MINUTES OF THE VERONA BOARD OF ADJUSTMENT MEETING

Thursday August 10, 2023

Present:

Chairman Dan McGinley
Vice Chairman Scott Weston
Mr. Larry Lundy
Mrs. Genevieve Murphy-Bradacs
Mr. Pat Liska
Mr. Paul Mathewson
Mr. Diana McGovern, Board Attorney
Mr. Bruce Rockwell, Engineer
Ms. Marcie Maccarelli, Acting Board Secretary

CALL TO ORDER

Meeting called to order at 8:02 P.M. by Chairman McGinley.
Open Public Meetings Act Statement is read by Acting Secretary Maccarelli.

Pledge of Allegiance

Roll Call is taken by Acting Secretary Maccarelli.
Mr. Mathewson arrived at 8:05 pm.

Approval Minutes

Chairman McGinley asks for a motion to approve minutes from the Regular meeting held on July 13, 2023. Mr. Liska makes the motion, Mr. Mathewson seconds. Mr. Liska, Mr. Mathewson, Mrs. Murphy-Bradacs, Mr. Lundy, Vice Chair Weston & Chair McGinley vote in favor. Minutes are approved.

Old Business

1. **Resolution 2023-10, 110 Forest Avenue**: Chairman Weston makes a motion to approve the variance and Mr. Lundy seconds the motion. All Board members present vote in favor and motion passes. Resolution is approved.

2. **Resolution 2023-11, 151 Linden Avenue**: Mr. Lundy makes a motion to approve the variance and Vice Chairman Weston seconds the motion. All Board members present vote in favor and motion passes. Resolution is approved.

New Business

1. **Application 2023-10, 28 Linden Avenue:**

150-7.13 MECHANICAL EQUIPMENT -

a) No mechanical equipment shall be located within a required minimum yard requirement and shall not extend more than five feet from the structure for which they serve.
b) No generator shall be permitted within a side yard.

150-17.5 R-50 (High-Density Single-Family) Zone District -

Area, yard and bulk regulations for accessory structures and uses shall be as follows: (1) Minimum side yard setback (one): eight feet.

Acting Board Attorney Diana McGovern swears in applicant. She 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.

Mr. Matthew O'Day presents his application for variance to add two air conditioning units to the side of his home. Chair McGinley reviews why the initial permit application was denied. Mr. O'Day states that his home is a pre-existing non-conforming structure. Chair McGinley references the email from Marisa Tiberi, Boswell Engineering that stated that, "…the applicant should be prepared to inform the Board of the overall dimensions on the pad (length and width) needed for the 2 units and the proposed side yard setback to the new pad, defining the variance request." Chair McGinley states that he can't tell where exactly the units will be put based on the applicant's submission. Mr. O'Day states that he submitted a drawing that show where they will go and the detailed information with the dimensions were submitted to the Building department. Chair McGinley states that for discussion purposes: the units are going to be put on the western side of the property, in the space along side the house that is about 6.9 feet wide. Mr. O'Day affirms that is the location. Chair McGinley asks what the dimensions of the pad will be & Mr. O'Day responds that the pads for the two units will be 24 to 38 inches. Mr. Liska asks if the units will be put behind or in front of the existing fence. Mr. O' Day states that they would be in front of the fence, but that he plans to landscape around them to make them less visible. Vice Chair Weston asks if the units will be visible from the street. Mr. O'Day says, yes & no because of a large sugar maple tree that is already there and they will be adding landscaping as well.

Chair McGinley says that it will exceed the allowed lot coverage by almost 9% with the new pad (going from 40% to 49%). He reminds the Board that a variance for improved lot coverage will also have to be considered because of nonconforming lot coverage. Mr. Lundy asks if the square footage of the pads will be about 10 sq. ft. He feels that it is a minimal point in regards to the overall application. Chair McGinley agrees but states that it needs to be considered as

well. Mr. O'Day asks about the amount of coverage, stating that it sounds much higher than what former Zoning Officer DeCarlo had told him. Chair McGinley states that in his calculations building coverage counts for about 22% (driveway/house/garage). The driveway, since it is in the rear, patio, & the front walkway are almost as much as the as the garage as far as coverage is concerned. Mr. Rockwell asks about foliage in the photographs – is there a shrub in the spot where the units are planned to go. Mr. O'Day responds that it is just overgrown weeds, that cover a basement window, not a bush. He advises that they will be removed prior to the installation of the units. Mr. Lundy asks if the applicant has talked to the neighbors about the units he wants to install. Mr. O'Day responds, yes – the affected neighbor has submitted a letter stating that he is fine with the installation on the air conditioning units. He further states that after receiving their notice of his intention to apply for a variance, some others of his neighbors consulted with the affected neighbor to make sure he was okay with what Mr. O'Day was planning before offering an opinion. Mr. Lundy stated that as there is no opposition present at the meeting, it is a good sign that his neighbors are in support of the application. Ms. McGovern states for the record that as the letter from the affected neighbor is not notarized, it can't be accepted as evidence. She does also state that as no members have attended the meeting to show opposition that can serve as evidence.

Chair McGinley states that as there are no members from the public present, there will be no comments or questions at this time and he closes the public portion of the meeting.

Mr. Mathewson suggests that the same criteria should be used in regards to this application as was used for the application at 151 Linden, as that situation was very similar. Mrs. Murphy-Bradacs asks why the units can't be put in at the rear of the property. Mr. O'Day states that he was advised by his contractor that it would be more efficient if located on the side of the house. Mr. Lundy states that in the application for 151 Linden that was heard last month, the testimony regarding the location of the units was the same. Chair McGinley asks if the conditions would be similar, as far as the fence & vegetation. Ms. McGovern reads aloud Resolution 2023-11 for the Board to consider if they want to use the same conditions for this application. Mr. Lundy states that he would prefer only vegetation to be used as a screening and he doesn't feel that an additional fence is necessary as one is already there. Mr. O'Day agrees that he would prefer to only add vegetation as screening, if there's an option. Mr. Rockwell clarifies that a 4-foot screen wall, not a fence, about the same height of the applicant's front porch would be sufficient. He states that vegetation would work just as well, but it would need to have 12 inches (at least) of clearance from the units. Mr. O'Day asks if bushes would be a good option to provide screening & help with noise reduction. Mr. Mathewson reminds that Mr. O'Day will have to make sure that nothing grows out too far. Mrs. Murphy-Bradacs states that she agrees with Mr. Lundy and feels that the tree that is currently there will help with screening and does not feel an additional fence is necessary, just additional vegetation. Mr. Rockwell states that the applicant mentioned that an additional fence might create more noise and that shrubs would serve as a better noise buffer, and he agrees with him. Ms. McGovern asks for clarification on the type of shrubs that should be used, specifically evergreen. The Board is in agreement with evergreens as screening. Mr. Liska states that this property has more room than the previous application did, so he is in agreement as well.

Chair McGinley asks if there is a motion to approve and conditions for this application. Vice Chair Weston makes a motion to approve the variance, with conditions: that screening is placed around the Condenser Unit in the form of shrubbery. Mr. Lundy seconds the motion.

The Board votes and it is unanimous in favor of passing: Mr. Mathewson, Mr. Liska, Mrs. Murphy-Bradacs, Mr. Lundy, Vice Chair Weston & Chair McGinley. Motion passes & the variance application is approved.

EXECUTIVE SESSION

Acting Secretary Maccarelli advises the Board that Mr. Epps' last day as Zoning Officer for the township will be 08/11/23. She announces that Ms. Tanweer will be serving as the Acting Zoning Officer until a permanent replacement can be found. Additionally, she introduces Ms. Miesch; she will be shadowing the role for the month of August & will be the official Recording Secretary for the Board effective 09/14/23.

Adjourn

Vice Chairman Weston makes a motion to adjourn. There was a unanimous agreement to adjourn the meeting at 8:44 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 Acting Board of Adjustment Secretary at 973-857-5246.