



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

RESOLUTION 2025-09

Application 2024-23 15 Wilton Terrace, Block 802, Lot 30 – Zone: R-40

WHEREAS, Michael Nazzaretto (the “Applicant”) is the owner of 15 Wilton Terrace, Verona, New Jersey (the “Property”); and

WHEREAS, the Property is located in the R-40 Zone on the Township of Verona zoning map. The Property fronts on both Wilton Terrace and Crilley Court; and

WHEREAS, the Applicant made application to the Verona Zoning Board for approval to construct a 648 square foot in-ground pool, accessory pool equipment, a patio, a fence, and a retaining wall. (the “Application”) The Application included a plan for drainage improvements.

WHEREAS, the Applicant was represented by Donald Matthews, Esq.

WHEREAS, the Ordinance Sections of the Verona Township Zoning Code as they relate to the Application provide:

- Section 150-7.5 A The pool is proposed in the front yard of Crilley Court. The prevailing code section provides that pools may only be erected in a rear yard.
- Section 150-7.6 D. -The Maximum improved lot coverage allowed is forty percent (40%). The Application provides for 5,965 square feet coverage, equating to forty-one percent (41%); (the Applicant modified the plan to reduce the coverage prior to the hearing thereby eliminating this variance)
- Section 150-5.3 C. - The patio is proposed in the front yard of Crilley Court. Patios may only be installed in side or rear yards.
- Section 150-17.6 E. – The front yard setback is proposed to be ten feet on Crilley Court, whereas 30 feet is required.
- Section 150-7.13 A. – Mechanical equipment shall not be located within a required minimum yard nor more than five feet from the structure served. The equipment is proposed to be 37 feet from the structure (pool).

WHEREAS, the Applicant testified on his behalf after being sworn to testify truthfully. He reviewed the Application and described the general nature of the Property and his vision for the Property.

WHEREAS, Eric Wilson PE, was qualified as an engineering expert He was sworn and testified on the Applicant’s behalf regarding engineering, stormwater, and

drainage issues. Mr. Wilson testified that he prepared the engineering plans dated August 20, 2024, and revised October 8, 2024. He testified about the impervious coverage calculations, which had been revised from the original submission. He described the proposed stormwater management system, including the design of the proposed bioretention basin.

Mr. Wilson testified further about the variances required and the unusual through-street configuration of the Property.

Mr. Wilson testified to the location of the fence on the southeast side of the Property that encroaches onto a neighbor's property. He testified that the fence would be relocated so that the entire fence would be within the Applicant's property.

Mr. Wilson addressed concerns about the proposed removal of two trees and the placement of the pool equipment. He testified that tree removal is necessary as one conflicts with the pool, patio, and excavation and that a second tree on the property line in the rear of the Property should also be removed to accommodate the design of the proposed improvements.

Mr. Wilson opined that the Applicant proved that the Board could grant a variance pursuant to NJSA 40:55D-70 c(1) because of the hardship resulting from the irregular condition of the lot being a through-street. He further opined that the improvements would positively improve stormwater mitigation with no adverse impact on neighbors.

Mr. Wilson described the topography of Crilley Court and opined that Crilley Court likely would remain unimproved because of that topography.

Mr. Wilson represented on the Applicant's behalf that the Applicant would comply with all of the conditions and recommendations contained in the Boswell Engineering Application review memo dated December 19, 2024. He further represented that the Applicant would comply with the Verona Construction Code Official's December 19, 2024, review letter.

Mr. Wilson represented to the Board that if the Board approved the Application, the Applicant would engage a qualified geotechnical engineer to conduct soil tests before construction and that if there is a need to alter stormwater detention or drainage design, he would consult with Boswell Engineering and agree upon an alternate design.

WHEREAS, the project is governed by Verona's Minor Storm Water Development Ordinance; and

WHEREAS, during the course of the Applicant's presentation, Daniel Robinson, an adjoining property owner, notified the Board that a portion of Applicant's fence encroached on Mr. Robinson's property; and

WHEREAS, prior to the hearing, the Applicant submitted a revised plan to reduce the amount of impervious coverage, eliminating the need for a lot coverage variance.

WHEREAS, after Board comments and deliberation, the Applicant agreed not to remove the tree on the northeast corner of the Property. The Applicant further agreed to relocate that portion of his fence that encroaches on Mr. Robinson's property. Because of existing landscaping and the presence of a tree, the Applicant modified the Application during the hearing to seek a variance from the Board to allow the relocated portion of the fence to be on the property line as opposed to six inches from the line as required by Verona Ordinance 150-7.3 G.

WHEREAS, the Board voted to approve the Application as modified because the Applicant had proven that C (1) variances were warranted because the Property is a through-lot and because the exceptional shape and topographical condition and design of the Property warranted a design of the improvements as proposed in the Application. The Board determined that granting the variances would not be substantially detrimental to the public good or Verona's zone plan.

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of the Township of Verona, that the Application be now approved with the following conditions;

1. The Applicant will comply with all conditions and recommendations contained in the December 19, 2024, Boswell Engineering Memorandum which satisfaction shall be in Boswell's sole discretion.
2. The Applicant will comply with all representations made by and on behalf of the Applicant during the hearing. All of the Applicant's testimony and testimony on the Applicant's behalf are incorporated herein as if fully set forth.
3. The Applicant will satisfy all municipal and administrative agency requirements before and during construction, including but not limited to those relating to stormwater control and soil removal.
4. The Applicant will comply with all Boswell Engineering post-approval requirements.
5. The fence on the southern property line is to be relocated to eliminate the encroachment on the neighbor's property. A small portion of the fence only where practically necessary to eliminate the encroachment will be allowed to be directly on the property line.
6. The Applicant will plant vegetation around the pool equipment to adequately screen the equipment.

7. The oak tree in the northeasterly part of the Property shall remain
8. The Applicant may re-design the drainage system provided the system complies with Boswell Engineering requirements and further provided that any new design does not allow surface water to exceed the amount of surface water presented in the design presented to the Board.

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

MOTION TO APPROVE: Vice Chair Weston

SECOND: Mrs. DiBartolo

ROLL CALL:

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

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 April 10, 2025.

Kathleen Miesch
Kathleen Miesch
Acting Board Secretary 4/10/2025

Daniel McGinley
Daniel McGinley, Chairman