TOWNSHIP OF VERONA
COUNTY OF ESSEX, NEW JERSEY

MINUTES OF THE VERONA BOARD OF ADJUSTMENT MEETING
THURSDAY APRIL 11TH, 2024

PRESENT:

Chairman Dan McGinley
Vice Chairman Scott Weston
Mr. Bill Cuartas
Mrs. Christy DiBartolo
Dr. Edith Ries Alt. #1

Mr. Peter Ten-Kate, Board Engineer
Mr. Michael Piromalli, Board Attorney
Ms. Kathleen Miesch, Board Secretary

CALL TO ORDER

- Meeting called to order at **8:03 P.M.** by Chairman McGinley
- Open Public Meetings Act Statement read by Kathleen Miesch, Board Secretary
- Roll Call is taken by Kathleen Miesch, Board Secretary
- Chairman McGinley reads a statement of general information of the Zoning Board of Adjustment's role and responsibilities.
- Mr. Michael Piromalli swears in new board member Mr, Bill Cuartas

APPROVAL OF MINUTES

Chairman McGinley asks for a motion to approve minutes from the Regular meeting held on March 11, 2023. **Minutes are differed**

RESOLUTION

Resolution BOA-2024-04. Application 2024-01: 144 Elmwood Road; Block 902, Lot 27 – R- 60 Zone
Approval of bulk variances to remove an existing one-story screened porch, garage, driveway and paths and to construct two (2) one-story additions to the existing house (including an attached garage), and a new patio.
Vice Chair Weston makes a motion to approve **Application 2024-01**, **Mrs. DiBartolo** seconds the motion. Chair McGinley for a roll call vote: **Dr. Ries**, **Vice-Chairman Weston**, **Mrs. DiBartolo** and **Chairman McGinley** all vote to approve, **Mr. Cuartas** abstains. Resolution passes.

NEW BUSINESS

VARIANCE APPLICATIONS:
Application 2024-02: 698-700 Bloomfield Avenue, Block 1606, Lot 13- TC Zone

The proposed mixed residential and restaurant use is not a in a principal or conditionally permitted Use in the TC Zone. A use variance is required.
Application adjourned to Board meeting May 9th, 2024 requested by applicant as there is no quorum for a use variance at this meeting.
Chair McGinley makes motion to adjourn application, all Board members are in favor. Motion passes.
Board Attorney Piromalli states for the record the applicant's attorney has agreed to waive the time

limitation for municipal action for the duration of that requested adjournment through the May 9th, 2024 meeting.

Application 2024-03: 97 Lynwood Road, Block 1403, Lot 38 Approval to remove an existing driveway and garage, construct an addition to the existing house, add a new patio and construct a retaining wall.

Board Attorney Piromalli swears in the Applicant **Gerald Deluisi** and **Alexander Dougherty**, Planner.

Alexander Dougherty, the Planner describes there will be a single family alteration to the home, applying to knock down existing garage door

Applicant Gerald Deluisi explains there will be a 30-40 foot setback, discussed updates with neighbors they had no qualms. The new garage will include a mud room insert on the right side. Far left corner of the neighbor's house would be the start of the garage, as well as a proposition to add a 4th room 18ft of the left corner of the second floor.

Vice chair Westson questions if the applicant will be requiring tree removal for this project. **Gerald Deluisi** will not be removing any trees on the property, when the garage comes down **Mr. Deluisi** will continue the current retaining walls and add an expansive garden. In addition, the applicant is proposing to add a fourth bedroom and a laundry room on the second floor above the garage.

Chairman McGinley asks **Board Engineer, Peter Ten-Kate** how high a retaining wall could be before requiring engineering approval. **Board Engineer, Peter Ten-Kate** states the requirement is 4ft, which **Mr. Deluisi** will comply with as well as stating that the rear edition will be 18ft off the left corner. The garage coming forward the impervious coverage will be coming down by 14%.

Christy DiBartolo questions if applicant will be parking cars in the new garage. **Gerald Deluisi** doesn't intend on parking cars inside the garage. **Christy DiBartolo** raises concern about the garage footage being too small in the potential of reselling the home.

Chairman McGinley also raises concern about the property line encroaching the 16ft limit for driveways. **Applicant, Gerald Deluisi** clarifies that the driveway has a slight cut to the left of the garage. If needed, two cars are able to fit side by side, not stacked.

Chairman McGinley questions the driveway starting on the property line at the 18ft. marker to the existing. It appears to go from the edge of the driveway on the right to a block wall on the left. **Chairman McGinley** also states that the driveway limit is 16ft. a variance would be required or a reduction for 16ft.

Board Engineer, Peter Ten-Kate questions the proposed width of the new driveway. **Gerald Deluisi** states the proposed width will be 18ft. with a curb line cut in the existing curb line to be moved back and widening the front of the driveway in order to have space for two cars.

Board Attorney Piromalli questions the maximum width of the driveway being 18ft. will that be the size of the curb cut as well. **Gerald Deluisi**, states the curb cut will be 16ft.

Board Attorney Piromalli states there might be an additional variance required. **Chairman McGinley** agrees, explaining the Board typically avoids approving driveways that aren't more than 6 inches from the property line.

Alexander Dougherty the Planner has prepared plans for the Board. Exhibit A-1 the property is wedged between two properties causing a high density in the middle of two zones. Following slide is a photo of the property in its current state, slide 3 is bird's eye view of the property, slide 4 is a ground perspective of the

yard, and an addition is requested to sit on the existing pavement in the back yard. Slide 5 is the yard, slide 6 is a bird's eye view of the rear, and the driveway is to remain in place. Last few slides presenting other houses in the neighborhood with different styles and varieties. **The Planner, Alexander Dougherty** also adds that his clients growing family would benefit from the expansion rather than having to move to a new location. No trees would be coming down, the property would retain its features and plantings, concluding with a modest addition for a growing family.

Chairman McGinley questions where the A/C unit on the right side is being relocated. **Gerald Deluisi** states the A/C is moving to the rear, fully aware the A/C will have to be relocated due to the code but failed to include it in the variance proposal. **Chairman McGinley** asks if the Board deems the application favorable, the A/C relocation will have to be stated in the revised conditions for the record.

Christy DiBartolo questions if granting this variance would it ruin the history design element of the neighborhood. The neighborhood has smaller lots and keeping the garage in the back declutters the look of the street, arguing it could have been the intent behind the design of the neighborhood. **The Planner, Alexander Dougherty** – Can't speak to the history or design elements of the neighborhood, garages in the rear of the house is a common feature in Verona – lifestyles and design elements have evolved throughout communities. **Gerald Deluisi** argues that it wouldn't impact the design element due to all the garages in the neighborhood being in the front.

Board Attorney Piromalli asks how many cars would fit in the new proposed driveway. **Gerald Deluisi** states 4 cars would fit. **Chairman McGinley** states maximum width for access drives or driveways for 1 family driveway shall not be more than 14ft wide at the curb line for a single driveway and 16ft for a double driveway **Board Attorney Piromalli** states Verona Code Section 150-12.4 B (2) will be added to the list of variances. **Christy DiBartolo** – For the record the impervious coverage calculation that's stated on the variance is indicative of the 18ft width. **Alexander Dougherty, The Planner-** Confirms. **Chairman McGinley** – no parking shall be permitted in any required minimum front yard or side yard except in the driveway in said yard.

Board Engineer, Peter Ten-Kate questions if the new roof leader will be directed to their neighbors property. **Gerald Deluisi** states the drain will not be directed at the neighbor's house, as well as having a sump pump in his basement for the past 5 years along with two sump pits that are completely dry. **Alexander Dougherty, The Planner** adds the leaders can be designed to not be directed towards the neighbor's property, any run off would be going down the driveway.

Chairman McGinley moves to Board deliberation - Stating if proposed driveway is approved it will come with a driveway variance of 18ft. – **No objection from the Board. Chairman McGinley** explains the proposed lot coverage exceeds the maximum permitted by 6 1/2%, 20% increase. Each yard setback of 5ft. doesn't comply with the 8ft. required. **Vice Chair Weston** argues there would be encroaching on the neighbor's end of the house, if the applicant were to make new additions it would require them to come back in front of the board due to the close proximity of the neighbor's property line.

Christy DiBartolo raises concern about the cramming of the neighborhood, the applicant's addition would further exacerbate the street.

Chairman McGinley confirms Board approval on the 5ft reduction instead of 8ft. - **No objections from the Board. Chairman McGinley** states the 5 variances are workable in the applicants favor due to the numbers being reasonable and the lot being undersized for the neighborhood.

Board Attorney Piromalli states the following conditions: the roof leader shall not be directed towards the neighboring properties, the applicant will submit revised plans showing the HVAC condensers will be moved to the rear yard in conformity with the Verona Zoning Board and an update of the zoning table to incorporate the maximum driveway width variance of 16ft required, 16ft permitted with the proposal of 18ft.

Vice Chair Weston makes a motion to approve **Application 2024-03, Dr. Edith** seconds the motion.

The **Board Secretary Kathleen Miesch** calls the role:

Dr. Ries- Yes; **Mr. Cuartas**- Yes; **Vice Chairman Weston**- Yes; **Mrs. DiBartolo**- No; **Chairman McGinley**-Yes

Resolution to be heard at the next Board of Adjustment May 9th, 2024.

Application 2024-05: 45 Montrose Block; 1806, Lot 8 Approval to construct a two (2) story addition to the left side of the house for a new garage and master suite on the second floor; second floor addition over the main existing dwelling; expansion of the driveway; and expansion of existing deck.

Board Attorney Piromalli swears in the Applicant **Steven Marscovetra** and **Christine Miseo**, Planner.

Christine Miseo, The Planner states there will be a two car garage addition to the left side of the property with a master suite above, with the amendment of variances requested. No deck variance, the deck will be less than 540 sq. ft. being 20% out 27.15% of the principle structure. The second modified variance would be the width of the driveway, 16ft at the curb with a flare of 19ft. at the garage itself due to the 9 foot garage doors with a foot in between. The remaining variances being requested – the front yard setback requirement is 30ft. with the request of 24.67ft. With the addition of a 6 foot front porch, the principal structure will maintain the 30ft. setback. The requirement for the ordinance is 5ft. limiting the square footage of the front porch addition. The right side setback has a variance with the requirement of 8ft. and a proposed 6.67ft. Combined setback, 19.5ft is required with request of 15.25ft. The existing deck is 6ft. with a request of a 2ft variance. Required height of the structure is 30ft with the request of 32.5ft. The back of the property has a dramatic declining slope that calls for listed variances.

Board Attorney Piromalli clarifies requested variance, 6 in total as follows - removal of the deck size variance, driveway width 19ft where 16ft is permitted, front yard setback is 30ft required, 24.67ft proposed, right side setback 8ft required, 6.67ft proposed, combined 19.5ft required, 15.25ft combined proposed, deck height 4ft. permitted, 6ft at the max proposed and total height of the structure 30ft permitted, 32.25ft proposed.

The Planner, Christine Miseo explains the smaller deck will alleviate the variance, the first floor elevation is 106.8ft and the deck extension will be 101ft. By bringing the deck in the max deck height variance requested will be 1ft. The proposed addition is a two car garage that will primarily be used to park the applicant's cars, the applicant owns a truck and an SUV, explaining the expansion of the width of the driveway, garage and garage doors, making it functional for parking use. Above the garage will be a master bedroom suite addition, as well as reworking the existing second floor with multiple dormers, vents and low ceiling. The master suite addition will be 29 by 228, including a walk-in closet, full size bedroom and a large master bath. A vestibule area will connect the garage with the main house, encompassing an entry way and steps to the second floor. The second floor will contain the laundry room as well as the steps down to the first floor. **Christine Miseo, The Planner** moves on to explain the plans to the Board, On plan A-1 the front elevation photos most of the neighborhood dwellings are set at the 30ft line, many of them also including front porches. Plans on adding an open front porch, a large dormer containing two kid's bedrooms with an 8ft ceiling. A small dormer above the main doors and a medium sized dormer over the garage. A-2 in order to have the deck walked out in the back

it will be close to 6ft. out of the ground. Window additions have been made to the back and front to tie in with the aesthetic of the neighborhood. An engineering drainage plan has been submitted, the Verona Environmental Commission review stated the use of hard materials to capture storm water management would require a green infrastructure. Plans to rectify will include rain barrels, rain gardens and rain management as well as the planting of natural and native trees/plants to be able to soak up rain water. A difficulty the applicant will be facing is constructing a permeable driveway due to the applicant's kids using the area for basketball as well as the driveway not being wide enough, preferably to keep it as pavement. Dry wells will be installed to soak up the difference in impervious coverage. A C-1 variance is being requested for this project, the topography of the lot and the set of the property is not squared with the property lines, effecting the height and deck variance. The front of the lot is 102ft, house is set at 106.8ft, backyard is between 99ft and 100ft and the far corner goes down to 95ft. with a 9ft drop from the front to the back of the lot. Front of the house will be maintaining 8ft, 8.6ft on the left and 9.6ft on the right, maintaining the side yard setback requirement.

Vice Chair Weston asks about the elevation of the property regarding the tilt and backyard drop. **Christine Miseo, The Planner** explains there's no specific reason why the house was raised as high as its set, most of the neighborhoods homes are raised up as well.

Dr. Edith Ries questions the porch addition stating the house is a true New England Cape Cod style, adding the porch would darken the front rooms. **Steven Marscovetra** explains the family doesn't get use out of the front rooms of the house. **Christine Miseo, Planner** state the addition of the porch would be an improvement to soften the front and the side of the dwelling. Without the porch, the addition of dormers for the kid's bedrooms would make the house look harsh. **Dr. Edith Ries** questions if the addition will be flushed with the front of the house or coming forward. **Christine Miseo,** the Planner states the kid's bedroom addition will be flushed with the front of the house while the master bedroom box bay is set back 3ft. With the overhangs it will appear to be 4 1/2ft. back.

Chairman McGinley states with the extra setback the house wasn't set too long ago, the house is set correctly for the street, it's the property lines that aren't necessarily parallel to the street. **Christina Miseo, The Planner** states when dealing with a skewed side yard, its best to follow the side yards to add relief to the front of the house making up the differential.

Vice Chair Weston confirms the side yard and combined side yard variances are caused by the notch on the right hand side of the property. **Steven Marscovetra** explains the plan is to push out only on the first floor excluding the second floor without impact. **Christina Miseo, The Planner** states the applicant's family would utilize the living room with the expansion, improving the layout of the room. **Steven Marcovetra** adds he spoke to his neighbors about the addition, neighbors had no qualms.

Chairman McGinley asks if there's any room to slide the addition to the back of the property with the front of house proposal being 16ft wide and the whole property being 78ft. Main reason is to avoid looking like every square inch of the property is being used. **Steven Marscovetra-** explains his two sons are competitive soccer players, utilizing a majority of the backyard for practice. The applicant would prefer to reserve as much of the backyard as possible as he and his neighbors have a non-obstructed view of Verona Park.

Christina Miseo, The Planner states the applicant is open to pushing the garage addition 5 to 8ft back.

Chairman McGinley asks if moving the new addition back would eliminate the variance. **Christina Miseo, The Planner** explains moving the addition back would lessen the combined variance but not eliminate it completely. The addition would have to be moved behind the existing house to make up the 3ft differential from front to the rear of the property. If the addition is moved back 7 or 8ft, the variance would be 9.2ft.

Bill Cuartas raises concern about the depth of the driveway, asking how many vehicles would be able to park in its current design without street parking assistance.

The Planner, Christina Miseo states two smaller cars due to the 30ft limit excluding street parking assistance. Mr. Marscovetra's kids are fairly young there would be no permit requirements for another 7 years. The garage was designed to be used for parking, being 22 by 22 on the inside with room to open car doors. The back of the garage would be a mudroom, closet, cubby and a powder room. There is currently no powder room on the first floor.

The Board Engineer, Peter Ten-Kate states that the engineering issues will be addressed during the resolution with a confirmation that the curb cut will be 16ft that will be conformed to. **Christina Miseo, The Planner** states the engineering items will be addressed when requesting permits in terms of storm water management, discharge, soil movement and green infrastructure. Applicant has no problems conforming to everything on the list.

Bill Cuartas asks if the addition will create an issue with the variance on the right side where the A/C unit is located. **Christina Miseo, The Planner** explains the A/C unit will not be affected because of its location on the first floor which is open underneath. The intention is not to move the A/C unit. If it must be moved for logistics and lack of height, it will be moved to the rear of the property.

Dr. Edith Ries If the addition is moved back, would that result in losing trees. **Christina Miseo, The Planner** explains her client had a tree man come out recently and he said it depends on how far back the addition would be pushed back, 25ft away from the tree wouldn't result in any losses.

Chairman McGinley moves to deliberation and comments;

Bill Cuartas raises concern about the flat façade with the spillage of vehicles onto the street. **Chairman McGinley** – Agrees, the existing façade is taking up majority of the property, raising inconsistency with Verona's zoning plan.

Board Engineer, Peter Ten-Kate suggests the back to be moved 5ft in order to comply with the 30ft setback for the garage. With a 24.67ft proposal there would be enough room for two tandem cars eliminating extended bumper onto the sidewalk. **Chairman McGinley**- Agrees.

Vice Chair Weston states a porch condition to be only used as such and nothing other, the porch must remain open.

Christina Miseo, The Planner states her client **Mr. Marcovetra** will consider making the garage smaller, replacing the garage with a room that conforms and adding the garage to the rear of the property in order to conform to the combined side yard setback. **Chairman McGinley**- the Board would accept stated changes.

Board Attorney Michael Piromalli summarizes the conditions; Front yard setback 24.67ft which would be a 5.33ft variance, side yard combined variance will be eliminated maintain, down to a 19.5ft, garage size will be reduced come off 4ft, the side to the left will be increased to maintain a side yard setback to maintain the 19.5ft, condition that the front porch area will be open will not be enclosed any point in the future. Applicants revised the application, to increase the side yard to the left side of the structure to ensure that the combined side yard setback of 19.5ft is met. Additional changes, reducing the size of the deck in order to comply with the Verona zoning ordinance less than 20% of the principle structure which is 27.15%. The width of the driveway will be changed to reduce so the maximum width of the driveway is going to be 19ft. Variances would include; Width of the driveway 19ft, front porch, right side set back, deck height, height of the total structure.

Vice Chair Weston makes a motion to approve **Application 2024-05**, **Dr. Edith** seconds the motion.

The **Board Secretary Kathleen Miesch** calls the role:

Dr. Ries- Yes; **Mr. Cuartas**- Yes; **Vice Chairman Weston**- Yes; **Chairman McGinley**- Yes.

EXECUTIVE SESSION – Not necessary

ADJOURNMENT

Mr. Ryan makes the motion, **Chairman McGinley** accepts. Meeting is adjourned at **10:28 PM**.

Respectfully submitted,

Malak Metwaly – Board of Adjustment Secretary

Kathleen Miesch – 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 Office at 973-857-4772