

approved
8/17/2026
DL

NUTLEY ZONING BOARD OF ADJUSTMENT
Public Session Meeting Minutes
July 20, 2026

CALL TO ORDER: A meeting of the Nutley Zoning Board of Adjustment was called to order at approximately 7:30 p.m. by Chairman Frank Graziano. The Pledge of Allegiance was recited. Roll was called and the Sunshine Notice was read.

PRESENT: Robin LePre, Patricia Doherty, Greg Tolve, Chairman Graziano, Diana Powell McGovern Esq.

EXCUSED: Lorainne Castro, Marc Calicchio, Yvette Wallace, John Cafone, Theresa Duva, Daniel Tolve

ABSENT:

* * * * *

No. 1. 117 St. Mary's Place – Approved 4-0

Applicant: Tom DiBiasi Esq., 117 St. Mary's Place, Nutley, NJ 07110

Application: Your request on behalf of your client, 117 ST MARY LLC, for a permit to demolish the existing single-family dwelling and to construct a new two-family dwelling, located in an R-2 zoning district on a 50 x 100 lot, as shown on the Engineering plan by David E. Fantina, P.E. dated April 16, 2026 and Architectural plans by Dassa Haines dated April 16, 2026

Appearances: Mr. Tom DiBiasi Esq., Father Thomas D. NiCastro, Joseph Haines(Architect), Sal Corvino(Planner), David Fantina(Engineer)

Letter of Denial: Letter of Denial was read by Patricia Doherty

Chapter 700, Article VIII Section 700-46 A of the Codes of Nutley, entitled "Schedule of Regulations as to Bulk, Height, and Other Requirements," requires the following (see attached checklist on page 2).

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. The required landscaping is 60%, the proposed is 36.38%.

Chapter 700, Article XIII, Section 700-94 A (3) of the Codes of Nutley states each property shall not have more than one driveway and one curb cut.

Mr. DiBiasi calls Father NiCastro to discuss the project that is adjacent to the church. Father NiCastro states that he Thinks it will add the architectural beauty to the block.

He also consulted trustees and head of finance council and they agree that they do not have any problems with the building being constructed as proposed. There project was designed in a way where there will be no runoff.

Next the architect, Mr. Haines states the proposal as a side-by-side, two-family dwelling with ground-level garages and recreation rooms, open-concept living areas on the second floor, and three bedrooms on the upper level. He stated that premium materials would be used throughout. Due to a portion of the first floor being below grade, the structure is considered two stories under Nutley zoning. The proposed height is 2 feet, 10 inches above the permitted height, requiring a C-variance, but is only approximately one foot taller than the prior structure and remains lower than the neighboring church. Proposed lot coverage is 34.3%. The first-floor recreation rooms will not be used as bedrooms. The A/C condensers may be located within the side-yard setback provided three feet of clearance is maintained to the rear yard. A single four-foot walkway will split to serve both entrances, as shown on Exhibit A-5.

David Fantina, the Engineer, states that the current home drains to the front and under the new proposal the drainage will flow to the driveway and out to the street.

Sal Corvino, the Planner, states that the applicants believe the coverage may be in line with town code but will request a C-variance to be safe. He states there are much taller buildings across the street and thinks the height of this building as appropriate because it will act as a transition from the church to the smaller homes next door. He believes the home will not be a detriment to the neighborhood in anyway. He also believes the plan is within the sound principles and can be approved without negatively affecting the Nutley Master Plan. The project will also be an aesthetic improvement.

With no further questions or concerns a motion to grant the variance was made by Patricia Doherty and was seconded by Greg Tolve. The motion was approved by a vote of 4-0.

* * * * *

No. 2. 217 Ridge Road – Approved 4-0

Applicant: Estate of Betty and Eric Steck, 217 Ridge Road, Nutley, NJ 07110

Application: Your request for a permit, at the above referenced premises, to leave as erect a driveway which was increased to 20', which was found on a driveway inspection, as shown on a property survey by George J. Anderson dated June 30, 2004

Appearances: Eric Steck

Letter of Denial: Letter of Denial was read by Patricia Doherty

Mr. Steck states that he pulled a permit to replace the driveway and because of the suggestion of his contractor he extended the pavement the 1.5 feet to the retaining wall.

Now the driveway is about 20 feet. He states he didn't realize he would need a variance and that strip of grass served no purpose and was difficult to maintain.

A motion to grant this variance was made by Greg Tolve and seconded by Patricia Doherty. The motion was approved by a vote of 4-0.

* * * * *

No. 3. 435 Prospect Street – Approved 4-0

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

Application: 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

Appearances: Josh Kapusinki

Letter of Denial: Letter of Denial was read by Patricia Doherty

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.

Mr. Kapusinki states that he lives on a corner property and would like to install a wrought iron style fence to enclose his yard for the safety of his kids and dog. He states the yard currently gets foxes as well and would like to create a barrier of some kind. The board makes a condition that evergreen trees higher than the 4' fence must be installed and maintained in front of the fence.

A motion to grant this variance was made by Patricia Doherty and seconded by Robin LePre. The motion was approved by a vote of 4-0.

* * * * *

No. 4. 624 Bloomfield Avenue – Approved 4-0

Applicant: Esric Freckleton, 624 Bloomfield Avenue, Nutley, NJ 07110

Application: Your request for a permit at the above referenced address, to modify the approval by the Zoning Board of Adjustment to include increasing the height of the front foyer, having a 16'6" front yard setback, as shown on the plans by MAR Architecture Engineering dated May 29, 2026

Appearances: Esric Freckleton, Mohammad Reda (Engineer)

Letter of Denial: Letter of Denial was read by Patricia Doherty

Chapter 700, Article VIII, Section 700-46 A of the Codes of Nutley states the Schedule of Regulations requires the following for a front yard in an R-1 A district:

Required	Proposed
25'	16'6"

Mr. Freckleton states that he would like to modify his prior approval from the zoning board to allow an increased height to his foyer. His engineer, Mohammad Reda, states that the porch was slowing down with one step and they are going to raise the floor of the porch 16" and they just want to raise the roof in accordance.

A motion to grant this variance was made by Patricia Doherty and seconded by Greg Tolve. The motion was approved by a vote of 4-0.

* * * * *

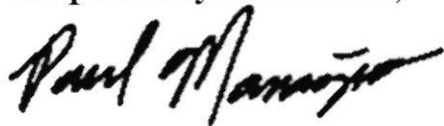
Bill: Secretary Fee \$150

Public Comment : None.

Resolutions: 96 Howard Place, 150 Coeyman Avenue, 278 Kingsland Street, 371 Walnut Street, 31 Overlook Terrace

NOTE: THE PROCEEDINGS IN THIS MATTER WERE VOICE RECORDED. THE RECITAL OF FACTS IN THE MINUTES IS NOT INTENDED TO BE ALL-INCLUSIVE, BUT IS A SUMMARY AND HIGHLIGHT OF THE COMPLETE RECORD MADE BEFORE THE ZONING BOARD

Respectfully Submitted,



Paul Marranzino
Board Secretary