THOMAS J. EVANS
Director of Revenue and Finance

DAVID BERRY
Construction Official
Zoning Official

TOWNSHIP OF NUTLEY

1 KENNEDY DRIVE
NUTLEY, NEW JERSEY 07110

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

CODE ENFORCEMENT DEPT.

BUILDING
PLUMBING
ELECTRICAL
FIRE
ZONING

April 28, 2026

Josh Kapusinki and Erica Doherty
435 Prospect Street
Nutley, NJ 07110

RE: Front Yard Fence
Corner Property
435 Prospect Street
Block/Lot: 4700/17

Dear Mr. Kapusinki and Ms. Doherty,

Your request for a permit, at the above referenced premises, to install a four (4') foot open picket style fence located on the corner property street side, side yard along Beech Street, as shown on the property survey by Allstate Mapping & Layout dated January 12, 2022, is denied for the following reason:

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

Chapter 700, Article XI, Section 700-71 A of the Codes of Nutley 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 be not 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.

Chapter 700, Article XI, Section 700-71 D of the Codes of Nutley states a fence erected on any corner lot shall conform to the fence requirements for the adjoining properties.

The proposed four (4') foot open picket style fence will be located on the side yard along Beech Street, which is in the front yard of the adjoining property along Beech Street.

A non-refundable filing fee of $75.00 was received by the Code Enforcement Department. ***All tax and water bills must be paid to date.***

Information on procedures for an appeal of this decision to the Board of Adjustment can be obtained from Jessica Liebold, jliebold@nutleynj.org or 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.

Very truly yours,

David Berry
Zoning Official
DB/jl

TOWNSHIP OF NUTLEY, NEW JERSEY

ZONING BOARD OF ADJUSTMENT APPLICATION FORM

Docket No: ZBA-20-0017

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

Application Fee: $ 75 (on denial letter) Date of Denial Letter: 4/28/20

Section I: SUBJECT PROPERTY

Address: 435 Prospect Street

Block: 4700 Lot: 17 Zone: R-1

	District Requirements	Proposed
Lot Area		
Lot Width		
Lot Depth		
Front Yard		
Side Yard		
Rear Yard		
Other		

Section II: APPLICANT INFORMATION

Name: Josh Kapusinski

Address: 435 Prospect. St.
Nutley, NJ 07110

Telephone: 201-415-3904

Email Address: joshkapusinski@gmail.com

Applicant is a:

_____ Corporation _____ Partnership _____ LLC X 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% interest.

Name: _____

Address: _____

_____

Interest: _____

Name: _____

Address: _____

_____

Interest: _____

Name: _____

Address: _____

_____

Interest: _____

Name: _____

Address: _____

_____

Interest: _____

Section IV: PROPERTY INFORMATION

	Existing	Proposed
Total existing and total proposed dwelling units	1	1
Total existing and total proposed professional offices		
Total existing and total proposed parking spaces		

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? no

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 01' topographic conditions).

None

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

None

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

Our family wants to adopt a dog. A backyard that is not fenced makes it difficult to provide an ideal outdoor space where the dog can be outside and not pose danger (safety risk) to other animals or people passing by and to keep out unwanted animals which has occurred many times with a fox killing a squirrel in our backyard. Many dog rescues require fences, and will not allow tie-down ropes due to previous trauma a dog may have experienced.

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 proposed wrought-iron picket style fence will mostly be concealed ~~to~~ from public view as it will line our backyard property, placed behind where already existing laurel scrubs in our backyard on Beech St. The fence and placement will actually be similar to the fence across from us on 443 Prospect St. - which is also concealed behind tall arborvitae scrubs and only in minimal public view.

CERTIFICATION

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

X Josh Kapusinski, 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.

X _____
Applicant/Applicant's Authorized Officer or Representative

Subscribed and sworn to before me
this 3rd day of June, 20 26.

X _____
Signature of person authorized to take oaths

CECI TRAMONTANA
NOTARY PUBLIC OF NEW JERSEY
COMMISSION # 50039985
MY COMMISSION EXPIRES 06/15/2026

Nutley
Parcel Offset List

Target Parcel(s): Block-Lot: 4700-17
DOHERTY,ERICA & KAPUSINSKI,JOSH
435 PROSPECT STREET

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

Block-Lot: 4601-8
PRESTON, MICHAEL W. & COLLEN G
434 PROSPECT ST
NUTLEY, NJ 07110
RE: 434 PROSPECT STREET

Block-Lot: 4801-30
SWEENEY, ROBERT F. & TERESA H.
22 BEECH ST
NUTLEY, NJ 07110
RE: 22 BEECH STREET

Block-Lot: 4801-29
FOX, ROBERT J. III & SUSAN M.
16 BEECH ST
NUTLEY, NJ 07110
RE: 16 BEECH STREET

Block-Lot: 4801-31
TORRES, JORGE & LAUREN
24 BEECH ST
NUTLEY, NJ 07110
RE: 24 BEECH STREET

Block-Lot: 4700-16
CALICCHIO, MARC G & MELISSA
11 BEECH ST
NUTLEY, NJ 07110
RE: 11 BEECH STREET

Block-Lot: 4601-10
CUCINOTTA, ANTHONY & DIANE
446 PROSPECT ST
NUTLEY, NJ 07110
RE: 446 PROSPECT STREET

Block-Lot: 4601-10.01
SLADER, RUSSELL & LISA
442 PROSPECT ST
NUTLEY, NJ 07110
RE: 442 PROSPECT STREET

Block-Lot: 4700-18
STELLATO, KEVIN & MICHELLE
429 PROSPECT STREET
NUTLEY, NJ 07110
RE: 429 PROSPECT STREET

Block-Lot: 4601-9
LEE, WAI KIN & DAWN LEE
438 PROSPECT STREET
NUTLEY, NJ 07110
RE: 438 PROSPECT STREET

Block-Lot: 4700-19
RUSSO, LOUIS & JANET PUPPO-RUSSO
425 PROSPECT ST
NUTLEY, NJ 07110
RE: 425 PROSPECT STREET

Block-Lot: 4700-20
SALAS, LINDA M.
421 PROSPECT ST
NUTLEY, NJ 07110
RE: 421 PROSPECT STREET

Block-Lot: 4601-7
LANE, CLIFFORD E. JR.
430 PROSPECT ST
NUTLEY, NJ 07110
RE: 430 PROSPECT STREET

Block-Lot: 4700-26
BADILLO, ANDREW & ALEXANDRA
58 MOUNTAINVIEW AVE
NUTLEY, NJ 07110
RE: 58 MOUNTAINVIEW AVENUE

Block-Lot: 4700-21
SANTOS, DIOGO F. & STEPHANIE
415 PROSPECT ST
NUTLEY, NJ 07110
RE: 415 PROSPECT STREET

Block-Lot: 4601-6
MORCHEL, HERMAN & GAIL
426 PROSPECT ST
NUTLEY, NJ 07110
RE: 426 PROSPECT STREET

Block-Lot: 4601-5
MEHALICK, WAYNE ET AL.
422 PROSPECT ST
NUTLEY, NJ 07110
RE: 422 PROSPECT STREET

Block-Lot: 4601-4
FRIEDMANN, HENRY & LINDA
418 PROSPECT ST
NUTLEY, NJ 07110
RE: 418 PROSPECT STREET

Block-Lot: 4801-32
GUGLIUZZA, JOSEPH & WENDY K.
34 BEECH ST
NUTLEY, NJ 07110
RE: 34 BEECH STREET

Block-Lot: 4801-28
ADESSA, MELISSA
14 BEECH ST
NUTLEY, NJ 07110
RE: 14 BEECH STREET

Block-Lot: 4801-25
LO MONACO, JON PAUL & COLLEEN
451 PROSPECT ST
NUTLEY, NJ 07110
RE: 451 PROSPECT STREET

Block-Lot: 4801-26
ESCOTT,THOMAS P & LAPAS,PAULA
447 PROSPECT ST
NUTLEY, NJ 07110
RE: 447 PROSPECT STREET

Block-Lot: 4700-12
FLOREZ, JAVIER & ALEKSANDRA
31 33 BEECH ST
NUTLEY, NJ 07110
RE: 31 & 33 BEECH STREET

Block-Lot: 4801-27
SEBASTIANO, CHRISTIAN & JENNIFER
443 PROSPECT ST
NUTLEY, NJ 07110
RE: 443 PROSPECT STREET

Block-Lot: 4700-13
PASQUARIELLO, VICTOR J. & CETTA, J.
27 BEECH ST
NUTLEY, NJ 07110
RE: 27 BEECH STREET

Block-Lot: 4500-1
WOLFE, JOSHUA H.
452 PROSPECT ST
NUTLEY, NJ 07110
RE: 452 PROSPECT STREET

Block-Lot: 4700-14
DANDREA, RICHARD & EILEEN
25 BEECH ST
NUTLEY, NJ 07110
RE: 25 BEECH STREET

Block-Lot: 4700-15
MINERVINI, MARCO A & ROBIN D
15 BEECH ST
NUTLEY, NJ 07110
RE: 15 BEECH STREET

UTILITIES

(A)

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

(B)

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

(C)

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

(D)

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

(E)

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

(F)

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

(G)

Verizon
540 Broad Street, Room 305
Newark, NJ 07101

(H)

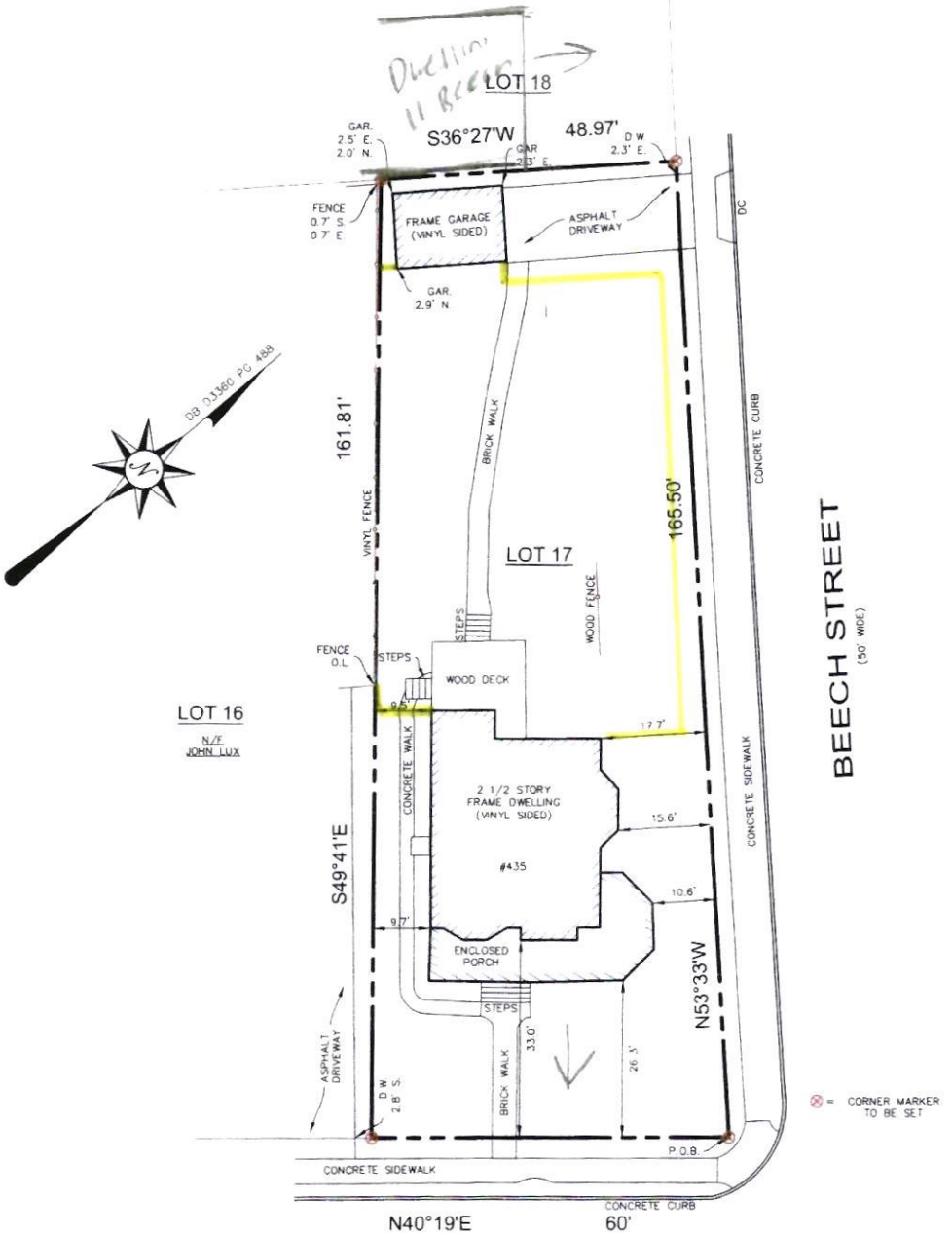
TCI of Northern New Jersey
40 Potash Road
Oakland, NJ 07436
Attn: Dan Gannon

(I)

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

(J)

Norfolk Southern Railway
125 County Road
Jersey City, NJ 07307



Proposed Fence

GRAPHIC SCALE (In Feet)
1 inch = 20' ft.

AREA:
8958 SQ. FT. OR 0.206 ACRES

THIS SURVEY IS CERTIFIED TO:

MORTGAGE CONNECT, LP (MC 1960813-1)
ERICA THERESE DOHERTY & JOSH ANDREW KAPUSINSKI

SURVEY OF PROPERTY KNOWN AS:

TAX MAP LOT 17, BLOCK 4700
435 PROSPET STREET
TOWNSHIP OF NUTLEY, COUNTY OF ESSEX,
STATE OF NEW JERSEY

SCALE:	DRAWN BY:	CHECK BY:	PROJECT #:	SHEET
1"=20'	A.S.	N.M.	NJ22-0015	1 OF 1

NOTES:

1. UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF THE NEW JERSEY LAW. ONLY SURVEY MAPS WITH THE SURVEYOR'S EMBOSSED SEAL ARE GENUINE TRUE AND CORRECT COPIES OF THE SURVEYOR'S ORIGINAL WORK AND OPINION.
2. CERTIFICATIONS INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED AND ON THEIR BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTIONS' CERTIFICATIONS ARE NOT TRANSFERABLE TO THE ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
3. THIS SURVEY HAS BEEN PREPARED FOR THE PURPOSE OF CONVEYANCE OF TITLE ONLY AND IS SUBJECT TO ANY EASEMENTS, GRANTS, RESTRICTIONS, RIGHT-OF-WAYS AND CONDITIONS OF RECORD AND SUCH STATE OF FACTS WHICH AND ACCURATE AND CURRENT ABSTRACT OF TITLE MIGHT DISCLOSE.
4. CORNER MARKERS TO BE SET AT A LATER DATE.

ALLSTATE MAPPING & LAYOUT
A PROFESSIONAL SURVEY AND MAPPING GROUP
CERTIFICATE OF AUTHORIZATION: 24GA28278000
230 BROAD STREET, 2L TEL: 973-255-5020
BLOOMFIELD, NJ. 07003 FAX 973-288-2650
www.allstatemapping.com

NARINDRA D. MOHAN, P.L.S. — N.Y. LIC. NO. 051100
RAYMOND P. FELDMAN, P.L.S. — N.Y. LIC. NO. 050701, PA LIC. NO. 052337E
MICHAEL H. SAPPERSTEIN, P.L.S. — N.J. LIC. NO. 37606

DATE: JAN. 12, 2022