

**ZONING BOARD OF ADJUSTMENT
BOROUGH OF ESSEX FELLS
MINUTES OF THE MEETING OF JANUARY 22, 2026**

The meeting was called to order at 7:05 p.m. The Open Public Meetings Act announcement was read as required by law. Those present were: Michael Candido, Michael Spellman, Oscar Bate, MJ Jolda, Bernard D'Avella, William Kovacs and Chris Shearin. In addition, Michael D. Sullivan, Esq., Board Attorney, was present.

Board Member Jolda moved Michael Candido to be Chairman, Michael Spellman to be Vice-Chairman and Tom O'Beirne to be Secretary for the ensuing year which was seconded by Board Member D'Avella, there were no further nominations and the vote was unanimous.

On motion made by Chairman Candido, seconded by Board Member D'Avella, Chris Shearin was appointed Acting Secretary in the absence of Secretary O'Beirne for tonight's meeting by unanimous vote.

On motion made by Acting Secretary Shearin, seconded by Board Member D'Avella, the minutes of the December 10, 2025 meeting were adopted unanimously by all those eligible to vote.

Chairman Candido moved resolutions appointing Michael D. Sullivan, Esq., as Board Attorney for 2026, establishing the meeting dates for 2026 and the first meeting of 2027 and designating the Star Ledger and the Progress as the official newspapers which was seconded by Acting Secretary Shearin and was approved by unanimous vote.

The next matter to come before the Board was the continued hearing of Barbara Nash, 146 and 164 Rensselaer Road, Block 11.09, Lots 15 and 17 for minor subdivision approval and floor area ratio variance which was continued from the September 25, 2025 meeting. Greg Kotchick, Esq. of the firm of Durkin & Durkin was present on behalf of the applicant. Board Attorney Sullivan advised that Board Members Jolda and D'Avella had signed certifications that they had listened to recording of the hearing held on September 25, 2025 and thus, are eligible to vote.

Mr. Kotchick called Dan Bloch of Colliers Engineering, 56 Frontage Road, Clinton, New Jersey a professional planner who was previously accepted as an expert. Mr. Bloch acknowledged that the proposed lot line could be reconfigured in order to create two conforming lots. Mr. Bloch stated that due to the topography of the property, the proposed subdivision line was the most appropriate and would provide additional space for proposed Lot 17.01 and would not involve any changes to the buildings and would be indiscernible to the public. Mr. Kotchick reiterated both lots are owned by Barbara Nash and she resides at 164 Rensselaer Road (Block 11.09, Lot 17). Board Attorney Sullivan reiterated if the subdivision is approved the floor area ratio of proposed Lot 15.01 would be 12% where 9% is existing and a maximum of 11% is allowed and lot area would be reduced from 75,572 square feet to 50,966 square feet. Proposed Lot 17.01 would have a floor area ratio of 9% where 13% is existing and a maximum of 11% is allowed and lot area would be increased from 38,059 square feet to 62,665 square feet. Mr. Kotchick reiterated that approval of the minor subdivision would allow for better use of the usable space and patio area for Ms. Nash's residence.

Chairman Candido referred to Boundary & Topographic Survey Sheet S-1 dated December 7, 2023 prepared by Charles J. Stewart, P.E., P.L.S. of E 2 Project Management LLC and questioned the claim that the subdivision is driven by topographic reasons.

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

The Board began deliberations. Chairman Candido reiterated his opposition to the minor subdivision and noted the lot lines could be reconfigured so that both lots would be conforming. The subdivision plan could easily be revised to eliminate the request for a floor area ratio variance. Board Member D'Avella stated he was strongly in favor of the application and noted the request for a floor area ratio variance was minimal and reasonable based on the topography of the property. The applicant wanted to add property to her current residence and he saw no reason to make her jump through hoops to provide a conforming subdivision. Board Member Bate thought this was a reasonable proposal there would be no great detriment and he was strongly in favor. Chairman Candido noted that if the minor subdivision was approved the home on proposed Lot 17.01 could now be substantially increased in size and Lot 15 would now be nonconforming with respect to the floor area ratio. Vice-Chairman Spellman said he was concerned about future development particularly someone knocking down the Nash residence which has historical significance and may result in a much larger house. Acting Secretary Shearin indicated this was difficult but he was opposed to the minor subdivision.

In response to suggested proposed conditions by Board Attorney Sullivan, on motion made by Board Member D'Avella, seconded by Board Member Bate to approve the floor area ratio variance of 12% on proposed Lot 15.01 where a maximum of 11% is allowed subject to the following conditions: (1) compliance with comments 4.4 and 5.1 thorough 5.5 contained in the review memorandum of Petry Engineering, LLC dated Augusts 29, 2025, (2) the applicant shall be bound by all representations made in testimony presented to the Board, (3) the applicant 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 from adoption of the resolution unless perfected and (5) the form of the minor subdivision deed shall be approved by the Board Attorney and Borough Engineer prior to recording was denied by a vote of 3 – 4 (Board Members D'Avella, Bate and Kovacs voting in the affirmative and Chairman Candido, Vice-Chairman Spellman, Acting Secretary Shearin and Board Member Jolda voting in the negative).

On motion made by Acting Secretary Shearin, seconded by Board Member D'Avella, a resolution adopting the 2025 Annual Report passed unanimously.

There being no further business to come before the Board on a motion made by Vice-Chairman Spellman, seconded by Acting Secretary Shearin, the meeting was duly adjourned at 7:38 p.m. by unanimous vote.



A. MICHAEL CANDIDO, Chairman
Zoning Board of Adjustment
February 26, 2026