MINUTES OF THE VERONA BOARD OF ADJUSTMENT MEETING

Thursday July 13, 2023

Present:

Chairman Dan McGinley
Vice Chairman Scott Weston
Mr. Larry Lundy
Mrs. Christy DiBartolo
Mrs. Genevieve Murphy-Bradacs
Mr. Pat Liska
Mr. Paul Mathewson
Mr. Kevin Ryan
Mr. Robert Gaccione, Board Attorney
Mr. Bruce Rockwell, Engineer
Ms. Marcie Maccarelli, Acting Board Secretary

CALL TO ORDER

Meeting called to order at 8:05 P.M. by Chairman McGinley.
Open Public Meetings Act Statement is read by Acting Secretary Maccarelli.

Pledge of Allegiance

Reorganization of the Board

Mr. Gaccione swears in the following members:

i. Dan McGinley - Term Expires June 30, 2027
ii. Christy DiBartolo – Term Expires June 30, 2027

Roll Call is taken by Acting Secretary Maccarelli.

Chair McGinley opens nominations for Chair of the Board. Mr. Ryan nominates Mr. McGinley as Chairperson. Mrs. DiBartolo seconds. All present vote in favor.

Chair McGinley opens nominations for Vice Chair of the Board. Mr. Mathewson nominates Mr. Weston for Vice Chairperson. Mrs. Murphy-Bradacs seconds. All present vote in favor.

Chairman McGinley asks for a motion to approve **RESOLUTION 2023-08** for Appointment of Acting Board Secretary. Mr. Ryan makes a motion to appoint Marcie Maccarelli as Acting Board Secretary and Mr. Lundy seconds the motion. There is a roll call vote & the motion passes unanimously. Resolution is adopted.

Chairman McGinley asks for a motion to approve **RESOLUTION 2023-09** for Appointment of Board Attorney. Mr. Lundy makes a motion to appoint Robert Gaccione as Board Attorney and Vice Chairman Weston seconds the motion. There is a roll call vote & the motion passes unanimously. Resolution is adopted.

Approval Minutes

Chairman McGinley asks for a motion to approve minutes from the Regular meeting held on May 11, 2023. Mr. Liska makes the motion, Mrs. DiBartolo seconds. Mr. Ryan, Mr. Mathewson, Mrs. Murphy-Bradacs, and Mr. Lundy abstain. All others present vote in favor. Minutes are approved.

Old Business

New Business

1. **Application 2023-07, 110 Forest Avenue: 150-12.4B(3) There shall be no more than one curb cut for each single family parcel**

Board Attorney Gaccione, Esq. swears in applicants. He advises that 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.

Timothy & Mary Rush present their application for variance. They live on a corner lot: Forest & Marion. They need a variance to add another driveway to their property on the Marion Rd side. The driveway will only be large enough for 1 car. The existing driveway is on Forest Ave., can fit one car & has retaining walls on both ends. They initially were looking to expand the existing driveway but decided against it because of the historic tree on the property that would have to be taken down. They are not looking to take down any trees. They are choosing to put the driveway on the other side also taking into consideration the safety of schoolchildren who walk by their property as it is near a school.

Chair McGinley asks Engineer Rockwell about 2nd curb cut regulations. He what the intention of the regulation is that states only one curb cut is allowed. Mr. Rockwell states that it is on a case-by-case basis. From a planning & zoning concern, allowing it could set precedence. From an engineering perspective, the lot size needs to be considered, a traffic study may be warranted, it depends on how much engineering you want to put into a particular property in a residential zone (R50). Board Attorney Gaccione states that safety needs to be considered, but that since the additional curb cut is not on the same street as the existing one, that is not an issue. He states additionally that the concern of losing some street parking may be a consideration – those are the two reasons that he is familiar with being of concern in situations where a 2nd curb cut is requested in his experience. Mr. Rockwell mentions that the safety issues are cases by case and that backing out of driveways is less safe than pulling straight out. His concern is the location of the proposed driveway in regards to its proximity to the adjacent neighbor's driveway.

Chair McGinley asks if any Board Members have questions. Vice Chair Weston asks for the applicant to describe the traffic on Marion Road. Mr. Rush states that there are approximately 10 homes on Marion Road, it is a dead end so there is minimal traffic – primarily from residents. He states that Forest Ave is much busier. Mr. Ryan asks what their neighbors think about the proposed driveway. Mr. Rush states that they are okay with it. Currently Mrs. Rush parks in the street overnight & has to pay a fee to the Township to do so. Mrs. DiBartolo mentions some regulations in neighboring towns and expresses concern for the safety when backing out of the proposed driveway as the retaining walls are 3 or 4 ft. high, as well as the fact that it will take away street parking for people during pickup/drop-off at the school. She asks the engineer about the size of the parking space & asks the applicant if their car will fit or hang over onto the sidewalk. Mr. Rockwell says that there is not a specific standard, but that parking spots are commonly: 9 by 18 ft. or 9 by 20 ft. Mr. Rush states that their car will not hang over the end of the driveway. Mr. Lundy asks what the feedback has been from the neighbor who abuts their property. Mr. Rush states that the neighbor's response has been positive. Chair McGinley opines that it will not have a large impact on the pickup/drop-off period at the school as he lives in a similar neighborhood & finds that people will just temporarily block driveways regardless anyway. Mr. Lundy states that he has the similar experience where he lives in town as well. Mrs. DiBartolo asks if the Town Council has made a regulation about parking within 4 feet of a driveway. Mr. Ryan states that while that was brought up at the last meeting, it was tabled.

Chair McGinley asks if there are any questions or statements from the public in regards to this application. Seeing none, the public portion has been closed. Mr. Rockwell suggests that Board may want to add conditions to the granting of the variance. Mr. Ryan asks the applicant their thoughts about the recommendations from the Environmental Commission regarding run off & adding impervious materials to the new driveway. Mr. Lundy & Mrs. Murphy-Bradacs don't feel that adding that condition is necessary. Mrs. DiBartolo agrees but states that the applicant may want to consider doing that on their own, as the area tends to flood. Chair McGinley suggests pavers. Mrs. Murphy-Bradacs states that she appreciates that Mr. & Mrs. Rush took into consideration the preserving of a historical tree in their plans.

Mr. Lundy makes a motion to **approve** the variance, without conditions and Vice Chair Weston seconds the motion. Roll call vote taken, Board votes unanimously and motion passes. Application is approved.

2. **Application 2023-08, 151 Linden Avenue: 150-7.13 A and 150-17.4 E (2) the proposed AC units do not comply with the minimum side yard setback of 8 feet with a proposed setback of 2.5 feet and 3 feet.**

Board Attorney Gaccione, Esq. swears in applicant. He advised that 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. Jeanne Carlucci presents her application for variance to move her condenser from the rear of her home, under her deck, to the side of her home. Vice Chair Weston asks what the reason for the relocation of the units is. Ms. Carlucci states that her contractor has advised her that the lifespan of the unit would be improved if it were on the side of the house; it should have at a 6-foot clearance of anything above it,

currently it has less than a 2-foot clearance above it. Mr. Rockwell asks the age of the existing units & states that their life expectancy is typically only about 15 years. Ms. Carlucci states that they are about 25 years old. She states further that due to the location of the garage & an existing walkway, they cannot be moved to the other side of the house. She informs that there is no attic space in the addition behind her home & so the airflow wouldn't be as good if it were located behind the home. Mr. Rockwell says he has a concern that the side of the house is a point of egress, and it would eliminate the access to the pathway on that side of the house. He is also concerned about the mechanical noise as it is very close to her neighbor. He feels that it might not be optimal to put the unit in the rear of the house, but it is also not ideal to have it on the side of the house either. He would like to see it remain in the rear of the house. Ms. Carlucci states that she was advised that it would be more efficient if located on the side of the house. Mr. Rockwell disagrees with what she was told by the contractor.

Chair McGinley states that the home is 3 feet from the property line & the neighbor's home is 6 feet from the property line, so the units would be less than 10 feet from the neighbor's home if placed there. Ms. Carlucci states that she could produce photos that all of her neighbors with central air have their units on the side of their houses as well. Chair McGinley states that putting the units on the right side of the house would be a better location & have them about 15 feet from her neighbor. Mrs. DiBartolo states that building code says that anything within 5 feet of the property line must be fire rated, if you build an enclosure, so this is very close and could be problematic if the neighbor decides to build out. Mr. Liska asks how far off the ground & how deep the deck is. Ms. Carlucci states that the deck is approximately 4 feet off the ground & 14 feet deep. Mr. Lundy asks if the neighbor has central air conditioning. Ms. Carlucci states that they do not, they have a wall / window air conditioning units including one in the room that faces her home directly across from where she would like to move her condensers. Vice Chairman Weston asks if there is landscaping or fencing on that, side of the property and Ms. Carlucci responds, no fence just some bushes. She also states that she had several contractors come to give her quotes & they all proposed putting the units on that side of the house.

Mr. Lundy asks about screening around the unit to aid with the noise. Mr. Rockwell is concerned about the space for screening since it is so close to the property line and would suggest a condition of approval be in regards to noise/decibels. Mrs. Murphy-Bradacs asks if the adjacent neighbors know that it may be loud & are they ok with it. Ms. Carlucci states that they are fine with it. Mr. Lundy mentions that both the applicant's home & the neighbor's home are preexisting nonconforming to the setbacks required by the town. He also states that the wall unit that the neighbor has is probably just as loud as the proposed units are. Mr. Mathewson says that there are commercial units that have quieter units. Mr. Rockwell says that it is hard to condition or enforce, as this is not a commercial property.

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. Chair McGinley is concerned with the proximity to the neighbor. Mrs. DiBartolo is concerned about the fire code. Mr. Liska believes that the units can be installed in the rear & doesn't want to make the two-nonconforming properties worse. Mr. Lundy mentions the possibility of screening to aid with noise control. Mr. Gaccione mentions soundproofing; with aesthetic screening around it may be the language to use if they are looking to approve the application. Mrs. Murphy-Bradacs is concerned about if there is space to do that. Mrs. DiBartolo doesn't think this falls inside the building code. Chair McGinley asks if there is a motion or conditions.

Mrs. DiBartolo makes a motion to **deny** the variance. Mr. Liska seconds the motion. The Board votes: 3 yay votes (Mr. Liska, Mrs. DiBartolo, & Chair McGinley) to 4 nay votes (Mr. Mathewson, Mrs. Murphy-Bradacs, Mr. Lundy & Mr. Weston). Motion is defeated.

Mr. Lundy makes a motion to **approve** the variance, with conditions: that screening is placed around the Condenser Unit in the form of a solid slatted fence & shrubs. The shrubs with be at the discretion of the Zoning Officer/Building Inspector. Mrs. Murphy-Bradacs seconds the motion. The Board votes and motion passes, 4 yay votes (Mr. Mathewson, Mrs. Murphy-Bradacs, Mr. Lundy & Mr. Weston) to 3 nay votes (Mr. Liska, Mrs. DiBartolo, & Chair McGinley). Motion passes & the variance application is approved.

EXECUTIVE SESSION

Adjourn

Vice Chairman Weston makes a motion to adjourn. There was a unanimous agreement to adjourn the meeting at 9:28 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.