In the Matter of

LENIN GOMEZ

Applicant

ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF NUTLEY
ESSEX COUNTY, NEW JERSEY
DOCKET NO.: ZBA 26-0019

RESOLUTION DENYING BULK VARIANCES

FOR PROPERTY KNOWN AS:
12 White Terrace
Block 3601 Lot 7

APPLICANT, Lenin Gomez ("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 12 White Terrace, also being Block 3601, Lot 7 on the Tax Map of the Township of Nutley (the "Premises"):

> **To widen the existing driveway to 19', reducing the front yard coverage to 54%, as shown on the property survey by Morgan Engineering & Surveying dated February 6, 2016;**

AND the Code Official having denied said permit by letter dated May 4, 2026, citing Chapter 700, Article VIII, Section 700-48 of the Codes of Nutley which 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 is 60%, the proposed is 54%

AND also citing Chapter 700, Article XIII, Section 700-94A(1) of the Codes of Nutley which states 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. Los 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 not available side yard, a driveway not to exceed 16 feet in width from the side lot line may be constructed. The required driveway width is 16', the proposed is 19';

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 August 17, 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 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 not met his burden of demonstrating that sufficient legal grounds exist for the granting of the requested variance.**

    a. **Applicant did not adequately demonstrate 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. Nor did Applicant provide any evidence that the proposed widening of the driveway would satisfy the c(2) criteria as there was no articulated purpose of zoning as required by the Municipal Land Use Law.**

    b. **Specifically, the evidence presented demonstrates the driveway is currently wide enough to accommodate four vehicles and an additional vehicle inside the garage for a total of 5 onsite parking spaces. The reasons offered by the Applicant were that he wanted additional space for when his parents come to stay at his house and presently when they stay, they park their vehicle on the existing driveway but the area is tight and they sometimes open their door and hit the vehicle next to them. The Board took notice of the fact that the area on either side of the driveway was flat, and car doors could be open on either side without impediment with any fixed object. Additionally, the applicant sought to extend the driveway to the right, leaving only one foot of space to his neighbor's front lawn. The existing driveway also extends to the left in front of the main dwelling and so to increase the width to the right would create an unsightly parking lot appearance. Finally, Applicant offered no evidence that widening of the driveway was supported by any of the purposes of the MLUL.**

    c. **On the basis of the evidence presented the proposed driveway widening presented a substantial detriment to the public good and would 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 DENIED to permit Applicant to widen the existing driveway to 19', reducing the front yard coverage to 54%, as shown on the property survey by Morgan Engineering & Surveying dated February 6, 2016.

Address: 12 White Terrace

Block: 3601 Lot: 7

Date: August 17, 2026

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

APPLICATION/APPEAL DENIED

Applicant(s):
Address: 12 Linda Terrace

Block: Lot(s): 3601 Lot 7

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

Frank Graziano Y — **Frank Graziano, Chairman**

Y — **Daniel Tolve, Vice Chairman**

Excuse — **Gregory Tolve**

John Cafone Y — **John Cafone**

Excuse — **Theresa Duva**

Yvette Casabona Wallace N — **Yvette Casabona Wallace**

Patricia Doherty Y — **Patricia Doherty, Secretary**

Excuse — **Lorraine Castro (First Alternate)**

Y — **Marc Calicchio (Second Alternate)**

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

(Fourth Alternate)

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

Memorialized: Sept. 21, 2026

In the Matter of

708 HARMON LLC

Applicant

ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF NUTLEY
ESSEX COUNTY, NEW JERSEY
DOCKET NO.: ZBA 26-0014

RESOLUTION GRANTING BULK VARIANCES

FOR PROPERTY KNOWN AS:
31 Overlook Terrace
Block 5000 Lot 1

APPLICANT, 708 Harmon LLC ("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 31 Overlook Terrace, also being Block 5000, Lot 1 on the Tax Map of the Township of Nutley (the "Premises"):

> **To install a six (6') foot solid type fence located in the left and right side yards, as shown on the property survey prepared by Morgan Engineering & Surveying dated July 24, 2025;**

AND the Code Official having denied said permit by letter dated May 11, 2026, citing Chapter 700, Article XI, Section 700-71 B 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-1AA 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 Applicant having returned to the Board for a public hearing on August 17 2026 as a request for reconsideration of a condition of approval rendered by the Board at the June 15, 2026 hearing 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 (100% owner of the LLC, member Shorena Peikrishvili provided testimony on behalf of the LLC) 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 its burden of demonstrating that sufficient legal grounds exist for the granting of the requested variance.

    a. Applicant has adequately demonstrated the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment (c.(2.) variance).

    b. Specifically, the evidence presented demonstrates to the satisfaction of the Board that there are no hardships related to the property that would justify relief under a c(1.) criteria. As to the c(2), Applicant's house is set back from the street 37.6' and is elevated from the street such that with the condition that the largest section of the fence that would faces the street (on the right side) is moved back with the Board originally conditioning the approval for a position of the fence at a point in front of the AC conditioner units, which was adjusted to a point four (4") inches from the window well on the right side of the house and that the fence will be camouflaged by evergreen landscaping in front of the fence facing Overlook Terrace, this will provide Applicant with the requested privacy they desire and also present an aesthetically pleasing appearance.

    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 six (6') foot solid type fence located in the left and right side yards, as shown on the photograph marked as Exhibit A-1 property survey marked as Exhibit A-2 at the hearing on June 15, 2026 and revised as per the survey marked as Exhibit A-3 and photograph marked as Exhibit A-4 at the hearing on August 17, 2026 and attached hereto.

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

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

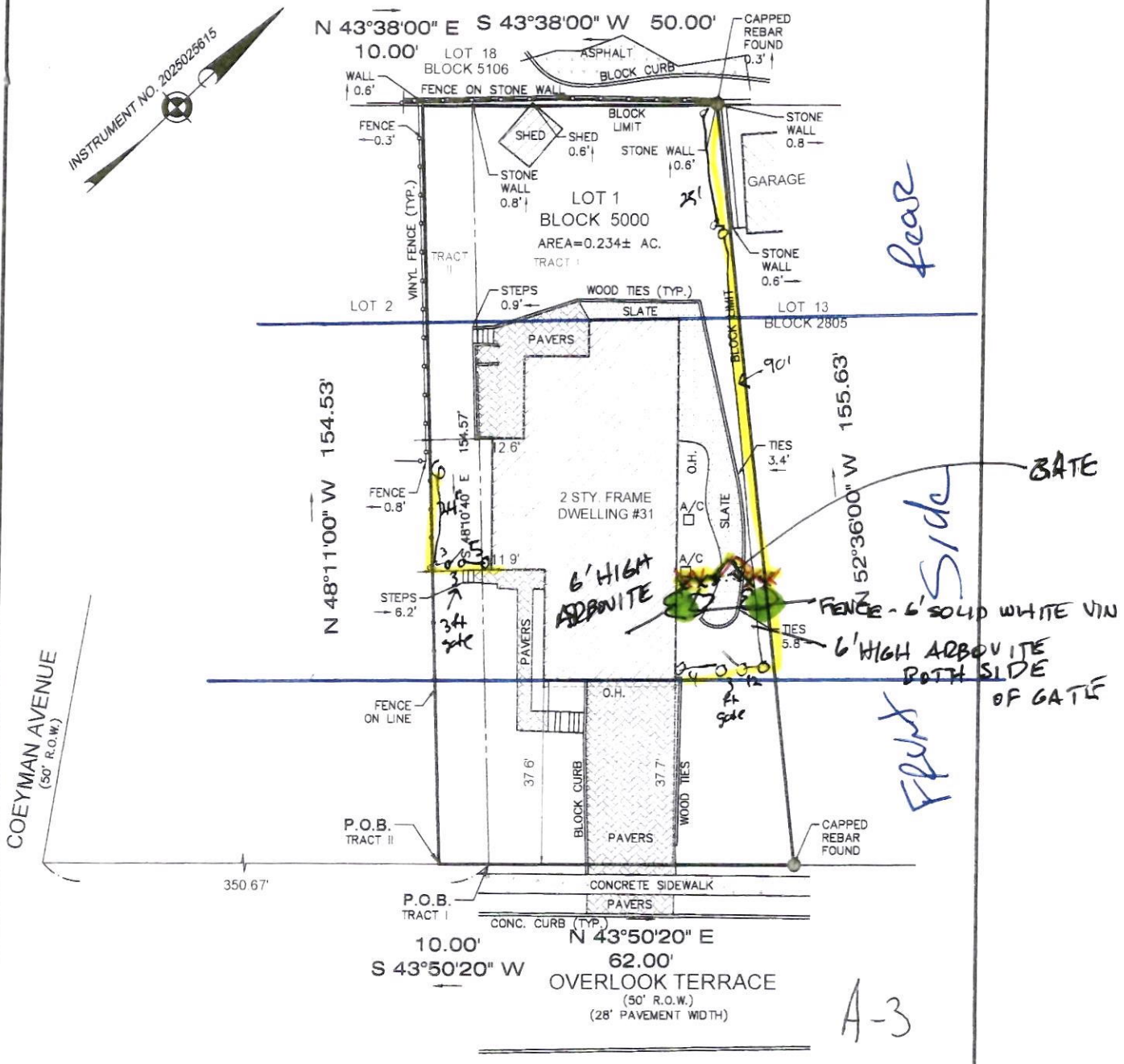
2. All construction shall be completed in accordance with the plans submitted and/or the testimony of the Applicant and his witnesses.

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 fence on the right side of the property shall be recessed and begin at a point four (4") inches in front of the window well.**

5. **Within 6 months of the installation of the fence, Applicant must install and maintain evergreen landscaping in front of the fence section facing Overlook Terrace, with said evergreen landscaping being of a height of at least six (6') feet, such as arborvitae or other comparable evergreen shrubbery, to be installed on both sides of the gate on the right side of the house facing Overlook Terrace as per Exhibits A-3 and A-4 attached.**

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.



PREPARED FOR: *708 HARMON LLC a limited liability company*

TITLE INSURER: *SAFE LAND TITLE AGENCY, LLC (SLQ-NJ-3139)*
STEWART TITLE GUARANTY COMPANY

BUYER'S ATTORNEY: *FARIS R. SHURBAJI, Esquire*
SHURBAJI VILLAGOMEZ LLP

DISCUSSION TOPIC: SHED CROSSES BOUNDARY LINE.

IMPORTANT NOTES, PLEASE REVIEW:

- I DECLARE THAT, TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF, THIS MAP OR PLAN MADE ON 7/24/2025 BY ME OR UNDER MY DIRECT SUPERVISION IS IN ACCORDANCE WITH THE RULES AND REGULATIONS PROMULGATED BY THE STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS.
- THIS SURVEY DOES NOT PURPORT TO IDENTIFY BELOW GROUND ENCROACHMENTS, UTILITIES, SERVICES LINES OR STRUCTURES, WETLANDS, OR RIPARIAN RIGHTS. NO ATTEMPT WAS MADE TO DETERMINE IF ANY PORTION OF THE PROPERTY IS CLAIMED BY THE STATE OF NEW JERSEY AS TIDELANDS. ENVIRONMENTALLY SENSITIVE AREAS, IF ANY ARE NOT LOCATED BY THIS SURVEY.
- OFFSET DIMENSIONS FROM STRUCTURES TO PROPERTY LINES SHOWN HEREON ARE NOT TO BE USED TO REESTABLISH PROPERTY LINES.
- THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. ALL INFORMATION REGARDING RECORD EASEMENTS, ADJOINERS AND OTHER DOCUMENTS THAT MIGHT AFFECT THE QUALITY OF TITLE TO TRACT SHOWN HEREON WAS GAINED FROM A TITLE REPORT PROVIDED BY THE TITLE INSURER REFERENCED HEREON.
- PROPERTY CORNERS HAVE NOT BEEN SET AS PER CONTRACTUAL AGREEMENT. (N.J.A.C. 13:40-5.1(D))

INSTRUMENT NO. 2025025615

CERTIFICATE OF AUTHORIZATION: 24GA28229800

MORGAN engineering & surveying

P.O. BOX 5232
TOMS RIVER, N.J. 08754
TEL: 732-270-9690
FAX: 732-270-9691

www.morganengineeringllc.com

DAVID J. VON STEENBURG
PROFESSIONAL LAND SURVEYOR
N.J. LIC. No. 34500

SURVEY OF PROPERTY

LOT 1 BLOCK 5000

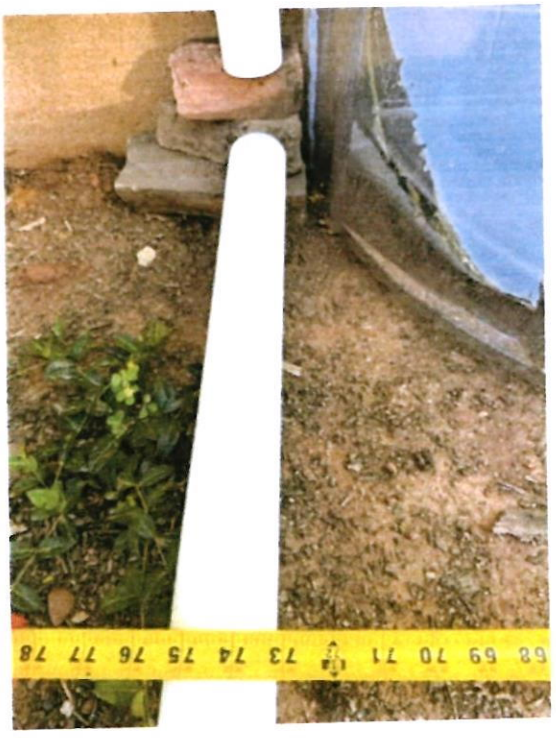
TOWNSHIP OF NUTLEY

COUNTY OF ESSEX NEW JERSEY

Scale:	Drawn By:	Date:	JOB #:	CAD File #:	Sheet #
1"=20'	J.V.S.	7/24/2025	25-06057	25-06057_JVS	1 OF 1

Image 2 – Proposed 74-inch separation from air conditioning unit



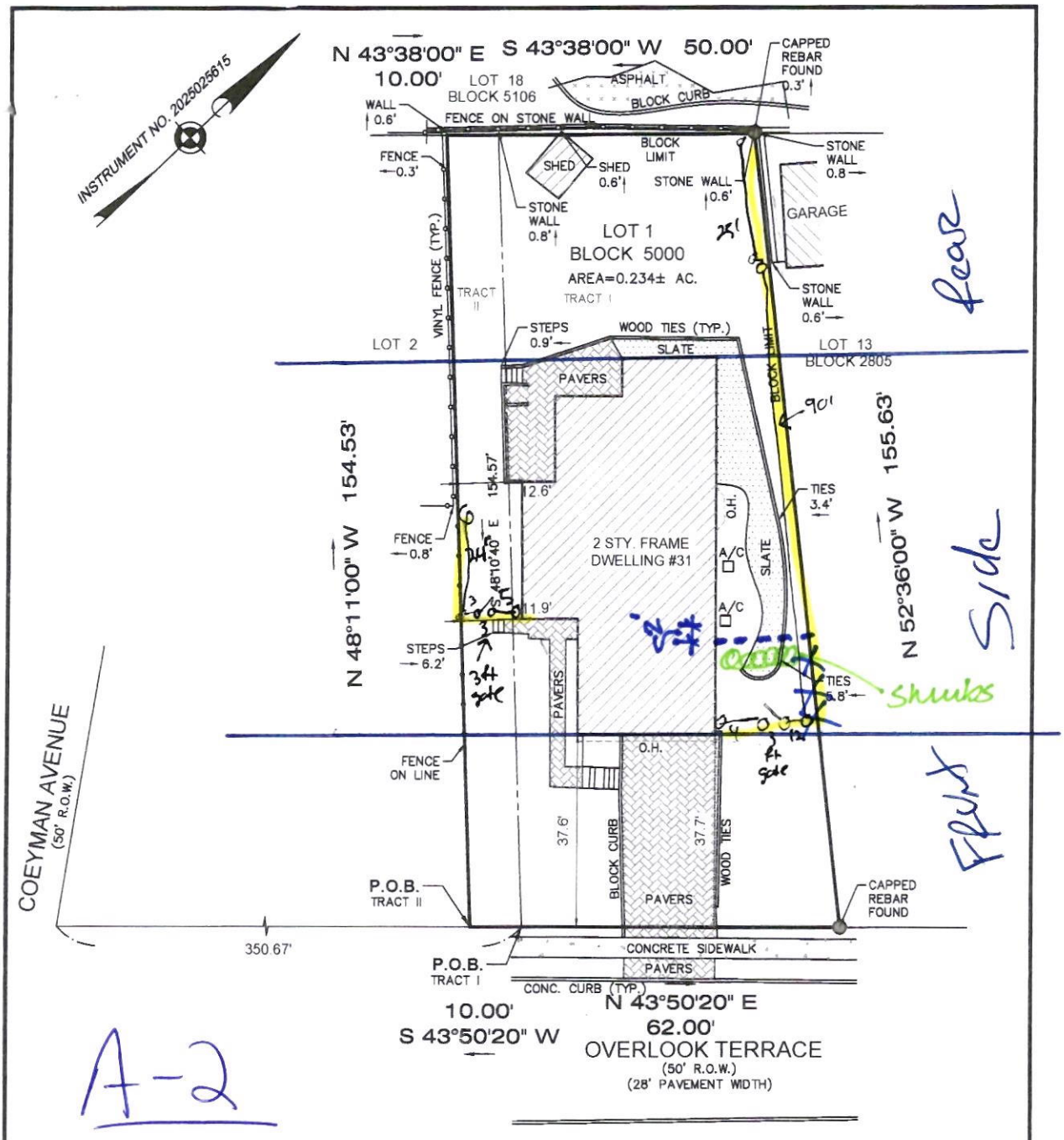


A-4





A-1



PREPARED FOR: *708 HARMON LLC a limited liability company*

TITLE INSURER: *SAFE LAND TITLE AGENCY, LLC (SLQ-NJ-3139)*
STEWART TITLE GUARANTY COMPANY

BUYER'S ATTORNEY: *FARIS R. SHURBAJI, Esquire*
SHURBAJI VILLAGOMEZ LLP

DISCUSSION TOPIC: SHED CROSSES BOUNDARY LINE.

IMPORTANT NOTES, PLEASE REVIEW:

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- OFFSET DIMENSIONS FROM STRUCTURES TO PROPERTY LINES SHOWN HEREON ARE NOT TO BE USED TO REESTABLISH PROPERTY LINES.
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- PROPERTY CORNERS HAVE NOT BEEN SET AS PER CONTRACTUAL AGREEMENT. (N.J.A.C. 13:40-5.1(D))

INSTRUMENT NO. 2025025615

CERTIFICATE OF AUTHORIZATION: 24GA28229800

MORGAN engineering & surveying

P.O. BOX 5232
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TEL: 732-270-9690
FAX: 732-270-9691

www.morganengineeringllc.com

DAVID J. VON STEENBURG
PROFESSIONAL LAND SURVEYOR
N.J. LIC. No. 34500

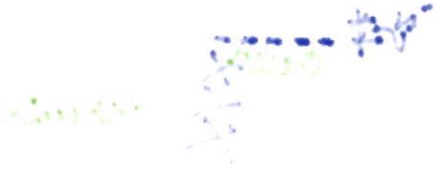
SURVEY OF PROPERTY

LOT 1 **BLOCK 5000**

TOWNSHIP OF NUTLEY

COUNTY OF ESSEX **NEW JERSEY**

Scale:	Drawn By:	Date:	JOB #:	CAD File #:	Sheet #
1"=20'	J.V.S.	7/24/2025	25-06057	25-06057_JVS	1 OF 1



Address: 31 Overlook Terrace

Block: 5000 **Lot: 1**

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): **708 Harmon LLC/Shorena Peikrishvili**

Property: **31 Overlook Terrace**

Block: **5000** Lot: **1**

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

Frank Graziano, Chairman yes

Daniel Tolve, Vice Chairman yes

Gregory Tolve yes

John Cafone

Theresa Duva yes

Yvette Casabona Wallace

Patricia Doherty, Secretary

Lorraine Castro (First Alternate) yes

Marc Calicchio (Second Alternate)

Robin S. LePre (Third Alternate) yes

(Fourth Alternate)

Prepared by: _____
Diana Powell McGovern, Esq.

Memorialized:_____

Address: 31 Overlook Terrace

Block: 5000 Lot: 1

Date: August 17, 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) ____ d(use) variance(s)
____ site plan approval
____ appeal ____other: **Modification of a Condition from a Variance granted on June 15, 2026**

Applicant(s): **708 Harmon LLC**

Property: **31 Overlook Terrace**

Block: **5000** Lot: **1**

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

Frank O Graziano Y — **Frank Graziano, Chairman**

Daniel Tolve Y — **Daniel Tolve, Vice Chairman**

Ex — **Gregory Tolve**

Y — **John Cafone**

Ex — **Theresa Duva**

Yvette Casabona Wallace Y — **Yvette Casabona Wallace**

Patricia Doherty Y — **Patricia Doherty, Secretary**

Ex — **Lorraine Castro (First Alternate)**

Y — **Marc Calicchio (Second Alternate)**

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

(Fourth Alternate)

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

Memorialized: Sept. 21, 2026

In the Matter of

TEJAS BHANDARI

Applicant

ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF NUTLEY
ESSEX COUNTY, NEW JERSEY
DOCKET NO.: ZBA 26-0026

RESOLUTION GRANTING BULK VARIANCES

FOR PROPERTY KNOWN AS:
51 Ridge Road
Block 5503 Lot 34

APPLICANT, Tejas Bhandari ("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 51 Ridge Road, also being Block 5503, Lot 34 on the Tax Map of the Township of Nutley (the "Premises"):

> **To construct a covered porch addition, having a 3.05' side yard, as shown on the plans by VP Architectural Design, LLC dated July 15, 2026;**

AND the Code Official having denied said permit by letter dated July 22, 2026, citing Chapter 700, Article VIII, Section 700-46A of the Codes of Nutley which states the Schedule of Regulations requires six (6') feet for a side yard and the proposed side yard is 3.05';

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 August 17, 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 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 proposed addition is continuing along the line of the pre-existing setback of the house and not further encroaching into the already deficient side yard setback.**

    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 construct a covered porch addition, having a 3.05' side yard, as shown on the plans by VP Architectural Design, LLC dated July 15, 2026.

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 entire house will be re-sided, and the roof of the addition must match the existing roof.**

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: 51 Ridge Road

Block: 5503 Lot: 34

Date: August 17, 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): **Tejas Bhandari**

Property: **51 Ridge Road**

Block: **5503** Lot: **34**

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

Frank Graziano Y — **Frank Graziano, Chairman**

Y — **Daniel Tolve, Vice Chairman**

Ex — **Gregory Tolve**

Y — **John Cafone**

Ex — **Theresa Duva**

Yvette C Wallace Y — **Yvette Casabona Wallace**

Patricia Doherty Y — **Patricia Doherty, Secretary**

Ex — **Lorraine Castro (First Alternate)**

Y — **Marc Calicchio (Second Alternate)**

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

(Fourth Alternate)

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

Memorialized: Sept. 21, 2026

In the Matter of

JAMES and MICHELLE GARATINA
Applicants

ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF NUTLEY
ESSEX COUNTY, NEW JERSEY
DOCKET NO.: ZBA 26-0028

RESOLUTION GRANTING BULK VARIANCES

FOR PROPERTY KNOWN AS:
4 Villa Place
Block 3904 Lot 1

APPLICANTS, James and Michelle Garatina ("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 4 Villa Place, also being Block 3904, Lot 1 on the Tax Map of the Township of Nutley (the "Premises"):

> **To construct additions and a portico onto the existing dwelling, as shown on the plans prepared by Pulice/Williams Architects dated July 22, 2026;**

AND the Code Official having denied said permit by letter dated July 28, 2026, citing Chapter 700, Article VIII, Section 700-46A of the *Codes of Nutley* Schedule of Regulations which requires a front yard setback of 25' (14.80' and 18.5' are proposed), a rear yard setback of 30' (3.3' and 5' are proposed) and lot coverage not to exceed 35% (43% is proposed) and also citing Chapter 700, Article III, Section 700B(d)(3) of the Codes of Nutley which states by any open portico and porch, no variance from front yard setback requirements of Chapter 700 Zoning shall be required for an open portico added to an existing single-family, two-family and three-family dwelling, which dwelling was constructed prior to August 1, 2023 in an R-1, R-1A, R-1AA, R-2 or R-3 Zoning District, provided that the following conditions are met:

(3) The portico shall not encroach more than 10 feet into the minimum required front yard for the zone in which it is located. (The required front yard is 25', the maximum encroachment is 10', (25' – 10' =15') The proposed setback will be 8.82');

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 August 17, 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 Applicants' proposed use of the Premises as proposed would violate the provisions of the *Zoning Ordinance.***

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

    a. **Applicants have 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, Applicants.**

    b. **Specifically, the evidence presented demonstrates to the satisfaction of the Board that the property is an undersized corner lot where the existing house has a pre-existing rear yard setback of 3' and a pre-existing front yard setback of 14.82'. The existing house is a one-story house, and the proposed addition is going above the first floor. The existing house has a carport which will be replaced by a garage that will be more functional and useful. The proposed renovations are in keeping with the goals of the Master Plan as the Applicant will be upgrading the existing house.**

3. **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 Applicants to construct additions and a portico onto the existing dwelling, as shown on the plans prepared by Pulice/Williams Architects dated July 22, 2026;

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

1. **The Applicants are bound by the contents of their 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 Applicants and their 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. **Applicants will install all new roofing and siding for the entire house.**

5. **Applicants will install any stormwater management systems that are required by the State of New Jersey and as directed by the Township Engineer.**

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: 4 Villa Place

Block: 3904 Lot: 1

Date: August 17, 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): **James and Michelle Garatina**

Property: **4 Villa Place**

Block: **3904** Lot: **1**

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

Frank O Graziano X — **Frank Graziano, Chairman**

Daniel Tolve Y — **Daniel Tolve, Vice Chairman**

Ex — **Gregory Tolve**

John Cafone X — **John Cafone**

Ex — **Theresa Duva**

Yvette C Wallace Y — **Yvette Casabona Wallace**

Patricia Doherty Y — **Patricia Doherty, Secretary**

Ey — **Lorraine Castro (First Alternate)**

Y — **Marc Calicchio (Second Alternate)**

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

_____ — **(Fourth Alternate)**

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

Memorialized: Sept. 21, 2026