

Minutes of a Regular Meeting of the Verona Board of Adjustment on Thursday September 13, 2018 beginning at 8:00 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, Sean Sullivan, and Christy DiBartolo, Alt #1

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

Absent: Lou Russo and 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 8:05 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**

Mr. Gaccione explained that he had a discussion with the applicant's attorney about time frames and adjournment of the case. The Board has 120 day time period to hear and make a decision on the case and the application is considered complete from August 31 in which case the 120 days would begin. The attorney requested and agreed to adjournment and agreed to extension of time. The case will be adjourned without further notice to the October 11 meeting at 8 pm.

Application:

**Case 2018-07: Kevin Fremgen, 32 Otsego Road
Block 802 Lot 55**

Kevin Fremgen, owner of 32 Otsego Road, was sworn in at the June meeting and reminded he was still under oath.

Mr. Fremgen reminded the Board he bought a property that he was looking to renovations to in order to make the property better. He is looking to put an addition on an existing house with a deck and a detached garage. As he was before the Board previously concerns were brought up about drainage. He believes those concerns have been addressed with his drainage plan and seepage pits. At the last meeting concerns about the driveway and pavers, he was presenting for the driveway. At that meeting, it was suggested he hold off until this meeting to allow the Township engineer to review the proposed porous pavers. He spoke with Mr. DeCarlo and he was told what he has presented is acceptable. He also was told that everything he was asked for from Mr. DeCarlo was addressed. He feels now he has it all right.

Mr. Denton stated that there was a lot of back and forth and that Mr. Fremgen has addressed everything. Mr. Fremgen agreed that in the last 48-hour everything is all addressed and ok.

Mr. McGinley stated that in a memo based on the September 11 submission that all issues have been addressed. He also added that there was no other issues; that the water walls, the drainage and all other concerns were addressed as he was asked to do.

Public Questions: None

Public Comments: None

Mr. Jacobsen asked the Board that the two bullet items that were in Mr. DeCarlo's September 10, 2018 memo be conditions of the resolution if approved.

Mr. Denton asked Mr. Fremgen if he was aware of the request for an as-built survey once the work is done. Mr. Fremgen stated that he was informed by Mr. DeCarlo of that.

Mr. Sullivan reviewed that variances that the application has and the Board needs to consider. The maximum improved lot coverage He felt if the driveway was not as long as it is that the coverage would not be an issue and would probably be under the 40% maximum allowed. He would be willing to approve with the driveway. The front yard setback off the paper street; there is additional room before neighbors even with the paper street and the street has been a paper street for some time that is Township owned. The side yard is within 1 foot of what is allowed and what granting and like most see, the houses barely fit the zoning. The deck is problem because of the slope and based on the lot not a big deck. The garage in a front yard off the paper street and not really a front yard when you look at the property and how being used. Mr. Sullivan had no issues approving the application based on the hardships the lot creates and all the applicant has agreed to do based on all concerns.

Mr. Denton agreed the configuration of the lot, with the slope and the paper street make the lot hard to work on. He also agreed in approving the application.

Mr. Lundy added that the pervious pavers is a good way to address the circumstances with the driveway and he supports the application.

Mrs. DiBartolo added that he applicant went above and beyond to fulfill the application.

Mr. Liska agreed with everything said.

McGinley motioned approve case 2018-07 with conditions from Mr. Decarlo's memo; Mr. Sullivan seconded the motion.
All votes aye, application granted.

Mr. McGinley explained the resolution would be memorialized at the next meeting. Mr. Fremgen asked if that meant he could not proceed until after that meeting. Mr. Jacobsen stated that if he wanted to submit permits and plans that the review process could start but permits could not be released until after that memorialization of the resolution.

Public address Board:

Bethanne McNamara, 204 Linden Avenue

Mrs. McNamara addressed the Board about her concerns for future residential and commercial development in the town as they move forward. She fears rain and making sure, the storm water does not rise up into her basement. In August, they had to leave their home and move their cars

in the rainstorm. They sat on Cliff Street waiting for the storm to stop and worried about what they would go home to after. She stated she was tired of living in fear of water and losing their things and cars. She wants the Board to keep in mind their responsibility and accountability in what they approve.

Mr. Denton informed her that not all applications come before this Board and that some bigger applications went before the Planning Board such as Annin. He suggested she also express her concerns to the Planning Board and the township Council.

Mrs. McNamara added that with all the Hilltop construction and everything else is adding to the storm system and even with 2-3 inches of rain there is water running out of drains and they fear water in their house. She feels it is only getting worse. She just wants the Board to keep in mind that some are dealing with situations that they have not had before with the water.

Mark Trapani, 210 Linden Avenue

He wanted to add to Mrs. McNamara that he just heard there was backflow into basements in the heavy storm may also had sewer water in that water as well.

Mr. Gaccione explained this what an issue for the Board, the storm water is something they hear and address with applications. The issue with sewer water backflow into the stormwater is for the Town Council and Township Engineer to address.

Public Closed

Meeting was adjourned at 8:33 PM.

Respectfully submitted
Kelly Lawrence
Board of Adjustments Secretary