

**ZONING BOARD OF ADJUSTMENT
BOROUGH OF ESSEX FELLS
MINUTES OF THE MEETING OF DECEMBER 11, 2023**

The meeting was called to order at 7:30 p.m. The Open Public Meetings Act announcement was read as required by law. Those present were: Chairman Michael Candido, Vice-Chairman Michael Spellman, Oscar Bate, Bernard D'Avella, MJ Jolda, Chris Shearin, Allison Semaya and William Kovacs. In addition, Michael D. Sullivan, Board Attorney, was present.

On a motion made by Board Member Shearin, seconded by Board Member D'Avella, the minutes of the meeting of November 20, 2023 were adopted unanimously by all those eligible to vote.

Following a brief discussion, on motion made by Vice-Chairman Spellman, seconded by Board Member D'Avella, the 2024 meeting date start time was changed to 7:00 p.m. by unanimous vote.

On a motion made by Board Member Bate, seconded by Board Member D'Avella, at the request of the applicants, the application of Aanand and Mukti Geria, 193 Rensselaer Road, Block 12.02, Lot 4.06 for floor area ratio, front yard setback, steep slope disturbance and retaining wall variances was unanimously carried to the Board's January 25, 2024 meeting at 7:00 p.m. without further notice.

The next matter to come before the Board was the hearing on the application of Salvador and Ana Vitaliti, 223 Runnymede Road, Block 13, Lot 2 for floor area ratio and impervious coverage variances. Salvador Vitaliti, 14 Garrett, Cedar Grove, New Jersey advised he had purchased the property approximately one year ago hoping to renovate it and live in it as it is his dream to live in Essex Fells. The existing home is small consisting of approximately 900 square feet.

The next witness to testify was Mark Montalbano of Coppa Montalbano Architects, 97 Lackawanna Avenue, Totowa, New Jersey who was accepted by the Board as an expert architect. Mr. Montalbano referred to the engineering plans prepared by Bertin Engineering Cover Sheet dated July 25, 2023, Sheets 1 and 3 dated June 1, 2023 revised through August 25, 2023 and Sheet 2 dated June 1, 2023 revised through September 26, 2023. The property contains the existing single-family dwelling which is located close to Runnymede Road. Also on the property is a detached two-car frame garage with attached shed and a former chicken coup which are to be demolished. The home was constructed around 1890 and predates the zoning ordinance. It is not listed on a state or federal historical registry. The applicants are proposing to construct a 2 ½ story rear addition with a garage. No accessory structures are proposed. The purpose of the addition is to make the home more functional.

Mr. Montalbano referred to the architectural plans prepared by his office Sheets C-1, A-1 through A-5 dated June 7, 2023. Mr. Montalbano referred to Sheets A-2 and A-3 consisting of the Proposed First and Second Plans. He noted that with the addition, the proposed home will consist of four bedrooms including a master suite. The existing first floor ceiling height is approximately 7 feet. He referred to Sheet A-1, Proposed Basement Plan, and noted the ceiling

height is approximately 5 feet and the basement would be unfinished with a rear door access to the patio. Mr. Montalbano referred to Sheet C-1 which contains the existing and proposed front elevations. The exterior finishes of the addition would match the existing home, with cement clapboard siding, new insulated windows and an asphalt shingle roof. Mr. Montalbano noted the applicants are requesting variances to permit a floor area ratio of 32.25% where a maximum of 13% is allowed and impervious coverage of 25.57% where a maximum of 25% is allowed. All other bulk requirements comply. He noted the lot is undersized containing 15,153 square feet where a minimum of 21,780 square feet is required. Mr. Montalbano stated that the variances could be granted without substantial detriment to the public good and would allow preservation of a piece of Essex Fells history. In response to a question from the Board, Mr. Montalbano conceded the requested floor area ratio is approximately 2 ½ times greater than allowed by ordinance but noted this would allow the applicants to keep the historic home. Chairman Candido noted that if the home was on a conforming lot, the floor area ratio would be 18.7%. A discussion ensued regarding the memo from Petry Engineering, LLC dated October 9, 2023, and Mr. Montalbano stipulated the applicants would comply with comments 4.8 and 5.1 through 5.4. At the request of the Board, Mr. Montalbano reviewed the floor area ratio calculations contained in the worksheet he prepared dated August 25, 2023. Board Member D'Avella expressed a concern that the proposed addition would overshadow the existing house. Mr. Montalbano noted the exterior of the existing home would be cleaned up and the only connection between the addition and the existing home would be on the first floor.

The matter was opened to the public and no one wished to be heard. The Board began deliberation. Chairman Candido stated the floor area ratio variance request is egregious and even if the lot was conforming in size it would be 1.7 times the maximum allowed by ordinance. Board Member Shearin said he appreciated the applicants' attempt to retain the home with its historic charm but the home is not particularly functional and the requested FAR variance could set a precedent. Board Member Jolda said she was struggling with the FAR request but noted the home does have some interesting architectural features. Vice-Chairman Spellman expressed concerns but stated he was close to supporting it. Board Member Bate said he could not support this egregious FAR request which was not even close to being realistic. Board Member D'Avella noted he loves restorations but this request has too large of a FAR. He also stated the existing home is very close to the street and questioned whether the proposed addition is appropriate in preserving the existing home. He said he believed that if this was constructed as proposed, he was concerned the applicants would not be happy with the result. Board Member Kovacs noted there were benefits to keeping the historic structure. Board Member Semaya stated this was a unique case but was opposed to the application.

Mr. Montalbano requested an opportunity to carry the application and have a brief discussion with his client. Chairman Candido cautioned the applicants so as not come back to the Board with a 19% floor area ratio request. Vice-Chairman Spellman stated that if the home is demolished, it's difficult for the Board to provide floor area ratio relief. Following a brief recess, at the request of the applicants on motion made by Board Member D'Avella, seconded by Vice-Chairman Spellman the matter was carried to the Board's January 25, 2024 meeting at 7:00 p.m. without further notice by unanimous vote.

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 8:31 p.m. by unanimous vote.



A. MICHAEL CANDIDO, Chairman
Zoning Board of Adjustment
January 25, 2024