

**ZONING BOARD OF ADJUSTMENT
BOROUGH OF ESSEX FELLS
MINUTES OF THE MEETING OF NOVEMBER 19, 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, Secretary Thomas O'Beirne, Chris Shearin, Oscar Bate, William Kovacs and Allison Semaya. 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 October 23, 2025 were adopted unanimously by all those eligible to vote.

Chairman Candido advised the Board was in receipt of a correspondence from applicant's attorney requesting an adjournment of the application of Barbara Nash, 146 and 164 Rensselaer Road until December 10, 2025. On motion made by Board Member Shearin, seconded by Board Member Bate, the matter was carried to the December 10, 2025 meeting at 7:00 p.m. without further notice by unanimous vote.

The next matter to come before the Board was the application of 34 Buttonwood Road, LLC, Block 13.02, Lot 5 for floor area ratio, impervious coverage and setback variances. Brent LaMaire, Esq. was present on behalf of the applicant. Mr. LaMaire indicated the applicant was seeking "c" variances relating to impervious coverage, side yard setback and distance between the home and garage as well as a "d"(4) variance for floor area ratio.

Mr. LaMaire called Dennis Bencsko, 19 Colonial Way, East Hanover, New Jersey, managing member of the LLC. Mr. Bencsko noted that the property previously suffered a fire. He noted the property contains small bedrooms and he wishes to add a master bedroom suite to the single-family, Dutch colonial residence. He noted the adjacent two-family homes have been renovated. The house is under construction for work which did not require a variance. He stated that the proposal will make the house look more attractive.

Mr. LaMaire called Joseph A. Gates of Gates Architectural Design, Inc., 132 Landing Road, Landing, New Jersey, a registered architect in the State of New Jersey who was accepted as an expert. Mr. Gates introduced Exhibits A-1 and A-2 consisting of colorized Sheets A-1 and A-2 prepared by him dated April 16, 2025 revised through September 11, 2025. He noted the property previously suffered a fire and all existing work was done with permits and within the existing footprint of the home. There were previously four bedrooms and following interior renovations and the master bedroom suite addition there will be four bedrooms in total. Mr. Gates noted the existing first floor area is 1,388 square feet, which will be unchanged. The existing second floor area is 743 square feet and the master bedroom suite will add 299 square feet resulting in a total square footage of 2,430 square feet.

Mr. Gates discussed the front porch, which was previously an office and which has been opened up with a roofed front porch consisting of approximately 192 square feet which counts towards the floor area ratio. He noted the garage is being narrowed in width from 18 feet to 13 feet. He

introduced Exhibit A-3 consisting of a Google street view of the subject property dated November 19, 2025. The distance from the home and the garage is currently approximately 5 feet and will be approximately 7 feet 8 inches. He confirmed the survey previously submitted by the applicant accurately reflects existing conditions. The front yard setback is existing and proposed at 42.38 feet and 44.7 feet is required. Mr. Gates noted the plan shows a 3 foot 8 inches by 13 foot rear addition to the garage which the applicant is withdrawing. This results in a reduction in the floor area ratio from 39.95 % to 39.45% and a reduction in the impervious coverage of 34.9% to 34.4%. The second-floor addition will have limited visibility from the street. Mr. Gates confirmed the applicant will reconcile the zoning requirements worksheet and revise the plan accordingly. He also confirmed compliance with comments 4.6 and 5.1 through 5.4 contained in the review memorandum of Petry Engineering, LLC dated October 13, 2025.

Secretary O'Beirne pointed to the existing elevations and noted the plans revised as of September 11, 2025 do not show existing conditions but in fact reflect conditions when the project began which is self-serving. He also noted a discrepancy in the driveway material from the survey and Exhibit A-3. Board Member Bate questioned the window placement in the addition.

The matter was opened to the public and no one wished to be heard. Mr. LaMaire noted the right side elevation may be misleading and clarified the roof and sides of the addition will match existing house. The interior and porch renovations were done with permits so that the applicant would not have to wait for approval of the variances which would have delayed the project.


Board Attorney Sullivan identified the requested variances as follows: (1) floor area ratio of 39.45% where 37.13% is existing and 25% is allowed, (2) impervious coverage of 34.4% where 34.92% is existing and a maximum of 25% is allowed, (3) a northerly side yard setback of 1.2 feet to the garage where 1.2 feet is existing and a minimum of 10 feet is required and (4) to permit the garage to be located approximately 7 feet 8 inches from the dwelling where approximately 5 feet is existing and a minimum of 10 feet is required.

Chairman Candido noted the front porch replaced the office and the reestablishment of the front porch is consistent with a number of old homes which many find attractive. The Board previously recommended to the Township Council that a reduction in floor area ratio be considered for open porches, which has not been effectuated. The proposed master bedroom suite is consistent with a modern home and he was in favor of the application. Board Member Shearin stated he appreciated the reestablishment of the front porch and the relocation of the door to the front is a positive. Secretary O'Beirne questioned the necessity for the master bedroom suite and noted that someone has lived in this house for approximately 125 years. He questioned why testimony was not presented as to the structural conditions of the home. Mr. Gates responded that he was qualified to assess structural conditions and received permits for all structural work done to date. Vice-Chairman Spellman noted the proposed addition is unobtrusive and if this was not done at this time, at some point in the future it is likely a young family would be back with a similar application. Board Member Bate stated this application was an "easy yes" and noted the adjacent two-family homes on either side look much larger. Board Member Kovacs felt the addition was tastefully done, the porch improved the look of the home and if the porch wasn't counted towards the FAR, the resulting increase would be approximately 1%. Board Member Semaya stated you would not

be able to see the addition from the street, she previously lived at 38 Buttonwood Road which is a great street and welcoming to a family.

On motion made by Board Member Semaya, seconded by Board Member Shearin, to approve variances for floor area ratio, impervious coverage, side yard setback for the garage and distance between the garage and dwelling was approved subject to the following conditions: (1) compliance with comments 4.6 and 5.1 through 5.4 contained in the review memorandum of Petry Engineering dated October 13, 2025, (2) compliance with an Order Imposing Scarce Resource Restraint, (3) submission of revised plans consistent with the removal of the 3 foot 8 inch by 13 foot rear addition to the garage, (4) submission of a corrected zoning requirements worksheet consistent with the revised plans, (5) the applicant shall be bound by all representations made in testimony presented to the Board and (6) 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 6 – 1 (Chairman Candido, Vice-Chairman Spellman and Board Members Shearin, Bate, Kovacs and Semaya voting in the affirmative and Secretary O’Beirne voted in the negative).

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 at 8.35 p.m. by unanimous vote.



A. MICHAEL CANDIDO, Chairman
Zoning Board of Adjustment
December 10, 2025