



RESOLUTION 2026-12
of the
ZONING BOARD OF ADJUSTMENT
of the **TOWNSHIP OF VERONA**

Application No. 2026-04; 1 Clover Lane, Block 1403, Lot 27; Zone: R-50B (Medium-High-Density Single-Family)

WHEREAS, Mir Shithil and Alison Buske (the “Applicants”) are the owners of property located at 1 Clover Lane, Verona, New Jersey (the “Property”); and

WHEREAS, the Property is located in the R-50B (Medium-High-Density Single-Family) Zone on the Township of Verona Zoning Map; and

WHEREAS, the Applicants submitted an application to the Verona Zoning Board of Adjustment (the “Board”) seeking approval to construct a three-foot fence along the property lines, including along the northwest property line (rear yard) with a 3-foot front yard setback, along approximately 55 feet of the northeast Lynwood Road frontage with a 3-foot front yard setback, and within the vicinity of the Clover Lane and Lynwood Road intersection; and

WHEREAS, this matter was first heard during a Regular Meeting of the Verona Zoning Board of Adjustment conducted on April 16, 2026, at which time it was established that the Applicants had met the notice requirements set forth in the Municipal Land Use Law, with a minor deficiency (an unsigned affidavit of ownership) addressed on the record, and the Applicants were permitted to proceed; and

APPLICABLE ORDINANCE PROVISIONS

WHEREAS, the Ordinance provisions applicable to this Application and the variances required by the Applicants are as follows:

§ 150-5.3 D. Corner Lots, Sight Triangle. On a corner lot, no obstruction that would be greater than 2½ feet above the center-line grades of the intersecting streets shall be installed, erected, planted or maintained within the triangular area formed by the right-of-way lines at such corner and a straight line joining said right-of-way at points which are twenty-five feet distant in residential districts from the intersection of the right-of-way lines. The Applicants require variance relief because the proposed three-foot fence is located approximately 20 feet from the right-of-way line within the sight triangle area;

Front Yard Setback – NW Property Line. The Applicants require variance relief for a fence proposed along the northwesterly property line (rear yard line) with a 3-foot front yard setback; and

Front Yard Setback – NE Lynwood Road Frontage. The Applicants require variance relief for a fence proposed along approximately 55 feet of the northeasterly Lynwood Road frontage with a 3-foot front yard setback; and

WHEREAS, the Applicants were sworn prior to providing testimony at the April 16, 2026 hearing; and

WHEREAS, at the April 16, 2026 hearing, the Applicants testified that the Property is a corner lot resulting in two front yard designations, and that the proposed fence was intended for child

safety and dog containment. The Applicants indicated potential use of mesh backing, which was identified by the Board as not permitted under the Ordinance; and

WHEREAS, at the April 16, 2026 hearing, the Board reviewed the application and identified concerns including: insufficient detail regarding fence design and materials; whether a split rail fence would adequately contain a dog; aesthetic and neighborhood impact; the need for variances to be justified by property hardship rather than personal preference; and the need for clearer property line clarification near the existing tree and shrubbery; and

WHEREAS, no members of the public appeared in opposition at the April 16, 2026 hearing; and

WHEREAS, the Board offered the Applicants the opportunity to carry the application to a future meeting to provide additional information. The Applicants agreed to an adjournment and granted an extension of time for Board action. The application was carried to May 14, 2026 without further notice, with the Applicants directed to return with detailed fence plans and specifications and clarification of materials and compliance with Ordinance requirements; and

WHEREAS, this matter was continued before the Board at its Regular Meeting of May 14, 2026; and

WHEREAS, at the May 14, 2026 hearing, the Applicants testified that the proposed fence had been redesigned to comply more closely with prior Board recommendations. The revised proposal consists of a cedar plank fence approximately three feet in height, utilizing four six-inch planks, with a natural appearance while providing a safety barrier primarily for child safety. The Applicants further testified that the fence design was not intended to create a privacy enclosure; and

WHEREAS, the testimony at the May 14, 2026 hearing established, among other things, that:

- The fence would include three gates;
- Existing shrubbery along Lynwood Road would remain;
- Additional shrubbery, likely boxwoods, would be planted along the Clover Lane frontage;
- The fence would remain behind the required 10-foot setback line;
- The fence alignment would generally follow the property line;
- The large tree near the rear property line would be protected through the use of “floating” fence planks leaving space around the trunk; and
- A small portion of the fence appeared to extend into the sight triangle area at the Clover Lane and Lynwood Road intersection, though the proposed three-foot height and open plank design were found to minimize visibility concerns; and

WHEREAS, the Board reviewed and discussed the revised proposal, the relationship of the fence to existing shrubbery, visibility and scale of the proposed fencing, the appearance of the fence from neighboring properties, placement relative to the existing large tree near the rear property line, the sight triangle issue at the Clover Lane and Lynwood Road intersection, and potential impacts on the neighborhood streetscape; and

WHEREAS, several Board members commented favorably on the Applicants’ efforts to address prior concerns, noting the reduced height, open design, and incorporation of landscaping. One Board member expressed continued opposition to fences within front yard areas, citing concern regarding the long-term aesthetic impact on the neighborhood; and

WHEREAS, no members of the public appeared in opposition at the May 14, 2026 hearing; and

BOARD FINDINGS

WHEREAS, the Board carefully considered the testimony and evidence presented at both hearings and finds that:

The Property is a corner lot subject to sight triangle regulations that create pre-existing constraints on fence placement;

The proposed fence is three feet in height with an open plank design that minimizes visual obstruction within the sight triangle;

The Applicants carried the application to address the Board's concerns from the April 16, 2026 hearing and returned with detailed plans demonstrating compliance with Ordinance requirements, including the elimination of mesh backing;

The Applicants have redesigned the fence proposal in response to prior Board recommendations and have demonstrated a good-faith effort to address the Board's concerns;

The proposed fence is intended primarily for child safety and does not function as a privacy enclosure;

The Applicants' commitment to planting supplemental shrubbery along the Clover Lane frontage mitigates aesthetic impacts on the neighborhood streetscape;

The existing vegetation already located within the sight triangle area and the low-traffic nature of the surrounding streets further minimize any safety concerns;

The Board determined that the proposed improvements would not substantially impair the intent and purpose of the Zone Plan or Zoning Ordinance; and

The variances can be granted without substantial detriment to the public good.

BOARD ACTION

WHEREAS, Vice Chair Weston made a motion to approve the Application with conditions and Dr. Ries seconded the motion; and

WHEREAS, the Board voted to approve the Application, with conditions, by a vote of 6-1, with Mrs. DiBartolo voting in opposition.

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Verona that Application No. 2026-04 for 1 Clover Lane is hereby approved subject to the following conditions:

- The Applicants shall comply with all testimony and representations made to the Board at both the April 16, 2026 and May 14, 2026 hearings, which testimony and representations are incorporated herein as though fully set forth.
- The Applicants shall comply with all comments and recommendations contained in the reports of the Board's professionals except as specifically modified during the hearings.
- No mesh, chicken wire, or similar backing shall be incorporated into the fence, in compliance with Ordinance requirements.
- Shrubby (such as boxwoods) shall be planted in front of the fence along the Clover Lane frontage as testified to by the Applicants.

- The fence shall not exceed three feet in height and shall consist of an open cedar plank design substantially as presented to the Board at the May 14, 2026 hearing.
- The large tree near the rear property line shall be protected through the use of floating fence planks maintaining adequate clearance around the trunk.
- The Applicants shall obtain all required permits and approvals from all governmental agencies having jurisdiction prior to commencement of construction.
- Construction shall proceed substantially in accordance with the plans and testimony presented to the Board.
- The Applicants shall comply with all applicable Township ordinances and construction code requirements.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be provided to the Applicants, Township Manager, Township Council, and Township Clerk.

MOTION TO APPROVE: Dr. Cuartas **SECOND:** Mr. Ryan

Roll Call Vote:

	AYES	NAYS	NOT ELIGIBLE	RECUSED	ABSENT
Mr. Tully	✓				
Dr. Ries	✓				
Dr. Cuartas	✓				
Mr. Ryan	✓				
Mrs. Murphy Bradacs					✓
Mr. Mathewson			Abstain		
Mrs. DiBartolo					✓
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 JUNE 11, 2026.

Dolores Carpinelli
Dolores Carpinelli
 Board Secretary

Daniel McGinley
Daniel McGinley
 Chairman