# TOWNSHIP OF VERONA
COUNTY OF ESSEX, NEW JERSEY

## MINUTES OF THE VERONA BOARD OF ADJUSTMENT MEETING
OF THURSDAY, FEBRUARY 13, 2025

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
Mrs. Christy DiBartolo
Mrs. Murphy-Bradacs
Mr. Kevin Ryan
Mr. Bill Cuartas
Mr. Mike Tully
Dr. Edith Ries
Mr. Gregory Mascera, Board Attorney
Mr. Peter Ten Kate, Board Engineer
Ms. Sarfeen Tanweer, Board Engineer
Ms. Kathleen Miesch, Zoning Official
Ms. Caitlin Kester, Board Secretary

**Call to Order:** Chair McGinley calls the meeting to order at 7:35 pm

Chair McGinley asks for a moment of silence for former Board Secretary and Verona Township Employee, Kelly Lawrence, who passed away on January 25, 2025.

**APPROVAL OF MINUTES:**

**Chairman McGinley** asks for a motion to approve minutes from the Regular Meeting held on November 21, 2024. **Vice-Chair Weston** makes the motion, **Dr. Ries** seconds;
Ms. Murphy-Bradacs is ineligible to vote, the remaining commissioners in attendance voted in favor.
**Motion Passes.**

**Chairman McGinley** asks for a motion to approve minutes from the Regular Meeting held on January 9, 2025. **Mr. Ryan** makes the motion, **Vice-Chair Weston** seconds;
Mrs. DiBartolo is ineligible to vote, the remaining commissioners in attendance voted in favor.
**Motion Passes.**

**RESOLUTIONS:**

1. **Memorialization of Resolution BOA 2025-01** Application 2024-23: 38 Forest Avenue – Lot 15, Block 1602 – Granting approval for a deck with conditions as agreed upon by the applicant and further conditioned by the Board.
   **Vice-Chair Weston** makes the motion, **Mr. Ryan** seconds;
   Dr. Cuartas and Mrs. DiBartolo are ineligible to vote; all commissioners in attendance vote in favor.
   **Motion Passes.**

2. **Memorialization of Resolution BOA 2025-02** Application 2024-20: 95 Harrison Street – Lot 2102, Block 41 – Granting approval for a Generator in the front yard with conditions as agreed upon by the applicant and further conditioned by the Board.
   **Mr. Ryan** makes the motion, **Vice-Chair Weston** seconds;
   Ms. Murphy-Bradacs, Dr. Cuartas and Mrs. DiBartolo are ineligible to vote; Mrs. Murphy-Bradacs abstained; all other commissioners in attendance vote in favor.
   **Motion Passes.**

**TERM EXTENSIONS:**

Chair McGinley explains that due to the municipal council election date change, everyone's service on the Board has been extended by six months, expiring on December 12, 2025.

**NEW BUSINESS:**

1. **Application 2024-23: 36 Westover Road; Block 106, Lot 16 – C-2 Zone.** Applicant requests approval to install a 6 foot high solid wood fence along 52 feet of the SE property line bordering the driveway; 86 feet of the NE property line, fronting Pompton Avenue, going 22' across to the dwelling, 12 feet from the façade fronting on Westover Road.
   a. **§ 150-7.3** Fences B - Fencing shall not exceed six feet in any yard up to the **front facade of the principal structure where said fencing shall not exceed three feet**. The dwelling is located on a corner lot and therefor has two frontages. **A Variance is required.**

Board Attorney Mascera announces the application is deemed complete and the notice was proper to proceed;

**Witnesses:**
**Sam Sfyris** – Owner of 36 Westover Road – sworn in by Board Attorney Mascera

- Mr. Sfyris says he and his wife bought their home 8 years ago and there is an existing 4-foot fence;
- He is requesting a 6 foot fence around the property for safety reasons for his child;
    - Concerns about Pompton Avenue being a busy road and office building behind his property;
- The property is a corner lot with two front yards;
- The new fence would replace the existing 4 foot chain link fence in the exact footprint, approximately 15 to 18 feet from the sidewalk;
- The existing shrubbery would remain and the fence would be in front of it;
- No trees to be taken down;
- The application stated the need for the fence is due to people walking on Pompton Avenue looking into the yard along with people parking in the business lot behind the property;

Fence Details:
- Applicant is considering a cedar fence to match the house but is open to recommendations from the Board;
- Mr. Tully says the 6 foot fence could change the intent of Verona Zoning, which aims for openness and community and says 3 foot fence would be okay;
- Mr. Sfyris says they are not trying to block views or create a wall, but seeking safety due to the location and being abutted to a commercial property and busy street;
- The proposed fence will not block the house from view when driving down Westover Road;
- The fence is along the perimeter of the house, about 40 feet away;
- Mr. Sfyris has already planted green giants in an attempt to mitigate the issues and added pachysandras for curb appeal;
- Dr. Ries asks if he would put the fence behind the green giant trees already planted;
- The fence is on the commercial, high-traffic side of the property, not the residential side;
- Mr. Sfyris says he wants to enhance his property and its value for Verona;

**Chair McGinley asks if there are any additional Board Questions.**

- Dr. Cuartas asks if there are any plans for the remaining fence;
- If approved, the applicant plans to replace the chain-link fence around the entire property and has spoken with his direct neighbor;
- Chair McGinley asks how far off of the property line the fence needs to be placed;
- Zoning Officer Ms. Miesch says 6 inches;
- Mr. Ryan and Dr. Ries would like added shrubbery in front of the fence;

- Dr. Cuartas says the added shrubbery would be an undue burden on the applicant who has tried to mitigate the issue prior;
- Mrs. Murphy-Bradacs and Mrs. DiBartolo both agree with Dr. Cuartas with Mrs. DiBartolo adding a 6 foot fence for that property makes sense;

**Chair McGinley – Motion to approve Application 2024-23**
**Vice-Chair Weston** makes the motion to approve; **Mr. Ryan** seconds the motion

**Roll Call Vote:**

| | AYES | NAYS | ABSTENTION |
|---|---|---|---|
| **Dr. Ries** | **X** | | |
| **Dr. Cuartas** | **X** | | |
| **Mr. Ryan** | **X** | | |
| **Mrs. Murphy-Bradacs** | **X** | | |
| **Mrs. DiBartolo** | **X** | | |
| **Vice Chair Weston** | **X** | | |
| **Chair McGinley** | **X** | | |

**Motion Passes.**

2. **Application 2024-16: 30 Elk Road; Block 906, Lot 41- R-50B Zone.** Applicant is seeking approval for a 249 square foot deck in the rear yard by existing garage.
   Existing garage is a pre-existing, non-conforming use of the structure. Any change in use requires a variance.
   a. The garage was renovated to a playroom/den via Zoning Permit 2023-214 – where the change in use was not disclosed or discovered. **A Use Variance is required**
   b. **§ 150-13.3 A**. No existing building or premises containing any nonconforming use as permitted by this chapter shall be enlarged, extended, reconstructed or structurally altered unless such use is changed to a use permitted in the district in which such building or premises is located; and no nonconforming use shall be changed to another or different nonconforming use. **A Variance is required**.
   c. **§ 150-17.4 D (4)** maximum improved lot coverage is 40%; pre-existing non-conforming is 53.99% as noted on plans with proposed as 56.23%. **The pre-existing non-conforming improved lot coverage is proposed to increase. A Variance is required.**
   d. **§ 150-17.4 F (4)** the maximum aggregate area covered by the accessory structures in the yard it is located in is 15%; the rear yard is 5,228 square feet where 15% is 784.2 square feet; existing is 38% or 2,028 square feet, proposed is 43% or 2,277 square feet. **A Variance is required.**

Chair McGinley recused himself from the application turning the meeting over to Vice-Chair Weston

Board Attorney Mascera announces the application is deemed complete and the notice was proper to proceed;

**Witnesses:**
**Pete Romanyshyn** – Owner of 30 Elk Road – sworn in by Board Attorney Mascera
**Evan Scott** – Architect, has appeared before Verona Board of Adjustment within last 6 months, has been approved as expert by Board Attorney Mascera

- The previous owner of the property had converted the garage into a plumbing shop in the late 90s or early 2000s;

- Mr. Romanyshyn was unaware of this change and previous resolution that changed the garage into a shop when he purchased the home;
- Mr. Romanyshyn renovated the garage addressing safety concerns like raccoons, squirrels, rodents as well as a deteriorating roof;
- The footprint of the garage was not expanded but a dormer was added;
- The Use Variance is needed to change the building back from an approved shop to a garage/den;
- A Zoning Permit was issued in 2023 but the Use issue was not discovered until recently;
- The definition of a garage does not include living space, so a variance is needed for the "den area";

Garage:
- The garage is split between a two-car garage and a playroom above;
- Has a three-season room off to the side with French doors;
- The area with the French doors is used as a hangout space for adults;
- The doors open outward and sit flush against building;
- The upstairs area is used as a family space for watching movies;
- The two-car garage is used for parking and storage;
- The applicant's niece with traumatic brain injury with benefit from the extra room on the landings;
- Engineer Pete Ten Kate asks if there would be a condition added which the garage would not be used as living space;
- Mr. Romanyshyn says it wouldn't be due to it only having a half bath,
    - It is used for watching moves, has a bar and tv outside to hang out;
    - 2 car garage with 1 car in there all the time;

Deck:
- The deck is 12 inch depth at the front and 24 inches at the side;
- The intent is to create a single deck structure instead of multiple landings or stairs;
- The yard slopes towards the side den and the back forest area;
- There were stairs there previously but were crumbling and knocked down;
    - Mr. Romanyshyn says Construction Official Mr. Jacobsen did a site visit and requested the doors remain closed and sealed until the process is sorted through;
- Replacing the stairs would have required Building Permits, the Board has no jurisdiction over permits;
- Boswell's report addressed two variances while Zoning Officers identified four – the applicant agrees with number of variances;
- The neighborhood slopes down significantly from east to west;
- Mr. Romanyshyn says he changed the patio and pitched the runoff towards the back corner;
- Mr. Romanyshyn agrees with Boswell's report and intends to channel water towards natural surfaces and away from the street;
- The Township of Verona owns the forested area behind the home;
- A splash pad will be added under the deck; potentially tied to the roof leaders;

**Chair McGinley asks if there are any additional Board Questions;**
- Mrs. DiBartolo asks if there is a drywell and water in basement – no to both;
- Mr. Ryan mentions engineering report with runoff and asks if homeowner has spoken to neighbors;
- Both direct neighbors were informed and do not have an issues;
- Mr. Ten Kate asks about roof leaders on garage;
- Mr. Scott says all will be tied in together and leader to disburse to backside;

- Mr. Ryan asks if any trees to be removed – no;

**Chair McGinley opens it up to Public Questions;**
Adam Wilson – lives downhill from property on Otsego Road;

- Mr. Wilson asks about drainage from the deck, specifically how runoff from the garage roof and deck itself is handled;
- Mr. Scott says the roof gutters at the back and front will go under the deck and out to the back towards the forest area. There will be stone underneath the deck to allow water to permeate and a strip of grass about 20 feet between the property line and the deck;

**Seeing no others 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 Deliberations:**

- Mrs. DiBartolo says changing a use this way is much easier than the opposite;
- A condition is suggested to maintain two garage bays to prevent the property from becoming a second residence;
- Mrs. DiBartolo says she is inclined to vote to approve due to the negligible amount of square footage coverage, Dr. Cuartas agrees;
- The Board agrees the condition should be that this should not be used as an accessory structure;

**Condition:**
Cannot be used as an accessory dwelling.

**Vice-Chair Weston – Motion to approve Application 2024-16 with condition**
**Mrs. DiBartolo** makes the motion to approve; **Dr. Cuartas** seconds the motion

**Roll Call Vote:**

| | AYES | NAYS | ABSTENTION | RECUSED |
|---|---|---|---|---|
| **Dr. Ries** | **X** | | | |
| **Dr. Cuartas** | **X** | | | |
| **Mr. Ryan** | **X** | | | |
| **Mrs. Murphy-Bradacs** | **X** | | | |
| **Mrs. DiBartolo** | **X** | | | |
| **Vice Chair Weston** | **X** | | | |
| **Chair McGinley** | | | | **X** |

**Motion Passes.**

Vice-Chair Weston calls for a 5 minutes recess – meeting resumes at 9:15pm.

3. **Application 2024-12: 15 Parkhurst Street; Block 1604, Lot 41 – Zone R-70 Zone.** Applicant requests relief from the below listed zoning codes for a new patio that has already been constructed.
   a. **§ 150-5.3 C (6) Side Yard patio setback -** patios must be a minimum of 5 feet from property lines. The new patio has a side yard setback of 0 feet.
   b. **§ 150-17.2 D (4) Impervious Coverage** the maximum permitted impervious coverage is 35%. The overall increased impervious coverage is 73.3% with the new patio
   c. **§ 150-17.2 F (4)** the maximum permitted aggregate area covered by accessory structures is 15%. The overall increased rear yard coverage is 80.9% with the new patio.

**Witnesses:**
**John Guadagnoli**, Architect
**Fatjon Allteni**, Owner of 15 Parkhurst Street

This Board Application was carried over from the November 14, 2024 meeting to amend the plans;

- Three issues:
  - Maximum impervious coverage
  - Rear yard coverage
  - Side yard setback for a patio

Applicant Fatjon Allteni, 15 Parkhurst Street, Verona, NJ

- Mr. Allteni apologized to the Board for doing the work without permission;

John Guadagnoli, Architect, 224 Lorraine Avenue, Montclair, NJ – previously sworn in by Board Attorney Mascera

- 218 square feet was removed from the 407 square foot of paved area;
- 106 square feet of pavers will be removed;
- Additional impervious area will be 83 square feet;
- A 3 foot setback was implemented;
- Chair McGinley asks how far along the setback the 3 foot extends
- Mr. Guadagnoli states all the way to the garden wall;
- Mrs. DiBartolo asks if all concrete removed will be replace with grass;
- Mr. Allteni states he put down two types of gravel;
- Mr. Ten Kate asks that there be a condition of an engineering inspection and review for final sign off for compliance;

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

**Condition:**
Inspections and pervious coverage must be confirmed with Boswell Engineering before sign off for compliance.

**Chair McGinley – Motion to approve Application 2024-12 with condition**
**Dr. Ries** makes the motion to approve; **Vice-Chair Weston** seconds the motion

**Roll Call Vote:**

| | AYES | NAYS | ABSTENTION |
|---|---|---|---|
| **Dr. Ries** | **X** | | |
| **Dr. Cuartas** | **X** | | |
| **Mr. Ryan** | **X** | | |
| **Mrs. Murphy-Bradacs** | **X** | | |
| **Mrs. DiBartolo** | | **X** | |
| **Vice Chair Weston** | **X** | | |
| **Chair McGinley** | | **X** | |

**Motion Passes.**

4. **Application 2024-14: 110 Linden Avenue; Block 901, Lot 29 – R-50 Zone**. Applicant is seeking approval for a patio that has already been constructed without permits.
   a. **§ 150-17.5 D.** (4) Maximum improved lot coverage: 40%, allowable is 2,800 square feet; non-permitted, existing coverage is 3,620.88 or **51.7% - A Variance is required;**
   b. **§ 150-17.5 F**. (1) Minimum side yard setback for accessory structures is (one): eight feet. The submitted survey shows a 49 square foot shed on the SW property line. **No record of a permit has been located. Owner shall produce a permit or a Variance is required**;
   c. **§ 150-17.5 F**. (4) Maximum aggregate area covered by accessory structures in the yard it is located in: 15%. Rear yard is 3,125 square feet where allowable coverage is 468.75 square feet; non-permitted, existing coverage is 1,039 square feet or **33.2% - A Variance is required**;
   d. **§ 150-5.3** (6) Patios may be located in any side or rear yard; provided, that they are not closer than five feet to any property line. The unpermitted patio has the following:
      - SW side setback of 3 feet - **A Variance is required**;
      - NE side setback of 1 foot - **A Variance is required**;

Board Attorney Mascera announces the application is deemed complete and the notice was proper to proceed;

**Witnesses:**
**Rosemary Stone-Dougherty**, Attorney for 110 Linden Avenue
**Frederick Meola,** Engineer, Land Surveyor, Planner
**Lisa Lomelo**, Attorney for neighbor at 112 Linden Avenue

**Exhibit:**
**A-1** – Revised plans dated February 11, 2025

Rosemary Stone-Dougherty, Esq., 290 West Mount Pleasant Avenue, Suite 3260, Livingston, NJ 07039 – sworn in by Board Attorney Mascera

- The property at 110 Linden Avenue originally required four variance and a missing permit;
- Maximum impervious flat coverage reduced form 53.9% to 44.6%;
- The shed is now in compliance;
- Maximum aggregate area covered by an accessory structure is still over at 31.1% instead of 33.2%;
- The side yard variance for the patio on the southwest side is at 3 feet;
- The northeast side is now at 7 ½ feet;
- The 6 foot fence has a permit;
- Ms. Stone-Dougherty says the applicant took steps to correct unpermitted patio improvements;
- An engineer was hired, updated surveys were done and stormwater management system implemented;

Frederick Meola, 28 Whippany Road, Whippany, NJ – graduated NJIT with a degree in civil engineering, has been licensed for 52 years Engineer, Land Surveyor, Planner. First time before Verona Board of Adjustment – accepted and sworn in as an expert by Board Attorney Mascera

- Mr. Meola says he visited the site twice, once for soil testing;
- Exhibit A-1 is revised plans dated February 11, 2025 which made based on discussions with neighbors to the left, cutting back pavers to provide a walkway;
- The revised plans show the correct layout and cutting of the pavers;

Existing Conditions and Drainage:

- The pavers were done with a 30 inch high parapet wall on the north side;

- The wall is not a retaining wall, it is an architectural feature;
- A French drain along the westerly sideline directs runoff to a drywell in the front;
- Soil tests were done resulting in a K3 soil modified to K2 due to fine sand content;
- The drywell is designed to handle 329 cubic feet of runoff;
- The French drain is designed to capture all runoff to prevent water runoff onto the neighbor's property to the west;
- Trees cannot be planted along the property line due to the pipe, unless the neighbor gives permission to plant partially on their side;
- The neighbor has given consent to put three trees on their side of the fence;
- The plan is to plant three arborvitae style trees, no less than 4 feet closer to the 6 foot planting mark by May 31, 2025;

Driveway:
- The front driveway was reduced in size to be closer to its original dimensions;
- The French drain is 18 inches wide and varies in depth from 2 to 3 feet, containing clean stone, a perforated 6 inch pipe and filter fabric;
- Mr. Meola says he believes they can comply with everything in the Boswell report;
- The design change reduced the patio by 635 square feet;
- The benefit of the drainage mitigation system outweigh any detriments caused by the reduced but still oversized patio;

Lisa Lomelo, Attorney at Murphy Schiller & Wilkes, One Gateway Center, Suite 400, Newark, NJ 07102
- Ms. Lomelo represents the neighboring property owner at 112 Linden Avenue;
- Confirmed the agreement with the applicant on patio size and drainage;
- There is currently significant runoff from 110 Linden Avenue towards 112 Linden Avenue;
- The neighbor consents to the planting of trees and requests it as a condition of approval;

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

**Public Statements:**
Carlos Celi – has lived in Verona approximately 10 years and expressed his support for the project and beautifying the town.

**Seeing no others Chair McGinley asks if there are any additional Board Comments - seeing none.**

Ms. Stone-Dougherty says they never like to come before a Board after work has been done, but is hoping the Board sees the effort the Applicant has made. Through hiring an attorney, engineer and working with the neighbors and their counsel to minimize and correct the conditions.

**Board Deliberation:**
- Mrs. DiBartolo and Vice-Chair Weston are okay with the drywell;

**Conditions:**
- The Applicant will have all improvements and inspections signed off by Boswell Engineering as they proceed. Tree plantings, as testified to, provided 110 Linden Avenue has continued consent from 112 Linden Avenue.

**Chair McGinley – Motion to approve Application 2024-14 with conditions**

**Mrs. Murphy-Bradacs** makes the motion to approve; **Vice-Chair Weston** seconds the motion

**Roll Call Vote:**

| | AYES | NAYS | ABSTENTION |
|---|---|---|---|
| **Dr. Ries** | **X** | | |
| **Dr. Cuartas** | **X** | | |
| **Mr. Ryan** | **X** | | |
| **Mrs. Murphy-Bradacs** | **X** | | |
| **Mrs. DiBartolo** | **X** | | |
| **Vice Chair Weston** | **X** | | |
| **Chair McGinley** | **X** | | |

**Motion Passes.**

**Chair McGinley** asks if there is any need to go into Executive Session – none.

Chair McGinley speaks about a book he gifts his Grandson for Christmas the "ABC's of Engineering". The last page of the book says "Z is for Zoning" meaning we (Board of Adjustment/Zoning) made into a children's book.

Mr. Ten Kate announced he will not be attending Verona Board of Adjustment meetings and is turning it over to Sarfeen Tanweer. Ms. Tanweer worked as the Zoning Official for Verona, has been working on the reviews for Boswell and has knowledge of the Township of Verona.

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

**Meeting Adjourned at 8:03PM**
Minutes by Caitlin Kester - Former Board of Adjustment Secretary

Respectfully submitted for approval,

_____
Kathleen Miesch - Acting Board 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.*