TOWNSHIP OF VERONA
COUNTY OF ESSEX, NEW JERSEY

MINUTES OF THE VERONA BOARD OF ADJUSTMENT MEETING OF THURSDAY, MARCH 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
Mr. Paul Matthewson
Mrs. Christy DiBartolo
Mr. Kevin Ryan
Dr. Bill Cuartas
Mr. Gregory Mascera, Board Attorney
Ms. Sarfeen Tanweer, Board Engineer
Ms. Kathleen Miesch, Zoning Official/Acting Board Secretary

CALL TO ORDER: Chair McGinley calls the meeting to order at 7:34 pm;
PLEDGE OF ALLEGIANCE;
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.
APPROVAL OF MINUTES:
Chairman McGinley asks for a motion to approve minutes from the Regular Meeting held on February 13, 2025; **Mrs. DiBartolo** makes the motion, **Vice Chair Weston** seconds;
Mr. Matthewson abstains, the remaining commissioners in attendance voted in favor. **Motion Passes.**

RESOLUTIONS:

1. **Memorialization of Resolution BOA 2025-03** Application 2024-15: 36 Westover Road – Lot 106, Block 16 – Granting approval for a fence with conditions as agreed upon by the applicant and further conditioned by the Board.
   Motion to Approve: Vice Chair Weston **Second:** Mr. Ryan
   Voice Vote: Mr. Matthewson abstains, the remaining commissioners in attendance voted in favor. **Motion Passes.**
2. **Memorialization of Resolution BOA 2025-04** Application 2024-14: 30 Elk Road – Lot 41, Block 906 – Granting approval for a change of use of garage and deck with conditions as agreed upon by the applicant and further conditioned by the Board.
   Motion to Approve: Vice Chair Weston **Second:** Dr. Cuartas
   Voice Vote: Chair McGinley is not eligible; Mr. Matthewson abstains, the remaining commissioners in attendance voted in favor. **Motion Passes.**
3. **Memorialization of Resolution BOA 2025-05** Application 2024-12: 15 Parkhurst Street – Lot 41, Block 1604 – Granting approval for a patio with conditions as agreed upon by the applicant and further conditioned by the Board.
   Motion to Approve: Vice Chair Weston **Second:** Mr. Ryan
   Voice Vote: Chair McGinley & Mrs. DiBartolo are not eligible; Mr. Matthewson abstains, the remaining commissioners in attendance voted in favor. **Motion Passes.**
4. **Memorialization of Resolution BOA 2025-06** Application 2024-14: 110 Linden Avenue – Lot 29, Block 901 – Granting approval for a patio with conditions as agreed upon by the applicant and further conditioned by the Board.
   Motion to Approve: Vice Chair Weston **Second:** Mr. Ryan
   Voice Vote: Mr. Matthewson abstains, the remaining commissioners in attendance voted in favor. **Motion Passes.**

5. **Memorialization of Resolution BOA 2025-07** Extension of terms for Planning Board Attorney;
   Motion to Approve: Mr. Ryan **Second:** Vice Chair Weston
   Voice Vote: All commissioners in attendance voted in favor. **Motion Passes.**
6. **Memorialization of Resolution BOA 2025-08** Setting Zoning Board Meeting Dates for August through December 2025.
   Motion to Approve: Mr. Ryan **Second:** Vice Chair Weston
   Voice Vote: All commissioners in attendance voted in favor. **Motion Passes.**

NEW BUSINESS:

1. **Application: 2024-23 - 15 Wilton Terrace; Block 802, Lot 30; R-40 (Very-High-Density Single-Family) Zone District**
   - Michael Nazzaretto, property owner of 15 Wilton Terrace; Block 802, Lot 30; R-40 (Very-High-Density Single-Family) Zone District. Sworn in by Board Attorney Mascera.
   - Attorney: Don Matthews, Galante & Matthews, 50 Galesi Dr # 6, Wayne, NJ 07470
   - Mr. Matthews describes the property in R-40 Zone, single family dwelling fronting on Wilton Terrace and fronting on an unimproved paper street, Crilley Court to the NE;
   - The project includes a bioretention basin, a 648 square foot swimming pool, paver patio, retaining wall, fence and school equipment pad, reconstruct rear patio with pavers;
   - Relief is needed from the following:
     - 150-7.5 A Permanent and portable swimming pools accessory to a residential use shall be erected on the same zone lot as the principal structure. Said pool may be erected in the rear yard – A Variance is required as the proposed pool is considered to be in the front yard (Crilley Court frontage)
     - Per § 150-5.3 C. (6) Patios may be located in any side or rear yard; provided, that they are not closer than five feet to any property line yard of the zone lot. A Variance is Required as the proposed patios are considered to be in the front yard (Crilley Court frontage);
     - Per § 150-17.6 E. (1) Minimum front yard setback allowed is 30 feet where proposed is 10 feet from the NE property line – A variance is required;
     - Per § 150-7.13 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 – proposed equipment is 37 feet from the proposed pool. A variance is required;
     - Per § 150-17.6 D. (4) Maximum improved lot coverage allowed is 40% proposed is 5,965 or 41% - A Variance is Required;
   - Mr. Nazzaretto describes the property and the view from his home looking towards Crilley Court; describes current water conditions during heavy rain – water in the yard since larger house was built in lot next door; no access to Crilley Court – wooded;
   - Describes bio-retention basin and space for pool equipment; fences to meet code requirement;
   - Mr. Nazzaretto states that he is okay with the pool being on Crilley Court should the paper road ever be finished;
   - Pool equipment is proposed in an area to maximize the flat area around the pool and have equipment easily accessible for any repairs;

Chair McGinley asks if there are any questions from the Board for this witness – seeing none; Any questions from the public:

- **Dan Robinson**, Verona:
  - Asks if Mr. Nazzaretto:
  - Would move the fence during construction that is currently on Mr. Robinson's property – yes;
  - Would you put vegetation around the pump filter – yes;
  - Avoid standing water so mosquitos do not populate – defers to Engineer

Witness:

- Sworn in by Board Attorney Mascera - Eric Wilson, Professional Engineer, Darmstatter, Inc., 202 Black Oakridge Rd, Wayne, NJ – Licensed Engineer in NJ, license is current in good standing; NJIT; practicing over 10 years;
- Mr. Wilson prepared the plans dated August 20, 2024, revised October 8, 2024 and Minor Stormwater and Impervious Coverage Calculations – revised from the original submission; describes the site conditions and the proposed stormwater management system; explains the design of the bioretention basin and the variances required for the project.
- Mr. Wilson shows the fence on the SE side of the property that is on the neighbor's property will be reworded to be fully on Mr. Nazzaretto's property;
- Mr. Wilson addresses concerns about the tree removal and the placement of the pool equipment. Tree removal is necessary as one conflicts with the pool, patio and excavation; second tree is on the property line in the rear of the property and the owner would like to remove and mitigate per the ordinance;
- C1 Hardship – irregular condition of the lot being a through street;
- C2 – Stormwater will have a positive improvement and no impact to neighbors;
- Crilley Court not likely to be developed, only one lot accessible and slopes are too great;
- Boswell letter of December 19th 2024 - Agree to comply with all 7 points
- Agree to comply with everything in Construction Code Official review dated December 19, 2024;
- Environmental Commission – Prefer to remove Oak Tree; Disagree with open paver system suggested – not appropriate around the pool; Checklist – does not apply; Planting list can be provided;

Chair McGinley asks if the Board has any questions for the Engineer:

- Mrs. DiBartolo - Bioretention system – asks why not drywalls;
- Engineer – Due to the Stormwater Ordinance requirements; potential water issues in rear this the shallowest option and least likely to have construction issues;
- Stormwater design is discussed;
- Crilley Court condition is discussed; paper street, condition;
- Tree discussion: 18" diameter, Oak – root system is discussed;
- Engineer Tanweer asked about the bio-retention basin, is the bio-retention basin being kept or is the plan being revised: referring to Boswell's email of March 6, 2025;
- Mr. Wilson – not looking to change, if a revision is needed it would be worked through Boswell;
- Discussion regarding the pond;

- Engineer Wilson requests that if the Board acts favorably there would be soil testing prior to construction and should there need to be a change, they would work with Boswell and all would still be compliant; Engineers discuss small scale infiltration basins;
- Confirms that the pool will stay as proposed and tree will come down;

Chair McGinley asks if the Board has any further questions – seeing none; does anyone from the public have a statement regarding the application –

- Mr. Robinson, Verona asks the next steps in the process and the Chair explains;
- Mr. Matthews makes a closing statement and summarizes the application;
- Board Attorney Mascera explains that the Engineer was accepted as an Engineer and not a Planner the Board can accept the planning testimony as an opinion but not weigh as a professional Planner as he is not an expert;

Board Discussion and Deliberation:

Board members discuss the variances and the conditions for approval, including the fence and the tree; suggests keeping the tree and moving the fence onto the property line;

- Variances discussed:
  - § 150-17.6 D. (4) Maximum improved lot coverage allowed is 40% proposed is 5,965 or 41% - **the plans have been revised and the variance is not needed;**
  - § 150-7.5 A. Permanent and portable swimming pools accessory to a residential use shall be erected on the same zone lot as the principal structure. Said pool may be erected in the rear yard **A Variance is required as the proposed pool is considered to be in the front yard (**Crilley Court frontage);
  - § 150-5.3 C. (6) Patios may be located in **any side or rear yard**; provided, that they are not closer than five feet to any property line yard of the zone lot. **A Variance is Required as the proposed patios are considered to be in the front yard (**Crilley Court frontage);
  - § 150-17.6 E. (1) Minimum front yard setback allowed is 30 feet where proposed is 10 feet from the NE property line – **A variance is required**;
  - § 150-7.13 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 – proposed equipment is 37 feet from the proposed pool. **A variance is required**;

Condition Discussion:

- Fence be moved wholly onto the Nazzaretto's property;
- Fence on the southern property line be up to 0 inches off the property line and a variance is granted from the 6 inch off the property line requirement - only for the section that needs to be replaced;
- Vegetation around the filtration equipment;
- Proposed tree in the NE corner of the property must remain

Motion to Approve Application: Vice Chair Weston **Second: Mrs. DiBartolo**

Approval 2024-23, 15 Wilton Terrace; Block 802, Lot 30; R-40 (Very-High-Density Single-Family) Zone District with the following conditions:

- Southern property line fence be granted relief to be up to zero inches from the property line;
- Vegetation around the pool filtration equipment;
- 18" Oak tree in the NE part of the property remains;

- Drainage system can be redesigned as long as it remains compliant per our Verona Engineer; anything other than a biodetention basin, no surface water other that what has been designed and presented; that would be the maximum surface water**.**

Roll Call Vote:

	AYES	NAYS	ABSTENTION	RECUSED
Dr. Cuartas	**X**			
Mr. Ryan	**X**			
Mrs. DiBartolo	**X**			
Mr. Matthewson				**X**
Vice Chair Weston	**X**			
Chair McGinley	**X**			

Motion for approval passes.

2. **Application 2024-25: 61 Hillside Avenue; Block 1902, Lot 2- R-50 Zone.** Applicant is seeking approval to construct an attached single framed garage in the (west) side yard of the property.
Attorney Frederick Zelley of Post Polak, P.A.
Applicants: Colin Lamond and Jenna Silberfeld
    a. Per §150-17.5 E. (2) The dwelling has an existing non-conforming side yard setback (one) of 4.9 feet where 8 feet is required. The dwelling with the proposed garage has a side yard setback of 2 feet – **A Variance is required;**
    b. Per §150-17.5 E. (3) The dwelling has a combined side yard setback of 21.5 feet where 18 feet is required. The dwelling with the proposed attached garage has a combined side yard setback of 6.9 feet – **A variance is required;**
    c. Per §150-17.5 D. (4) the maximum permitted impervious coverage is 40%. The site has an existing non-conforming coverage of approximately 44.7%. The proposed overall increased impervious coverage is 45.9% - **A variance is required;**
- Remove existing paver patio reducing the maximum permitted impervious coverage to 39.8% and removing the need for the variance for Per §150-17.5 D.;

Witness:

- **Colin Lamond**, owner of the subject property at 61 Hillside Avenue and also a home builder;
- Proposed garage is a single car rectangular garage attached to the existing dwelling;
- Board Attorney Mascera verifies that the Board has jurisdiction to hear the application;
- Chairman McGinley asks for clarification regarding the deed; verifying that there is clear ownership;
- Board Attorney Mascera swears in Colin Lamond, the owner/general contractor to testify about the property and the proposed garage;
- Colin Lamond provides his address, **61 Hillside Avenue,** and confirms his role as a general contractor.
- Mr. Lamond details the condition of the property when he purchased it in January 2021, including various issues;
- Mr. Lamond describes the major renovations and additions made to the property, including gutting the interior and adding a back and side extension; confirms there was never an existing garage;
- Mr. Lamond shows photographs of the property, including the front, side, and rear views, and explains the proposed garage's location.

- Mr. Lamond explains that the proposed garage is intended to make parking easier for his wife and children.
- Mr. Lamond confirms that he has submitted signed and sealed plans from his Architect, although the Architect is not present;
- Mr. Lamond reviews the photographs attached to the application and confirms that the proposed garage aligns with the plans;
- Mr. Lamond states that he has spoken to his neighbors and as long as the garage was one story, the neighbors did not have any issue;
- Mr. Lamond agrees to remove the existing patio to bring the impervious coverage down to a compliant level of 38.9%;
- Attorney has no more questions of the applicant.
- Board's Questions and Concerns
- Vice Chair Weston confirm that the patio will be removed and the rear stairs will go right down to the grass with all lawn furniture on the grass – Mr. Lamond confirms;
- Mr. Ryan asks about the large dumpster on the property, which Mr. Lamond explains is for debris from the project;
- Dr. Cuartas express concern of the size of the garage door and that the garage is not turned into 100% in the future; garage width is 14'6" with garage door dimension is 8 feet wide with interior access to the dwelling;
- The board members express concerns about the placement of the garage and its setback from the property line; Chair McGinley verifies that the applicant is okay with no vehicle access to the yard; Mr. Matthewson asks if the applicant feels 2 feet is enough space should the garage need repair, painting, etc.
- The board members continue to ask questions about the project, including the removal of the patio and the impact on the property.
- Mrs. DiBartolo verifies that the per the Construction Official's report, the wall has to be fire rated as it is within 5 feet on the property line; Board discusses distance between dwellings is 12'4"; Applicant's attorney states that the Construction Official did not states anything regarding that in his report;
- Mr. Lamond testifies that he will build per code and per approved plans;
- Engineer Tanweer brings up the rood leader coming down and towards the neighboring property; Mr. Lamond can pitch it out towards the house and then to the rear of his property;
- Board Attorney Mascera – verifies that the proposed garage will be built over partially existing driveway and some will extend into pervious coverage now; Applicant's Attorney – refers to the schedule on the plans 44.9% prior to patio removal; 39.8% is the correct calculation once patio is removed;
- Sump pump and discharge is discussed with no reconfiguring discharge as it is underground to a drywell;
- The setback discrepancy is discussed as the measurement should have come from the cantilever window and not the facade; Board discusses combined side setback calculation; Combined setback would be:
    - **2'3" current setback on the Eastern side and combined would be 4'3"**

Chair McGinley –

- Questions from the public for this witness – seeing none;

- Statements from the public for the witness – seeing none closes public portion;

Board Deliberations:

- Chair McGinley reviews the three variances with the correction on the third;

Applicant's Attorney: Planning Argument

- **Positive Criteria**:
    - C1 - Hardship – general narrowness of the property; more than 100+ year location of the dwelling;
    - C2 – general benefit of the home being updated and having garage brings it up to modern standards;
  - MLUL:
    1. A – Satisfied;
    2. I – Satisfied;
    3. Assist in improving the housing stock and conserving property values in the neighborhood as a whole which under Home Builders League of NJ vs Township of Berlin the Supreme Court indicated that that is a purpose of the MLUL although not specifically delineated as the others are;
- **Negative**: Granted without detriment to the public good and without substantial impairment with the intent and purpose the zone plan and Zoning ordinance; similar to other homes in neighborhood also on 50 foot width zone; other homes narrow
- Positives outweigh the detriments under the C2 analysis; both positive and negative criteria have been satisfied;

Board Discussion:

- Board discusses the narrow setback and maintenance of proposed garage; one story high so roof is accessible; neighbor stated they were fine as long as one story; discusses the size of the garage;
- Width of Garage vs width of SUVs – difficult for door swing; missed opportunity to relocate access stairs; concern of going from property line to property line; fire rated by law;
- Dr. Cuartas concerns that the garage does not become storage unit and storm water management;
- Applicant will comply with Engineering report;

Applicant's Attorney Offers a Condition of Approval: The water running off the new addition will go off the rear and onto the rear yard area and not onto the driveway or the storm sewer system;

Chair McGinley offers for the record, that this is not an undersized lot. The lot is 50 feet wide, almost 2000 square feet larger than the zone size; Board discusses original house and addition;

a. Per §150-17.5 E. (2) The dwelling has an existing non-conforming side yard setback (one) of 4.9 feet where 8 feet is required. The dwelling with the proposed garage has a side yard setback of 2 feet;

b. Per §150-17.5 E. (3) The dwelling has a combined side yard setback of 21.5 feet where 18 feet is required. The dwelling with the proposed attached garage has a combined side yard setback of **4.3 feet**;

Mr. Ryan makes the motion to approve; Vice-Chair Weston seconds the motion

- Approves the two variances as listed below with the condition that the water running off the new addition will go off the rear and onto the rear yard area and not onto the driveway or the storm sewer system as per the VEC and Engineering Reviews;

a. Per §150-17.5 E. (2) The dwelling has an existing non-conforming side yard setback (one) of 4.9 feet where 8 feet is required. The dwelling with the proposed garage has a side yard setback of 2 feet;

b. Per §150-17.5 E. (3) The dwelling has a combined side yard setback of 21.5 feet where 18 feet is required. The dwelling with the proposed attached garage has a combined side yard setback of **4.3 feet**;

Motion to approve - Mr. Ryan **Second -** Vice-Chair Weston

Roll Call Vote:

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

Motion passes.

No Executive Session deemed necessary;
Dr. Cuartas asks the Board to reconsider the meeting schedule for September 11, 2025; Vice Chair Weston concurs; amending Resolution to September 18th 2025 pending room availability. Resolution will be amended at the next meeting date.
Acting Board Secretary asks for availability for the April 10th 2025 hearing due to two use variances to verify a quorum.
Mr. Ryan makes the motion to adjourn**; Chair McGinley:** approves motion**.**
Meeting Adjourned at 10:21PM

Respectfully submitted,

_____
Kathleen Miesch
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 973-857-4773.