TOWNSHIP OF VERONA
COUNTY OF ESSEX, NEW JERSEY

MINUTES OF THE VERONA BOARD OF ADJUSTMENT MEETING
OF THURSDAY, DECEMBER 12, 2024

Meeting held in the Ballroom of the Verona Community Center @ 880 Bloomfield Avenue, Verona, NJ 07044 @ 7:30PM

PRESENT:

Chairman Daniel McGinley
Vice Chairman Scott Weston
Mr. Paul Matthewson
Dr. Bill Cuartas
Mr. Michael Tully

Mr. Gregory Mascera, Board Attorney
Dr. Alvero Gonzalez, Board Engineer
Ms. Kathleen Miesch, Zoning Official
Ms. Caitlin Kester, Board Secretary

Call to Order: Chair McGinley calls the meeting to order at 7:34 pm

APPROVAL OF MINUTES:
Chairman McGinley asks for a motion to approve minutes from the Regular meeting held on November 14, 2024. **Vice-Chair Weston** makes the motion, **Mr. Matthewson** seconds.
Mr. Ryan abstained, the remaining commissioners in attendance voted in favor. **Motion Passes.**

RESOLUTIONS:
1. **Resolution BOA-2024-019** – Resolution appointing Caitlin Kester as Board Secretary
   Mr. Ryan makes the motion, **Vice-Chair Weston** seconds; all commissioners in attendance vote in favor; no opposed; no abstentions. **Motion Passes.**

2. **Memorialization of Resolution 2024-20 –** Application 2024-13; 553-555 Bloomfield Avenue; Block 1806, Lot 19 – TC Zoning District; granted approval in favor of a D-1 use variance to allow a Wells Fargo ATM facility with one ATM machine in the 258 square foot space, and preliminary and final site plan approval, amended conditional use approval as requested by the Applicant with the exception that the Applicant shall reconfigure the interior space by relocating the proposed interior structures by 90 degrees and the Applicant shall relocate and/or resize the proposed nine foot sign on Bloomfield Avenue with a sign not to exceed 15SF. Last Whereas is stricken from the Resolution
   Vice-Chair Weston makes the motion, **Mr. Matthewson** seconds; Mr. Ryan is ineligible to vote; all other commissioners in attendance vote in favor. **Motion Passes.**

3. **Memorialization of Resolution 2024-21 –** Application 2024-19; 45 Woodland Avenue; Block 905, Lot 13; R-60 Zoning District; granted approval in favor to allow the Applicant to construct a 47 square foot front porch, pool equipment pad located 2.5 feet from rear property line, 51.4 percent impervious coverage and 30 percent accessory structure coverage.
   Vice-Chair Weston makes the motion, **Mr. Ryan** seconds; Chair McGinley and Mr. Ryan are ineligible to vote; all other commissioners in attendance vote in favor. **Motion Passes.**

4. **Memorialization of Resolution 2024-22 –** Application 2024-17; 29 Otsego Road; Block 804, Lot 23; R50B Zoning District; granted approval in favor to allow the Applicant to construct a 5 foot high black aluminum fence along the southeast property line fronting on Lanning Road. Installation of additional shrubbery along the fence where no shrubs currently exist.
   Vice-Chair Weston makes the motion, **Mr. Ryan** seconds; Chair McGinley is ineligible to vote; all other commissioners in attendance vote in favor. **Motion Passes.**

NEW BUSINESS:

Chair McGinley announces that new application BOA 2024-16 – 30 Elk Road; Block 100, Lot 4 is not being heard and the Applicant will renotice for a D Variance.

1. **Application 2024-21: 57 Hillside Avenue; Block 100, Lot 4 – R-50 Zone.**
   Applicant requests approval for installation of a 528 square foot deck. Variances are required:
   a. Per § **150-17.5 D (4)** Maximum improved lot coverage permitted 40%/2839 square feet where existing is 3954 square feet/55.71% and proposed is 4072 square feet/57.37% - A Variance is Required
   b. Per § **150-17.4 F (4)** Maximum aggregate area covered by accessory structures in the rear yard it is located in is 15%.
      a. Existing conditions in the rear yard are:
         i. Yard square footage from rear wall of principal structure to the rear property line is 3526 square feet where 15% is 528.9 square feet.
      b. The existing rear yard coverage is 708 square feet or 20.08% - Existing Non-Conforming;
      c. The proposed rear yard coverage is 814 square feet or 23.09% - the existing non-conforming coverage is increased therefore a Variance is required.

Witnesses:
Thomas and Susan Monroe

Exhibits:
- Exhibit A-1 – photo taken by Susan Monroe of rear yard of 57 Hillside Avenue;
  - Shows where White Oak Tree stood and concrete remnants remain
- Exhibit A-2 – photo taken by Susan Monroe of rear yard of 57 Hillside Avenue;
  - Shows grass line where deck was located

Applicants Thomas Monroe and Susan Monroe, 57 Hillside Avenue, Verona, NJ – Sworn in by Board Attorney Mascera
- Seeking variances for:
  - 1.66% or 118 square feet increase in maximum improved lot coverage;
  - 3.01% or 106 square feet increase in maximum aggregate area for accessory structures;
- Mr. Monroe states a tree fell at night in September of 2023 damaging existing deck;
  - Exhibit A-1 – photo taken by Susan Monroe of rear yard of 57 Hillside Avenue;
    - Shows where White Oak Tree stood and concrete remnants remain;
  - Exhibit A-2 – photo taken by Susan Monroe of rear yard of 57 Hillside Avenue;
    - Shows grass line where deck was located;
- The homeowners wish to rebuild and reconfigure the deck and add privacy lost by falling of the White Oak Tree paired with alterations to surrounding homes;
- Plans submitted were prepared by Kurt H. Schmidt, 7 Shawnee Trail, Denville, NJ ;
- Proposing to move the deck 3-4 feet off property line and add landscaping in the space between deck and fence;
  - Landscaping proposed;
    - 2 Autumn Blaze Maples;
      - 1 in original area of White Oak was;
      - 1 in another rear corner where the grass begins;
    - Plant arborvitaes/skip laurels or green giants along fence with railroad ties as border;
    - Space between planter and property line allows for maintenance;
    - Railroad tie ground level planters to replace previous deck-top planters, 3-4 feet in depth and 1 foot off property line;
- Vice-Chair Weston asks if pavement or concrete will be underneath deck;

- The Applicants state they are removing the existing concrete and only dirt will remain under deck;
- Discussion of current drainage whereas it's determined that no drainage is changing;
    - Deck proposed:
        - 1 foot 4 inches from property line
        - Deck height varies with yard pitch it is approximately 3 feet off the ground at highest point with ground level as it approaches driveway
        - Applicant says there are no walls around the gazebo

Chair McGinley asks if there are any additional Board Comments - seeing none.
Chair McGinley opens it up to Public Comment, seeing none – public portion closed.

Board Deliberation:

- Vice-Chair Weston has no issues with application – it is di minimus with soil under deck which will capture all of the rainwater. Mr. Ryan agrees with Vice-Chair Weston.
- Mr. Matthewson points out railroad ties rot and Applicant should look into material being used
- Mr. Ryan asks if material was approved by Construction Codes – Kathleen Miesch, Zoning Official says yes.

Chair McGinley – Motion to approve Application 2024-21
Vice-Chair Weston makes the motion to approve; **Mr. Ryan** seconds the motion

Roll Call Vote:

	AYES	NAYS	ABSTENTION
Mr. Tully	**X**		
Dr. Cuartas	**X**		
Mr. Ryan	**X**		
Mr. Matthewson	**X**		
Vice Chair Weston	**X**		
Chair McGinley	**X**		

Motion Passes.

2. **Application 2024-18: 63 Hillside Avenue aka 149 Forest Avenue; Block 1902, Lot 1 – R-50 Zone.** Applicant requests approval for to construct a 970 square foot addition, 231 square foot patio and install (2) HVAC units. Variances are required:
    a. Per **§ 150-17.5 E** (1) Minimum front yard setback is 30 feet. The proposed new garage fronting on Hillside Avenue has a proposed front yard setback of 13'6" – A Variance is required;
    b. Per **§ 150-17.5 E** (1) Minimum front yard setback is 30 feet. Per § 150-5.3 G (1) porches are allowed a 5 foot encroachment into the front yard, adjusting the front yard setback to 25 feet. The existing dwelling has a pre-existing non-conforming setback (with no porch) of 18' 2 ½". The proposed new porch has a front yard setback on Forest Avenue of 10'8" – A Variance is required;
    c. Per **§ 150-17.5 E** (1) Minimum front yard setback is 30 feet. Per § 150-5.3 G (1) porches are allowed a 5 foot encroachment into the front yard, adjusting the front yard setback to 25 feet. The proposed new porch has a front yard setback on Hillside Avenue of 24' 9 ½". – A Variance is required;
    d. Per **§ 150-5.3 G** (1) porches are allowed a maximum projection of 5 feet, proposed porch has a proposed projection of 8 feet on SW property line, frontage on Forest Ave- A Variance is required;
    e. Per **§ 150-5.3 G** (1) Unenclosed porches may have a roof over same within the yard areas not to exceed a maximum area of 35 square feet in the front yard; The proposed porch is a total of 513

square feet (97± square footage on frontage on Hillside Avenue and 416± square footage on frontage on Forest Avenue) – Variances are required (one variance per each frontage);

f. Per **§ 150-7.13 A.** No mechanical equipment shall be located within a required minimum yard requirement. Two AC units, 9 square feet each, are proposed on in the side yard 3'5" from the NW property line. Per § 150-17.5 F (1) Minimum side yard setback is eight feet. Per § 150-5.3 E (3) the minimum side yard setback for a corner lot shall be 1.5 times the minimum yard requirement therefor 12 feet is required where 3'5" is proposed – Variances are required (one per unit);

Witnesses:
Evan Scott, Architect
Elyse and Eric Toglia, homeowners of 63 Hillside Avenue aka 149 Forest Avenue

Chair McGinley says he used Mr. Scott 6 years ago and in doing so recused himself from the application and turned the meeting over to Vice-Chair Weston.

Evan Scott, EScott Architects, LLC, 28 Arlington Avenue, Caldwell, NJ – Licensed Architect for 15 years, Masters in Architecture – has previously been sworn in by the Board Attorney of Verona

Witnesses: Elyse and Eric Toglia, 63 Hillside Avenue aka 149 Forest Avenue
- Mrs. Toglia says they moved their now growing family to Verona and are in need of more space;
- They thought it would be a great starter home but decided to make it their forever home;
- Hired Mr. Scott to draw up plans that would help expand to meet their needs;

Mr. Scott
- Presentation via a slideshow is shown depicting the proposed new home plans
- Current Cape Cod style house
- Proposed Front Porch:
  - Forest Avenue side: 8 feet deep;
  - Hillside Avenue side: 6 feet deep;
  - Vice-Chair Weston asks why 8 foot porch;
  - Mrs. Toglia says it's always been her dream to have a porch she can put chairs and a small table on;
  - Mr. Scott says the porch makes the house more approachable and less massive;
- Garage Details
  - Will be built over existing driveway footprint;
  - The current double-wide driveway will remain which fits cars side by side;
- Air Conditioning Unit
  - Location is between 61 Forest Avenue and 63 Hillside Avenue;
  - The condensate and refrigerant lines will run to the attic space;
  - Vice-Chair Weston asks if the neighbors have bedrooms above the AC Unit location;
  - Mrs. Toglia states it's a pantry and the neighbors are planning to put a garage there eventually;
  - Mr. Matthewson asks about masking the AC Units;
  - Mrs. Toglia there is an existing white PVC fence between neighbors and would be open to putting bushes and decorative grasses;
- Addition
  - Existing front bump out is 14 feet off of property line;
  - Main existing house is 18 feet off of property line;
  - Proposed change is 10 feet 2 inches from property line;
  - Current setback is 10 feet to the right of way, not to the sidewalk;
  - Houses across the street have similar setbacks but no sidewalk making it appear different;

- Will have all new gutters and drains/seepage tanks and runoff into yard;

Acting Chair Vice-Chair Weston - asks if there are any additional Board questions – seeing none. Acting Chair asks if there are any questions from the public – seeing none.

Board Deliberations:

- Board Attorney Mascera asks for justification of variances;
- Mr. Scott says total of 8 variances;
  - 2-3 relate to the porch, variances for both sides due to corner lot;
  - AC units require variances; 1 existing unit to be moved, 2 new unit to be added;
  - Improving visibility at the corner while changing property currently has two listed addresses;
- Porch
  - Dr. Cuartas is having an issue with the porch size;
  - Board members suggest reducing the porch from 8 feet to 7 feet which decreases severity and bring closer to compliance;
  - Mr. Scott asks if the Hillside Avenue could go from 6 feet to 7 feet to match Forest Avenue;
  - Board is okay with 7 feet around for consistency;
- Garage
  - Dr. Cuartas wants to make sure the garage is being used as such and not storage leading to street parking issues;
  - Homeowner says stroller and bikes along with car will be in garage and driveway stay double wide side to side car parking;
  - 9 foot door on detached garage to ensure garage usability for vehicle;
  - Mr. Scott explains the detached garage has no direct entry from garage to house;
- Mr. Ryan says Stormwater Management needs to be addressed with the changes made;
- Board Attorney asks about new downspouts;
- Mr. Scott they will be new but will drain into the same areas they currently drain to;
- **Condition – Porch**
  - Narrowing porch for 11 feet 2.5 inch setback on Forest Avenue with 7 foot deep on both Forest Avenue and Hillside Avenue for consistency;
- **Condition – AC Unit**
  - Adding vegetation around AC Unit on eastside of house;
- **Condition – Revised Plan**
  - Board engineer will review and approve Stormwater Management of new plans with no return to the Board;

Vice-Chair Weston - motion to approve Application 2024-18
Mr. Matthewson make Motion to approve; **Mr. Cuartas** seconds the motion;

Roll Call Vote:

	AYES	NAYS	ABSTENTION
Mr. Tully	X		
Dr. Cuartas	X		
Mr. Ryan	X		
Mr. Matthewson	X		
Vice Chair Weston	X		
Chair McGinley			X

Motion Passes.

Chair McGinley asks if there is any need to go into Executive Session – seeing none;

Mr. Ryan makes the motion to adjourn.
Chair McGinley: approves motion.

Meeting Adjourned at 9:15PM

Respectfully submitted,

Caitlin Kester

Caitlin Kester - 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 973-857-4773.