

**ZONING BOARD of ADJUSTMENT
of the TOWNSHIP OF VERONA**

RESOLUTION 2025-02

Application 2024-20 95 Harrison Street, Block 2102, Lot 41 Zone-R-60:

WHEREAS, RDH Design Group, 14 Blackwell Avenue, Morristown New Jersey made an application ("Application") on behalf of Liza Spina and Vincent Spina, owners of 95 Harrison Street Verona, New Jersey (the "Property") seeking approval to construct a patio (75 square feet) and to construct a television stand (nine square feet) in their rear yard, and seeking approval to install a generator in the front yard. (For ease of reference Mr. and Mrs. Spina will be referred to herein as "Applicants")

WHEREAS, the Property is located in the R-60 Zone on the Township of Verona zoning map; and

WHEREAS, The Applicants sought three variances from the Verona Zoning Code ("Code") as follows:

The required minimum front yard setback is 30 feet; The proposed setback for the generator is 30 feet 6 inches where 45 feet is required (Zoning Code § 150-17.3 E (1)).

Accessory structures in the yard in which such structures are located may not exceed fifteen percent coverage. There exists 662 square feet of coverage equaling 29 percent rear yard coverage, an existing violation. Applicants propose an additional 84 square feet of coverage. Proposed rear yard coverage is 32.7%; (Zoning Code § 150-17.3 F (4))

Side or rear year patios must be five feet from any property line. A 222 square foot patio (55'6" x 4') is proposed along the side yard with a one foot setback to the side yard property line (Zoning Code § 150-7.13 C (6))

WHEREAS, Liza Spina was sworn in and testified in support of the Application. She informed the Board that she moved into 95 Harrison Street in February 2014, that she occupies the home with her husband and two daughters, and that her family intends to remain in Verona for the foreseeable future. She further testified that the home had little curb appeal when it was purchased and that she has worked hard to beautify the Property by removing and replanting trees, and by working with a landscaper to improve her lawn. Mrs. Spina informed the Board that her lot is a corner lot and that the defined side yard serves for practical purposes as her rear yard. Mrs. Spina testified that because the Property is a corner lot, variances are required which would not be typically required on interior lots. She testified that the variances sought should not be viewed as a public nuisance or detriment to the neighbors. She informed the Board that she had spoken to neighbors and that those in closest proximity to the Property expressed support for her application.

Through questioning during the presentation of the Application, Mrs. Spina agreed that generator testing would occur only between the hours of ten a.m. to three p.m.

WHEREAS, Robert Hessels was sworn and testified as an expert, after qualification, in landscape architecture and design. Mr. Hessels testified about the existing conditions of the home and described the proposed improvements to the Board. He testified that the Property is a corner lot and that the Applicant was seeking approval for three separate projects, each needing one variance.

Mr. Hessels testified that the generator was to be located in the Forest Avenue front yard and that it would be heavily landscaped and screened. He confirmed that the generator would be setback 30 feet 6 inches from Forest Avenue and that the Zoning Code requires a 45-foot setback. He testified that the generator could not be located in the side yard or any other location on the Property without a variance or without creating an unsafe condition.

Mr. Hessels further testified regarding the existing patio and the proposed addition to the patio on the south side of the Property. He described the long and narrow existing patio and advised the Board that the Applicant wished to extend the patio four feet toward the southerly property line which would leave a one-foot buffer between the patio and property line. He further described the 6-foot fence and advised the Board of the previous existence of a patio that had been removed.

Mr. Hessels testified he had calculated 32.7 percent coverage with patio addition.

Mr. Hessels opined that the Property is well-buffered from the road and that it is extremely private. When asked about the Construction Official's comments about the location of the proposed generator, Mr. Hessels confirmed that the generator would meet all construction codes. He testified that the Applicant would plant skip laurels or heavy junipers to buffer the area and that the Applicant would commit to the Verona Environmental Commission's guidelines for acceptable plantings. Mr. Hessels testified that the generator would be 30 inches by 3 feet. He further testified that the television stand would be 8 feet high and that the television installed on the stand would be 6 feet high, with the entire structure being 8 feet tall.

WHEREAS, Brian Hoarle, 14 Blackwell Avenue, Morristown, NJ, PE, was sworn and testified as an expert, after being qualified, as an Engineer. Mr. Hoarle represented that he would meet the Board Engineer's requirements contained in the October 23, 2024 Boswell review letter. He testified that the generator emits volume equivalent to that of a small lawnmower and with proper screening, the generator would not be detrimental to the neighbors in the location proposed. He advised the Board that the generator would run once a week for 10-15 minutes for testing and that the generator would otherwise only run in the event of a power outage;

WHEREAS several members of the public asked the Applicant and the Witnesses questions after their testimony and thereafter commented about the Application. The public expressed concerns over the already existing violations, the failure of the Applicants to obtain permits for previous work done to the Property, and the impact on their quality of life if the Application were to be approved by the Board.

WHEREAS, after members of the Board questioned the witnesses and the Applicants regarding many aspects of the presentation and heard the objections from the public, the Board deliberated the Application's merits. During the deliberations, some Board members expressed a possible compromise with the Applicants whereby the size of

the proposed patio would be reduced so that the expansion would be 2 feet wide thereby increasing the proposed side yard setback to 3 feet. The Applicant agreed to modify the Application to seek relief for a 3-foot setback.

WHEREAS, the Board established the following findings:

1. The subject property is in the R-60 single-family zone and contains one single-family residence on a conforming lot.
2. The Applicants were seeking three variances.
3. The existing accessory structures in the yard cover 662 square feet, equivalent to 29 percent coverage, whereby 15 percent is permitted.
4. The proposed generator is to be located in a front yard on a corner property. Visually, the generator will be in a side yard. The generator will not cause substantial detriment to the public good nor will permitting the generator conflict with the zone plan, zoning ordinance, or provisions of the master plan. The benefits of the Applicant's proposed generator will outweigh any detriments.
5. The Applicant did not meet its burden of proof that the benefits of granting the variances outweigh any detriments and that the variances could not be granted without substantial detriment to the public good or to the zone plan.

WHEREAS, the Board decided based on the foregoing that the variance for the generator could be granted.

WHEREAS, the Board further decided that the variances for the patio and for the television stand could not be granted.

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of the Township of Verona, that the application be hereby partially approved and partially denied. The request for variances for the patio construction and for the television pad construction are DENIED. The variance for the generator is APPROVED subject to the following conditions:

1. The Applicants will comply with all representations made by and on behalf of the Applicants during the hearing. All of the Applicants' testimony and testimony on the Applicants' behalf is incorporated herein as if fully set forth.
2. The Applicants will satisfy all municipal and administrative agency requirements related to the generator installation.
3. The generator will be 30 feet 6 inches from Forest Avenue, will be 5 feet from the Property line, and will be installed in accordance with requirements of the Verona Construction Code Official.
4. The generator shall be tested only between the hours of 10 a.m. and 3 p.m.
5. The Applicant will comply with all of the requirements in the Boswell October 23, 2024 review letter as those requirements relate to the generator.

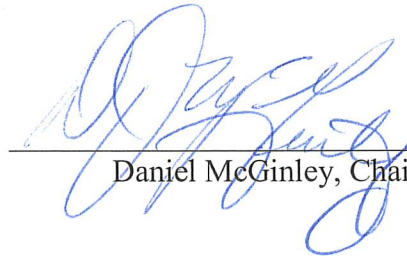
NOW THEREFORE, BE IT FURTHER RESOLVED that a copy of this resolution be provided to the Applicant, Township Manager, Township Council, and Township Clerk.

ROLL CALL:

	AYES	NAYS	ABSTENTION	ABSENT	NOT ELIGIBLE
Dr. Edith Ries	X				
Mr. Tully					X
Dr. Cuartas					X
Mr. Ryan	X				
Mrs. Murphy- Bradacs			X		
Mrs. DiBartolo					X
Mr. Matthewson				X	
Vice Chair Weston	X				
Chair McGinley	X				

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY
OF A RESOLUTION ADOPTED BY THE BOARD OF ADJUSTMENT OF
REGULAR MEETING HELD ON FEBRUARY 13, 2025.


Caitlin Kester, Board Secretary


Daniel McGinley, Chairman