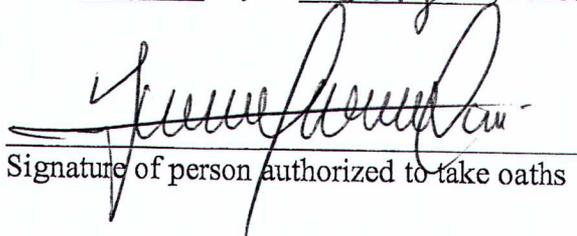
representation on behalf of                   **Wood Avenue Assets, LLC**                  ;

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

**JOAN S. GILGENO**  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires 4/18/2024

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 |

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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](http://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.

Individual/sole proprietor or single-member LLC

C Corporation

S Corporation

Partnership

Trust/estate

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.

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) \_\_\_\_\_

*(Applies to accounts maintained outside the U.S.)*

5 Address (number, street, and apt. or suite no.) See instructions.  
**67 Elmora Avenue**

6 City, state, and ZIP code  
**Elizabeth, NJ 07202**

7 List account number(s) here (optional)

Requester's name and address (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

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or

Employer identification number

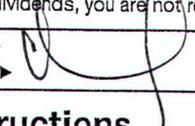
4	7	-	2	5	2	7	9	8	4
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## Part II Certification

Under penalties of perjury, I certify that:

- 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
- 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
- I am a U.S. citizen or other U.S. person (defined below); and
- 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](http://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.*



**THOMAS J. EVANS**  
Director of Revenue and Finance

CODE ENFORCEMENT DEPT.

# TOWNSHIP OF NUTLEY

1 KENNEDY DRIVE  
NUTLEY, NEW JERSEY 07110

BUILDING  
PLUMBING  
ELECTRICAL  
FIRE  
ZONING

**DAVID BERRY**  
Construction Official  
Zoning Official

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

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**

	<b>Required/Permitted</b>	<b>Proposed</b>	<b>Variance Required</b>
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.

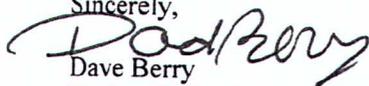
A non-refundable filing fee of \$175 plus a non-refundable subdivision fee of \$1,250, and an escrow fee of \$3,500 for professional review is required in connection with your appeal is to be paid to the Code Enforcement Office in order to begin the application process. Additional fees for professional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

EDMUND BROWN, CTA  
Tax Assessor

TELEPHONE  
(973) 284-4956

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 or concerns please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Ed Brown".

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

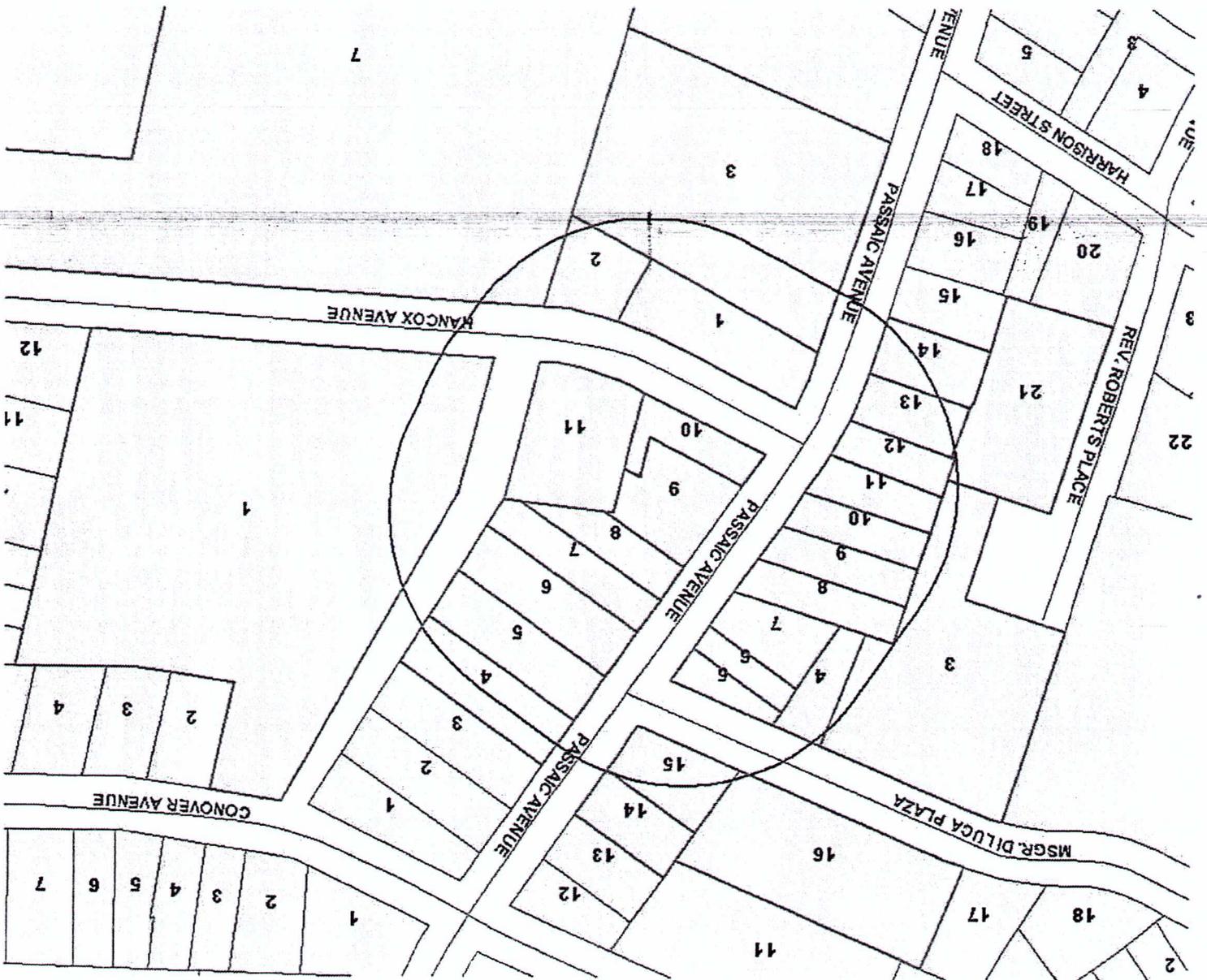
Noguera, Blanca  
60 Passaic Ave  
Nutley NJ 07110

**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



## 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 – 6<sup>th</sup> 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.

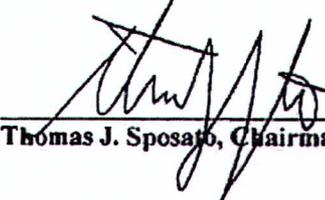
BE IT THEREFORE RESOLVED by the Zoning Board of Adjustment of the Township of Nutley, that for the reasons stated above, the requested MAJOR SUBDIVISION and VARIANCE from the provisions of the *Zoning Ordinance* is hereby DENIED.

APPLICATION/APEAL DENIED

Applicant(s) Abrzead

Property 52 Passaic Av Block 340 Lot 1

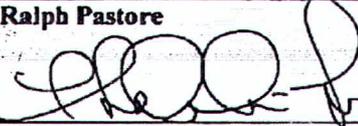
AND BE IT FURTHER RESOLVED that the [application][appeal] is hereby DENIED in accordance with this decision.

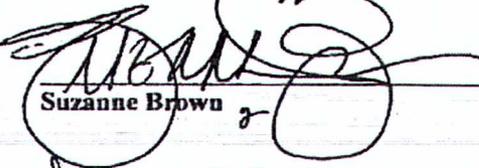
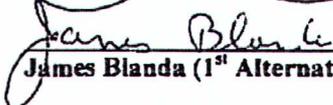
  
Thomas J. Sposato, Chairman y

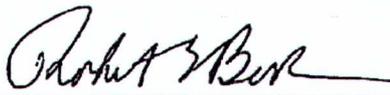
  
Frank Graziano, Vice Chairman y

Kirk Chagnon, Secretary

Kathleen D. Bissell y

Ralph Pastore  
  
Thomas Da Costa Lobo y

  
Suzanne Brown y  
  
James Blanda (1<sup>st</sup> Alternate) No

  
Robert Beck (2<sup>nd</sup> Alternate) y

Diana Petolino (3<sup>rd</sup> Alternate)

Stephen Murphy (4<sup>th</sup> 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

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