TOWNSHIP OF VERONA
COUNTY OF ESSEX, NEW JERSEY

MINUTES OF THE VERONA BOARD OF ADJUSTMENT MEETING
OF THURSDAY, APRIL 16, 2026

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

PRESENT:

Chairman Daniel McGinley	
Vice Chair Weston	
Mrs. DiBartolo	Mr. Tully
Mrs. Murphy-Bradacs	Ms. Tanweer, Engineer
Mr. Ryan	Mr. Gregory Mascera, Board Attorney
Mr. Mathewson	Ms. Kathleen Miesch, Zoning Official
Dr. Cuartas	Mrs. Dolores Carpinelli, Board Secretary
Dr. Ries	

CALL TO ORDER: Chair McGinley calls the meeting to order at 7:38 pm;
PLEDGE OF ALLEGIANCE;
OPEN PUBLIC MEETINGS ACT STATEMENT read by Mrs. Carpinelli, Board Secretary.
ROLL CALL is taken by Mrs. Carpinelli, Board Secretary;

Chairman McGinley reads a statement of general information of the Zoning Board of Adjustment's role and responsibilities.

RESOLUTIONS-

1. Memorialization of Resolution 2026-06 – Application 2026-03 – 21-25 Grove Avenue, Block 1702, Lot 22. Granting approval to construct a 10-Unit residential Townhouse development, along with associated parking, lighting and landscaping improvements.

Dr. Cuartas makes Motion to approve; **Mr. Tully** seconds.

Roll Call Vote:

	AYES	NAYS	ABSTAIN	RECUSED	ABSENT
Mr. Tully	**Y**				
Dr. Ries	**Y**				
Dr. Cuartas	**Y**				
Mrs. Murphy-Bradacs	**Y**				
Mr. Mathewson			**X**		
Mr, Ryan			**NE**		
Mrs. DiBartolo			**NE**		
Vice-Chair Weston			**NE**		
Chair McGinley	**Y**				

Motion passes.

2. Memorialization of Resolution 2026-07- Application 2026-02- 56 Floyd Road. Block 801, Lot 6. Granting approval to construct a 737 square foot 2 story addition, with a full basement and attic; a 406 square foot deck inclusive of stairs, two HVAC units in rear yard and one HVAC unit in the attic space. Vice Chair makes motion to approve with conditions; Mr. Ryan seconds. Dr. Cuartas and Mrs. DiBartolo

not eligible, Mr. Mathewson abstains. The remaining commissioners in attendance voted in favor. **Motion passes.**

APPROVAL OF MINUTES:

Chairman McGinley asks for a motion to approve minutes from the Regular Meeting held on March 12, 2026; **Vice Chair Weston** makes the motion, **Dr. Ries** seconds; Mrs. DiBartolo and Mr. Mathewson abstain. The remaining commissioners voted in favor. **Motion Passes.**

NEW BUSINESS

1. Application # 2026-04- 1 Clover Lane, Block 1403, corrected to Lot 27 (previously listed as Lot 25) - R-50 B (Medium-High-Density Single-Family) Zone. Applicant is seeking approval to construct a 3-foot fence.

- 3 feet high, split rail fence; proposed along the NW property line (rear yard line) with a 5-foot front yard setback; **A Variance is needed for the front yard setback;**
- 3 feet high, split rail fence; proposed along 55 feet of the NE Lynwood Road frontage with a 5-foot front yard; **A Variance is needed for the front yard setback**
- Per §150-5.3 D Corner lots, sight triangle. On a corner lot, no obstruction that would be greater than 2 1/2 feet above the center-line grades of the intersecting streets shall be installed, erected, planted or maintained within the triangular area formed by the right-of-way lines at such corner and a straight line joining said right-of-way at points which are: (2) Twenty-five feet distant in residential districts from the intersection of the right-of-way lines and measured along said right-of-way lines which are on the side of the property and for the full length of the right-of-way line when said right-of-way line is located in the front of the property. 3-foot fence is proposed 20 feet from right of way line – **A Variance is needed.**

The application was deemed complete by Board Attorney, subject to correction of a minor deficiency (unsigned affidavit of ownership), which was addressed on the record.

Proof of publication and service was discussed; publication receipt was subsequently confirmed.

WITNESSES: Owners- Mir Shithil & Alison Buske, 1 Clover Lane
Applicants sworn in by Board Attorney Mascera.

The applicants proposed installation of a **3-foot-high split rail fence** within a required **10-foot front yard setback**, requesting relief to permit installation at approximately **3 feet from the property line**.

The applicants testified:

- The property is a **corner lot**, resulting in two front yard designations.
- The fence is proposed for **child safety and dog containment**.
- The design intent is to:
  - Align with existing vegetation
  - Minimize visual impact
  - Maintain neighborhood character
  - Applicants indicated potential use of **mesh backing**, which was later identified as not permitted under the ordinance.

Board Review and Findings:

- The area in question is legally a **front yard**, not a side yard.
- **Front yard fences are limited to 3 feet in height**.
- **Mesh or chicken wire is not permitted** unless specifically approved.
- Concerns raised:
    - Lack of detail regarding fence design and materials
    - Whether a split rail fence would adequately contain a dog
    - Aesthetic and neighborhood impact
    - Variances must be justified by **property hardship**, not personal preference.
    - Need for clearer property line clarification near tree and bushes

Chair McGinley asks if any members of the Public have questions for applicant – Seeing none.

The Board offered the applicant the opportunity to **carry the application** to a future meeting to provide additional information.
The applicant agreed to an adjournment and granted an extension of time for Board action.
Application carried to May 14, 2026 without further notice.

The applicant is to return with: Detailed fence plans and specifications
Clarification of materials and compliance with ordinance requirements.

2. Application 2026-08- 18 Martin Road, Block 805, Lot 26- R-50 B (Medium-High-Density Single-Family) Zone. Applicant is seeking approval to construct a new second story with side stair addition, one new HVAC unit, new patio and reconstructed patio.
• As per § 150-13.3 Nonconforming Uses and Structures; 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; A one- or two-family residential building which complies with the use requirements of this chapter and is nonconforming because of the yard regulations may be enlarged; provided, that any violation of any setback may be expanded; provided, that the expansion does not encroach further into such violated setback and no other setback regulations are violated. **A Variance is required to expand the structure as it has pre-existing non-conforming setbacks; Second story expansion and side stair addition;**
• One HVAC unit is proposed as follows:
Proposed in the front yard on Overhill Road 11 feet from the front yard property line; 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; **A Variance is required**
• Per § 150-17.4 F. (4) Maximum aggregate area covered by accessory structures in the yard it is located in: 15%; rear yard is 2,626 square feet where 15% is 408.9 square feet; existing is 22.9% or 624 square feet (Garage & Shed); proposed is 26.9% or 736 square feet (garage, shed, portion of patio in rear yard) – **A Variance is Required**

Dr. Cuartas recuses himself from application 2026-08- 18 Martin Road

The application was deemed complete and proper notice was confirmed by Board Attorney.

WITNESSES: Adam Lipkin, owner of 18 Martin Road
Lisa Cohen, LMC Architecture, 21-103 Radburn Road, Fairlawn, NJ
Greg Laterobian, Contractor, 555 Industrial Road, Carlstadt, NJ.

EXHIBIT A-1 – Rear Yard- Page 1, Area of Disturbance- Page 2
(discrepancy over actual sq footage of rear yard coverage. The Zoning Officials calculations yield 2626 sq. feet. Architect calculations yield 3785 sq feet of coverage, part of side yard was included in rear yard calculation. Zoning Officer calculations are correct.)

Lisa Cohen, LMC Architecture, accepted by the Board as a qualified expert in architecture.

Ms. Cohen describes the application, what is being proposed and the variances being sought.

- Lot size slightly undersized (7,472 sq ft vs. 7,500 required)
    - Corner lot with **two front yards**
      Existing nonconforming setbacks: 20.6 ft (required 30 ft).
      13.6 ft on secondary frontage
    - Existing impervious coverage: 51.2% (to be reduced to 48.8%)

- The lot is **undersized** and **irregularly shaped**, limiting expansion options.
- The dwelling contains **existing nonconformities**.
- The proposed addition is primarily vertical due to site constraints.
- Removing existing shed to rebuild stairs.
- Existing stair conditions are unsafe and not code-compliant, necessitating replacement.
- Patio addition is required to address **drainage issues** and water infiltration.
- HVAC placement adjacent to the existing unit is proposed to avoid:
    - Significant interior demolition
    - Disturbance to recently renovated kitchen
- Existing structures; shed, patio, one HVAC unit and retaining wall, on site predate current ownership.

Chair McGinley asks if any members of the Public have questions for the architect – Seeing none.

WITNESS: Greg Laterobian, Contractor
Mr. Laterobian sworn in by Board Attorney Mascera

- Relocating HVAC would:
    - Require removal of cabinets and countertop
    - Involve significant interior disruption
- Potential presence of **asbestos siding** limits exterior wall modifications
- Work will be staged via driveway access
- Drainage system to be installed around new construction areas

Chair McGinley asks if any members of the Public have questions for the contractor – Seeing none.

Board Review and Discussion:

- Discrepancies in rear yard coverage calculations; The Zoning Officials calculations yield 2626 sq. feet. Architect calculations yield 3785 sq feet of coverage, part of side yard was included in rear yard calculation. (**variance still required** regardless of calculation method)
- Alternative placement of HVAC units and screening of HVAC units
- Structural considerations, including wall modifications
- Drainage design and discharge
- Construction access and staging
- No prior approval was found for the existing HVAC unit

- Any approval may include conditions addressing both existing and proposed units
- Relocation of HVAC unit depending on feasibility

The Board decided to vote on three Bulk variances individually

Vice Chair Weston makes motion to approve the proposed location of the new HVAC unit and to approve the location of existing unit; **Mr. Ryan** seconds.

Roll Call Vote:

	AYES	NAYS	ABSTAIN	RECUSED	ABSENT
Mr. Tully			NE		
Dr. Ries	Y				
Dr. Cuartas				X	
Mrs. Murphy-Bradacs	Y				
Mr. Mathewson		X			
Mr, Ryan	Y				
Mrs. DiBartolo		X			
Vice-Chair Weston	Y				
Chair McGinley	Y				

Motion passes 5-2.

Vice Chair Weston makes motion to approve maximum aggregate area covered by accessory structures in the yard proposed at 26.9% or 736 square feet (garage, shed, portion of patio in rear yard); **Mr. Mathewson** seconds.

Roll Call Vote:

	AYES	NAYS	ABSTAIN	RECUSED	ABSENT
Mr. Tully			NE		
Dr. Ries	Y				
Dr. Cuartas				X	
Mrs. Murphy-Bradacs	Y				
Mr. Mathewson	Y				
Mr, Ryan	Y				
Mrs. DiBartolo		X			
Vice-Chair Weston	Y				
Chair McGinley	Y				

Motion passes 6-1.

Vice Chair Weston makes motion to approve the second story expansion of the structure with pre-existing non-conforming setbacks and side stair addition; **Mr. Mathewson** seconds.

Roll Call Vote:

	AYES	NAYS	ABSTAIN	RECUSED	ABSENT
Mr. Tully			NE		
Dr. Ries	Y				
Dr. Cuartas				X	
Mrs. Murphy-Bradacs	Y				

Mr. Mathewson	**Y**				
Mr, Ryan	**Y**				
Mrs. DiBartolo		**X**			
Vice-Chair Weston	**Y**				
Chair McGinley	**Y**				

Motion passes 6-1.

3. Discussion to update Zoning Board By-Laws and Rules

The Board continued its discussion regarding the creation and update of formal bylaws. This effort follows prior agreement to establish a structured governing document for Board operations.

Board attorney advised that bylaws should:
Reference applicable statutes (e.g., Municipal Land Use Law – MLUL)
Avoid restating or summarizing legal standards in detail

There is strong interest in creating educational materials for applicants:
Do not understand what they must prove
Provide incomplete or weak testimony
Provide clearer upfront guidance to improve application quality

Variances must meet:
Positive criteria (e.g., hardship, unique property conditions)
Negative criteria (no substantial detriment to public good; no impairment of zoning plan)

Key Points of Discussion:
The burden of proof lies with the applicant
Board should avoid:
Granting variances based on neighbor precedent alone
Effectively "legislating by variance"
Repeated approvals may signal need for:
Ordinance updates by governing body. Some ordinance updates have been made in response to trends (e.g., permitted uses, mechanical equipment)

Costs (applications, lawyers, planners) may limit access for property owners
Better-prepared applicants → more efficient hearings

Board acknowledges that changing demographics and housing needs may be influencing variance requests. Zoning Office receiving more requests to **maximize property use**, often requiring variances
The Board must consider and evaluate:
Master Plan = guiding vision/goals
Zoning ordinance = enforceable rules
Variances must:
Align with Master Plan goals
Not undermine zoning intent
Recognition of need to:
Maintain neighborhood character
Balance development pressures (e.g., expansions, limited housing inventory)
Apply strict legal standards consistently while remaining fair, accessible, and efficient in a high- volume environment.

EXECUTIVE SESSION (not necessary)

Motion to Adjourn: Mr. Ryan
Meeting Adjourned at 10:01 pm

Respectfully submitted,

Dolores Carpinelli

Dolores Carpinelli
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.