

**ZONING BOARD OF ADJUSTMENT  
BOROUGH OF ESSEX FELLS**

**MINUTES OF THE MEETING OF MARCH 11, 2024**

The meeting was called to order at 7:02 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, Oscar Bate, Chris Shearin and William Kovacs. In addition, Michael D. Sullivan, Board Attorney, was present.

On a motion made by Board Member Bate, seconded by Board Member Shearin, the minutes of the meeting of February 22, 2024 were adopted unanimously by all those eligible to vote.

On a motion made by Board Member Shearin, seconded by Board Member Kovacs, the resolution of Property Owner, 44 Rensselaer Road, Block 6.02, Lot 10 granting side yard setback variances was approved by a vote of 3 – 0 (Chairman Candido and Board Members Shearin and Kovacs voting in the affirmative).

The next matter to come before the Board was the application of John and Catherine Walsh, 14 Essex Road, Block 10.07, Lot 10 for front yard setback, side yard setbacks, rear yard setback, floor area ratio and impervious coverage variances. The property owners were present along with Julie Ann Cecere, 175 Fairfield Avenue, 4C, West Caldwell, New Jersey a licensed architect in the State of New Jersey who had been previously accepted as an expert. The application involves a small addition to the first floor to enlarge the foyer and eliminate a tripping hazard. A second floor addition is proposed to enlarge a bedroom and add a bathroom. The encroachment of the house into the front yard setback ranges from 1 foot to 3 foot 4 inches and the roof is raised by only 1 foot. Board Attorney Sullivan advised the applicants that because the application includes a floor area ratio variance, five affirmative votes are required for approval and only six of a possible seven eligible Board Members were present. Ms. Cecere introduced Exhibit A-1 consisting of a perspective board and three photographs which she prepared dated March 4, 2024. She noted the proposed portico is important because it provides cover and alleviates the tripping hazard. Ms. Cecere introduced Exhibit A-2 consisting of a photo board and table consisting of 19 photographs which she prepared dated February 27, 2024. Ms. Cecere stated that the proposed additions will be in keeping with the neighborhood as much of the area consists of one- and two-story homes and some have porticos. Ms. Cecere introduced Exhibit A-3 consisting of perspectives and a zoning chart which she prepared dated March 11, 2024. Ms. Cecere noted that if the garage and carport were removed the floor area ratio would be reduced to 26.44%. If just the carport were removed, the floor area ratio would be reduced to 29.67%. The first floor addition consists of 41 square feet of enclosed area plus 40 square feet attributable to the portico while the second floor addition consists of 205 square feet. She noted cars already park in the area of the carport and there will be a benefit in removal of the rear gravel area.

Board Attorney Sullivan noted the applicants require a floor area ratio variance to permit 31.81% where a maximum of 25% is allowed, a front yard setback variance of 51.17 feet where a minimum of 61.58 feet is required, and an impervious coverage variance of 38.17% where a maximum of 25% is allowed, a side yard setback variance of 11.56 feet where a minimum of 12

feet is required, a side yard setback for the carport of 1.17 feet where a minimum of 10 feet is required and a rear yard setback for the carport of 8.57 feet where a minimum of 10 feet is required.

In response to questions from Secretary O'Beirne, Ms. Cecere noted there are other properties in the area which do not provide the required 10 foot setbacks for garages or carports. The carport is not poorly designed and could not be enclosed without approval from the Board of Adjustment. In response to questions from Board Member Bate, Ms. Cecere commented about the variety of roof styles in the area including 25, 26 and 29 Essex Road. In response to a question about drainage relating to the carport roof, Ms. Cecere noted the gutter would lead to a leader pointed away from the neighbor's property.

Chairman Candido questioned whether the roof of the covered porch needed to be extended over the entry steps. Ms. Cecere conceded that the covered front porches at 8, 10 and 21 Essex Road do not cover the steps. Ms. Cecere advised the Board that the applicants were amending the application to pull back the roof of the covered porch 33 inches which would reduce the floor area ratio.

The matter was opened to the public. Dara Chamma, 10 Essex Road, Essex Fells, New Jersey stated that she was the adjacent property owner which was most impacted by the carport. She believed the carport would be more attractive and functional and would be a safety benefit. John Roglieri, 16 Essex Road, Essex Fells, New Jersey agreed with the comments of Ms. Chamma. He stated the proposed additions are in keeping with the essence of the block and will not be out of character and hopes the Board approves the application.

The matter was closed to the public. Board Member Shearin stated the drawings are tremendous and beautiful and he knows the look of the street and approval of this application would not be problematic as it would fit into the neighborhood, however, he doesn't love the carport. Secretary O'Beirne thought the carport was beautiful and noted the existing garage looks out of proportion with the home. Vice-Chairman Spellman said the proposed additions to the house are beautiful and the carport is a better look. Board Member Bate stated the renderings won him over, however, he was strongly opposed to the carport. Board Member Kovacs was in favor of the application and noted the carport is far back from the front property line and serves a useful function for the family. Chairman Candido complimented the additions to the home, however, he could not approve the carport approximately 1 foot off the property line.

A motion made by Vice-Chairman Spellman, seconded by Secretary O'Beirne to grant the side yard setback and rear yard setback variances associated with the carport was denied by a vote of 3 – 3 (Vice-Chairman Spellman, Secretary O'Beirne and Board Member Kovacs voting in the affirmative, Chairman Candido and Board Member Shearin and Bate voting in the negative).

A motion made by Secretary O'Beirne, seconded by Board Member Shearin to grant variances for a floor area ratio of 29.5%, a front yard setback of 51.17 feet and impervious coverage of 39.5% subject to the following conditions: (1) compliance with comments 4.1, 4.3 through 4.6 and 5.1 through 5.4 contained in the review memorandum of Petry Engineering, LLC dated December 18, 2023, (2) the applicants shall be bound by all representations made in testimony

presented to the Board and (3) the applicants shall be responsible for all payments of escrow charges incurred in connection with review of this matter was approved by a vote of 6 – 0 (Chairman Candido, Vice-Chairman Spellman, Secretary O’Beirne and Board Members Shearin, Kovacs and Bate 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 8:01 p.m. by unanimous vote.



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A. MICHAEL CANDIDO, Chairman  
Zoning Board of Adjustment  
March 28, 2024