

**ZONING BOARD OF ADJUSTMENT
BOROUGH OF ESSEX FELLS
MINUTES OF THE MEETING OF JUNE 25, 2026**

The meeting was called to order at 7:00 p.m. The Open Public Meetings Act announcement was read as required by law. Those present were: Chairman Michael Candido, Secretary Thomas O'Beirne, Oscar Bate, Bernard D'Avella, William Kovacs, Chris Shearin and MJ Jolda. In addition, Michael D. Sullivan, Esq., Board Attorney, was present.

On motion made by Board Member D'Avella, seconded by Board Member Shearin, the minutes of the meeting of May 28, 2026 were adopted unanimously by all those eligible to vote.

On motion made by Board Member D'Avella, seconded by Board Member Shearin, the resolution of Vincent Sodano, 14 Hillbury Road, Block 2.01, Lot 5 for a floor area ratio variance was approved by a vote of 6 – 0 (Chairman Candido, Secretary O'Beirne and Board Members Bate, D'Avella, Shearin and Kovacs voting in the affirmative).

The next matter to come before the Board was the application of Ahmed and Alla Hassan, 112 Forest Way, Block 8.01, Lot 2.01 for floor area ratio, impervious coverage and front yard setback variances. Ahmed Hassan, 112 Forest Way, Essex Fells, New Jersey was present along with Julie Anne Cecere, 175 Fairfield Avenue, Unit 4C, West Caldwell, New Jersey, a licensed architect in the State of New Jersey who was unanimously accepted as an expert. Ms. Cecere noted the applicants were seeking a variance to permit a floor area ratio of 15.4% where 14.68% is existing and a maximum of 11% is allowed, impervious coverage of 26.6% where 25.8% is existing and a maximum of 25% is allowed and a front yard setback from Fells Road of 61.1 feet where 77.3 feet is existing and a minimum of 76.3 feet is required. Ms. Cecere noted that the request for floor area ratio and impervious coverage variances are for less than 1% and are de minimis. She noted the lot is oddly shaped like an arrowhead and substandard in size with only three property lines. In addition, the back of the house faces Fells Road which is a front yard under the ordinance but is perceived as a rear yard. Ms. Cecere noted the property slopes down from Forest Way to Fells Road and the home has a walkout basement.

Ms. Cecere introduced into evidence Exhibit A-1 consisting of Sheet A-1 which she prepared dated September 19, 2025 revised through June 25, 2026 which added dimensions and highlighted the front yard setback. Ms. Cecere referred to Sheet A-2 of her plans and noted the existing deck is inconvenient and requires someone to go through the house to get downstairs. This proposal would correct that situation. She noted the patio below is included in the floor area ratio calculation and does not appear overbuilt. A row of arborvitae are proposed to be planted along the property line. There are no neighbors in close proximity to the proposed work. The impervious coverage number is impacted by the existing long driveway to access the garage and the circular drive in the front which provides a safety benefit. In response to a question from Board Secretary O'Beirne, Ms. Cecere answered that a tracking pad would not be required for this project. In response to a suggestion from Board Secretary O'Beirne, Ms. Cecere stipulated that stormwater management measures would be provided subject to review and approval by the Borough Engineer. The Board discussed various alternative layouts. Board Member Kovacs expressed concern about the

proposed plantings on the property line and whether they were susceptible to deer. The applicant agreed that the proposed plantings would be deer resistant and subject to review and approval by the Borough Engineer.

Ms. Cecere acknowledged receipt of the report from Petry Engineering, LLC dated April 18, 2026 and confirmed the applicants would comply with comment 2.4, 2.5, 4.1, 4.2, 5.1 through 5.5.

Ahmed Hassan indicated that the purpose of the application was to improve the look of the property and make it safer.

The matter was opened to the public and no one was present.

Board Member Shearin stated the applicants' proposal made sense and the variances were appropriate for the reasons advanced by Ms. Cecere. Board Member Jolda agreed with Board Member Shearin. Secretary O'Beirne acknowledged the design is somewhat attractive but was concerned with the Board granting three variances. He also expressed concern with approving the application without seeing a plan as to stormwater management. Board Member Bate indicated he was in favor of the application as originally submitted which was good for the Borough. Board Member D'Avella agreed with Board Member Bate and cited the unusual shape of the lot, the house is located on an angle and the proposal is an improvement over the existing. Board Member Kovacs cited the unique lot configuration and the fact that there would be no adverse visual impact. Chairman Candido stated the applicants' proposal was visually a better product and would make it more functional.

On motion made by Board Member D'Avella, seconded by Board Member Shearin to approve the applicants' request for a floor area ratio variance of 15.4% where a maximum of 11% is allowed, impervious coverage of 26.6% where a maximum of 25% is allowed and a front yard setback of 61.1 feet from Fells Road where a minimum of 76.3 feet is required subject to the following conditions: (1) compliance with comments 2.4, 2.5, 4.1, 4.2, 5.1 through 5.5 contained in the review memorandum of Petry Engineering, LLC dated April 18, 2026, (2) the applicants shall install stormwater measures subject to review and approval by the Borough Engineer, (3) the proposed plantings along the property line shall be deer resistant and subject to review and approval by the Borough Engineer, (4) the applicants shall be bound by all representations made in testimony presented to the Board and (5) 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 – 1 (Chairman Candido, Board Members Bate, D'Avella, Jolda, Shearin and Kovacs voting in the affirmative and Secretary O'Beirne voting in the negative).

There being no further business to come before the Board on a motion made by Board Member Shearin, seconded by Chairman Candido, the meeting was duly adjourned at 7:55 p.m. by unanimous vote.



A. MICHAEL CANDIDO, Chairman
Zoning Board of Adjustment
July 23, 2026