

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

**MINUTES OF THE MEETING OF MAY 22, 2025**

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, Secretary Thomas O'Beirne, Chris Shearin, William Kovacs, Oscar Bate and Bernard D'Avella. In addition, Michael D. Sullivan, Esq., Board Attorney, was present.

On a motion made by Board Member Shearin, seconded by Board Member Bate, the minutes of the meeting of April 24, 2025 were adopted unanimously by all those eligible to vote.

The next matter to come before the Board was the application of Chris Antonucci, 8 Beekman Hill Road, Block 1, Lot 2.09 for side yard setbacks, impervious coverage and generator output variances. August Santore, Esq. was present on behalf of the applicant. Mr. Santore noted the Board previously granted a variance to permit impervious coverage of 35.84% and the applicant is now seeking a variance to permit 38.6%. The applicant also requires setback variances relating to retaining walls and to permit a 24 kW generator where a maximum generator output allowed is 22 kW.

Mr. Santore called Jeff Egarian of DJ Egarian & Associates, Inc., 271 Route 46, Suite G208, Fairfield, New Jersey, a licensed engineer in the State of New Jersey who was accepted as an expert. Mr. Egarian noted that at the time of the original approval the retaining walls were not included as part of the impervious coverage calculation. The applicant arranged for an "as-built" survey prepared by PAX Surveying & Environmental Consultants, LLC dated July 29, 2024 to obtain a final certificate of occupancy. The survey showed impervious coverage of 6,338 square feet which equates to 36.4% of impervious coverage. Mr. Santore advised that number is actually incorrect and should be 6,328 square feet which equates to 36.3% of impervious coverage as the survey incorrectly included the generator pad in the calculation. The as-built survey also did not include the retaining walls as part of the impervious coverage calculation which Petry Engineering advised is now required. As a result, the applicant is seeking an impervious coverage variance for 6,719 square feet which equates to 38.6%.

Mr. Egarian acknowledged receipt of the review memorandum of Petry Engineering, LLC dated April 16, 2025 and stipulated compliance with comments 4.1, 4.3 and 5.1 through 5.4. Mr. Egarian noted that variances are required for the block retaining wall to permit a southerly side yard setback of approximately 1.33 feet and a northerly side yard setback of approximately 0 feet where a minimum of 10 feet is required. The applicant also requests variances for the rock retaining wall to permit a southerly side yard setback of approximately 2.5 feet and a northerly side yard setback of approximately .5 feet where a minimum of 10 feet is required. Mr. Egarian stated that prior to installation of the in-ground swimming pool and associated improvements, the property had a drainage problem. Mr. Egarian noted that with installation of the stormwater management improvements, the post-construction condition is much better and represents an overall improvement.

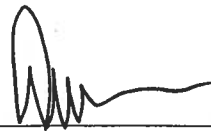
Mr. Santore called the applicant, Chris Antonucci, 8 Beekman Hill Road, Essex Fells, New Jersey. He thanked the Board for the 2020 approval and said he had no intention of coming back before the Board. When the contractor installed the pool, he was away and a spa was added without his knowledge. The generator died and he hired a licensed contractor who without his knowledge installed a 24 kW generator without a permit. Mr. Santore noted that both contractors were put on pre-litigation notice for their errors. The new generator although it does not comply with the ordinance is actually quieter than the previous one.

The matter was open to the public and no individuals were present.

The Board began deliberations. Board Member Shearin noted the generator is less noisy and the remedy of removing the increased impervious coverage was not worth it. Secretary O'Beirne said there would be no benefit to require the applicant to rip out the improvements at this stage. Vice-Chairman Spellman said there was no obfuscation on the part of the applicant and the Board was aware at the prior hearing that retaining walls were going to be installed. Board Member Kovacs noted the applicant did not do anything maliciously and drainage has been improved which is a benefit. Board Member D'Avella noted that retaining walls are typically not included in the impervious coverage calculation. Board Member Bate indicated he was in favor of the application. Chairman Candido noted the house and property look great and the water problem has been addressed. The increased output of the generator is de minimis and he was in favor of the application.

On motion made by Board Member D'Avella, seconded by Board Member Shearin to approve impervious coverage, generator output and retaining wall side yard setback variances subject to the following conditions: (1) compliance with comments 4.1, 4.3 and 5.1 through 5.4 contained in the review memorandum of Petry Engineering, LLC dated April 16, 2025, (2) the applicant shall be bound by all representations made in testimony presented to the Board and (3) the applicant shall be responsible for the payment of all escrow charges incurred in connection with review of this matter was approved by a vote of 7 – 0 (Chairman Candido, Vice-Chairman Spellman, Secretary O'Beirne and Board Members Shearin, Kovacs, D'Avella 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 D'Avella, the meeting was duly adjourned at 7:58 p.m. by unanimous vote.



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A. MICHAEL CANDIDO, Chairman  
Zoning Board of Adjustment  
June 26, 2025