

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

**MINUTES OF THE MEETING OF AUGUST 22, 2024**

The meeting was called to order at 7:00 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 and Chris Shearin. In addition, Michael D. Sullivan, Board Attorney, and J. Michael Petry, Borough Engineer, were present.

On a motion made by Board Member Shearin, seconded by Board Member Bate, the minutes of the meeting of April 25, 2024 were adopted unanimously by all those eligible to vote.

On a motion made by Vice-Chairman Spellman, seconded by Board Member Bate, the Board unanimously voted to schedule a special meeting to be held on September 25, 2024 at 7:00 p.m.

The next matter to come before the Board was the application of Essex Fells Country Club, 219 Devon Road, Block 5, Lot 1 for preliminary and final site plan and variances. Chairman Candido and Vice-Chairman Spellman recused themselves as members of Essex Fells Country Club. Board Attorney Sullivan advised that due to conflicts of members of the Board of Adjustment, pursuant to the Municipal Land Use Law, Class IV members of the Planning Board shall be called to serve as temporary members of the Zoning Board in order of seniority of continuous service to the Planning Board. As a result, Bob Burchell, Jody James and Debra Tedesco joined as temporary members. On motion made by Board Member Bate, seconded by Board Member James, Chris Shearin was named as Acting Chairman by unanimous vote.

John Wyciskala, Esq. was present on behalf of the applicant. Mr. Wyciskala identified the subject property having an address at 219 Devon Road and identified as Block 5, Lot 1 and located in the RA-2 Zone. The club has origins tracing back to 1896 in Essex Fells approximately four years before Essex Fells became incorporated. The application is for preliminary and final site plan and a variance involving expansion of a nonconforming use relating to expansion of the pool area, modifications of the clubhouse and installation of a generator. The purpose of the application is to effectuate much needed upgrades which are long overdue and will not result in any increase in club membership or expansion of the ballroom area.

Mr. Wyciskala called Dan Pasternak, 4 Butterworth Drive, Morristown, New Jersey, general manager of the Essex Fells Country Club. Mr. Pasternak indicated he is finishing up his eighth year as general manager. He previously had experience at the Black Oak and Panther Valley clubs. He was also a past president of the New Jersey PGA. The proposed work is intended to ensure the club's future viability and resulted following membership surveys and consultation with experts. The last renovations of the club included the lounge area in 2008, lower floor and locker room in 2004 and the pool house in 2002. The new bar proposed will replace a temporary bar with resort style finishes. Additional improvements include improvements to the locker room and clubhouse and expansion of the terrace. There is no expansion of the ballroom, there will be no anticipated increase in membership. The club has a limit of 275 golf members and it is essentially at capacity. A generator will provide power for an event if there is a power outage

indicated the shed would have charcoal gray roof shingles, white siding and a brown door and brown shutters. It is located approximately 175 feet to the right-of-way of Oval Road. Mr. Albulescu asked about noise from the generator when running. Board Attorney Sullivan noted that generators are generally exempt from noise regulations during an electrical outage.

A discussion ensued regarding the location of the shed which is depicted as approximately 250 feet from the parking lot. Board Engineer Petry recommended moving the shed to the south adjacent to the asphalt parking area in front of the driving range to provide a minimum setback of 55 feet from the Devon Road right-of-way. The relocated shed would be approximately 225 feet from Oval Road and approximately 190 feet from the parking lot. The applicant agreed to the relocation .

The next witness to testify was Wayne Jacques of JGA Architecture, 43 Fieldstone Circle, Middlebury, Massachusetts who was accepted by the Board as an expert architect. Mr. Jacques referred to Sheet A1.1 dated April 24, 2024 and described the main level overall floor plan, he referred to Sheet A1.0 dated April 24, 2024 and discussed the additions to the lower level floor plan. He referred to Sheet A5.1 dated April 24, 2024 and discussed the clubhouse elevations including the new deck.

The next witness to testify was John McDonough, 101 Gibraltar Drive, Parsippany, New Jersey who was accepted as an expert planner. Mr. McDonough presented Exhibit A-1 consisting of six pages including an aerial image of the subject site and surroundings as well as a series of drone views of the subject property. Mr. McDonough referred to the aerial view and noted that to the east is the West Orange portion of the Essex Fells Country Club and on the remaining three sides there exists residential properties. Mr. McDonough discussed and referred to the drone views of the subject property. Mr. McDonough identified the request for a variance to permit a building height for the proposed pool bar of 18.67 feet where a maximum of 15 feet is allowed. He noted the pool bar is behind the house which is taller and will shield it from view from Devon Road. Mr. McDonough discussed the relocation of the shed which he was in favor of. With respect to the request by Member Burchell for a hedge along Devon Road, Mr. McDonough suggested infill seasonal plantings to soften the view of the parking area from Devon Road in front of the five houses across the street. Mr. McDonough identified the location of the generator which he stated would be behind the three trees depicted on Sheet 4 of his exhibit and would likely require removal of one of the trees. In response to a question from a Board Member, Mr. Pasternak noted that there is not enough space in the loading area to locate the generator. The applicant agreed the wall on three sides of the generator would match the finish of the building at a minimum height of the height of the generator.

Mr. McDonough discussed the variance relating to the expansion of a nonconforming use. He noted this use predated zoning and involves improvements to make the site better and show a long-term commitment to an asset of the community. The improvements to the clubhouse and pool are important as they serve as a centerpiece of the club. The generator is important to provide power in the event of an electrical outage. Approval of the application advances purposes of the Municipal Land Use Law; namely, N.J.S.A. 40:55D-2a, i, g and m. There are no adverse impacts associated with the improvements. The remaining variances can be approved under c(2). The shed is small in scale, will be buffered and will now be located a minimum of 55 feet from the Devon Road right-of-way. The height of the pool bar is mitigated by the large house in front of it. The location of the walls and fences in front of the building line are



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CHRIS SHEARIN, Acting Chairman  
Zoning Board of Adjustment  
September 25, 2024