

**ZONING BOARD OF ADJUSTMENT
BOROUGH OF ESSEX FELLS
MINUTES OF THE MEETING OF SEPTEMBER 25, 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, Oscar Bate, Chris Shearin, Allison Semaya and William Kovacs. In addition, Michael D. Sullivan, Esq., Board Attorney, was present.

On motion made by Board Member Shearin, seconded by Board Member Kovacs, the minutes of the meeting of August 27, 2025 were adopted unanimously by all those eligible to vote.

The next matter to come before the Board was the application of Barbara Nash, 146 and 164 Rensselaer Road, Block 11.09, Lots 15 and 17 for minor subdivision approval and a floor area ratio variance. Greg Kotchick, Esq. of the firm of Durkin & Durkin was present on behalf of the applicant. Mr. Kotchick noted that the applicant resides at 164 Rensselaer Road and is the owner of both properties. Lot 15 at 146 Rensselaer Road is located between Forest Way and Beechtree Lane. The property contains approximately 75,572 square feet where a minimum of 43,560 square feet is required. The property contains an existing single-family dwelling, with a paved driveway that provides vehicular access from Rensselaer Road to the attached garage. The property also includes an in-ground swimming pool and slate patio in the rear. There are also stone retaining walls, greenhouse and shed on the property. Lot 17 located at 164 Rensselaer Road is located between Beechtree Lane and Arden Lane. The property contains approximately 38,059 square feet where a minimum of 43,560 square feet is required and thus, is undersized. The property is improved with a 2-story single-family dwelling and stone building along with a paved driveway that provides vehicular access from Rensselaer Road to the attached garage. The property also contains a slate patio and slate walkway. The applicant seeks approval for a minor subdivision to effectuate a lot line adjustment. There are no changes to the improvements to the property. Approval of the application will eliminate a nonconforming lot area and nonconforming floor area ratio of 13% on Lot 17. The applicant requires a d(4) variance to permit a floor area ratio of 12.9% on proposed Lot 15.01 where 9% is existing and a maximum of 11% is allowed. Mr. Kotchick asserted the property accommodates problems typically associated with a larger floor area than permitted by ordinance.

Mr. Kotchick called Barbara Nash, 164 Rensselaer Road, Essex Fells, New Jersey. She has owned her residence for over 30 years. Over 100 years ago, both lots were part of the same property. Her property previously contained a servant's house and carriage house and upgrades were made to combine the two structures. She purchased 146 Rensselaer in July 2022 which is currently a vacant single-family home. She wants to reconfigure the lot lines as the existing rear property line is just a few feet away from her patio and would allow her to utilize additional land.

Mr. Kotchick called Charles Stewart of E 2 Project Management LLC, 2517 Route 35, Manasquan, New Jersey, a professional engineer and land surveyor who was accepted as an expert. Mr. Stewart referred to the boundary and topographic survey dated December 7, 2023

which he prepared and described the existing lot configurations and noted the existing lot line is irregularly shaped. He noted Lot 17 is undersized containing 38,059 square feet where a minimum of 43,560 square feet is required. Lot 15 contains approximately 75,572 square feet. Mr. Stewart referred to the minor subdivision plan he prepared dated October 22, 2024 revised through June 30, 2025 and noted the lot line adjustment is essentially swapping 24,606 square feet of land. Lot 17.01 will be increased in size to 62,665 square feet and Lot 15.01 will be reduced in size to 50,966 square feet. Mr. Stewart confirmed the applicant would comply with comments 4.4 and 5.1 through 5.5 contained in the review memorandum of Petry Engineering, LLC dated August 29, 2025. In response to a question from a Board member, Mr. Stewart conceded that the proposed subdivision line could be reconfigured to eliminate the floor area ratio variance. He asserted the proposed subdivision line is appropriate given the location of existing structures and improvements.

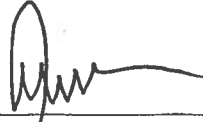
Mr. Kotchick called Dan Block of Colliers Engineering, 56 Frontage Road, Clinton, New Jersey a professional planner in the State of New Jersey who was accepted as an expert. Mr. Block noted the applicant is here for one variance, namely, a d(4) variance seeking a floor area ratio variance with respect to Lot 15.01. Mr. Block cited the *Coventry Square* case and noted that this is a permitted use and the positive criteria is presumptively satisfied. The test is whether the property can accommodate the problems associated with a larger floor area than permitted by ordinance without causing substantial detriment to the public good or the zoning ordinance. Mr. Block stated nothing is really changing with respect to the use of the properties. No one from the public would know the lot line was changed. Both of the homes are well screened with mature vegetation. He reviewed the 2018 Master Plan and noted the intent of the floor area ratio requirement is to avoid "McMansions" and maintain appropriate scale and spacing of homes. There is no change in this application and there will be no substantial detriment to the public good for area properties.

The matter was opened to the public and no one wished to be heard. Mr. Kotchick stated the proposed subdivision was consistent with the property owner's use of the adjacent property. There would be no substantial detriment and the property accommodates problems typically associated with a larger floor area ratio. The application is essentially swapping nonconforming floor area ratio conditions and eliminating the nonconforming lot size of Lot 17.

The Board began deliberations. Chairman Candido acknowledged that there were no changes to the improvements of the property, however, the lot lines could be reconfigured so that both floor area ratios would be conforming which would control future development. Board Member Bate said the applicant made a good argument based upon the topographic conditions and her current utilization of the adjacent property and he was in favor of the application. Board Member Semaya said it would be very simple for the applicant to seek a conforming minor subdivision, however, there must be good reason for the proposed configuration and she has knowledge of the property having lived there for over 30 years. Board Member Kovacs said he was in favor of the application as it was consistent with how she currently maintains her utilization of the adjacent property. Board Member Shearin said he was in favor of the application. Vice-Chairman Spellman acknowledged the lot lines could be reconfigured and he was leaning against approval of the application.

Mr. Kotchick requested the application be carried to allow for a full compliment of the Board since only six Board Members were present. On motion made by Board Member Semaya, seconded by Board Member Bate, the application was carried to the October 23, 2025 meeting at 7:00 p.m. without further notice. Mr. Kotchick granted an extension of time for the Board to act.

There being no further business to come before the Board, on a motion made by Board Member Semaya, seconded by Board Member Shearin, the meeting was duly adjourned by unanimous vote at 8:16 p.m.



A. MICHAEL CANDIDO, Chairman
Zoning Board of Adjustment
October 23, 2025