

TOWNSHIP OF VERONA
BOARD OF ADJUSTMENT APPLICATION

DATE APPLICATION November 27, 2024

CASE # 2024- 22

PROPERTY ADDRESS 15 Wilton Terrace

BLOCK 802 LOT 30 ZONE R-40

APPLICANT'S NAME Michael Nazzaretto

PHONE # _____ CELL PHONE # 973-464-7326

EMAIL mnazzaretto@gmail.com

PROPERTY OWNER'S NAME Michael Nazzaretto

PROPERTY OWNER'S ADDRESS 15 Wilton Terrace, Verona, NJ 07044

PROPERTY OWNER'S PHONE # _____ CELL # 973-464-7326

PROPERTY OWNER'S EMAIL mnazzaretto@gmail.com

RELATIONSHIP OF APPLICANT TO OWNER self

REQUEST IS HEREBY MADE FOR PERMISSION TO DO THE FOLLOWING:

Install a 648 sf inground pool, fence, patio, pool equipment and retaining wall in Crilley Court frontage

CONTRARY TO THE FOLLOWING:

Section 150-7.5A - Pools permitted only in rear yard; Section 150-5.3C(6) - Patios only permitted in side and rear yards; Section 150-17.6E(1) - No mechanical equipment permitted within minimum front yard requirement; Section 150-7.13A - Mechanical equipment shall not be located more than 5' from the structure they serve

LOT SIZE: EXISTING 14,517 sf PROPOSED 0 TOTAL 14,517 sf

HIEGHT: EXISTING 29.9' PROPOSED 29.9'

PERCENTAGE OF BUILDING COVERAGE: EXISTING 11.8% PROPOSED 11.8%

PERCENTAGE OF IMPROVED LOT COVERAGE: EXISTING 26.3% PROPOSED 29.9%

PRESENT USE Single Family Dwelling PROPOSED USE Single Family Dwelling

SET BACKS OF BUILDING:	REQUIRED	EXISTING	PROPOSED
FRONT YARD <u>Wilton</u>	<u>30'</u>	<u>27.8'</u>	<u>27.8'</u>
FRONT REAR YARD <u>Crilley</u>	<u>30'</u>	<u>54.8'</u>	<u>54.8'</u>
SIDE YARD (1)	<u>8'</u>	<u>4.2'</u>	<u>4.2'</u>
SIDE YARD (2)	<u>18' / 25%</u>	<u>24.7' / 40%</u>	<u>24.7' / 40%</u>

DATE PROPERTY WAS ACQUIRED July 25, 2011

TYPE OF CONSTRUCTION PROPOSED:

Install a 648 sf inground pool, fence, patio, pool equipment and retaining wall in Crilley Court frontage.

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

n/a

1/a	AREA PER FLOOR (square feet):	EXISTING	PROPOSED	TOTAL
	BASEMENT			
	FIRST FLOOR			
	SECOND FLOOR			
	ATTIC			

NUMBER OF DWELLING UNITS: EXISTING 1 PROPOSED 1

1/a NUMBER OF PARKING SPACES: EXISTING PROPOSED

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

None known

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

See attached Addendum

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 Addendum

History of any deed restrictions:

None known

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.

1/a 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 Donald G. Matthews, Esq. / Galante & Matthews, Esqs.
 Address 50 Galesi Drive, Suite 6, Wayne, NJ 07470
 Phone # 973-890-9010
 Fax # _____
 Email gmlawoffice@yahoo.com

Architect/Engineer: Name Darmstatter, Inc.- Eric D. Wilson, PE
 Address 202 Black Oak Ridge Road, Wayne, NJ 07470
 Phone # 973-696-8077
 Fax # _____
 Email ericw@darminc.com & mike@darminc.com

Planner: Name _____
 Address _____
 Phone # _____
 Fax # _____

AFFIDAVIT OF OWNERSHIP

STATE OF NEW JERSEY
COUNTY OF ESSEX

Michael Nazzaretto _____ OF FULL AGE, BEING DULY SWORN ACCORDING TO LAW ON
OATH DEPOSED AND SAYS, THAT DEPONENT RESIDES AT 15 Wilton Terrace, IN THE CITY OF
Verona _____ IN THE COUNTY OF Essex AND STATE OF New Jersey AND THAT
Michael Nazzaretto _____ 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 802 AND LOT 30 AS SHOWN ON THE TAX MAPS OF THE TOWNSHIP OF VERONA.

Constance E. Shute

Michael Nazzaretto

NOTARY

OWNER

CONSTANCE E. SHUTE

A Notary Public of New Jersey
My Commission Expires January 10, 2025

AFFIDAVIT OF APPLICANT

COUNTY OF ESSEX
STATE OF NEW JERSEY

Michael Nazzaretto _____ 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 27 DAY OF November
2021.

Constance E. Shute

Michael Nazzaretto

NOTARY

APPLICANT

CONSTANCE E. SHUTE

A Notary Public of New Jersey
My Commission Expires January 10, 2025

Application Addendum

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

Applicant's original purpose in development of the rear yard was to manage and remove the drainage flow from the northeast end of his property in the Crilley Court area toward his house. This is proposed to be accomplished by installation of a Bio-Retention Basin, which will adequately control the drainage flow to allow installation of the swimming pool, fence, patio, pool equipment and retaining wall for the personal recreational and social benefit of Applicant's family. The property is an over-sized lot in this subdivision, which is considered a "through lot" because it fronts on Wilton Terrace and is bordered to the rear by an unimproved paper street, Crilley Court, 40ft wide. There is one undeveloped town owned lot on Crilley Court and no other lots to be developed which would result in the future development of Crilley Court. There is no access to Crilley Court from the property. Fencing runs adjacent the property line and a significant amount of shrubbery exists adjacent the paper road. There is no neighboring "front" yards which would be impacted by effectively developing this property as a "rear" yard.

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 Zoning Plan and Zoning Ordinance.

Since the Township Ordinance requires pools to be constructed in the rear yard and patios to be constructed in any side or rear yard, the Ordinance precludes installation of the pool and patio on the site. Crilley Court is an unimproved 40ft lot adjacent the Northeast end of the lot. There is no access to Crilley Court, and there is significant shrubbery and fencing between the property and Crilley Court. There are no neighboring front yards on Crilley Court. The Crilley Court yard is the effective rear yard of the site and the characteristics of the site, in terms of topography, fencing, shrubbery and the existence of the unimproved street with no front yards facing the rear yard, in and of itself creates an exceptional circumstance uniquely affecting this site. The strict application of the front yard prohibition on pools would result in peculiar and exceptional practical difficulty or exceptional and undue hardship on the Applicant based on the site not having a "rear" yard, as defined in the Zoning Code. Relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zoning Plan and Ordinance based on the rear yard screening and fencing provided and that the rear yard of the site does not face nor will impact any neighboring front yards.

TOWNSHIP OF VERONA
COUNTY OF ESSEX, NEW JERSEY

TOWNSHIP MANAGER
JOSEPH O. D'ARCO
TOWNSHIP CLERK
JENNIFER KIERNAN



DEPUTY MANAGER
KEVIN O'SULLIVAN
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
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DEPARTMENT OF PUBLIC WORKS
10 COMMERCE COURT
VERONA, NEW JERSEY 07044

Zoning Office 880 Bloomfield Avenue, Verona, NJ 07044 973-857-4772

September 18, 2024

Zoning Permit Application #2024-160 – DENIED

Applicant/Owner: Michael Nazzaretto
15 Wilton Terrace
Verona, NJ 07044

Property: 15 Wilton Terrace; Block 802, Lot 30

Zone: R-40 (Very-High-Density Single-Family) Zone District

Submittals:

This office is in receipt of the following:

- Township of Verona Residential Permit Application;
- Survey by Darmstatter, Inc., signed and sealed by Michael H. Darmstatter, PLS, dated 08/01/2024;
- Site Plan by Darmstatter, Inc., signed and sealed by Eric D. Wilson, PE and Michael H. Darmstatter, PLS, dated 08/20/2024.

ZONING REQUEST:

Based upon the zoning permit application, the applicant is seeking approval to install 648 square foot in-ground pool. While the application only lists the in-ground pool, the plans also show a proposed fence, patio, pool equipment, and a retaining wall. The plans also notes tree removal. No other requests have been requested or shown and therefore have not been considered in this departments review.

ZONING DETERMINATION:

- Per § 150-17.6 A. (1) Single-family dwellings;
- The lot is considered to be a through lot with frontages on Wilton Terrace and Crilley Court (**Please note** that the plans have the street incorrectly listed as Creilly Court and not Crilley Court – plans and survey will need to be revised). Per 150-5.1 C. A through lot shall be considered as having two street frontages, both of which shall be subject to the front yard requirements of the zoning schedule of this chapter.

- The frontage on Crilley Court has a current condition of unimproved, the street extends, per the survey, across the applicant's property width on the NE property line;
- Per § 150-17.6 D. (1) Minimum lot size: 4,000 square feet where existing is 14,517± square feet – Compliant;
- Per § 150-17.6 D. (2) Minimum lot width: 40 feet where existing is 58.83 feet wide on Wilton Terrace frontage and 86.75 feet on the Crilley Court frontage - Compliant;
- Per § 150-17.6 D. (3) Maximum lot coverage: 30% where existing, dwelling and covered porch, is 11.8% - Compliant;
- Per § 150-17.6 D. (4) Maximum improved lot coverage allowed is 40% proposed is 5,965 or 41% - **A Variance is Required;**
 - Please note that the plan lists impervious coverage as 39%, however it did not include the wall in the impervious coverage calculation.
- Per § 150-7.5 A. Permanent and portable swimming pools accessory to a residential use shall be erected on the same zone lot as the principal structure. Said pool may be erected in the rear yard – **A Variance is required as the proposed pool is considered to be in the front yard** (Crilley Court frontage);
 - Pool:
 - Proposed pool is 18'x 36' or 648 square feet;
 - 16 feet from the NW side property line;
 - 43 feet to 47 feet from the SE property line;
 - 45 feet from the NE (Crilley Court) property line;
 - 35 feet from the dwelling.
- Proposed 2,143 square feet of paver patio in the frontage on Crilley Court. Per § 150-5.3 C. (6) Patios may be located in **any side or rear yard**; provided, that they are not closer than five feet to any property line yard of the zone lot. **A Variance is Required as the proposed patios are considered to be in the front yard** (Crilley Court frontage);
 - Paver Patio surrounding pool:
 - 6 feet from NW property line;
 - Ranging from 38 feet to 46 feet from the SE Property line;
 - 40 feet from the Crilley Court frontage;
 - Upper Paver Patio nearest to existing dwelling (shows as replacement of existing, however no Zoning permit was located for original patio):
 - 15 feet to the NW side property line;
 - Ranging from 23 feet to 26 feet along the SE side property line;
 - Steps connecting patio:
 - 54 square feet, 37.5 from the SE property line and 20 feet from the NW property line.
- Proposed pool equipment is shown to be on a 4'x 8' pad, 10 feet from the front NE property line and 37 feet from the proposed pool.
 - Per § 150-17.6 E. (1) Minimum front yard setback allowed is 30 feet where proposed is 10 feet from the NE property line – **A variance is required;**
 - Per § 150-7.13 A. No mechanical equipment shall be located within a required minimum yard requirement and shall not extend more than five feet from the structure for which they serve – proposed equipment is 37 feet from the proposed pool. **A variance is required;**

- A retaining wall is proposed running through frontage of property on Crilley Court, 171 feet in length, 1 foot wide and 3.9 feet in height. Plans show a proposed 6 foot high pool compliant fence however no details have been provided i.e. type of fence, measurement off property line – this will need to be updated on the plans.
- Two trees are shown to be removed. **A separate tree permit must be submitted to the Zoning department regarding any and all tree removals.**
- **Soil removal should be conducted per details on plans.**
- **Engineering review will be required for this application; this shall include any and all additional reviews as determined by Boswell Engineering.**
- **Stormwater review will be required for this application;**

Based on the reviewed submitted items, the applicant's request for a Zoning Permit has been **DENIED** by this office.

Please Note:

1. **No electrical, plumbing or building codes were reviewed as part of this application.**
2. Any change or deviations from the plans/renderings 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. 40:55D70d.

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

Respectfully Submitted,



Kathleen Miesch

Zoning Official

kmiesch@VeronaNJ.org

cc: Tom Jacobsen, Construction Official
Kristin Spatola, Technical Assistant