

**TOWNSHIP OF VERONA**  
**BOARD OF ADJUSTMENT APPLICATION**

DATE APPLICATION SEPT 14, 2023

CASE # 2023-13

PROPERTY ADDRESS 170 GROVE AVENUE, VERONA NJ 07044

BLOCK 1403 LOT 91 ZONE R-60

APPLICANT'S NAME JULIE PARKER & MARKIAN SILECKY

PHONE # MARKIAN: 646 244 0962 CELL PHONE # JULIE: 973 489 5662

EMAIL MBSILECKY@GMAIL.COM & JA.PARKER.SILECKY@GMAIL.COM

PROPERTY OWNER'S NAME JULIE PARKER & MARKIAN SILECKY

PROPERTY OWNER'S ADDRESS 31 EAST REID PLACE, VERONA, NJ 07044

PROPERTY OWNER'S PHONE # SAME AS ABOVE CELL # SAME AS ABOVE

PROPERTY OWNER'S EMAIL SAME AS ABOVE

RELATIONSHIP OF APPLICANT TO OWNER SELF

REQUEST IS HEREBY MADE FOR PERMISSION TO DO THE FOLLOWING:

RENOVATE & ADDITION TO SINGLE FAMILY HOME

CONTRARY TO THE FOLLOWING:

~~per 9/1/23 Zoning Denial, Permit #2023-162: §§150-13.3A, 150-4.2A, 150-4.2G (site contains 3-dwellings); §150-17.3F(6) (building height), §150-7.13B (generator location)~~

LOT SIZE: EXISTING 48,196 SQ FT PROPOSED 48,196 SQ FT TOTAL 48,196 SQ FT

HIEGHT: EXISTING 21.6' (2 stories) PROPOSED 32.5" (2.5 stories)

PERCENTAGE OF BUILDING COVERAGE: EXISTING 8.9% PROPOSED 12.3%

PERCENTAGE OF IMPROVED LOT COVERAGE: EXISTING 28.2% PROPOSED 28.9%

PRESENT USE single family home

PROPOSED USE single family home

SET BACKS OF BUILDING:	REQUIRED	EXISTING	PROPOSED
FRONT YARD	<u>30</u>	<u>254.5</u>	<u>230.3</u>
REAR YARD	<u>30</u>	<u>163.9</u>	<u>156.6</u>
SIDE YARD (1)	<u>8</u>	<u>28.9</u>	<u>17</u>
SIDE YARD (2)	<u>18</u>	<u>60.2</u>	<u>43.6</u>

DATE PROPERTY WAS ACQUIRED February 9, 2000

TYPE OF CONSTRUCTION PROPOSED:

residential - renovation, addition to single family home

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

not applicable

AREA PER FLOOR (square feet):	EXISTING	PROPOSED	TOTAL
BASEMENT	816	999	1815
FIRST FLOOR	939	978	1917
SECOND FLOOR	508	1056	1564
ATTIC	508	1056	1564

NUMBER OF DWELLING UNITS: EXISTING 1 to be renovated, 3 on property PROPOSED same

NUMBER OF PARKING SPACES: EXISTING greater than 10 PROPOSED same

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

none

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

Testimony to be provided. In addition, see attached statement 1

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

Testimony to be provided. In addition, see attached statement 1

History of any deed restrictions:

none

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 #

Expert witness(es) that will present evidence on behalf of this application:

Attorney:

Name Markian Silecky

Address 31 East Reid Place, Verona NJ 07044

Phone # 646 244 0962

Fax # \_\_\_\_\_

Email mbsilecky@gmail.com

Architect/Engineer:

Name Keith Gianakopoulos, Studio G2 Architects

Address PO Box 610

Phone # 908 766 2424

Fax # \_\_\_\_\_

Email keithg studio-g2.com

ENGINEER

Planner:

Name Shaun P. Delaney, PE, LEED AP BD+C Petry Engineering, LLC

Address 155 Passaic Avenue, Suite 350 Fairfield, New Jersey 07004

Phone # 973-227-7004

Fax # Email: shaundelaney@petryengineering.com

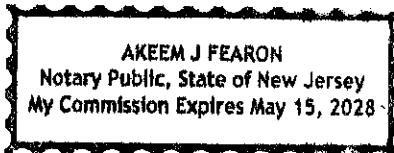
# AFFIDAVIT OF OWNERSHIP

STATE OF NEW JERSEY  
COUNTY OF ESSEX

MARKIAN B. SILECKY & JULIE A PARKER OF FULL AGE, BEING DULY SWORN ACCORDING TO LAW ON  
OATH DEPOSED AND SAYS, THAT DEPONENT RESIDES AT 31 E Reid Pl, IN THE CITY OF  
Verona IN THE COUNTY OF Essex AND STATE OF NJ AND THAT  
THEY ARE

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 1403 AND LOT 91 AS SHOWN ON THE TAX MAPS OF THE TOWNSHIP OF VERONA.

  
NOTARY



  
OWNER

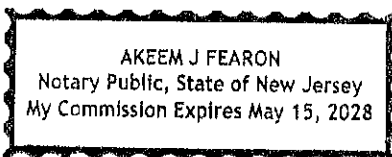
AFFIDAVIT OF APPLICANT

COUNTY OF ESSEX  
STATE OF NEW JERSEY

Markian B Silecky & JULIE A PARKER 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 15 DAY OF Sept.

2023

  
NOTARY

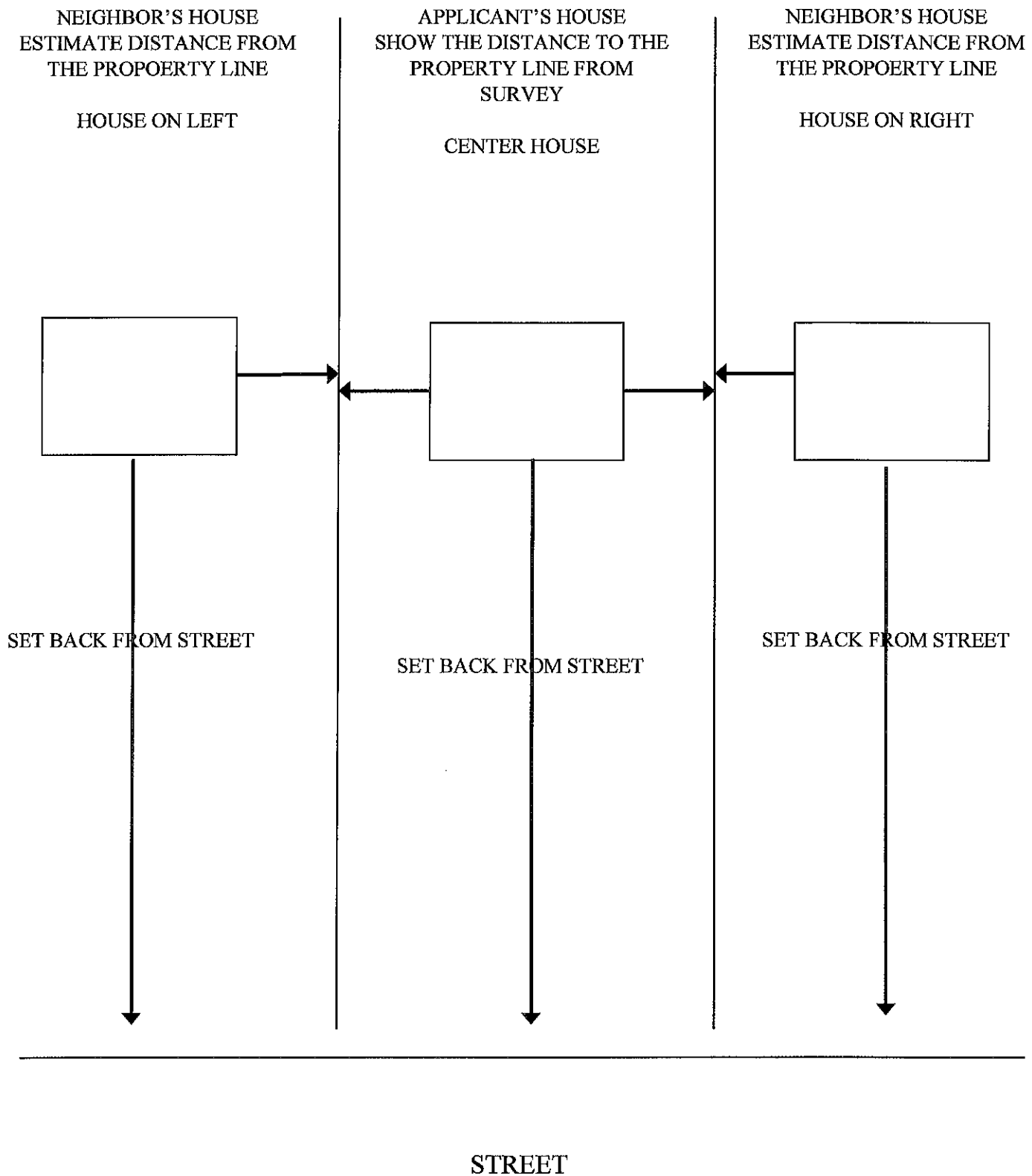


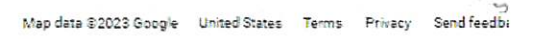
  
APPLICANT

# BOARD OF ADJUSTMENT APPLICATION SITE PLAN

O INDICATES SHRUBS OR TREES  
X INDICATES FENCES

SEE ATTACHED EXHIBIT 1





***Disallowing Any Improvements to the Pre-existing Three Single Family Homes on this Large Parcel Causes a Hardship by Precluding Reasonable Use of the Property***

Our property at 170 Grove Avenue, Verona is currently in the R-60 Zone District for Medium-Density Single-Family Homes, which explicitly lists *Single Family Homes* (and accessory uses) as *Principal Permitted Uses* (see §150-17.3). This district calls for a minimum lot size of 7,200 square feet (see §150-17.3 D(1)) which is based on one house per lot.

At 48,196 square feet, our property *far* exceeds this minimum, and to the best of our knowledge is unique in Verona, as it has long had 3 single family homes and 2 detached garages on the property. A review of the R-60 zones in Verona also shows that only a handful of properties in the zone are much larger than the minimum lot requirement, and ours is among the largest.

The USE of the property is conforming – HOMES (see §150-17.3) – and the property size is such that if it were subdivided, it is very likely MORE than three single family homes could be constructed while still meeting the zoning requirements for this district, including lot, height and yard regulations and maximum lot coverage.

We are proposing a renovation and improvement of an existing one-family home, a purpose and manner that is an allowable use, that meets all setback requirements on a large parcel of land that will still have building and impervious coverage percentages FAR below what is allowed in this R-60 zone.

*Specifically:*

Maximum Building Coverage Allowed 25% / Percentage With Proposed Improvements = 12.3%

Maximum Lot Coverage Allowed 40% / Percentage With Proposed Improvements = 28.9%

The Township's Zoning Denial Letter dated September 1, 2023 ("Denial") states that variances are required based on three (3) code sections, the net effect of which would be to disallow any significant renovation or improvement on any building on this property if variances were not granted. Specifically, the applicability of those sections (§§150-13.3A, 150-4.2A, 150-4.2G) derive from an allegedly non-conforming USE of the pre-existing presence of three HOMES (clearly an allowable USE).

To the extent that there is any inconsistency in code sections between the allowable USE of HOMES and zoning district lot regulations allowing only one single family home per lot going forward, this inconsistency is not one of USE. Interpreting it as if it were creates an unduly restrictive circumstance that limits reasonable use of this special, unique property.

Refusing to allow the renovation and expansion of the existing single-family homes on this property, particularly when the lot and yard regulations are met or exceeded is an arbitrary limitation on reasonable use of this property. In essence, the Township would be treating this unique property as additional open space or parkland for which we have not been compensated. This is an undue hardship that warrants the granting of variance(s) to allow this improvement of an existing home.

In addition, the facts of this matter and the unique nature of this property not only allow the requested relief to be granted without substantial detriment to the public good and without impairing the intent of the Zoning Ordinance, but actually better support the stated purposes of the Zoning Ordinance and

Verona's Master Plan than the alternative of refusing to allow improvements to existing single-family homes. Disallowing reasonable improvements to the existing homes will almost certainly lead to requests by others to subdivide the parcel resulting in greater development density and more overall lot coverage, likely something in the range of 5-6 homes on individual lots depending on driveway options. Thus, allowing our project to move forward better supports the public good by maintaining decreased impervious coverage and creating an improved residential home in Verona.

***Project-Specific "C" Variance: Building Height***

There are only two aspects of our project that have been identified as requiring a project-specific variance. The first is the proposed building height of 32.5 feet versus the 30.0 feet allowed by §150-17.3F(6). We are seeking this variance because, after considering many design options, it was determined that reducing the height of the floors would create a significant hardship. The first-floor ceilings are already at 9' which we are maintaining. Seeking to lower the ceiling height on the first floor would require extensive reconstruction and expense to change because we are adding and expanding, maintaining two walls – not tearing down that first floor.

The second-floor ceilings are at 8', which is typical, and the roofline for the attic is at a slope that allows mechanical to be placed in the attic. A lower slope roof line would create greater maintenance issues for the roof, making it less resilient to storms, etc. absent a complete change to the design of the house to be consistent with a low pitch roof.

The requested variance has no negative effect on the public good nor the intent and purpose of the zoning ordinance. First, the peak height of the roof measured at 32.5' is less than a quarter of the roofline. Second, the existing height of the roof on Unit A is 32.4 feet, and Unit B, our proposed renovation, sits directly behind Unit A and over 200' from Grove Avenue. The .1' difference in height – merely 1.2 inches – will not be noticeable to anyone. Third, the same is true of adjoining property owners to either side and the rear. As can be seen on Exhibit 1, the distance from the homes on these adjoining properties to Unit B, as proposed, range from more than 100' to over 300' away. The section of the roof that exceeds 30' based on the graded elevations will have no realistic impact on these properties given the distances involved. In addition, there are many trees and a tall hedgerow limiting visibility for nearly all of these properties.

***A. Project-Specific Variance: Location of Generator in "Side Yard"***

A variance is required for placement of the proposed generator in the side yard, rather than the rear yard, as required by §150-7.13B. Because the proposed project is a renovation / addition, not a new build, placement in the "rear yard" creates a significant hardship and is not a logical placement from the standpoint of resilient construction.

The "direction" of the preexisting home is not changing with our proposal. The "rear" of the current house faces the northeast and is what would typically be considered the side yard. The "side yards" of the existing home face the front of the property – the Grove Avenue side – and the driveway and parking area between Unit B and Unit C. (See included photos for details.) Changing the "directionality" of the house placement would entail major design changes and expenses inconsistent with the proposed plan to maintain two walls of the existing home.

The proposed placement of the generator is also in a substantively a better location for resilient construction than the "rear yard" required by the ordinance. The rear yard is on the uphill side of the property, located in the paved rear driveway and parking area. During a severe storm, water would flow into the generator placed in this "rear yard," leading to potential flooding of the unit and undermining the purpose of having a generator.

Our proposed placement is in the preexisting "rear" of the property. This location is less disruptive to the nearest neighbor - whomever is living in Unit C. The next nearest neighbors on the "side" of the property where we are planning to place the generator are approximately 170 – 300" away, and would therefore not be impacted by the proposed generator location. (See Exhibit 1 for distance details.)

Variance Application #2023-13  
170 GROVE AVENUE, VERONA – UNIT B  
PHOTOS OF PROPERTY

Figure 1: 170 Grove Ave. from Road; Unit A Visible

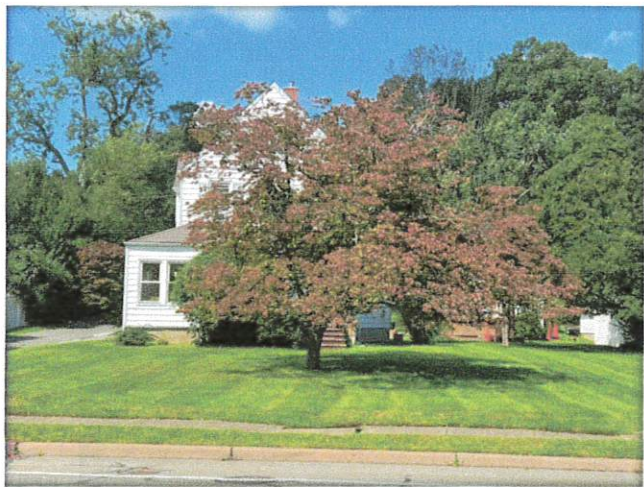


Figure 2: 170 Grove Ave., Unit B Visible in Background

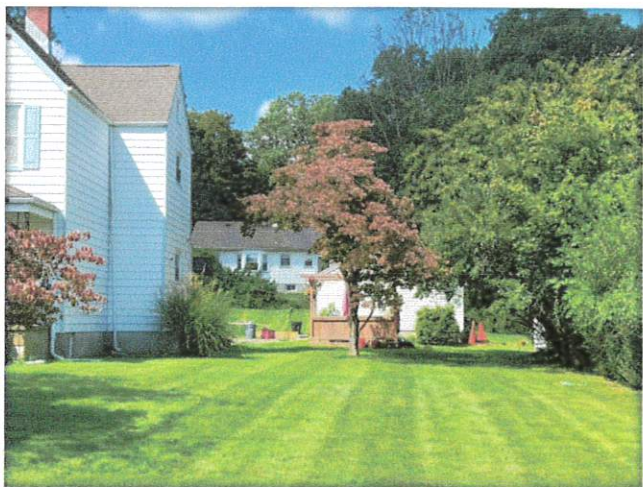


Figure 3: 170 Grove Ave. Driveway, All 3 Homes



Figure 4: Lawn Between Unit A & B



Figure 5: Front of Unit B (faces side yard & driveway)



Figure 6: Side of Unit B (faces Front – Grove Ave.)



Variance Application #2023-13  
170 GROVE AVENUE, VERONA – UNIT B  
PHOTOS OF PROPERTY

*Additional Photos of Other Houses on Property*

*(continued)*

Figure 12: Front of Unit C



Figure 13: Side Yard of unit C (from Front, all wooded)



Figure 14: Side Yard of Unit C



Figure 15: Rear of Unit C



MAYOR  
ALEX ROMAN  
DEPUTY MAYOR  
CHRISTINE MCGRAATH  
COUNCIL MEMBERS  
JACK McEVoy  
CYNTHIA L. M. HOLLAND  
CHRISTOPHER H. TAMBURRO

TOWNSHIP OF VERONA  
COUNTY OF ESSEX, NEW JERSEY



VERONA COMMUNITY CENTER  
680 BLOOMFIELD AVENUE  
VERONA, NEW JERSEY 07044

MUNICIPAL BUILDING  
608 BLOOMFIELD AVENUE  
VERONA, NEW JERSEY 07044  
(973) 239-3220  
WWW.VERONAJE.NJ.GOV

TOWNSHIP MANAGER  
JOSEPH O. D'ARCO  
TOWNSHIP CLERK  
JENNIFER KIRNAN  
TOWNSHIP ATTORNEY  
BRIAN J. ALOIA, ESQ.

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

September 1<sup>st</sup>, 2023

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

**Re: Zoning Permit # 2023-162**

**Applicant:** Markian Silecky & Julie Parker  
31 East Reid Place  
Verona, NJ  
**Owner:** Same  
**Property:** 170 Grove Avenue  
Lot 91, Block 1403  
**Zone:** R- 60 (Medium Density)

**Submittals:**

This office is in receipt of the following documents submitted for the above referenced property:

- Township of Verona Zoning Permit Application no sign date, received 8-30-2023.
- Engineering Plans (4 sheets) entitled, "Grading Plot Plan with Variances" prepared by Petry Engineering LLC dated 8-29-2023.
- Architecture Plan set prepared by Studio G2 Architects dated through 8-28-2023.

**Zoning Request:**

Based upon the zoning permit application and the plans submitted, the owner is requesting zoning approval to construct the following:

- A 2 story front addition to Unit B
- A 1 story rear addition to Unit B
- A side yard deck to Unit B
- A wrap around covered porch to Unit B
- A new concrete walkway from the driveway to the home for Unit B
- Two ac units for Unit B
- A generator for Unit B
- Curbing along a portion of the driveway for Unit B
- Driveway pavement reconstruction on a portion of the Unit B driveway
- Regrading around the perimeter of Unit B and the driveway
- Removal of 2 sheds: one frame shed in the far rear corner of the lot, encroaching onto the neighboring property and one vinyl shed behind Unit E
- Removal of a portion of the driveway behind Unit E
- Removal of existing walkways adjacent to Unit B and also behind Unit C

- Removal of existing wood deck in front of Unit D
- Removal of railroad tie and block walls and pavers by Unit B

**Zoning Decision:**

The site contains 3 dwellings, identified as Units A, B and C. The site contains 2 detached garages identified as Units D and E. Three (3) homes on one lot is an existing non conformity.

As per Section 150-13.3 A a variance is required for the expansion proposed.

As per Section 150-4.2 A a variance is required for the expansion proposed.

As per Section 150-4.2 G a variance is required for the expansion proposed.

The proposed improvements to the home, Unit B are conforming to section 150-17.3 for all applicable requirements except for the following:

As per section 150-17.3 F (6) a variance is required. The applicant is proposing a building height of 32.5 feet versus the 30.0 foot maximum.

The proposed improvements around the home, Unit B are all conforming except for the following:

As per section 150-7.13 B a variance is required for the generator proposed within the side yard.

Stormwater management is exempt since there is an increase in 386 square feet of impervious coverage. This is just under the 400 square foot threshold that would have required same.

The applicant should testify to any tree removal. If trees are to be removed, they shall be mapped with diameter size indicated.

Engineering review and approval will be required for this application should it receive Zoning Board of Adjustment approval for the soil movement/regrading proposed.

Therefore, based on the above, the applicants request(s) for zoning approval has been **DENIED** by this office.

**This application is deemed technically complete and can be presented to the Zoning Board of Adjustment.**

**Note:**

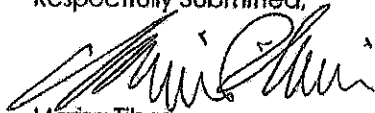
1. No electrical, plumbing or building codes were reviewed as part of this application. Please coordinate with the Township of Verona Construction/Building Department for any required permits and or inspections which may be required.
2. Any change or deviations from the plans which were provided and reviewed as part of this zoning permit at this location must first be approved by the Zoning Official or Zoning Administrator prior to obtaining a construction permit. The owner/applicant should be aware that any future change may require formal application to the Verona Board of Adjustment for variance governed by the rules and conditions pursuant to N.J.S.A. 40:55D-70d.

**Please contact the Township of Verona Zoning Board clerk to schedule this application before the Zoning Board of Adjustment.**

**Note: All zoning permits expire in one (1) year from the date of the approval.**

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

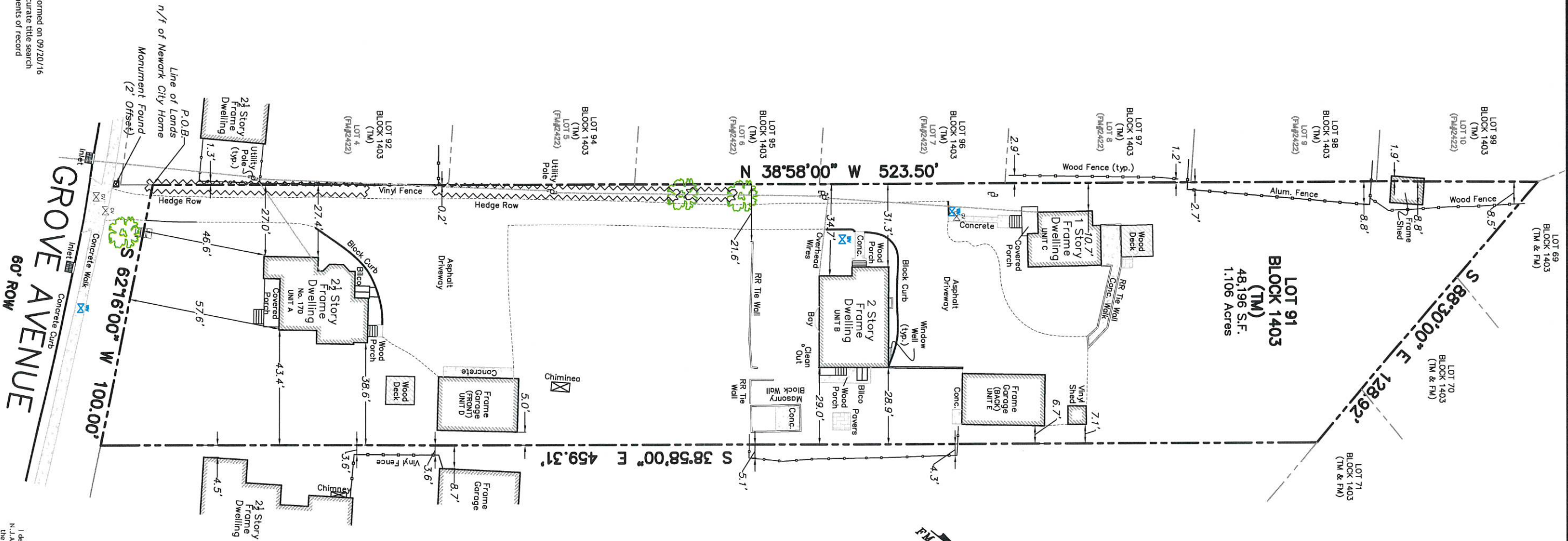
Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Marisa Tiberi', written over the printed name.

Marisa Tiberi

Acting Zoning Official

cc: Marcie Maccarelli – via email  
Kelly Lawrence – via email  
Kristin Spatola – via email  
Thomas Jacobsen – via email  
Terry Feret – via email  
Denise Pedicini – via email  
Sarfeen Tanweer – via email  
Pete Ten Kate – via email



Notes:  
Field Survey Performed on 09/20/16  
Subject to an accurate title search  
Subject to documents of record

REVISED 09/06/2022 JWS: SURVEY UPDATE

**SURVEY OF PROPERTY**  
Tax Lot 91 - Block 1403  
170 Grove Street, Township of Verona  
Essex County, New Jersey

FIELD: WCB  
DWN BY: JSJG  
CHECKED: MJC  
DATE: 09/24/16

SCALE  
1"=40'

PROJECT NUMBER  
162257

117 Hibernia Avenue | Rockaway | NJ | Ph: (973) 625-5670 | Fx: (973) 625-4121  
www.LakelandSurveying.com

**Lakeland**  
**Surveying**

Certificate of Authorization  
#246A28090000

Marc J. Cifone  
PROFESSIONAL LAND SURVEYOR

Jeffrey S. Grunn  
PROFESSIONAL LAND SURVEYOR

Marc J. Cifone N.J. P.L.S., L.C. No. 246504132900  
Jeffrey S. Grunn N.J. P.L.S., L.C. No. 246504339900



This survey references:  
Deed Book 5675 Page 0697  
Essex County Filed Map No. 1549  
Essex County Filed Map No. 2472

This survey certified to:  
Markian Silecky