

**BOROUGH OF ESSEX FELLS
PLANNING BOARD
MINUTES OF THE MEETING OF DECEMBER 11, 2025**

The meeting was called to order at 7:02 p.m. The Open Public Meeting Act announcement was read as required by law. Those present were Chairman Bob Burchell, Vice-Chairman Jody James, Mayor Ed Davis and Jim Irwin. In addition, Michael D. Sullivan, Esq., Board Attorney, was present.

On motion made by Board Member Irwin, seconded by Vice-Chairman James, the minutes of the meeting of November 13, 2025 were adopted unanimously by all those eligible to vote.

The next matter to come before the Board was the application of Thad and Ann Denehy, 153 Rensselaer Road, Block 8, Lot 2 and 145 Rensselaer Road, Block 8, Lot 3.01 for minor subdivision approval to effectuate a lot line adjustment. Greg Kotchick, Esq. of the firm of Durkin & Durkin was present on behalf of the applicants. Mr. Kotchick identified the properties and explained the application involves moving the lot line. Existing Lot 2 contains approximately 75,530 square feet (1.73 acres) and is located in the RA-1 Zone. The property is a through lot and has frontage on Fells Road and is improved with a 2-story single-family with a paved driveway that provides vehicular access from Beechtree Lane to a detached garage. The rear of the property includes an in-ground swimming pool with a slate patio. Lot 3.01 is located on the southern side of Rensselaer Road between Beechtree Lane and Forest Way. The property contains approximately 110,212 square feet (2.53 acres) and is located in the RA-1 Zone. The property is improved with a 2 ½-story single-family dwelling with a paved driveway that provides vehicular access from Rensselaer Road to the attached garage. There are also two slate patios in the rear yard.

Mr. Kotchick stated there would be no improvements to the property and the uses will remain as single-family homes. Approval of the minor subdivision will eliminate preexisting nonconforming side yard setback on Lot 2 and bring it into conformity. The additional land afforded Lot 2 will allow the applicants to better maintain the tree buffer adjacent to their home.

Mr. Kotchick called Ann Denehy, 153 Rensselaer Road, Essex Fells, New Jersey. She stated that she has lived at the home since 2007. The home is located only 21 feet to the side property line and she wants to maintain some existing shrubs without feeling like she is encroaching on the neighboring McMullen property. The goal of the subdivision is to bring her property into conformity and provide additional land so that she can maintain existing trees. She also indicated it was her intention to plant additional trees. In response to a question from Mayor Davis, Ms. Denehy indicated she has no intention to subdivision Lot 2 in the future.

The next witness to testify was 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 minor subdivision plan which he prepared bearing a revision date of October 22, 2025. Mr. Stewart explained the subdivision involves the transfer of approximately 12,887 square feet of property from Lot 3.01 to Lot 2. The home on Lot 2 contains a nonconforming side yard setback of 21.9 feet where a minimum of 45 feet is required and 58.2

feet is proposed. The detached garage contains a nonconforming side yard setback of 3 feet where a minimum of 10 feet is required and 43 feet is proposed.

Mr. Stewart indicated he had reviewed the review memorandum of Petry Engineering, LLC dated November 12, 2025 and would comply with comments 3.6, 4.1, 4.2 and 5.2 through 5.4.

Ms. Denehy reiterated her intent to plant trees and in response to a question from the Board, stipulated she would add a minimum of three mature trees at a height of 8 feet or equivalent. She reiterated the applicants had no intention of subdividing the property during their period of ownership.

The matter was open to the public and no one wished to be heard. Mr. Kotchick thanked the Board and noted the application brings the property into conformity with the zoning ordinance and constitutes a better use of land.

Board Attorney Sullivan suggested proposed conditions. On motion made by Vice-Chairman James, seconded by Board Member Irwin to approve the minor subdivision subject to the following conditions: (1) compliance with comments 3.6, 4.1, 4.2 and 5.2 through 5.4 contained in the review memorandum of Petry Engineering, LLC dated November 12, 2025, (2) the applicants shall be bound by all representations made in testimony present to the Board, (3) the applicants shall be responsible for the payment of all escrow charges incurred in connection with review of this matter, (4) the minor subdivision shall expire 190 days following adoption of the resolution unless perfected and filed with the Township Engineer and Township Tax Assessor in accordance with N.J.S.A. 40:55D-47d, (5) the form of the minor subdivision deed shall be approved by the Board Attorney and Board Engineer prior to recording and (6) the applicant shall plant a minimum of three trees at a minimum height of 8 feet or equivalent in the area adjacent to the home on Lot 2 was approved by a vote of 4 – 0 (Chairman Burchell, Vice-Chairman James, Mayor Davis and Board Member Irwin voting in the affirmative).

On motion made by Board Member Irwin, seconded by Vice-Chairman James, the Board's meeting scheduled for January 8, 2026 was changed to January 14, 2026 at 7:00 p.m. by unanimous vote.

There being no further business to come before the Board, on a motion made by Board Member Irwin, seconded by Vice-Chairman James, the meeting was duly adjourned by unanimous vote at 7:35 p.m.



Date: January 14, 2026

Robert W. Burchell, Chairman
Planning Board