In the Matter of

GARY FACHER
Applicants

ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF NUTLEY
ESSEX COUNTY, NEW JERSEY
DOCKET NO.: ZBA 26-0009

RESOLUTION GRANTING BULK VARIANCES

FOR PROPERTY KNOWN AS:
96 Howard Place
Block 5602 Lot 14

APPLICANT, Gary Facher ("Applicant") having filed an application for a permit with the Code Official of the Township of Nutley, to do the following at the premises known as 96 Howard Place, also being Block 5602, Lot 14 on the Tax Map of the Township of Nutley (the "Premises"):

> **To leave as erected a six (6') foot solid type fence located in both side yards, as shown on the property survey prepared by Starry G. Paxton dated June 9, 1956;**

AND the Code Official having denied said permit by letter dated May 4, 2026, citing Chapter 700, Article XI, Section 700-71B of the Codes of Nutley which states a fence erected along the side lines from the front line of a main structure to the rear line of such structure and within such lines shall not exceed four feet in height and shall not be less than two feet in height and shall be of 50% open construction (i.e., the open spaces in the fence shall be at least the same width of each picket, slat or other construction element of such fence). The setback for any such fence shall be in line with the furthest setback of the adjacent property or the property upon which the fence is being erected, whichever setback is greater;

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

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

AND the Board having held a public hearing on the application on June 15, 2026, after due public notice and due notice to property owners in the manner and within the time frames

prescribed by the *Zoning Ordinance* and by the *Municipal Land Use Law* and the *Open Public Meetings Act* of the State of New Jersey;

AND the Board having fully heard the testimony of the witnesses and examined the exhibits presented at the hearing, and there being no opposition presented;

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

1. **That Applicant's proposed use of the Premises as proposed would violate the provisions of the *Zoning Ordinance.***

2. **That Applicant has met his burden of demonstrating that sufficient legal grounds exist for the granting of the requested variance.**

    a. **Applicant has adequately demonstrated peculiar and exceptional practical difficulties arising out of the exceptional narrowness, shallowness, or shape of the Premises such that strict application of the *Zoning Ordinance* would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, Applicant.**

    b. **Specifically, the evidence presented demonstrates to the satisfaction of the Board that second exit to the house is a side door and in order to allow immediate entry into the fenced area (especially for letting a dog out), the fence provides better usage if it runs along the side of the house.**

    c. **That, on the basis of the evidence presented and subject to the terms and conditions described below, the requested relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan or the *Zoning Ordinance*.**

BE IT THEREFORE RESOLVED by the Zoning Board of Adjustment of the Township of Nutley that for the reasons stated above, a VARIANCE from the provisions of the *Zoning Ordinance* is hereby GRANTED to permit Applicant to leave as erected a six (6') foot solid type fence located in both side yards, as shown on the property survey prepared by Starry G. Paxton dated June 9, 1956;

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

1. **The Applicant is bound by the contents of his testimony as if this testimony was incorporated herein.**

2. **All construction shall be completed in accordance with the plans submitted and/or the testimony of the Applicant and his witnesses.**

3. **The approvals granted herein shall expire unless construction is begun within one year of the date of the memorializing resolution as per Chapter 700, Article II, Section 85-19 of the Codes of Nutley.**

4. **Applicant must plant and maintain evergreen shrubs on the left side of the house in front of the section of the fence that faces the street. Applicant must install the shrubs within three months or by no later than September 15, 2026.**

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

Address: 96 Howard Place

Block: 5602 **Lot: 14**

Date: June 15, 2026

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

APPLICATION/APPEAL GRANTED

__X__ c(bulk) ____ d(use) variance(s)
____ site plan approval
____ appeal ____other _____

Applicant(s): **Gary Facher**

Property: **96 Howard Place**

Block: **5602** Lot: **14**

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

Frank O Graziano yes
Frank Graziano, Chairman

yes
Daniel Tolve, Vice Chairman

yes 2nd
Gregory Tolve

John Cafone

yes
Theresa Duva

Yvette Casabona Wallace

Patricia Doherty, Secretary

Lorraine Castro yes
Lorraine Castro (First Alternate)

Marc Calicchio (Second Alternate)

Robin LePre yes
Robin S. LePre (Third Alternate)

(Fourth Alternate)

Prepared by: Diana Powell McGovern
Diana Powell McGovern, Esq.

Memorialized: July 20, 2026

In the Matter of

MILTON and CLAUDIA MENDEZ

Applicants

ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF NUTLEY
ESSEX COUNTY, NEW JERSEY
DOCKET NO.: ZBA 26-0010

RESOLUTION GRANTING USE VARIANCE

FOR PROPERTY KNOWN AS:
278 Kingsland Street
Block 300 Lot 58

APPLICANTS, Milton and Claudia Mendez ("Applicants") having filed an application for a permit with the Code Official of the Township of Nutley, to do the following at the premises known as 278 Kingsland Street, also being Block 300, Lot 58 on the Tax Map of the Township of Nutley (the "Premises"):

> **To construct additions with a second-story deck on to the existing dwelling, located in a B-1 zoning district, as shown on the plans prepared by Jasmine Alcaise, AIA, dated February 20, 2026;**

AND the Code Official having denied said permit by letter dated April 14, 2026, citing Chapter 700, Article V, Section 700-113A of the Codes of Nutley states no nonconforming use nor structure nor any lawful use on a nonconforming lot shall be enlarged, extended, reconstructed or structurally altered, except that such structure or use may be structurally altered to correct an unsafe condition. A nonconforming structure or a lawful structure on a nonconforming lot may be restored or repaired in the event of partial destruction thereof;

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

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

AND the Board having held a public hearing on the application on June 15, 2026, after due public notice and due notice to property owners in the manner and within the time frames prescribed by the *Zoning Ordinance* and by the *Municipal Land Use Law* and the *Open Public Meetings Act* of the State of New Jersey;

AND the Board having fully heard the testimony of the witnesses, and examined the exhibits presented at the hearing, and there being no opposition presented;

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

1. **That Applicant's proposed use of the Premises as proposed would violate the provisions of the *Zoning Ordinance.* Specifically, the proposal would result in an expansion of a use not permitted in the Zoning District (d. 2 variance).**
2. **The Board accepted the following findings of fact as provided by the testimony of the witnesses:**
   - **The house was built in November of 1953 after receiving a variance to erect a one family dwelling on a lot with less than 50 feet frontage as required in a residential zone.**
   - **The house borders the Prism property parking lot.**
   - **The house continues to be a single-family home and the properties to the rear and to the right of the Applicants' property are also residential homes.**
   - **Applicants seek to expand the house to the rear.**
   - **The rear yard topography steeply slopes up and so the proposed building addition will be built into the hill with a deck above the first-floor addition so that the Applicants have usable outdoor space.**
   - **The Board considered that expansion of the one-family home would advance purpose a of the MLUL as it benefits the public welfare by creating ground floor usable outside living space.**
   - **No witness testimony was presented in opposition to the Application.**

3. **That Applicant has met his burden of demonstrating that special reasons exist for the granting of the requested variance.**

   a. **Specifically, the evidence presented demonstrates to the satisfaction of the Board that the proposed project carries out a purpose of zoning, as follows: The use promotes public health, morals and the general welfare of persons as it will provide outdoor living space and will provide a desirable visual environment.**
   b. **The site is particularly suited to this project as it is a single-family residence among other single and two-family homes surrounding it on three sides.**
   c. **With respect to the negative criteria, the proposed addition will not create any traffic or other negative impact.**

4. **That, on the basis of the evidence presented and subject to the terms and conditions described below, the requested variance can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan or the *Zoning Ordinance.***

BE IT THEREFORE RESOLVED by the Zoning Board of Adjustment of the Township of Nutley that for the reasons stated above, a VARIANCE from the provisions of the *Zoning Ordinance* is hereby GRANTED to permit Applicants to construct additions with a second-story deck on to the existing dwelling, located in a B-1 zoning district, as shown on the plans prepared by Jasmine Alcaise, AIA, dated February 20, 2026.

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

1. **All siding and roofs much match existing or a complete replacement will be required.**

2. **The Applicant shall be bound by the content of their testimony as if this testimony was incorporated herein;**

3. **All construction shall be completed in accordance with the plans submitted and/or the testimony of the Applicant;**

4. **The approvals granted herein shall expire unless construction is begun within one year of the date of the memorializing resolution as per Chapter 700, Article II, Section 85-19 of the Codes of Nutley.**

5. **The Applicant is advised that there is an appeal period for the relief granted herein for a period of forty-five (45) days from the date of publication of the notice of adoption of this Resolution in a newspaper of general circulation approved by the Township. Accordingly, any work or construction undertaken, or any expense incurred prior to the expiration of the appeal period will be at the sole risk of the Applicant. In addition, if any appeal of the approval is filed, any work or construction undertaken, or any expense incurred prior to a resolution of that appeal shall also be at the sole risk of the Applicant.**

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

Address: 278 Kingsland Street

Block: 300 **Lot: 58**

Date: June 15, 2026

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

APPLICATION/APPEAL GRANTED

____ c(bulk) __X__ d2(use) variance(s)
____ site plan approval
____ appeal ____other _____

Applicant(s): **Milton and Claudia Mendez**

Property: **278 Kingsland Street**

Block: **300** Lot: **58**

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

Frank Graziano yes
Frank Graziano, Chairman

2nd. yes
Daniel Tolve, Vice Chairman

yes
Gregory Tolve

yes
John Cafone

yes
Theresa Duva

Yvette Casabona Wallace

Patricia Doherty, Secretary

Lorraine Castro yes
Lorraine Castro (First Alternate)

Marc Calicchio (Second Alternate)

yes
Robin S. LePre (Third Alternate)

(Fourth Alternate)

Prepared by: Diana Powell McGovern
Diana Powell McGovern, Esq.

Memorialized: July 20, 2024

In the Matter of

JOSE CENTENO
Applicants

ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF NUTLEY
ESSEX COUNTY, NEW JERSEY
DOCKET NO.: ZBA 26-0016

RESOLUTION GRANTING BULK VARIANCES

FOR PROPERTY KNOWN AS:
150 Coeyman Avenue
Block 5001 Lot 8

APPLICANT, Jose Centeno ("Applicant") having filed an application for a permit with the Code Official of the Township of Nutley, to do the following at the premises known as 150 Coeyman Avenue, also being Block 5001, Lot 8 on the Tax Map of the Township of Nutley (the "Premises"):

> **To increase the driveway in front of the main dwelling, which will reduce the front yard coverage to 37% as shown on the property survey by Richard Hingos, Inc. dated May 14, 2024;**

AND the Code Official having denied said permit by letter dated May 4, 2026, citing Chapter 700, Article VIII, Section 700-94A(1) of the Codes of Nutley which states front yard: the driveway shall consist of the area directly opposite to an attached garage, detached garage or not more than two feet in front of the main dwelling when a two-foot in-depth landscape area is provided directly in front of the main dwelling or depressed garage or the extension of the side yard into the front yard. The driveway width shall not exceed 16 feet in width for lots up to 50 feet in width. Lots having a width greater than 50 feet may have a driveway width of up to 18 feet in width when conforming to §700-48. 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 will be in front of the main dwelling for more than two (2') feet, and also citing, Chapter 700, Article VII, Section 700-48 which states that 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. The required is 60%, the proposed is 37%;

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

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

AND the Board having held a public hearing on the application on June 15, 2026, after due public notice and due notice to property owners in the manner and within the time frames prescribed by the *Zoning Ordinance* and by the *Municipal Land Use Law* and the *Open Public Meetings Act* of the State of New Jersey;

AND the Board having fully heard the testimony of the witnesses and examined the exhibits presented at the hearing, and there being no opposition presented;

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

1. **That Applicant's proposed use of the Premises as proposed would violate the provisions of the *Zoning Ordinance.***

2. **That Applicant has met his burden of demonstrating that sufficient legal grounds exist for the granting of the requested variance.**

    a. **Applicant has adequately demonstrated peculiar and exceptional practical difficulties arising out of the exceptional narrowness, shallowness, or shape of the Premises such that strict application of the *Zoning Ordinance* would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, Applicant.**

    b. **Specifically, the evidence presented demonstrates to the satisfaction of the Board that the Applicant has a retaining wall that borders the driveway and therefore unless the driveway is widened, the car doors cannot be fully opened. With the proposed condition to wrap the retaining wall to the front of the house, any potential damage from a vehicle running too close to the house will be alleviated. The property is undersized as it is only 40 feet wide which creates a hardship as to the landscape percentages.**

    c. **That, on the basis of the evidence presented and subject to the terms and conditions described below, the requested relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan or the *Zoning Ordinance*.**

BE IT THEREFORE RESOLVED by the Zoning Board of Adjustment of the Township of Nutley that for the reasons stated above, a VARIANCE from the provisions of the *Zoning Ordinance* is hereby GRANTED to permit Applicant to increase the driveway in front of the main dwelling, which will reduce the front yard coverage to 37% as shown on the property survey by Richard Hingos, Inc. dated May 14, 2024.

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

1. **The Applicant is bound by the contents of his testimony as if this testimony was incorporated herein.**

2. **All construction shall be completed in accordance with the plans submitted and/or the testimony of the Applicant and his witnesses.**

3. **The approvals granted herein shall expire unless construction is begun within one year of the date of the memorializing resolution as per Chapter 700, Article II, Section 85-19 of the Codes of Nutley.**

4. **Applicant must wrap the retaining wall around the front corner and add landscaping where the garbage can is shown in the photograph marked as Exhibit A attached hereto (to hide the block wall in the front of the house).**

5. **The landscaping buffer camouflaging the block wall in the front of the house must be installed by the fall of 2026 and maintained in perpetuity.**

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

Address: 150 Coeyman Avenue

Block: 5001 **Lot: 8**

Date: June 15, 2026

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

APPLICATION/APPEAL GRANTED

__X__ c(bulk) ____ d(use) variance(s)
____ site plan approval
____ appeal ____other _____

Applicant(s): **Jose Centeno**

Property: **150 Coeyman Avenue**

Block: **5001** Lot: **8**

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

Frank Graziano yes — **Frank Graziano, Chairman**

yes — **Daniel Tolve, Vice Chairman**

yes — **Gregory Tolve**

yes — **John Cafone**

yes — **Theresa Duva**

Yvette Casabona Wallace

Patricia Doherty, Secretary

Lorraine Castro 2nd — **Lorraine Castro (First Alternate)**

Marc Calicchio (Second Alternate)

yes — **Robin S. LePre (Third Alternate)**

(Fourth Alternate)

Prepared by: Diana Powell McGovern
Diana Powell McGovern, Esq.

Memorialized: July 20, 2026

150 Cayman Ave

A-1

MAP OF PROPERTY

Situated In

TOWNSHIP OF NUTLEY, ESSEX COUNTY, NEW JERSEY

BEARINGS BASED ON REC.
SCALE: 1"=20'

S 47° 50' E
40.45'

FENCE
0.11' S.W.

CHAIN LINK POST
0.67' S.E.

10' CHAIN LINK FENCE

FENCE
0.45' N.E.

200.00'

CHAIN LINK FENCE

HEDGE S.W. OF LINE

BLOCK 5001

LOT 8

LOT 7

LOT 9

A-2

Front Yard Coverage
40 x 37 = 1480 ϕ
60% = 888
40% = 592

MASONRY GARAGE
2.58'

CONC. PATIO

8.36'

WALL
0.61' S.E.

16.99'

CHAIN LINK POST
0.88' N.W.

WOOD FENCE POST
2.77' N.W.

WOOD FENCE

N 42° 10' E

S 42° 10' W

2 1/2 STORY FRAME DWELLING
NO. 150

MASONRY WALL

1 1/2 STORY FRAME

8.86'

OPEN PORCH

WALL
0.12' S.E.

Landscape coverage 556 %
Imp coverage 924%

WALL
0.85' N.W.

PAVED DRIVEWAY

36.88'

110

56

36.91'

260

130

CONC. DRIVE

REMAINS OF CONC. CURB

TURN WALL IN FRONT OF HOUSE
ADD EVERGREEN SHRUB
Walk would be 2 steps

285.97'
(TAX MAP)

P.O.B.

599.10' FROM
BLOOMFIELD
AVENUE

N 47° 50' W
40.45'

FOREST AVENUE
(50' R.O.W.)

COEYMAN AVENUE
(50' R.O.W.)

REF: DBK 4430 PG 106

THIS IS A BUILDING LOCATION SURVEY MADE FOR TITLE PURPOSES ONLY. NO CORNER STAKES HAVE BEEN REQUESTED OR SET. ALTHOUGH ABSOLUTE OFFSET DIMENSIONS ARE NOT TO BE USED FOR PERMANENT CONSTRUCTION

THE CERTIFICATION IS MADE ONLY TO HEREON NAMED PARTIES FOR PURCHASE OR MORTGAGE HEREIN DELINEATED PROPERTY BY NAMED PURCHASER BELOW. NO RESPONSIBILITY OR LIABILITY IS ASSUMED BY SURVEYOR FOR 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. 13:40-5.1(d)

CERTIFICATE OF AUTHORIZATION No. 24GA2804600

SCALE: 1"=20'	**THIS SURVEY PREPARED ONLY FOR:**
SURVEY: 24-30534	OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY VESTED LAND SERVICES, LLC. (101949) JOSE CENTENO SHUPACK & HARDY, LLP. JEFFREY S. SHUPACK, ESQ. NBKC BANK, ITS SUCCESSORS AND/OR ASSIGNS AS THEIR INTERESTS MAY APPEAR
DATE: 05-14-2024	
DRAWN: KME	
CHECKED: RJH	
DWG: 24-30534.DWG	

RICHARD J. HINGOS INC.
PROFESSIONAL LAND SURVEYORS
539 VALLEY ROAD P.O. BOX 43752
UPPER MONTCLAIR, NJ 07043
TELEPHONE (973) 783-1114
EMAIL: RJHINGOS@COMCAST.NET

RICHARD J. HINGOS, JR.
PROFESSIONAL LAND SURVEYOR
N.J. LIC. NO. 43231

In the Matter of

VITTORIO VIRILI

Applicant

ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF NUTLEY
ESSEX COUNTY, NEW JERSEY
DOCKET NO.: ZBA 26-0048

RESOLUTION GRANTING BULK VARIANCES

FOR PROPERTY KNOWN AS:
371 Walnut Street
Block 1704 Lot 24

APPLICANT, Vittorio Virili ("Applicant") having filed an application for a permit with the Code Official of the Township of Nutley, to do the following at the premises known as 371 Walnut Street, also being Block 1704, Lot 24 on the Tax Map of the Township of Nutley (the "Premises"):

> **To install a 10' x 12' gazebo, having an approximate eight (8') foot setback to the attached deck and will increase the total lot coverage to 40% as shown on the survey prepared by Manno Surveying, Inc. dated August 20, 2025;**

AND the Code Official having denied said permit by letter dated March 17, 2026, citing Chapter 700, Article XI, Section 700-67D of the Codes of Nutley which states an attached accessory structure or accessory use shall be considered to be a part of the main building, and also citing, Chapter 700, Article XI, Section 700-67C which states no detached accessory building shall be located nearer than 10 feet to a main building (The existing deck is attached to the main dwelling. The garage will have an approximate eight *') foot setback to the deck), and also citing Chapter 700, Article VIII, Section 700-46A which states the Schedule of Regulations allows lot coverage of no more than 35% and the proposed lot coverage is 40%;

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

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

AND the Board having held a public hearing on the application on May 18, 2026 and June 15, 2026, after due public notice and due notice to property owners in the manner and within

the time frames prescribed by the *Zoning Ordinance* and by the *Municipal Land Use Law* and the *Open Public Meetings Act* of the State of New Jersey;

AND the Board having fully heard the testimony of the witnesses and examined the exhibits presented at the hearing, and testimony from neighbors Andrew Zolnowski of 130 North Road in opposition to the Application;

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

1. **That Applicant's proposed use of the Premises as proposed would violate the provisions of the *Zoning Ordinance.***

2. **That Applicant has met his burden of demonstrating that sufficient legal grounds exist for the granting of the requested variance.**

    a. **Applicant has adequately demonstrated peculiar and exceptional practical difficulties arising out of the exceptional narrowness, shallowness, or shape of the Premises such that strict application of the *Zoning Ordinance* would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, Applicant.**

    b. **Specifically, the evidence presented demonstrates to the satisfaction of the Board that the property is undersized, being only 37.5' x 100', and the proposed gazebo is safer than a temporary tent for needed shade in the rear yard. The proposed gazebo is not adding any impervious coverage as the gazebo is being installed over a paved area. The yard has no natural shade. The variance for lot coverage is due to the roof over the gazebo, and the gazebo is 10 feet from the deck, so the Board finds the only actual variance needed is for lot coverage.**

    c. **That, on the basis of the evidence presented and subject to the terms and conditions described below, the requested relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan or the *Zoning Ordinance*.**

BE IT THEREFORE RESOLVED by the Zoning Board of Adjustment of the Township of Nutley that for the reasons stated above, a VARIANCE from the provisions of the *Zoning Ordinance* is hereby GRANTED to permit Applicant to install a 10' x 12' gazebo, having an approximate ten (10') foot setback to the attached deck and will increase the total lot coverage to 40% as shown on the survey prepared by Manno Surveying, Inc. dated August 20, 2025.

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

1. **The Applicant is bound by the contents of his testimony as if this testimony was incorporated herein.**

2. **All construction shall be completed in accordance with the plans submitted and/or the testimony of the Applicant and his witnesses.**

3. **The approvals granted herein shall expire unless construction is begun within one year of the date of the memorializing resolution as per Chapter 700, Article II, Section 85-19 of the Codes of Nutley.**

4. **The gazebo must be ten (10') feet from the deck as represented by the Applicant and shown on the survey presented, therefore there is no need for a variance from Chapter 700, Article XI, Section 67C.**

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

Address: 371 Walnut Street

Block: 1704 **Lot: 24**

Date: June 15, 2026

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

APPLICATION/APPEAL GRANTED

__X__ c(bulk) ____ d(use) variance(s)
____ site plan approval
____ appeal ____other _____

Applicant(s): **Vittorio Virili**

Property: **371 Walnut Street**

Block: **1704** Lot: **24**

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

Frank D Graziano yes
Frank Graziano, Chairman

yes
Daniel Tolve, Vice Chairman

yes
Gregory Tolve

No
John Cafone

yes
Theresa Duva

Excused
Yvette Casabona Wallace

Excused
Patricia Doherty, Secretary

Lorraine Castro yes
Lorraine Castro (First Alternate)

Excused
Marc Calicchio (Second Alternate)

yes
Robin S. LePre (Third Alternate)

_____
(Fourth Alternate)

Prepared by: Diana Powell McGovern
Diana Powell McGovern, Esq.

Memorialized: July 20, 2024