

**ZONING BOARD OF ADJUSMENT
BOROUGH OF ESSEX FELLS**

MINUTES OF THE MEETING OF JUNE 26, 2025

The meeting was called to order at 7:10 p.m. The Open Public Meetings Act announcement was read as required by law. Those present were: Chairman Michael Candido, Vice-Chairman Michael Spellman, Chris Shearin, Allison Semaya, William Kovacs, MJ Jolda, Oscar Bate (7:34 p.m.). In addition, Michael D. Sullivan, Esq., Board Attorney, was present.

On a motion made Vice-Chairman Spellman, seconded by Board Member Semaya, Chris Shearin was named Acting Secretary by unanimous vote.

On a motion made by Acting Secretary Shearin, seconded by Board Member Kovacs, the minutes of the meeting of May 22, 2025 were adopted unanimously by all those eligible to vote.

On a motion made by Vice-Chairman Spellman, seconded by Acting Secretary Shearin, the resolution of Chris Antonucci, 8 Beekman Hill Road, Block 1, Lot 2.09 for impervious coverage, generator output and retaining walls side yard setback variances was adopted by a vote of 4 – 0 (Chairman Candido, Vice-Chairman Spellman, Acting Secretary Shearin and Board Member Kovacs voting in the affirmative).

The next matter to come before the Board was the request of Fernway Builders, LLC (formerly Aanand Geria and Mukti Geria), 193 Rensselaer Road, Block 12.02, Lot 4.06 for an extension of variance approval. By resolution April 25, 2024, the Board previously granted variances to permit slope disturbance, uncovered steps to project into the required front yard, solid retaining walls in the front yard and driveway curb openings in connection with the construction of a single-family residence and related improvements. The applicant did not commence construction and pursuant to Section 170-16, the approval expired on January 25, 2025. On a motion made by Vice-Chairman Spellman, seconded by Acting Secretary Shearin, the Board adopted a resolution granting an extension of variance approval through October 25, 2025 by a vote of 6 – 0 (Chairman Candido, Vice-Chairman Spellman, Acting Secretary Shearin and Board Members Semaya, Kovacs and Jolda voting in the affirmative).

The next matter to come before the Board was the application of Anthony and Jenna Forte, 21 Windsor Place, Block 2.04, Lot 10.02 for floor area ratio, front and side yard setback, retaining wall in the front yard and retaining wall setback variances. Michael Rubin, Esq. was present on behalf of the applicants. Mr. Rubin stated the applicants are proposing to construct a second-story addition over the existing footprint of the existing ranch style home. All of the exterior walls would be removed except the three exterior walls surrounding the recreation room consisting of approximately 400 square feet. Mr. Rubin noted the applicants require a d(4) floor area ratio variance, front and rear yard setback variances, variance to permit a retaining wall in the front yard and a variance for retaining wall setback.

Mr. Rubin called David 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 introduced Exhibit A-1 consisting of eight photographs and plan details as follows: 1. Google Earth view of subject property, 2. Streetview of subject property, 3. Existing Conditions Plan, 4. Entrance Drive, 5. Rear Yard Looking at Back of Home, 6. Rear Yard Look to the South, 7. Close up of Entrance Drive, 8. Existing Retaining Wall, 9. Zoning Table and 10. Site Plan. Mr. Egarian noted the property is located in the RA-2 Zone and the property is improved with a three-bedroom ranch over a full basement with asphalt drive off Windsor Place. The topography slopes south to north with a grade of approximately 10%. An existing retaining wall occupies a portion of the front yard. The property contains two existing catch basins and an associated pipe will be replaced in kind.

Mr. Egarian noted the required front yard setback is 76.1 feet based on the average front yard setbacks of adjacent properties. The proposed front yard setback is 75.4 feet where 75.4 feet is existing. The southerly side yard setback requirement is 32 feet and 29.9 feet is existing and 29.9 feet is proposed.

Mr. Egarian referred to Sheet 1 of the site plan dated March 26, 2025 revised through May 13, 2025. Mr. Egarian noted a variance is required for a retaining wall in the front yard which will improve ingress and egress to the home. There is also a retaining wall proposed adjacent to the existing driveway which requires it to be setback 4 feet from the side property line where a minimum of 10 feet is required. A proposed patio at the rear includes a new retaining wall. Tree removal as shown on Sheet 2 of the site plan dated March 26, 2025 revised through May 8, 2025 was as directed by Sponzilli Tree Company. In response to a question from a Board Member, Mr. Egarian stated he was not aware of any flooding problems on Windsor Place. A 1,290 gallon seepage tank is proposed in the front yard to address stormwater management.

Mr. Rubin called Michael Callori of Callori Architects, 344 Broad Avenue, Leonia, New Jersey, a registered architect in the State of New Jersey who was accepted as an expert. Mr. Callori noted the location of the existing home is ideal and the existing footprint would accommodate the proposed addition. The existing home is a one-story ranch typical of the 1950s and contains three bedrooms with a garage at a cellar level. Mr. Callori referred to Sheet A1 of his plans revised through June 26, 2025 which was not previously submitted to the Board. Mr. Callori indicated the only change to this sheet was to delete the reference to "basement" and replace it with "cellar." Mr. Callori noted that the three walls around the rec room are the only exterior walls to remain. The walls to be removed do not meet the State energy code and he believed it made more sense to raze them. Mr. Callori referred to Sheets A2 and A3 dated April 7, 2025 and described the first and second floor plans. Mr. Callori referred to Sheet A4 dated April 7, 2025 which depicted the front and right-side elevations and stated the home would be a taupe-colored painted brick. Mr. Callori referred to Sheet A5 dated April 7, 2025 which depicted the rear and left side elevations. Mr. Callori introduced Exhibit A-2 consisting of a rendered front elevation, Sheet A7 dated April 7, 2025 revised through June 26, 2025 which showed dark bronze window frames and dimensional shingles with a slate look. The first-floor ceiling height is 10 feet 8 inches and the second-floor ceiling height is 8 feet. Total building height is 33.07 feet and 2 stories where a maximum of 35 feet and 2 ½ stories is allowed. Mr. Callori confirmed the lowest level is the cellar and is excluded from the floor area ratio calculation. There is not

livable space in the attic. In response to a question from a Board Member, he believed the utilization of gables in the front of the home reduces the visual impact and scale from the street level.

Mr. Rubin called Erik DeLine of the Nishuane Group, 105 Grove Street, Montclair, New Jersey a professional planner in the State of New Jersey who was accepted as an expert. Mr. DeLine introduced Exhibit A-3 consisting of 11 photographs of the subject property as well as nearby properties. Mr. DeLine noted the property contains lot area of 31,774 square feet where a minimum of 31,500 square feet is required. The existing lot width is nonconforming. The proposed front and side yard setbacks associated with the second-floor addition will not exacerbate existing conditions. Mr. DeLine stated the application requests a d(4) floor area ratio variance to permit .1555 where a minimum of .12 is allowed. The test associated with a floor area ratio variance is whether or not the property accommodates problems typically associated with a larger floor area than permitted by ordinance. Mr. DeLine stated the existing floor area ratio is .0835. Mr. DeLine noted the architectural style promotes a desirable visual environment as the design breaks up the front wall on the second floor. He referred to Exhibit A-3 which contained two photographs of the subject property and photographs of the front facades of properties at 18, 15, 9, 26, 25, 32, 31, 40 and 39 Windsor Place. Mr. DeLine noted that the proposed home conforms to the maximum building height and maximum number of stories. With respect to the negative criteria, the applicants met the negative criteria and that approval will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

Mr. DeLine referred to the 2018 Master Plan which identified the scale of housing on lots significantly larger than the minimum permitted in the zone are changing the look of the community and the residential FAR is barely able to control the scale of development on the largest of lots. Mr. DeLine noted that this property is only slightly larger than the minimum required in the zone. Mr. DeLine reiterated the design of the house breaks up the massing from the streetscape. This design is superior than a full second-floor addition. The variances relating to the retaining walls are necessary in order to allow for utilization of the property. Chairman Candido referred to Exhibit A-3 and noted most of the remodeled homes seem to be rather large. Mr. DeLine stated this application is in keeping with the character of nearby renovated homes.

The matter was opened to the public. Chairman Candido noted that the Board was in receipt of a letter dated June 19, 2025 from Michael and Jenna Maffucci commenting on the application. Chairman Candido stated that the Board is unable to consider the letter in the absence of Mr. and Mrs. Maffucci to which Mr. Rubin agreed.

Francis J. Giambalvo, 15 Windsor Place, Essex Fells, New Jersey read a prepared statement on behalf of him and his wife and voiced their strong support for their neighbor's application. Mr. Giambalvo noted the proposed addition is a natural and reasonable evolution of their property and will allow them to expand the home to accommodate their family in a reasonable and respectful manner. The architectural plans reflect a home with a character and elegant style that will stand among the other beautiful homes in Essex Fells and will not reflect a passing construction fad. Their thoughtful approach to the renovation will enhance, not detract from the overall appearance and value of our block.

The Board began deliberations. Board Attorney Sullivan noted that there were only six eligible voters and the application requires five affirmative votes. Mr. Rubin indicated the applicants wish to proceed to a vote tonight. Board Member Bate stated this was a reasonable proposal and would not do violence to the neighborhood and he was in favor of the application. Board Member Jolda said she was originally concerned with the request for the floor area ratio variance but after reviewing the design which helps hide the massing from the road, she was in favor of the application. Acting Secretary Shearin said he was completely in favor of the application and complimented the design. Board Member Semaya noted this was a thoughtful application and consistent with the intent and purpose of the floor area ratio ordinance. Board Member Kovacs complimented the design and noted the retention of the foundation and stated he was in favor of the application. Vice-Chairman Spellman said it was a gorgeous piece of property and complimented the fact that the front and side yard setbacks associated with the second-floor addition would not be exacerbated. Chairman Candido said he was normally tough on floor area ratio variance requests but there were mitigating factors including the fact that the second-story addition is vertical and the design of the front of the home breaks up the massing and is not just a box.

On a motion made by Acting Secretary Shearin, seconded by Board Member Semaya to approve floor area ratio, front and side yard setback, retaining wall in the front yard and retaining wall setback variances subject to the following conditions: (1) compliance with comments 4.7, 4.11, 4.12 and 5.1 through 5.4 contained in the review memorandum of Petry Engineering, LLC dated May 22, 2025, (2) compliance with an Order Imposing Scarce Resource Restraint, (3) the applicants shall be bound by all representations made on their behalf in testimony presented to the Board and (4) the applicants shall be responsible for the payment of all escrow charges incurred in connection with review of this matter was approved by a vote of 6 – 0 (Chairman Candido, Vice-Chairman Spellman, Acting Secretary Shearin and Board Members Semaya, Kovacs and Jolda 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 Semaya, the meeting was duly adjourned by unanimous vote at 8:43 p.m.



A. MICHAEL CANDIDO, Chairman
Zoning Board of Adjustment
July 24, 2025