MINUTES OF THE VERONA BOARD OF ADJUSTMENT MEETING

Thursday April 13, 2023

Present:

Chairman Dan McGinley
Vice Chairman Scott Weston
Mr. Larry Lundy
Mr. Pat Liska
Mr. Paul Mathewson
Mr. Kevin Ryan, Alternate #1
Mr. Michael Piromalli, Board Attorney
Mr. Peter Ten Kate, Engineer
Ms. Marcie Maccarelli, Acting Board Secretary

CALL TO ORDER

Meeting called to order at 8:03 P.M. by Chairman McGinley.
Open Public Meetings Act Statement is read by Acting Secretary Maccarelli.

Pledge of Allegiance

Approval Minutes

Chairman McGinley asks for a motion to approve minutes from the Regular meetings held on March 9, 2023. Mr. Ryan makes the motion, Mr. Mathewson seconds. Mr. Liska & Mr. Lundy abstain. All others present vote in favor. Minutes are approved.

Old Business

1. **RESOLUTION** 2023-02 for Mercado, 48 Mt. Prospect: Vice Chairman Weston makes a motion to approve the variance and Mr. Ryan seconds the motion. Mr. Liska & Mr. Lundy Abstain. Board votes and motion passes. Resolution is approved.

2. **RESOLUTION** 2023-03 for Sedransk, 62 Afterglow: Vice Chairman Weston makes a motion to approve the variance and Mr. Ryan seconds the motion. Mr. Liska & Mr. Lundy Abstain. Board votes and motion passes. Resolution is approved.

3. **RESOLUTION** 2023-04 for Sikes, 8 Belleclaire: Vice Chairman Weston makes a motion to approve the variance and Mr. Ryan seconds the motion. Mr. Liska & Mr. Lundy Abstain. Board votes and motion passes. Resolution is approved.

New Business

1. **Application 2023-04, 151 Claremont Avenue: 150-17.03 E (1) Does not meet minimum front yard setback – 30 feet required – 17.60 proposed**

Board Attorney Michael J. Piromalli, Esq. advised that he had reviewed the legal notices both published in the official newspaper of Verona and sent via certified mailing to property owners within 200 feet of the subject property, and determined that the notices were published and mailed in accordance with the requirements of the New Jersey Municipal Land Use Law and the board had jurisdiction to hear the application. Ms. Karen Brinkman, architect for Vanessa Juarez & Alexander Mills, presents plans for home. Currently this is a 3-bedroom single-family home with 1.5 bathrooms that they plan to convert to a 4 bedroom with 2.5 baths located on a corner lot. Since it is a corner lot, it has 2 front yard setbacks of 30 feet each, which creates a hardship. The existing building is nonconforming. If this were an interior lot, it would comply with the town ordinances further. The best way to reach their goal for the addition is to push towards Elmwood and build a family room with a 4th bedroom & bathroom on the 1st floor. Additionally, they will be seeking approval for a new exterior condenser at the rear of the addition, for a new HVAC system, as the existing one is not strong enough to support the additional space that will be created. It can be easily screened with vegetation. Mr. Piromalli asks where in the front yard the condenser will be located from the street line. Ms. Brinkman states that it will be in the front yard off Elmwood, in the rear of the house adjacent to the deck, right at the 30-foot setback where it will encroach by about 12 inches. Chair McGinley asks if they comply with the maximum lot coverage & Ms. Brinkman says yes. Mr. Ryan asks about if the applicants would be willing to comply with the Engineers' comments about storm water management in their report. Ms. Brinkman responds that they are willing to comply with the storm water recommendations. Mr. Ryan asks if the previously existing issue with their fence has been rectified & the applicants respond, yes. He advises that he had walked around the property and spoke to the neighbor to the rear of their house on Elmwood, and she had mentioned an issue with vision when backing out of the driveway. Ms. Juarez states that the issue was resolved when it was brought to their attention. Chair McGinley asks if they reviewed that recommendations from the Environmental Committee and they stated that they have & will comply. Chair McGinley asks if there are any other questions or comments from the Board, there are none. He asks if there are any questions or statements from the public regarding this application.

Mark Buneo, Verona resident: asks for clarification on front yard versus rear yard. He is unclear about which area will be effected based on the language in the documents available online. Chair McGinley explains that corner properties are considered to have 2 front yards and one side yard. The rear is considered the yard opposite the shorter front yard.

Chair McGinley asks if there are any other questions or statements from the public regarding this application. There are not & the public portion is closed. Board deliberation begins. Mr. Ryan recommends approval. Mr. Lundy says that it is straightforward & will not impact the character of the neighborhood, so he would be for approval. Mr. Liska states that it is a very straightforward application and he sees no detriment to anything in approving it. Mr. Mathewson asks for a condition of some kind of deer resistant landscaping around the

mechanical equipment and the applicants agree to it. Mr. Lundy makes a motion to approve the variance and Vice Chairman Weston seconds the motion. Board votes unanimously and motion passes. Application is approved.

2. **Application 2023-05, 30 Pease Avenue: 150-4.2 H General use restriction. Any use not specifically designated as a principal permitted use, an accessory use or conditional use is specifically prohibited from any zone district in the Township of Verona**

Board Attorney Michael J. Piromalli, Esq. advised that he had reviewed the legal notices both published in the official newspaper of Verona and sent via certified mailing to property owners within 200 feet of the subject property, and determined that the notices were published and mailed in accordance with the requirements of the New Jersey Municipal Land Use Law and the board had jurisdiction to hear the application. William Corrigan presents reason for application. He would like to expand an existing pool cabana on the rear of his garage, which was pre-existing to his purchase of the property about 20 years ago. He would like to expand the cabana by 7 feet, no change to the width, to accommodate a table and chairs. The expansion would be towards the rear of the property – not towards the home. Mr. Corrigan addresses specific questions brought up by the Engineer. The survey does not show the current condition, the survey is about 20 years old. The cabana on the back of the garage cannot be seen in the survey. Mr. DeCarlo, the former town Zoning Officer, recommended submitting GoogleEarth images with their application, as it is more accurate. Chair McGinley asks about the toilet in the existing cabana is it going to stay. Mr. Corrigan says yes, it will. Mr. Corrigan addresses the Engineer's report's comments regarding the new roof & the roofline. Currently the garage roof extends and the part over the cabana is a flat roof, they are just looking to extend that. It won't change the height, just the distance that it extends out. Mr. Piromalli mentions that the Denial Letter from Mr. DeCarlo stated that the extension will be 7ft 6in beyond the existing exterior wall which differs from Mr. Corrigan's testimony that it will be 7ft. Mr. Corrigan agrees to the correction that it will be extended by 7 feet 6 inches. Mr. Corrigan states that there was also a question about the removal of trees and he advises that no trees will be removed. Mr. Ten Kate states that the addition will be small. He says that a lot of where the proposed addition is, already has concrete under it so there is very little new impervious cover. His question is does the existing impervious cover meet code & did they take out permits for the patio that is there now. Mr. Corrigan says that they replaced the original one due to crumbling. Mr. Ten Kate says that the existing one can be left as a nonconformity, if the Board agrees. Mr. Ryan asks if the cabana was there before he bought the house, Mr. Corrigan says yes. Mr. Ryan asks the Board attorney if they will be endorsing the potentially unpermitted cabana by approving this application. Mr. Piromalli states that per the Zoning letter, it was legal at the time that it was constructed and is a pre-existing nonconforming structure that predates the current zoning ordinances. The Board is only reviewing an application for a variance to expand a legal structure and the applicant has the right to continue the use. Mr. Ten Kate states that he interprets Mr. DeCarlo's letter the same way. Mr. Ryan asks if Mr. Corrigan needs to advise of the height of the roof. Chair McGinley states that the applicant will still need to apply for a building permit & that department will ensure that the he complies with the building codes. Mr. Ten Kate states that he does have concerns about where the roof leaders are going to drain off the addition and the garage, and how it may effect

the neighbors. Mr. Corrigan says they have never had issues with that in the past and that they will be using the same as the existing for drainage. Mr. Piromalli asks if Mr. Corrigan has spoken with his neighbors about the project and he responds yes.

Chair McGinley asks if there are any questions or statements from the public regarding this application. There is none & the public portion is closed. Board deliberation begins. Vice Chairman Weston says that it is a minor request & he is in favor of approval. Mr. Lundy says that it is straightforward & the Engineer makes a good point, and he would be for approval. Vice Chairman Weston makes a motion to approve the variance, without condition and Mr. Lundy seconds the motion. Board votes unanimously and motion passes. Application is approved.

3. **Application 2023-06, 32 Sunset Avenue: 150-17.2 D (4) Exceeds the maximum allowable improved lot coverage. Code : 35%; Existing: 38.70% existing non-conforming; Proposed : 41.60% Variance**

Board Attorney Michael J. Piromalli, Esq. advised that he had reviewed the legal notices both published in the official newspaper of Verona and sent via certified mailing to property owners within 200 feet of the subject property, and determined that the notices were published and mailed in accordance with the requirements of the New Jersey Municipal Land Use Law and the board had jurisdiction to hear the application. Mr. Jeff Egarian, the engineer for Ms. Erika Davila, presents that the reason for the application is due to an increase of impervious coverage. The applicant is looking to install a 16 x 36 in ground pool and spa, along with a paver patio. The patio will be built by removing part of an existing asphalt driveway. There will also be a: retaining wall, filter pad, storm water management system, some minor regrading and an aluminum pool compliant fence. The project will create an increase of impervious coverage of 3.3% Storm water will be routed to a seepage tank in the back yard, via channel drains & cache basins. Mr. Egarian states that according to the percolation tests that were done on the property and they had a positive result of K4 & K5. Vice Chairman Weston has questions about terminology: K4 & K5. Mr. Egarian explains that K0 & K1 are not good results for the test, but K4 & K5 are excellent as far as infiltration is concerned. They have no problem conforming to any of the items listed in the Engineer's letter. Mr. Ten Kate asks about the fence being off the property line 6 inches and has it been changed so that a variance is not needed, Mr. Egarian says yes. Mr. Ten Kate asks about the paver patio –is that included in your variance as impervious coverage? Mr. Egarian says Yes, it counts towards the impervious. Mr. Piromalli asks about the driveway variance, they are not supposed to be less than 1 foot from an adjacent property line and it appears that this driveway is on the property line (zero setback). Mr. Egarian agrees. Mr. Mathewson asks for clarification where the retaining wall is on the plans (illustration); Mr. Egarian points it out and advised that there may be landscaping there but no hardscape. Mr. Ten Kate asks if the retaining wall will not exceed 2.5 feet, Egarian responds no it will not. Mr. Piromalli asks for the record if the existing set back is 6.60, as it is unclear, Mr. Egarian agrees to that. Mr. Mathewson asks about the retaining wall along the property line and how it will effect the drainage towards the neighbor. Mr. Egarian advises that due to the regrading that will eliminate that current slope the drainage pattern will be altered & the neighbor will not see any additional runoff. M. Ten Kate asks about the 2 retaining walls: 1 by the property line & 1 by the pool. Mr. Ten Kate says that the one along the property line is

existing not new. There will only be 1 new to support the pool. Mr. Ryan asks Mr. Ten Kate if he agrees with all of the findings & recommendations in the report dated 01/24/23 from Mr. DeCarlo, he responds yes. Mr. Piromalli asks Mr. Egarian if he will be able to comply with all of the recommendations from Mr. DeCarlo's 01/2023 memo, he responds that he will. Mr. Lundy asks if Ms. Davila has spoken to her neighbors & she responds yes, they are not opposed. Mr. Ryan asks if Ms. Davila has had trouble following storms in the past, she responds not in the 11 years that she has owned the house. Mr. Piromalli states that impervious coverage is the new variance and there are 2 pre-existing variances: driveway on the property line & the dwelling is 6.6 feet from the property line. The impervious cover allowed is 35%; existing non-conforming is 38.70%; & the proposed is: 41.60% - requiring a variance. Mr. Lundy says he would be for approval based on the pertinent information regarding impervious coverage that the engineer addressed; the additional 3% lot coverage is inconsequential.

Chair McGinley asks if there are any questions or statements from the public regarding this application. There is none & the public portion is closed. Board deliberation begins. Mr. Lundy makes a motion to approve the variance and Mr. Ryan seconds the motion. Board votes unanimously and motion passes. Application is approved.

EXECUTIVE SESSION

Chair McGinley states that Acting Secretary Maccarelli needs to know how the Board would like to receive the information packets about upcoming applications prior to the meetings. Would members like the information emailed to them or have hard copies delivered to them? All members present would prefer to have hard copies sent to them a week before the meetings and the Secretary will send electronic copies as well, as back up.

Adjourn

Mr. Lundy makes a motion to adjourn. There was a unanimous agreement to adjourn the meeting at 9:17 PM.

Respectfully submitted,

Marcie Maccarelli
Acting Board of Adjustment Secretary

PLEASE NOTE: Meeting minutes are a summation of the hearing. If you are interested in a verbatim transcript from this or any proceeding, please contact the Board of Adjustment Secretary at 973-857-4777.