

BOARD OF ADJUSTMENT APPLICATION

DATE APPLICATION 3/30/2021

CASE # 2021-13

PROPERTY ADDRESS 73 Franklin St.

BLOCK 1001 LOT 14 ZONE R-70

APPLICANT'S NAME Carrie A. Quigley; Brian Quigley

PHONE # _____ CELL PHONE # 908-578-0906

EMAIL c2quigley@hotmail.com

PROPERTY OWNER'S NAME Carrie & Brian Quigley

PROPERTY OWNER'S ADDRESS 73 Franklin St.

PROPERTY OWNER'S PHONE # _____ CELL # 908-578-0906

PROPERTY OWNER'S EMAIL c2quigley@hotmail.com

RELATIONSHIP OF APPLICANT TO OWNER Self

REQUEST IS HEREBY MADE FOR PERMISSION TO DO THE FOLLOWING:

Install above ground pool

CONTRARY TO THE FOLLOWING:

The proposed swimming pool does not meet the requirements for side yard setback. Variance required 150-7.5A: 10 ft side yard required; 8 foot side yard proposed.

LOT SIZE: EXISTING _____ PROPOSED _____ TOTAL _____

HIEGHT: EXISTING _____ PROPOSED _____

PERCENTAGE OF BUILDING COVERAGE: EXISTING _____ PROPOSED _____

PERCENTAGE OF IMPROVED LOT COVERAGE: EXISTING _____ PROPOSED _____

PRESENT USE _____ PROPOSED USE _____

SET BACKS OF BUILDING:	REQUIRED	EXISTING	PROPOSED
FRONT YARD	_____	_____	_____
REAR YARD	_____	_____	_____
SIDE YARD (1)	<u>10</u>	<u>(shed currently at 5ft. is being removed)</u>	<u>8</u>
SIDE YARD (2)	_____	_____	_____

DATE PROPERTY WAS ACQUIRED April 2007

TYPE OF CONSTRUCTION PROPOSED:

Installation of above ground pool

SIGN INFORMATION (if applicable): supply details on location, dimensions, height and illumination

N/A

AREA PER FLOOR (square feet):	EXISTING	PROPOSED	TOTAL
BASEMENT	_____	_____	_____
N/A FIRST FLOOR	_____	_____	_____
SECOND FLOOR	_____	_____	_____
ATTIC	_____	_____	_____

NUMBER OF DWELLING UNITS: EXISTING N/A PROPOSED _____

NUMBER OF PARKING SPACES: EXISTING N/A PROPOSED _____

History of any previous appeals to the Board of Adjustments and the Planning Board

No

What are the exceptional conditions that warrant relief from compliance with the Zoning Ordinance?

See Attached

Supply a statement of facts showing how relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and the Zoning Ordinance

See Attached

History of any deed restrictions:

No

A legible plot plan or survey to scale (not less than 1"=100') of the property indicating the existing and/or proposed structure and scale drawings of the existing and/or proposed structure must be provided.

A copy of any conditional contract relating to this application must be filed with this application.

If the applicant is a corporation or partnership, the names, addresses and phone numbers of those owning a 10% or greater interest in the corporation shall be provided.

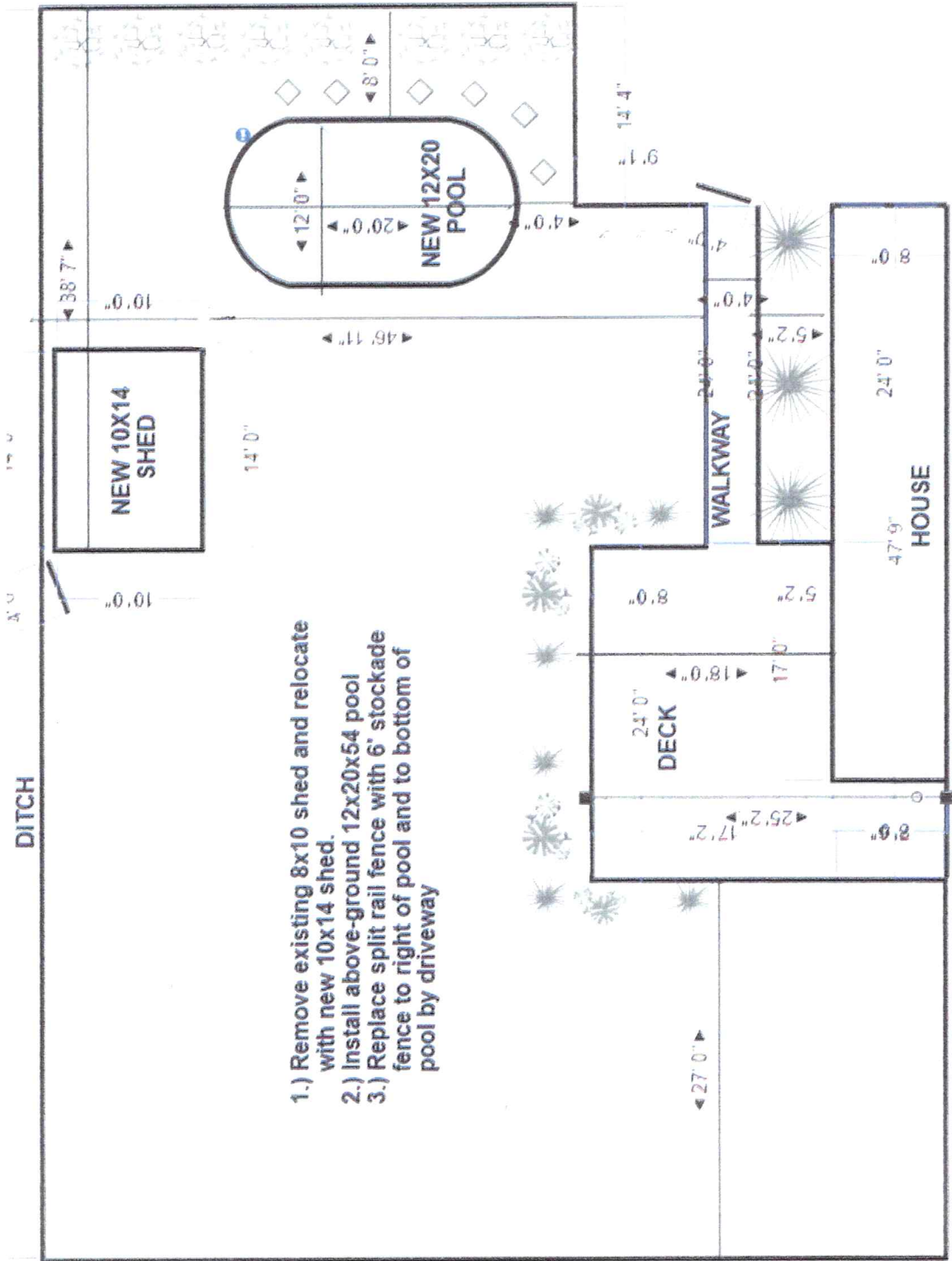
Name _____	Address _____	Phone # _____
Name _____	Address _____	Phone # _____
Name _____	Address _____	Phone # _____
Name _____	Address _____	Phone # _____

Exception Conditions / Statement of Facts:

Our property is situated along the northerly bank of the Peckman River and is encumbered by a 15 foot wide sanitary sewer easement to the Township of Verona. There is also a drainage ditch located in the rear of the lot (but middle of the overall property) which drains into the Peckman.

Due to this lot configuration, and additionally due to the fact that we are also adding a larger 10x14 shed (due to no garage), the pool (and shed) both physically and aesthetically fit best where we propose to place them. Allowing for just a 2 foot variance on the side setback for the pool gives us just the right amount of space we need to maintain space between the shed and the pool and also maintain an open yard space off of the deck, walkway and pool. It also allows for the pool to have the greatest amount of exposure to the sun.

We do not have any neighbors to the left of our house due to the river. Behind the drainage ditch (or creek as we prefer to call it), we have more property constituting our "back back yard." Therefore, our back neighbors are far from where the pool will be. There is only one neighbor who would be impacted by the 2 foot variance. To account for any detriment to them, we are removing our split rail fence and installing a 6 fit privacy fence. We also plan to add privacy trees to add an aesthetically pleasing look to the area and further act as a noise buffer.



- 1.) Remove existing 8x10 shed and relocate with new 10x14 shed.
- 2.) Install above-ground 12x20x54 pool
- 3.) Replace split rail fence with 6' stockade fence to right of pool and to bottom of pool by driveway

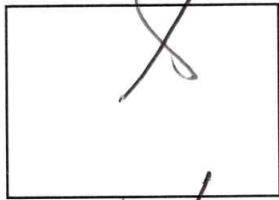
BOARD OF ADJUSTMENT APPLICATION SITE PLAN

O INDICATES SHRUBS OR TREES

X INDICATES FENCES

NEIGHBOR'S HOUSE
ESTIMATE DISTANCE FROM
THE PROPOERTY LINE

HOUSE ON LEFT

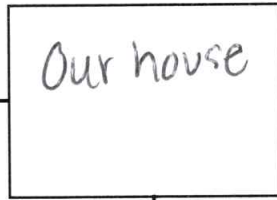


SET BACK FROM STREET



APPLICANT'S HOUSE
SHOW THE DISTANCE TO THE
PROPERTY LINE FROM
SURVEY

CENTER HOUSE

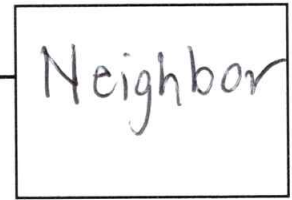


SET BACK FROM STREET



NEIGHBOR'S HOUSE
ESTIMATE DISTANCE FROM
THE PROPOERTY LINE

HOUSE ON RIGHT



SET BACK FROM STREET



RIVER

STREET

MAP OF PROPERTY

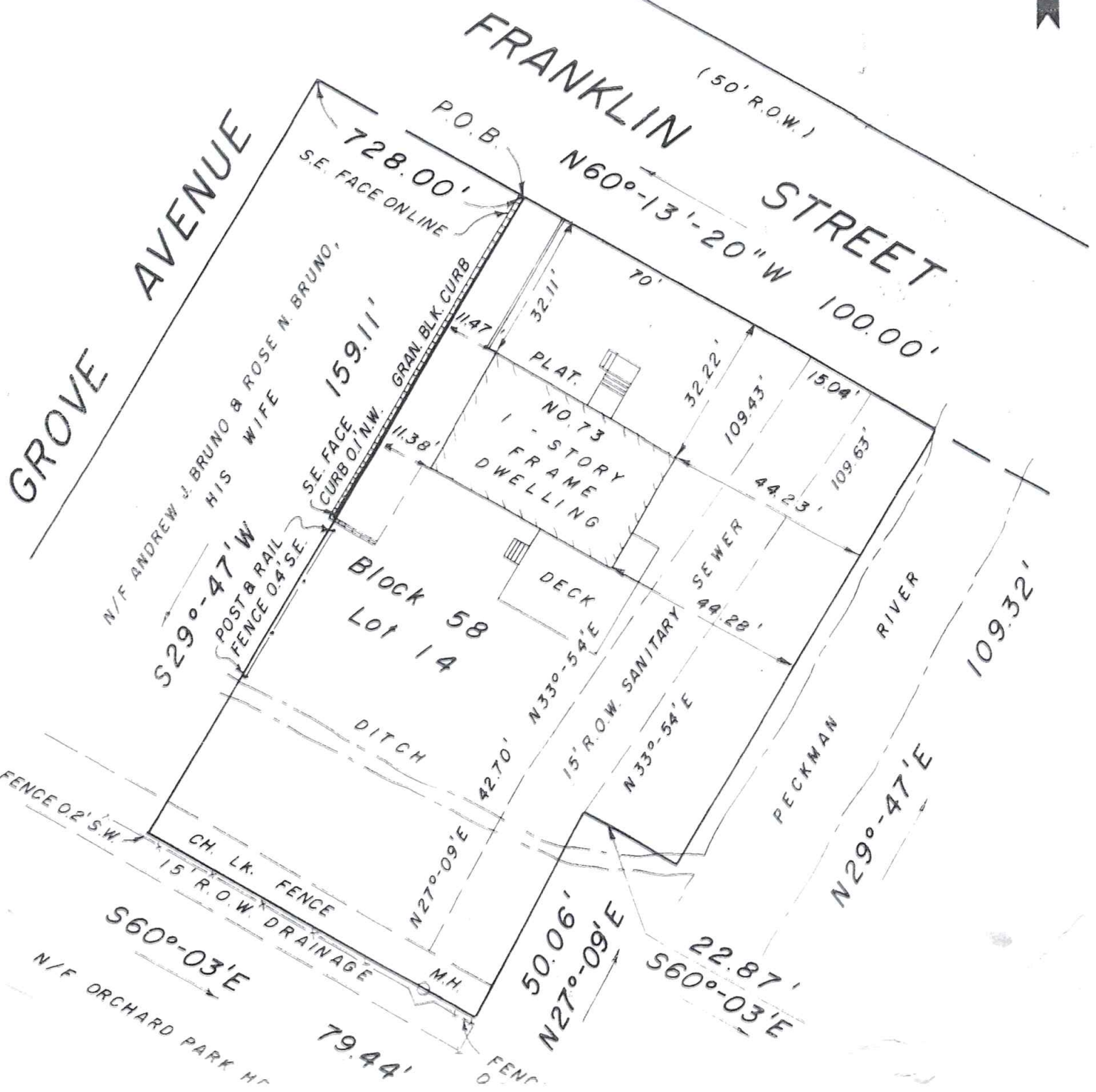
SITUATED IN

TOWNSHIP OF VERONA, ESSEX COUNTY, NEW JERSEY

BEARINGS

BASED

ON RECORDS



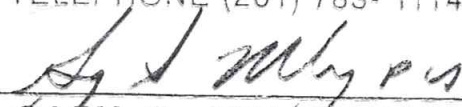
SCALE 1"=30'
DATE JUNE 28, 1999
DRAWN V.B.
CHECKED R.J.H.
REF MAP
TAX MAP 58-14
SURVEY 99-934
BK Pg
Res. Tel. 201-887-3302
Office FAX (201) 509-8802

MAP OF PROPERTY
SITUATED IN
TOWNSHIP OF VERONA
ESSEX COUNTY, NEW JERSEY

THIS SURVEY PREPARED ONLY FOR:
DONNA L. SALERNO
CHICAGO TITLE INSURANCE COMPANY &
PRESTIGE TITLE AGENCY, INC.,
TITLE NO. 99GN-09431
MARK MARYANSKI, ESQ.
NATIONAL CITY MORTGAGE COMPANY
ITS SUCCESSORS AND/OR ASSIGNS

RICHARD J. HINGOS INC.

PROFESSIONAL LAND SURVEYORS
1 BELLEVUE PLAZA P.O. BOX 730
UPPER MONTCLAIR, N.J. 07043
TELEPHONE (201) 783-1114

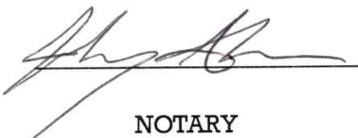

GARY S. MOLBOVANY

LAND SURVEYOR N.J. LIC. NO. 35863

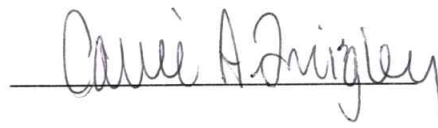
AFFIDAVIT OF OWNERSHIP

STATE OF NEW JERSEY
COUNTY OF ESSEX

Carrie Quigley OF FULL AGE, BEING DULY SWORN ACCORDING TO LAW ON
OATH DEPOSED AND SAYS, THAT DEPONENT RESIDES AT 73 Franklin St., IN THE CITY OF
Verona IN THE COUNTY OF Essex AND STATE OF NJ AND THAT
Carrie Quigley IS THE OWNER IN FEE OF ALL THAT CERTAIN LOT, PIECE OF LAND,
SITUATED, LYING AND BEING IN THE TOWNSHIP OF VERONA AFORESAID AND KNOWN AND DESIGNATED AS
BLOCK 1001 AND LOT 14 AS SHOWN ON THE TAX MAPS OF THE TOWNSHIP OF VERONA.



NOTARY



OWNER

JOHNNY ABREU
Notary Public
State of New Jersey
My Commission Expires Oct. 27, 2025
I.D.# 50141518

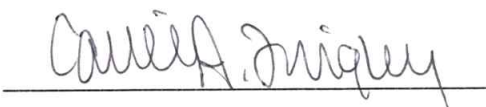
AFFIDAVIT OF APPLICANT

COUNTY OF ESSEX
STATE OF NEW JERSEY

Carrie Quigley OF FULL AGE, BEING DULY SWORN ACCORDING TO LAW, ON
OATH DEPOSED AND SAYS THAT ALL OF THE ABOVE STATEMENTS CONTAINED IN THE PAPERS SUBMITTED
HEREWITH ARE TRUE. SWORN TO AND SUBSCRIBED BEFORE ME ON THIS 30th DAY OF March
2021.



NOTARY



APPLICANT

JOHNNY ABREU
Notary Public
State of New Jersey
My Commission Expires Oct. 27, 2025
I.D.# 50141518

MAYOR
JACK McEVOY
DEPUTY MAYOR
ALEX ROMAN
COUNCILMEMBERS
KEVIN J. RYAN
EDWARD GIBLIN
CHRISTINE McGRATH

TOWNSHIP OF VERONA
COUNTY OF ESSEX, NEW JERSEY



TOWNSHIP MANAGER
MATTHEW CAVALLO
TOWNSHIP CLERK
JENNIFER KIERNAN
TOWNSHIP ATTORNEY
BRIAN J. ALOIA, ESQ.

VERONA COMMUNITY CENTER
880 BLOOMFIELD AVENUE
VERONA, NEW JERSEY 07044

MUNICIPAL BUILDING
600 BLOOMFIELD AVENUE
VERONA, NEW JERSEY 07044

(973) 239-3220
WWW.VERONANJ.ORG

DEPARTMENT OF PUBLIC WORKS
10 COMMERCE COURT
VERONA, NEW JERSEY 07044

March 29, 2021

Township of Verona
Engineering & Zoning Dept.
10 Commerce Court
Verona, NJ 07044

RE: Zoning Letter of Denial
Above Ground Pool

Owner/Applicant: Mr. Brian and Mrs. Carrie Quigley
73 Franklin Street
Verona, NJ 07044
Property: 73 Franklin Street
Lot 14 Block 1001
Zone: R-70 (Low Density)

Zoning Request:

The applicant is seeking zoning/engineering approval to install a 12 foot wide x 20 foot long x 52 inch high above ground swimming pool located in the right side of the rear yard of the property. The applicants are also seeking approval to remove an existing 8 foot wide x 10 foot long shed and replace it with a new pre-manufactured 10 feet wide x 14 feet long x 15 feet high shed. A new 6 foot high privacy fence is also requested.

Plans Reviewed:

- Sketch of the proposed pool, shed, walkway from the deck as well as the requested fencing prepared by the owner/applicant.
- Zoning Permit Application
- Copy of the property survey (undated and unsigned)

Existing Conditions:

The existing property is situated along the northerly bank of the Peckman River and is encumbered by a 15 foot wide sanitary sewer easement to the Township of Verona. There is also a drainage ditch located in the rear of the lot which drains into the Peckman. The existing dwelling and the site are all conforming in regards to Area, Yard and Bulk Regulations.

Zoning Analysis: R-70 §150-17.2

B. Permitted Accessory Uses

8. A single shed up to 150 square feet in floor area; 10 Feet x 14 Feet Proposed; **COMPLIES**

D. Area, Yard and Bulk Regulations for Principal and Accessory Structures & Uses

1. Minimum Lot Size 8,400 (Square Feet) 14,700 Square Feet - Existing/Proposed; **COMPLIES**
2. Minimum Lot Width 70 (Feet) 100 Feet - Existing/Proposed; **COMPLIES**
3. Maximum Lot Coverage 20 (Percent) 12% Existing - 12.3% Proposed; **COMPLIES**
4. Maximum Improved Lot Coverage 35 (Percent) 17.8% Existing - 19.7% Proposed; **COMPLIES**

E. Area, Yard and Bulk Regulations for Principal Structures & Uses

1. Minimum Front Yard Setback 30 (Feet) 32.11 Feet - Existing/Proposed; **COMPLIES**
2. Minimum Side Yard Setback-One 8 (Feet) 11.3 Feet - Existing/Proposed; **COMPLIES**
3. Minimum Side Yard Setbacks-Both 18 (Feet) 55.5 Feet - Existing/Proposed; **COMPLIES**
4. Minimum Side Yard Setbacks-Both 25 (Percentage of lot width) 55% - Existing/Proposed; **COMPLIES**

5. Minimum Rear Yard Setback 30 (Feet) 78 Feet – Existing/Proposed; **COMPLIES**
6. Maximum Height 2.5/30 (Stories / Feet) 1 Story < 30 Feet – Existing/Proposed; **COMPLIES**

F. Area, Yard and Bulk Regulations for Accessory Structures & Uses

1. Minimum Side Yard Setback 8 (Feet) 24.58 Feet – Proposed; **COMPLIES**
2. Minimum Rear Yard Setback 10 (Feet) 45.6 Feet – Proposed; **COMPLIES**
3. Minimum Distance between accessory and principal structures 10 (feet) 23.3 Feet – Proposed; **COMPLIES**
4. Max. Area aggregate area covered by accessory structure in the yard it is located in 15 (Percent) < 15 %; **COMPLIES**
5. Maximum Height 1½ (Stories)/15 (Feet) 1½ Stories/15 Feet – Proposed; **COMPLIES**

§150-7.5 Permanent and Portable Swimming Pools

- A. Required Swimming Pool Setback to a Side Yard 10 (Feet) 8 Feet Proposed; **VARIANCE**
Required Swimming Pool Setback to a Rear Yard 10 (Feet) 54± Feet Proposed; **COMPLIES**
Required Swimming Pool Setback to a Principal Bldg. 10 (Feet) 19± Feet Proposed; **COMPLIES**
- B. All Filtration Equipment shall be located not less than 5 feet from a property line. > 5 Feet; **COMPLIES**

Decision:

The zoning department has DENIED your request for zoning approval for the following reasons;

1. The proposed swimming pool does not meet the minimum required side yard setback.
VARIANCE REQUIRED §150-7.5 A. 10 Foot Side Yard Required; 8 Foot Side Yard Proposed.

Please feel free to contact this office should you have any questions,

Respectfully Submitted,

Michael C. DeCarlo

Michael C. DeCarlo
Engineering Manager – Zoning Official

Note:

Appeals to the zoning board of adjustment from the decision of an administrative officer must be taken within 20 days by filing a notice of appeal with the officer from whom the appeal is taken specifying the grounds of such appeal. N.J.S. 40:55D-72a. Failure to adhere to the time for appeal will result in the zoning board not having jurisdiction to consider the appeal.

MAYOR
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March 29, 2021

Township of Verona
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**RE: Engineering Review
Above Ground Pool**

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73 Franklin Street
Verona, NJ 07044
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Township of Verona Steep Slope Ordinance

The property in question is situated within the areas defined as steep slopes as per Ordinance 3-16 and is therefore not exempt from those requirements, however given that this lot has an average existing grade of approximately less than 5% the engineering office is granting the applicant a waiver from the requirement of the Steep Slope Ordinance.

Please be reminded of the following;

Water which historically flowed from one property to another prior to the uphill home or developed area being built may continue to flow in the same direction after the home is built or area developed only if ;

- (1) There is no diversion or channeling which results in the water flow being concentrated in one area and
- (2) There is no substantial construction on the uphill lot resulting in increased rates of surface run-off.

If a detrimental change in the natural pattern of drainage on the uphill lot has occurred, the uphill property owner is responsible for interception and piping or directing surface water to natural drainage areas or the storm water drainage system.

The downhill property owner is responsible for providing proper drainage for water flow that occurs in accordance with natural drainage patterns, which existed prior to construction.

Due to the inherent difficulty in accurately predicting post-construction water flow from a property, changes in water flow may not be discovered until well after the construction is completed. In such cases, if it is determined that the lot is generating an additional flow or intensity of storm-water across an adjacent property, in excess of what existed prior to construction, the applicant, at the applicants expense, will undertake all measures necessary to abate the excess flow of storm-water.

Please feel free to contact this office should you have any questions,

Respectfully Submitted,

Michael C. DeCarlo

Michael C. DeCarlo
Engineering Manager

Engineering Review and Comments:

- The subject property is slightly impacted by the FEMA 100 yr. Flood Hazard Area. The survey shown on the plans indicates that no habitable space of the existing home nor the proposed addition are situated within that area and therefore no special FEMA or NJDEP Land Use Regulation Permits are required. A portion of the addition is within the 50 foot transition area as measured from the top of bank of the State regulated open waters of the Peckman River. Construction in this area is permissible under the State of NJ Dept. of Environmental Protection Flood Hazard Area Control Act Rules: "Permit by Rule" which grants permission to the local government officials to review and approve certain projects.

The Permits granted by the engineering office are:

N.J.S.A 7:13-7.13 Permit-by-rule 13 – Construction of a non-habitable building. (SHED)

N.J.S.A. 7:13-7.20 Permit-by-rule 20 – Construction of a fence.

N.J.S.A. 7:13-7.21 Permit-by-rule 21 – Construction of a pool.

- **The applicant should be aware that the Township of Verona has a Tree Removal Ordinance and any trees sought to be removed for this project are subject to review and approval by permit only.**
- The owner shall be required to install and maintain throughout the duration of the project until its completion all necessary soil erosion and sediment control measures to ensure that no sediment leaves the immediate project area. The owner should review and understand what (if any) measures are necessary by following the guidelines for soil erosion and sediment control in the State of NJ defined in "The Standards for Soil Erosion and Sediment Control in NJ", 7th Edition January 2014 revised July 2017.

<https://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf>

Roof Leaders – Sump Pump Discharge, Grading and Property Maintenance Guidelines

Leader drains and sump pumps must be discharged in a fashion that controls the run off onto neighboring and common properties and further, does not cause erosion on any property. The surface discharge of leader drains and sump pumps must not be directly pointed towards the adjoining properties. Erosion control measures should be utilized at each point of discharge to prevent scouring and rutting of the existing grade. An example of this would be to secure the end of the leader with river rock stone. This will provide an energy dispersal of the waters emanating from the point of discharge. All residents should be mindful of how their properties stormwater might be negatively impacting the surrounding properties.

Exposed gutters and downspouts should try to be colored to blend in with the surface to which they are attached.

Slope all roofs and outdoor areas to positively direct water away from buildings. Connect all roof drains to an approved storm water drainage system where and when possible. If a subterranean leader system is to be utilized then that system must be approved by the Township Engineer.

Direct discharge of storm water and sump pump discharges onto the public roadway through the curb creates hazardous icing conditions during the winter and therefore is not permitted, any existing discharge onto the street through the curb can remain until such time the street is fully reconstructed, at that time an underdrain system will be provided within the right of way so that each property has the ability to make a positive connection into the municipal drainage system thereby reducing the amount of on-site drainage discharge.