

Minutes of a Regular Meeting of the Verona Board of Adjustment on Thursday June 13, 2019 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, Christy DiBartolo, Larry Lundy, Lou Russo, Sean Sullivan, and Al D'Alessio, Alt #2

Also, present: Michael Piromalli, Esq. and Michael DeCarlo, Township Zoning Officer

Absent: Pat Liska and Genevieve Murphy-Bradacs, Alt #1

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

Mr. McGinley called the meeting to order at 8:03 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 2019-05: Jennifer Ghingo,  
11 Robert Court, Block 501 Lot 76**

Mr. Piromalli offered proof of service was in order.

Jennifer and John Ghingo, property owners, were sworn in. Michael Basch Jr, architect for the applicant, was sworn in.

Mr. Ghingo explained to the Board they have lived at their property for 9 years. They are looking to add space to their home that they share with 4 children. They are looking to add a porch in the back with an extra bedroom and bathroom above. Mr. Basch explained that the variance they are seeking for the addition is minimum rear yard setback. The minimum rear yard setback allowed in their zone is 30 feet and they are looking for relief to have 14 feet as the rear yard setback. This project is to help the homeowners add space to the home. The architect felt it would add value to the home and the neighborhood. He presented a site plan, marked as exhibit A-1 with 11x17 copies for each Board member to look at as well. The Architect explained it would be low impact on all the neighbors.

Mr. Weston asked if the Eagle Rock Reservation was behind the house in the area of the addition. Mr. Bausch stated yes it was. Mr. McGinley asked if the addition was visible from any of the neighbors. Mr. Basch stated that it might be visible to one neighbor. Mr. Ghingo added that it would be the garage side of that neighbor's house. Mr. Lundy asked if they spoke to that neighbor. Mr. Ghingo stated no they had not. Mr. Lundy asked if there were any concerns from any of their neighbors in regards to the project. Mr. Ghingo stated no. Mr. McGinley put on record that there were no neighbors in attendance at the meeting. Mr. Ghingo confirmed there was none of his neighbors there.

Mr. Lundy stated that the only variance is the rear yard setback and the only property impacted is the Eagle Rock Reservation owned by Essex County. He stated that there were no county members in attendance of the meeting. He felt this was a unique circumstance with the application being more clerical than practical for zoning issues. He had no issues with the application based on the testimony.

Mr. Sullivan questioned whether the siding would match the existing house. Mr. Ghingo agreed it would. Mr. Sullivan also asked if Afterglow Avenue was open to vehicles by his property. Mr. Ghingo explained that it was a dirt road by his property that was gated off and only used by emergency vehicles if needed.

Mrs. DiBartolo asked about drainage ditch for the property. Mr. Ghingo explained that there was a town easement through his property for drainage. He added that the only water issue they ever had on the property was during Hurricane Irene when they had a sump pump failure issue.

**Public questions / comments: None**

Mr. Weston stated he had no problems with the application. Mr. Russo agreed. Mr. Lundy thought this was easy case.

Mr. Sullivan motioned for approval of case 2019-05 with condition that the siding match as testified to; Mr. Lundy seconded the motion.  
All votes aye. Application approved.

**Application:**

**Case 2019-06: Michael Nowicki,  
2 Oak Lane, Block 1107 Lot 1**

Michael Nowicki, from 2 Oak Lane, was sworn in.

Mr. Piromalli offered proof of service was in order.

Mr. Nowicki explained to the Board that he was looking to install a fence in his second front yard that is the side of his house. He is a corner property. The fence he is looking to put up is 4 feet high not 3 feet that is allowed and 2 to 3 feet from the property line not 10 feet that is allowed. He wants to keep more space inside the fence. Mr. Nowicki explained that he was new to the town and he likes the town. He wants to stay and to make it work for his family. He would like his house to be like another house in the neighborhood in 2 to 6 years improve the house more.

Mr. McGinley asked why he wanted the fence 2 to 3 feet from line and not 3-6 feet. Mr. Nowicki explained that his yard starts to go up hill and it seemed to fit better at that distance. Mrs. DiBartolo asked why he wanted a closed fence and not a more open style fence. Mr. Nowicki explained that there was house a few blocks away from him that had the fence and he likes the way the fence looks. Mr. Nowicki explained that Mr. Weston has the same house as his and he would like to have his house like his someday. Mr. McGinley put on record that Mr. Weston was outside the 200 feet from Mr. Nowicki's property. Mrs. DiBartolo asked what the intention for the fence is. Mr. Nowicki explained that he has a 2-year-old son that likes to run and this would help to keep him in and be able to run. He also mentioned the fence for a future dog they would get. Mr. Lundy asked if he spoke to his neighbors about the fence. Mr. Nowicki stated that he had and they were all for the fence. Mr. Sullivan asked about the generator in the side yard of the property. Mr. Nowicki explained that was at the house when he moved in. Mr. Sullivan asked what the height of the fence around the generator is. Mr. Nowicki stated it was about 4 feet high. Mr. Sullivan mentioned that this fence would not match the new fence. Mr. Nowicki said that he would take down the fence around the generator if he got permission for the new fence. MR. DeCarlo asked that a fence stay around the generator to keep it from being visible. Mr. Nowicki agreed to keep the fence; he would do whatever the Board wants him to do. Mr. Lundy stated

that it could be conditioned to keep the fence around and Mr. Sullivan added or to put matching fence around the generator. Mr. McGinley questioned the location of the fence in relation to the sidewalk. Mr. Nowicki explained that he placed the fence 2 to 3 feet from his property line and from the property line there is another 2 feet to the sidewalk to make it 5 to 6 feet from the sidewalk. Mr. McGinley mentioned the property was triangular and asked about the fence going around the property. Mr. Nowicki explained that the house up the hill above him has a wall so there is no need for a fence there. Mrs. DiBartolo questioned if there would be any impact of visibility from the corner. Mr. DeCarlo stated that the fence was clear of causing issues at the corner.

**Public questions / comments: None**

Mr. Weston stated he lives close to the property and he has the same fence at his corner, two front yard house.

Mrs. DiBartolo is concerned with the aesthetics of the vinyl fence being so blunt and closed. She also had concerns of the maintenance of vinyl that shows a lot of dirt.

Mr. Lundy stated this fence was designed for a 2 year old and could ask for more, a higher fence maybe that his child would not be able to jump over.

Mr. McGinley stated the vinyl is not as ugly but defining. He felt the same could be done with less visual impedance with a black chain link fence.

Mr. Nowicki explained that they were not looking to partition self from neighbors just want area for son to run around. They will probably have 1 or 2 more children and pets and want area to contain them. Mr. Nowicki asked if he got approval, he would do this or may do different. Mr. Piromalli explained that he would be held to what he presented to the Board and testimony.

Mr. Sullivan stated that it is in his right to put up a 3-foot fence 10 feet in from his property line. He is proposing 4-foot fence with green space between it and the sidewalk, in his opinion, is not a deterrent to the zoning plan. He is not looking to put up a long and tall barrier.

Mr. Weston agreed that this was not an unfriendly proposed fence. It is still friendly and interactive with neighbors. Mr. Nowicki added that it is tough to be on corner and the property slopes up with that slope even with the fence you would still be able to see the road.

Mr. McGinley explained he would not vote against the 4-foot fence, as he has a corner property with a 4-foot fence. He explained he is not a fan of the white vinyl fence.

Mr. Weston motioned for approval of case 2019-06; Mr. Sullivan seconded the motion with the condition that the generator fence match the new fence.

4 votes aye, Mrs. DiBartolo voted no, Mr. McGinley abstained. Application approved.

**Application:**

**Case 2019-07 Michael Lange**

**194 Woodland Avenue, Block 1003 Lot 21**

Michael Lange, property owner, was sworn in.

Mr. Piromalli offered proof of service is in order.

Mr. Lange explained he is looking to put in a 4-foot black chain link fence along the sidewalk of his corner property.

Mr. Weston stated that he was 250 feet from this property as well.

Mr. McGinley asked the distance of the fence being 6 inches from the property line. Mr. Lange agreed looking to put 6 inches in.

Mr. DiBartolo asked about the trees being removed from the property and if any more will be removed. Mr. Lange explained that the trees were dead and needed to be removed. He has kept the 3ft stumps to help keep up a temporary fence to keep his dog in his yard. Mr. McGinley asked if he would be taking down any more trees. Mr. Lange stated that he would not take any more down at this time.

Mr. McGinley asked about the lot coverage on the property. Mr. Lange explained that he also would be replacing a shed that is rotted and falling down. He also asked about deer eating from the garden in Mr. Lange's yard. Mr. Lange said that yes the deer are there every night and morning. Mr. McGinley stated that 4-foot fence would not keep the deer out. Mr. Lange stated he knew that. The fence was for his dog more than anything else.

Public questions / comments: None

Mr. McGinley stated he had concerns with the fence being 6 inches from the property line.

Mr. Weston stated he had no concerns with fence. He explained previously the trees that lined the side there would cover the sidewalk, made it hard to see driving from the corner and he was happy they were removed.

Mr. Lundy questioned if the new shed needed any variances. Mr. DeCarlo explained that it was direct replacement and no variances would be needed. Mr. Sullivan stated that the fence does not count towards building coverage and if the shed did not need variances then building coverage not a concern with this application.

Mr. Russo stated he had no concern with the application and that he lived up the street on Woodland Avenue.

Mr. Sullivan motioned for approval of Case 2019-07; Mr. Russo seconded the motion. All votes aye. Application approved.

Application:

Case 2019-08 Francisco Fabregues  
248 Linden Avenue, Block 1502 Lot 31

Francisco Fabregues, property owner, was sworn in.

Mr. Piromalli offered proof of service is in order.

Mr. Fabregues explained that he moved to Verona 3 years ago from Chicago. He is a public school educator. He and his wife have a 10 month old and 3 year old. They currently have no direct access to the yard and with kids that is hard. The house was built in 1935 and is not conducive for traffic in and out. They are looking to open a door to a deck out the back. They need a variance for the ratio of the house footprint to the deck. The house has a small footprint.

The yard of the property is slanted and they cannot put a table in the yard. They have a pool for the kids that they need to keep in the driveway because that is the flattest part of the yard. They are looking to make space in the yard that they can use. They want to stay at this house and raise their children here.

Mr. DeCarlo explained that the house is conforming structure because of setbacks with that it triggers the ratio of footprint code. Mr. McGinley asked if they could build a smaller deck straight back from the line of the house. Mr. DeCarlo explained that they are adhering to the setback requirements for the deck and it is just the ratio that is an issue. Mrs. DiBartolo questioned if the house was conforming would they be able to build the deck as far back as they wanted. Mr. DeCarlo as long as they were within the minimum 30-foot rear yard setback and under the maximum building coverage. He continued with the building coverage right now on the property is 13.4 % and with the deck will be 18%. Mr. Weston stated that if the house was bigger a variance would not be needed. Mr. DeCarlo agreed. Mr. Sullivan asked if the nonconformity was the side and front being too close. Mr. DeCarlo stated yes. Mr. Piromalli added that this was a 50 feet by 150 feet lot. Mr. Lundy asked if this was substandard for the zone, it was in. Mr. DeCarlo stated it was substandard.

Mr. Weston asked if the applicants had spoken to their neighbors. Mr. Fabregues stated yes he had spoken with the neighbors immediately next to him. They were told that the previous owners wanted to do the same and never did it. The one neighbor was fine with it and they have trees that line their property that block their view and would not really be bothered by it.

Mr. Piromalli asked about the slope of the property. The applicant stated that it slopes right to left and ends flat on the asphalt driveway.

Mrs. DiBartolo asked about the air conditioner unit being moved. The applicant stated it would be moved a few feet over. Mr. DeCarlo asked that prior to moving the unit they come to see him for approval of the new location. The applicant agreed.

Public portion waved, as there was no public present at that time.

Mr. Sullivan stated that the homeowner was not responsible for the house being built too close to side and front. This is an undersized lot with house built too close to the boundaries and he has no problem with voting in favor for the application.

Mr. Lundy agreed. This property with topographic issues, size of the lot and confusion with ratio of footprint he had no problem with approving the application with condition the air conditioner relocation be approved by the zoning official.

Mr. Lundy motioned for approval of case 2019-08 with condition stated; Mrs. DiBartolo and Mr. Sullivan seconded the motion. Mr. Piromalli questioned whether the air conditioning needed to be a condition because based on testimony the homeowner agreed to get approval prior to moving the unit, therefore, no condition for the approval. All votes aye. Application approved.

### **Minutes:**

Minutes for regular meeting May 2019.

Mr. Sullivan motioned for approval of the minutes; Mr. Weston seconded the motion.

All votes aye. Minutes approved

**Resolutions:**

Case 2019-04 Parra, 21 Brookdale Avenue

Mr. Sullivan motioned for approval; Mr. Weston seconded the motion.

All votes aye. Resolution memorialized.

**Board Business:**

Approval of meeting dates for July 2019 through June 2020.

Dates approved by acclimation.

Meeting adjourned at 9:08 PM to next regular scheduled meeting.

Respectfully submitted

Kelly Lawrence

Board of Adjustments Secretary