



RESOLUTION 2025-14
of the
ZONING BOARD OF ADJUSTMENT
Of The
TOWNSHIP OF VERONA

Application 2024-24 52 Derwent Avenue, Block 1703, Lot 34 – Zone: R-50B David Bachan (the “Applicant”) is the owner of 52 Derwent Avenue, Verona, New Jersey (the “Property”); and

WHEREAS, the Property is located in the R-50B Zone on the Township of Verona zoning map.

WHEREAS, the Applicant made application to the Verona Zoning Board for approval to install a generator in the side yard on the Property. (the “Application”); and

WHEREAS, The Application was presented to the Board at the Board’s regularly scheduled meeting on May 8, 2025 at which time it was established that notice of the Application was properly published and that the property owners entitled to notice in accordance with the Municipal Land Use Law had been served such notice, and the Application was deemed complete; and

WHEREAS, the Applicant sought the following variances:

A variance from Verona Zoning Code Section 150-17.3 B. The generator installation is proposed in the side yard. Generators are not permitted within a side yard

A variance from Verona Zoning Code Section 150-17.4 F. The minimum side yard setback of a structure is eight feet. The generator installation is proposed at two and one- half feet from the property line

WHEREAS, Mr. Bachan testified on his behalf after being sworn to testify truthfully. He reviewed the Application and described the general nature of the Property and his plan to install a generator on the southeasterly portion of his property, two and one-half feet from the property line. He testified to the Board that he wished to install a generator because his property is prone to flooding and that he often loses power during flooding and storms. He represented to the Board that there is no other location on his property where the generator could practically be located and that he would not have to disturb plantings to install the generator. He further represented to the Board that he had spoken to his neighbors about his application and that he had not received any objections; and.

WHEREAS, after dialogue with the Board, the Applicant agreed to install the generator two and one-half feet from the Property line and not within five feet of any window. Mr. Bachan further agreed not to test the generator except between the hours on 10:00 a.m. and 4:00 p.m.; and

WHEREAS, the Board accepted the facts as set forth in the introductory paragraphs above and deliberated the merits of the Application. The Board, based on the foregoing findings, concluded that the Applicant had met its burden as set forth in NJSA 40:55D-70(c) and that the Applicant's request for variance should be granted with conditions. The Board approved the Application with the conditions:

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

1. The Applicant will comply with all representations made by the Applicant during the hearing. Applicant's testimony is incorporated herein as if fully set forth.
2. The Applicant will satisfy all municipal and administrative agency requirements before and during construction.
3. The Applicant will install the generator 2.5 feet from the southeasterly property line and not within five feet of a window.
4. The Applicant will not test the generator except between the hours on 10:00 a.m. and 4:00 p.m.
5. The Applicant will not disturb any plantings in the side yard.

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

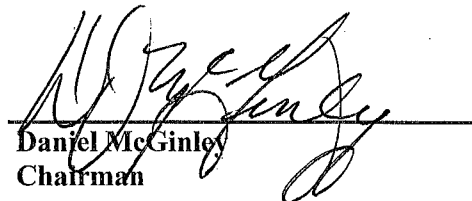
SECOND: Mrs DiBartolo

Roll Call Vote:

	AYES	NAYS	ABSTENTION	RECUSED
Dr. Cuartas	✓			
Mr. Ryan	✓			
Mrs. Murphy-Bradaes	✓			
Mrs. DiBartolo	✓			
Mr. Matthewson	✓			
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 May 8, 2025.


Kathleen Miesch
Acting Board Secretary


Daniel McGinley
Chairman