

**ZONING BOARD OF ADJUSTMENT
BOROUGH OF ESSEX FELLS
MINUTES OF THE MEETING OF SEPTEMBER 22, 2022**

The meeting was called to order at 7:34 p.m. The Open Public Meetings Act announcement was read as required by law. Those present were: Chairman Michael Candido, Vice-Chairman Michael Spellman, Chris Shearin, MJ Jolda, Allison Semaya, Oscar Bate and William Kovacs. In addition, Michael D. Sullivan, Board Attorney, was present.

On motion made by Vice-Chairman Spellman, seconded by Board Member Shearin, the minutes of the meeting of July 28, 2022 were adopted unanimously by all those eligible to vote.

The next matter to come before the Board was the hearing of the application of Eiler Marcher and Dorothy Zajac, 4 and 6 Wootton Road, Block 10.02, Lots 26 and 24 for minor subdivision, floor area ratio, lot area and impervious coverage variances. On motion made by Board Member Bate, seconded by Vice-Chairman Spellman, at the request of the applicants, the matter was carried to the October 27, 2022 meeting without further notice by unanimous vote.

The next matter to come before the Board was the hearing of the application of Thanh Ly and Ivy Lau, 12 Maple Lane, Block 11.02, Lot 4 for floor area ratio and front yard setback variances. Present at hearing were Thanh Ly and Ivy Lau, 12 Maple Lane, Essex Fells, New Jersey. Ms. Lau stated that as a result of COVID-19 she has been working primarily at home along with her husband and this requires additional space. In addition, she is expecting and additional space will be necessitated for their growing family. Mr. Ly also noted that his mother-in-law from Hong Kong will be visiting for approximately three to six months requiring additional space. Mr. Ly stated he is from the area having lived in West Orange beginning in 2002. He said his wife is also from the area having lived in Livingston and West Caldwell over the past decade. Mr. Ly stated that with the expansion they hope this will be their "forever house."

Ms. Lau referred to the architectural plans titled "House Addition at 12 Maple Lane, Essex Fells, NJ" prepared by Qiong Wu, AIA of Taja Design and Build, LLC dated October 13, 2021 revised through June 20, 2022. Ms. Lau referred to Sheet A-1 "Site Plan and Zoning Info" and advised they sought permission to construct a second floor addition over the existing garage to add an additional bedroom and bathroom as well as a new deck. The existing concrete patio would be reduced in size in order to meet the impervious coverage requirement. A variance is being sought to permit a front yard setback of 39.5 feet to the front porch where 42.2 feet is existing and 40.7 feet is required. The front yard setback measured to the second floor overhang is 41.5 feet. A variance for floor area ratio is also requested to permit 19.48% where a maximum of 17% is allowed. The second floor addition consists of 633 square feet.

Board Attorney Sullivan noted that the applicants had received a waiver from the Order Imposing Scarce Resource Restraint granting approval for sewer service by correspondence dated August 22, 2022 from Francis J. Banisch III, PP/AICP, Special Master. Ms. Lau referred to Sheet A-2 consisting of existing and proposed floor plans. Changes to the first floor include the addition of the deck and reduction in the concrete patio. The second floor will add an

additional bedroom and full bathroom and the laundry room will be relocated to the second floor. Ms. Lau referred to Sheet A-3 and discussed the proposed elevations.

Board Attorney Sullivan noted that in the event the application was approved it would be subject to compliance with comments 3.7 through 3.10, 3.11.1 and 4.1 through 4.5 contained in the review memorandum prepared by Petry Engineering, LLC dated August 31, 2022. The applicants agreed to comply. Mr. Ly noted that a conforming floor area ratio would not meet their needs and ultimately would require them to move. In response to a question, Ms. Lau stated they had not decided on the exterior material which would likely be hardie plank but would not be vinyl and would be uniform. They plan on retaining the solar panels on the roof but the arrangement would be different. Ms. Lau discussed the concrete patio which is cracked and uneven due to tree roots and would be reduced in size and connected to the new deck. Board Member Bate suggested the applicant should look at matching roof pitches and adding windows to the back of the garage. Ms. Lau stated a substantial number of windows would be replaced and some of the windows in the front which were installed in 2019 may be relocated to the rear of the home.

No members of the public were present and the public portion was closed. Board Members Shearin and Jolda were in favor of the application. Vice-Chairman Spellman said the design was well thought out and suggested a condition prohibiting vinyl siding. Board Member Kovacs found the new design visually appealing which would improve the view from the street. Board Member Bate was positive but suggested the applicants consider eliminating the porch and gable facing the street. Board Member Semaya thought the design improved aesthetics and would not be disruptive of the street. Chairman Candido noted a smaller second floor addition more in conformity with the ordinance would not look right and the existing second floor currently looks too small. The proposed front porch is open which minimizes the impact from a floor area ratio perspective.

On motion made by Board Member Jolda, seconded by Board Member Semaya to grant the requested floor area ratio variance of 19.48% and front yard setback variance of 39.5 feet subject to the following conditions: (1) compliance with comments 3.7 through 3.10, 3.11.1 and 4.1 through 4.5 contained in the review memorandum prepared by Petry Engineering, LLC dated August 31, 2022 and (2) the exterior material shall be uniform and not vinyl or aluminum was approved by a vote 7 – 0 (Chairman Candido, Vice-Chairman Spellman and Board Members Shearin, Jolda, Semaya, Bate and Kovacs voting in the affirmative).

There being no further business to come before the Board, on a motion made by Vice-Chairman Spellman, seconded by Board Member Shearin, the meeting was duly adjourned at 8:16 p.m. by unanimous vote.



A. MICHAEL CANDIDO, Chairman
Zoning Board of Adjustment
October 27, 2022