

**ZONING BOARD OF ADJUSTMENT
BOROUGH OF ESSEX FELLS
MINUTES OF THE MEETING OF OCTOBER 27, 2022**

The meeting was called to order at 7:32 p.m. The Open Public Meetings Act announcement was read as required by law. Those present were: Chairman Michael Candido, Vice-Chairman Michael Spellman, Secretary Thomas O'Beirne, Chris Shearin, MJ Jolda, Bernard D'Avella, Oscar Bate and William Kovacs. In addition, Michael D. Sullivan, Board Attorney, was present.

On motion made by Board Member Jolda, seconded by Vice-Chairman Spellman, the minutes of the meeting of September 22, 2022 were adopted unanimously by all those eligible to vote.

On motion made by Vice-Chairman Spellman, seconded by Board Member Jolda, the resolution of Thanh Ly and Ivy Lau, 12 Maple Lane, Block 11.02, Lot 4 granting floor area ratio and front yard setback variances was approved by a vote of 6 – 0 (Chairman Candido, Vice-Chairman Spellman, and Board Members Shearin, Jolda, Bate and Kovacs voting in the affirmative).

The next matter to come before the Board was the hearing 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. Chairman Candido recused himself from the hearing. Present at the hearing was Eiler Marcher, 4 Wootton Road, Essex Fells, New Jersey. Also present was Julie Anne Cecere, 175 Fairfield Avenue, 4C, West Caldwell, New Jersey, a licensed architect in the State of New Jersey who was accepted as an expert.

Eiler Marcher advised the Board he grew up in the house at 4 Wootton Road. His goal with the application is to improve the neighborhood and make renovations to the house at 6 Wootton Road which is in need of repairs. This application will address lot sizes and improve the size of the lot of 4 Wootton Road which will benefit the entire community. Ms. Cecere advised the Board the applicants are seeking a minor subdivision of Lots 24/25 and 26 to relocate the lot line. Board Attorney Sullivan advised that the tax records indicate Lots 24 and 25 were combined and are now known as Lot 24. Ms. Cecere noted the applicants require lot area variances. Lot 26 (4 Wootton Road) is currently 4,840 square feet which will be increased to 7,810 square feet on proposed Lot 24.02 where a minimum lot area of 8,712 square feet is required. Lot 24 (6 Wootton Road) contains lot area of 10,906 square feet and it will be reduced to 7,936 square feet on proposed Lot 24.01. The goal is to equalize the lot areas and make 4 Wootton Road more compliant. The applicants also require variances for impervious coverage. 4 Wootton Road contains 53.4% impervious coverage which will be reduced to 33.1% on proposed Lot 24.02 where a maximum of 25% is permitted. The applicants are also seeking floor area ratio variances. 6 Wootton Road contains a floor area ratio of 24% which will be increased to 28.97% on proposed Lot 24.01 where a maximum of 25% is allowed. 4 Wootton Road contains a floor area ratio of 45% which will be reduced to 26.3% on proposed Lot 24.02.

Ms. Cecere introduced Exhibit A-1 consisting of Sheet A3 titled "Existing and New Lot Lines" prepared by her office dated July 28, 2022 which highlighted the existing and proposed lot lines. Ms. Cecere noted under the existing conditions 4 and 6 Wootton Road are located very close

together. The applicants propose to relocate and renovate the existing home at 6 Wootton Road. If the home or foundation are not in good condition, and cannot be relocated a new home would be constructed with the same floor plans. Ms. Cecere introduced Exhibit A-2 consisting of Sheet A4 titled "New Lot Lines and Building Footprints" prepared by her office dated July 28, 2022 which highlighted the proposed new lot line and building footprint for 6 Wootton Road. Ms. Cecere noted approval of the minor subdivision would increase privacy between the neighbors and provide additional light and air which is a benefit to the neighborhood. Ms. Cecere referred to Sheet A1 titled "Site Plan, Zoning Analysis Plans, and Elevations" prepared by her office dated April 27, 2020 revised through May 10, 2022 and described the existing and proposed floor plans. She noted the existing home at 6 Wootton Road contains a dangerous stairwell and undersized platform which will be replaced which constitutes a safety benefit. Ms. Cecere introduced Exhibit A-3 consisting of Sheet A2 titled "16 Photographs and Google Earth Image" prepared by her office dated April 27, 2020. The exhibit depicted photographs of 4 and 6 Wootton Road as well as area homes. Ms. Cecere noted the neighborhood consists of varying styles of home.

Board Attorney Sullivan noted the applicants have received a waiver from the Order Imposing Scarce Resource Restraint granting approval for sewer service by correspondence dated August 22, 2022 from Francis J. Banish III, PP/AICP, Special Master. Board Attorney Sullivan referred to the review memorandum prepared by Petry Engineering, LLC dated June 7, 2022. The applicants stipulated they would comply with comments 3.3, 3.4 and 4.1 – 4.4 in the memo.

Ms. Cecere stated the bulk variances could be approved under c(1) and c(2). The lot size of 4 Wootton Road is being made more conforming. There is a public benefit in modernizing the home at 6 Wootton Road and correcting the stairs. With respect to the request for floor area ratio variances, Ms. Cecere stated the grant of the variances was warranted as the property accommodates problems typically associated with a larger floor area than permitted by ordinance. In response to a question from Board Member O'Beirne, Ms. Cecere reiterated if the house at 6 Wootton Road cannot be relocated it would be rebuilt on proposed Lot 24.01 with the same floor plans. She clarified that a new foundation would be constructed for the relocation of the home and the existing foundation would be removed. Mr. Marcher noted the home at 6 Wootton Road was constructed in the 1920s or 1930s. Mr. Marcher stated the plan is to move the home but in the event it cannot be relocated a new home would then be constructed. Mr. O'Beirne noted that there is no garage on 4 Wootton Road. Ms. Cecere responded that if a garage were to be constructed it would require increased variances for floor area ratio and impervious coverage. Ms. Cecere noted that the notice to the property owners within 200 feet advised that the applicants propose to relocate the home at 6 Wootton Road or, the existing home may be reconstructed in the new location only if absolutely necessary. Mr. Marcher indicated he would continue to live in the home at 4 Wootton Road. Mr. Marcher indicated that if the chimney at 6 Wootton Road could not be relocated it would be rebuilt at the new location.

The matter was opened to the public. Michael Santarella, 10 Wootton Road, Essex Fells, New Jersey stated he has lived in the neighborhood for a number of years. He thought this was a good plan which would equalize the lots and he was in favor. He questioned whether the garage on 6 Wootton Road could be located further to the rear. Gerry Fahey, 5 Wootton Road, Essex Fells, New Jersey stated he lived across the street and was in favor of the application which would

solve a lot of existing problems. Mark O'Connor, 13 Wootton Road, Essex Fells, New Jersey said he was previously before the Board for a similar project and was in favor of this application.

The Board deliberated. Board Member Kovacs indicated he was initially concerned with the application but whether the home is relocated or rebuilt either is acceptable and this would improve the situation. Board Member Bate stated the application was extremely sensitive to the Borough's goals and was in favor. Board Member D'Avella noted the homes are too close and approval would improve this situation. Board Member Shearin commented the plan was well thought out and he was in favor. Board Member Jolda also indicated she was in favor of the application which would improve symmetry. In response to a question from Board Member O'Beirne, Ms. Cecere reiterated it was the intent of the applicants to relocate the home. Mr. Marcher noted it would be much cheaper to relocate the home than to reconstruct it. Mr. Marcher indicated the intent is to sell 6 Wootton Road. Vice-Chairman Spellman indicated he was in favor of the application.

On motion made by Vice-Chairman Spellman, seconded by Board Member D'Avella to approve the application for minor subdivision and to grant the requested floor area ratio, lot area and impervious coverage variances subject to the following conditions: (1) compliance with comments 3.3, 3.4 and 4.1 – 4.4 contained in the review memorandum prepared by Petry Engineering, LLC dated June 7, 2022; (2) in the event the brick chimney at 6 Wootton Road cannot be relocated, it shall be rebuilt at the new location; (3) the home at 6 Wootton Road must be relocated prior to perfecting the minor subdivision; (4) the minor subdivision shall be perfected within 190 days of adoption of the resolution unless otherwise extended by the Board; (5) the form of the minor subdivision deed shall be approved by the Board Attorney and Petry Engineering, LLC was approved by a vote of 7 – 0 (Vice-Chairman Spellman, Secretary O'Beirne and Board Members Shearin, Jolda, D'Avella, Bate and Kovacs voting in the affirmative).

The next matter to come before the Board was the hearing of Gerry and Ann Fahey, 5 Wootton Road, Block 10.03, Lot 12.01 for floor area ratio, impervious coverage and side yard setback variances. Chairman Candido recused himself from the hearing. Present at the hearing were Gerry Fahey, 5 Wootton Road, Essex Fells, New Jersey. Also present was Julie Anne Cecere, 175 Fairfield Avenue, 4C, West Caldwell, New Jersey, a licensed architect in the State of New Jersey who was accepted as an expert.

Mr. Fahey said he has lived in Essex Fells for over 20 years and he wants to stay in town and the home needs a number of upgrades. Ms. Cecere stated the bulk variances can be approved under both c(1) and c(2). The property is undersized containing lot area of 5,610 square feet where a minimum of 8,712 square feet measured to the right-of-way is required. The lot also contains nonconforming lot width of 50 feet where a minimum of 60 feet is required. Ms. Cecere referred to Sheet A1 title "Site Plan, Floor Plans and Elevations" prepared by her office dated August 11, 2020 revised through September 9, 2022. Ms. Cecere noted the property contains nonconforming floor area ratio of 30.34% which will be increased to 35.3% where a maximum of 25% is allowed. The property contains nonconforming impervious coverage of 41.49% which will be increased to 41.74% where a maximum of 25% is allowed. The existing northeasterly side yard setback is nonconforming at 7.1 feet and the new addition will be 9.1 feet where a

There being no further business to come before the Board, on a motion made by Board Member D'Avella, seconded by Board Member Shearin, the meeting was duly adjourned at 9:20 p.m. by unanimous vote.



A. MICHAEL CANDIDO, Chairman
Zoning Board of Adjustment
November 14, 2022