

Minutes of a Regular Meeting of the Verona Board of Adjustment on Thursday November 8, 2018 beginning at 7:30 P.M. in the Verona Community Center, 880 Bloomfield Avenue, Verona, New Jersey.

Roll Call:

Present: Dan McGinley, Chairman, Scott Weston, Vice Chairman, John Denton, Pat Liska, Larry Lundy, Lou Russo, Sean Sullivan, and Christy DiBartolo, Alt #1

Also, present: Robert Gaccione, Esq. and Thomas Jacobsen, Township Construction Code Official

Absent: Genevieve Murphy-Bradacs, Alt #2

Secretary read the notice of Open Public Meetings law and called attendance.

Mr. McGinley called the meeting to order at 7:35 PM. He leads the Pledge of Allegiance. He then explains to the Applicants that the Board can grant variances, but the burden is on the Applicant to prove special reason or any undue hardship. Mr. McGinley states the Applicants shall offer sworn testimony on their application and the Board will rule based on the evidence presented. He reports the variance, if granted, will be memorialized at the next regular meeting.

Application:

**Case 2018-08: Kensington Senior Development LLC,
420 Bloomfield Avenue & 312 Claremont Avenue
Block 701 Lot 3 & Block 1708 Lot 2**

The applicant requested adjournment to the December 13, 2018 regular meeting and waived all time constraints for the Board.

Mr. Sullivan motioned to accept the adjournment; Mr. Lundy seconded the motion. All votes aye. The application was adjourned to the December 13, 2018 meeting at 8:00pm. It was also noted that other applicants would be heard at 7:30 pm.

Application:

**Case 2018-09: Paul Sciarra
7 Crestmont Avenue, Block 205 Lot 8**

Mr. Sciarra was reminded that he was still under oath from the last meeting, where he was sworn in.

Mr. Sciarra explained to the Board that based on the comments he received from the Engineer and the Environmental Commission he brought in Dave Newkirk from an engineering firm to address those concerns. He wants to add to an existing deck in the rear of his house. He explained he needs a variance for improved lot coverage. He is allowed 35 percent coverage and his proposed is 47.3 percent coverage. He explained to the board that prior to 2011 zoning for his property was R-3 and permitted a maximum of 40 percent improved lot coverage for his property. However, the existing on the property now is 48.6 percent improved lot coverage. He addressed the concerns of the Environmental Commission about things being done with permits. He has done two improvements to the house with permits that would affect coverage; one for the front porch that would increase slightly and the other for the original deck that they are looking to extend. At the time of the permits in 2013, the issue of coverage was never addressed. He also explained he had been before the board for his garage to get a variance to raise the roofline on it. He also took permits out for that renovation. He wanted to ensure the board that he was not doing work that was not allowed. He also explained that he moved to Verona in 2011 from

Montclair and he loves the neighborhood and the town. The work they have done and are looking to do is to make the home something to enjoy on regular basis.

David Newkirk, applicant's professional engineer, was sworn in.

Mr. Newkirk gave the board his education and background information. The Board accepted him as an expert in engineering.

Mr. Newkirk reviewed the letters and concerns from the departments in regards to Mr. Sciarra's application. Mr. Newkirk explained that the property slopes down from Crestmont to the rear of the property. The property is developed in terraces. The house is close to Crestmont at the higher elevation and terraces down in four areas with the pool at the lowest terrace area. The home is a two-story dwelling with a garage and in ground pool. Behind and to the one side of the property are townhouses and next door to the other side is a single family home. He stated that the property is well maintained and beautifully landscaped as well.

Mr. Newkirk addresses Mr. DeCarlo, township engineer, concerns of drainage. He explained the driveway is 3600 square feet and all that impervious coverage runs to drains. He explained that he and the homeowner met on site with Mr. Jacobsen and Mr. DeCarlo in the rain and all the water runs to the drains and nothing comes back out. The drains run to seepage pits that they are uncertain of the size and noted that nothing comes out of the site.

Mr. Newkirk explained the impervious coverage of the property. The pool is considered impervious by code, however, in season, there is 6inch water line that allows water to be held by the pool and off season there is 12 inch water line. He felt the area of the pool should not contribute toe coverage as it takes in the water. He stated that the wood deck also counts against impervious coverage but it should in his opinion based on what is under the deck that makes it count or not. If there is dirt under the deck then it should not count. He felt only 4800 square feet of the property should count for impervious.

Mr. Weston questioned what the number was calculated from for the coverage. Mr. Newkirk explained that he was not including half the house that connects to the drain system, the driveway that also goes to the drainage system, the deck because of the dirt underneath and pool. He also explained there is an advantage to having terracing on the property helps to slow run off and allow it to percolate down.

Mr. Newkirk addressed the proposed project. He explained that they were seeking to add 310 square feet, to the existing wood deck, along the back and side of the house. The proposed deck would be over dirt and lawn that exists now. This would increase impervious by 1.3 percent. This would not affect runoff from property or change the drainage. He explained that the lot slope was justification for hardship. Right now, they come out the deck and down 12 feet below the house to the patio. The homeowner is looking to expand the outdoor living space at the first floor of the house by extending the deck. He also addressed Mr. DeCarlo's concern that the deck should also be added into building coverage and with the deck, the building coverage goes from 14.3 percent and is well under the 20 percent maximum allowed.

Mr. Denton added that Mr. DeCarlo also noted that this addition of the deck would not change or negatively impact the adjoining properties. Mr. Newkirk stated that with that he also mentioned maintenance of the inlets, that Mr. Sciarra does maintain them, and in order to keep the drainage working on the property. Mr. Denton asked if there were any issues in the last few months with the major rainstorms that had come through. Mr. Sciarra stated that there were no issues in those storms. He continued that tin the water in the drains stayed well below and were never close to filling up or over flowing.

Mr. McGinley asked in the 8 years Mr. Sciarra has lived at the property if there were any complaints from neighbors about runoff. Mr. Sciarra stated there was none.

Mrs. Murphy-Bradacs arrived to the meeting at 7:55 pm.

Mr. Weston questioned what landscaping was closest to the proposed deck. Mr. Sciarra explained there were bushes that go around to the front driveway. Mr. Newkirk stated that the adjoining property has 50 to 70 feet of woods to that side of the property.

Public questions/comments:

Kathy Denny, 19 Mount Vernon Square

Mrs. Denny came up to read a statement on behalf of Alice Freed. She was directed that she could not read the statement for someone else but she could read it as her own.

Mrs. Denny continued and explained her opposition to the extension of the deck. She said there were two pictures of house from Otis place address that is about 160 feet away. There was concern the deck would not be closer to those properties and could be nuisance. Mr. Denton asked how much closer it was getting. Mr. Sciarra stated 12 feet closer. Mr. Lundy added that the distance to the property line was a point of zoning that he was not in violation of and they were not looking at how much closer it was to another building. Mr. Denton added that the applicant was allowed to build out on his property as long as it is not into his setbacks. Mr. Jacobsen added that his setbacks comply. Mr. Denton stated he is before the board for coverage not because of how close he is to property line. Mrs. Denny continued that the other concerns were with the very high density of living around this property. Mr. Gaccione explained that concerns with coverage and that they could not discuss aspects of what is around the property unless it deals with issues from coverage. Exhibits O-1, O-2 and O-3 were marked photos from the adjacent property viewing the applicant property.

Public Closed

Mr. Denton stated he was glad the applicant brought an expert and that the engineer addressed what drainage exists on the property. The testimony showed clearly, there would be no change or negative impact to neighboring properties. He would move to grant the application. Mr. Sullivan agreed and felt the drainage on the property was engineered well and he was in favor of the application.

Mr. Denton motioned approval case 2018-09; Mr. Sullivan seconded the motion.

Mr. Gaccione asked about any conditions. Mr. McGinley stated that condition the drainage system be maintained and cleaned regularly. Mr. Sullivan asked the applicant if the new deck would match the old. Mr. Sciarra agreed it would.

All votes aye, Mrs. Murphy-Bradacs abstained. Application was granted.

Resolution:

Case 2018-10, Matarazzo 70 Fairview Ave

Mr. Lundy motioned approval; Mr. Sullivan seconded motion. All votes aye, resolution memorialized.

Meeting was adjourned at 8:27 PM to next regular meeting on December 13 at 7:30 pm.

Respectfully submitted

Kelly Lawrence

Board of Adjustments Secretary