



RESOLUTION NO. 2026-21

TOWNSHIP OF VERONA ZONING BOARD OF ADJUSTMENT COUNTY OF ESSEX, STATE OF NEW JERSEY

In the Matter of Application No. 2026-14 of Frederick Sprance
1 Glen Road, Block 2006, Lot 14
Zone: R-70 (Low-Density Single-Family)

RESOLUTION MEMORIALIZING THE GRANT OF BULK VARIANCE RELIEF

WHEREAS, Frederick Sprance (the “Applicant”) is the owner of the property located at 1 Glen Road, Verona, New Jersey, designated as Block 2006, Lot 14 on the Township of Verona Tax Map (the “Property”); and

WHEREAS, the Property is located in the R-70 (Low-Density Single-Family) Zone District on the Township of Verona Zoning Map, is improved with an existing single-family residence, and is a corner lot located at the intersection of Glen Road and Sunset Avenue, such that the Property is subject to two (2) front yard designations under the Township’s controlling Ordinance; and

WHEREAS, the Applicant submitted an application to the Verona Zoning Board of Adjustment (the “Board”) seeking approval to install a six (6) foot high fence enclosing an outdoor seating area adjacent to the residence, within an area of the Property designated as a front yard by reason of its corner lot status (the “Application”); and

WHEREAS, this matter was heard during a Regular Meeting of the Verona Zoning Board of Adjustment conducted on August 13, 2026, over which Vice Chair Weston presided in the absence of Chairman McGinley, at which time it was established that the Application had been deemed complete and that the Applicant had satisfied the notice requirements set forth in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and the Applicant was permitted to proceed; and

WHEREAS, the Applicant was sworn in by the Board Attorney and testified in support of the Application; and

WHEREAS, the following exhibits were received into evidence: a scaled drawing of the yard and the proposed fence prepared by the Applicant and submitted with the Application; and Exhibit A-1, a supplemental enlarged sketch prepared by the Applicant and introduced at the hearing, depicting the relevant portion of the Property, the proposed fenced area, and the existing trees; and

APPLICABLE ORDINANCE PROVISIONS

WHEREAS, the Ordinance provision applicable to this Application and the variance required by the Applicant is as follows:

§ 150-7.3 Fences — Maximum Height Within a Front Yard. The maximum permitted height of a fence located within a front yard is three (3) feet. The Property is a corner lot and is accordingly subject to two (2) front yards, one of which fronts upon Glen Road. The Applicant proposed a fence six (6) feet in height within the front yard fronting upon Glen

Road, which proposal was modified during the hearing, as set forth below, to a fence four (4) feet in height along the Glen Road, or westerly, portion of the fenced area. A variance is required; and

WHEREAS, the portion of the proposed fence located along the rear, or southerly, portion of the fenced area is permitted at a height of six (6) feet under the Ordinance without variance relief; and

TESTIMONY AND EVIDENCE

WHEREAS, the Applicant testified that he seeks privacy for a small outdoor seating area adjacent to the residence in which he can sit, relax, and use an easel for watercolor painting; that he does not propose a patio or any extensive construction; and that grass would be retained within the fenced area; and

WHEREAS, the Applicant testified that the proposed fence would be constructed of cedar, in a standard board-on-board, solid design with a curved top, and would generally match the existing fence upon the neighboring property; and

WHEREAS, the Applicant initially described the fenced area as extending approximately sixteen (16) feet from the house and approximately twenty-four (24) feet toward the property line, leaving approximately thirty-four (34) feet between the proposed fence and the curb line of the street, and clarified that the proposed fenced area was substantially smaller than the original application materials might have suggested; and

WHEREAS, the Applicant initially sought approval for a fence six (6) feet in height where a fence three (3) feet in height would otherwise be permitted; and

WHEREAS, the Board discussed with the Applicant the visual prominence of a solid fence at the intersection and the importance of ensuring that any fence would blend with the character of the neighborhood, and the Applicant agreed that shrubbery could be planted to screen the fence and could be permitted to grow to a height of approximately five (5) feet or higher; and

WHEREAS, the Board discussed whether a lower fence would provide an appropriate compromise between the Applicant's privacy concerns and the visual impact of the proposed fence, and the Applicant indicated his willingness to accept a lower fence height; and

WHEREAS, the Board further discussed reducing the depth of the fenced area from sixteen (16) feet to fourteen (14) feet from the house, and the Applicant agreed that the fenced area could be so reduced; and

WHEREAS, the Applicant clarified that he no longer proposes to fence the opposite side of the Property, explaining that a sewer line runs through that area and that the presence of the utility would create difficulties if the fence had to be removed for future utility work; that the area contains a stairway and a limited passageway, such that fencing would interfere with access around the house; and that he intends to use landscaping rather than fencing in that portion of the Property; and

WHEREAS, the Board discussed whether the opposite side yard might provide a more appropriate location for the desired privacy area, and the Applicant explained the practical limitations associated with access, the sewer line, the stairs, and the neighboring property; and

WHEREAS, in response to questions of the Board concerning the effect of the proposed fence upon the surrounding neighborhood, including sight lines along Glen Road and at the nearby

intersection, the Applicant testified that he had considered visibility from the street, had deliberately kept the proposed fenced area relatively small, and would use landscaping to soften the appearance of the fence; and

WHEREAS, the Applicant testified that he had personally delivered approximately twenty-four (24) notices to neighboring residents and had encountered no objection, and that the neighbor most directly affected by the proposal was aware of it and had indicated that the finished project would be attractive; and

WHEREAS, the Board discussed a large tree located near the proposed fence, and the Applicant testified that a fencing contractor had evaluated the location and that the fence would not be extended in a manner that would adversely affect the tree; and

WHEREAS, the Board discussed with the Applicant the use of a black metal or iron fence, rather than a solid fence, along the portions of the fenced area most visible from Glen Road and Sunset; and

WHEREAS, the Board discussed the location of a gate required to permit lawn-maintenance personnel to access the Property, and the Applicant explained that the gate could not reasonably be located at the rear of the Property because the passageway is too narrow for lawn equipment; the Board discussed making the gate as visually unobtrusive as possible and screening it with landscaping; and the Applicant suggested an architectural trellis or garden-style gate, which the Board noted would remain subject to the applicable height regulations of the Ordinance; and

WHEREAS, the Vice Chair opened the hearing to members of the public for questions of the Applicant, and there were none; and

WHEREAS, the Vice Chair opened the hearing to members of the public for statements concerning the Application, and there being no member of the public who wished to be heard, the public portion of the hearing was closed; and

WHEREAS, the Board thereafter deliberated upon the Application, and in the course of its deliberation one member, while expressing sympathy for the Applicant's circumstances, concluded that the Application as originally proposed did not satisfy the applicable statutory criteria, particularly as to whether the benefits outweighed the detriments and whether the proposal advanced the purposes of the Municipal Land Use Law, and expressed concern regarding the visual impact of a substantial fence at the intersection; other members found the modified proposal acceptable, particularly because the reduced fenced area, the lower metal fence, and the landscaping would minimize the impact upon neighborhood character and sight lines while addressing the Applicant's privacy concerns; and the Board recognized that the Property is subject to two (2) front yard designations by reason of its corner lot status, and the resulting limitation upon the Applicant's ability to create a private outdoor area; and

FINDINGS OF FACT AND CONCLUSIONS OF LAW

WHEREAS, the Board, having considered the Application, the exhibits, the testimony and evidence presented, and the advice of the Board Attorney, makes the following findings of fact and conclusions of law:

1. The Board has jurisdiction over this Application pursuant to N.J.S.A. 40:55D-70(c), and the notice and publication requirements of N.J.S.A. 40:55D-11 and 40:55D-12 were satisfied.

2. The Property is a corner lot subject to two (2) front yard designations under the Ordinance. The relief granted herein, as modified at the hearing, is a variance permitting a fence four (4) feet in height along the Glen Road, or westerly, portion of the fenced area, where a maximum height of three (3) feet is permitted within a front yard, a deviation of one (1) foot. The six (6) foot fence along the rear, or southerly, portion of the fenced area conforms to the Ordinance and requires no variance.
3. The Board finds that the corner lot configuration of the Property, which subjects two (2) yards of the Property to front yard fence height limitations, is an exceptional situation uniquely affecting the Property within the meaning of N.J.S.A. 40:55D-70(c)(1), and substantially limits the Applicant's ability to establish a private outdoor area of any kind adjacent to the residence. The Board further finds, based upon the testimony concerning the sewer line, the stairway, and the limited passageway, that the opposite side of the Property does not present a practical alternative location for the desired privacy area.
4. The Board further finds that the purposes of the Municipal Land Use Law would be advanced by the deviation from the Ordinance as modified, and that the benefits of the deviation substantially outweigh any detriment, within the meaning of N.J.S.A. 40:55D-70(c)(2). *See Kaufmann v. Planning Bd. for Warren Twp.*, 110 N.J. 551 (1988). The modified proposal, consisting of an open black metal or iron fence four (4) feet in height along the portions visible from Glen Road and Sunset, a fenced area reduced in depth to fourteen (14) feet from the house, and screening landscaping, promotes a desirable visual environment through creative development techniques and good civic design within the meaning of N.J.S.A. 40:55D-2(i), while affording the Applicant a modest and reasonable private outdoor area that the corner lot configuration would otherwise foreclose.
5. The Board finds that the variance, as modified and conditioned herein, can be granted without substantial detriment to the public good. The open metal design of the fence along Glen Road, at a height of four (4) feet, preserves sight lines along Glen Road and at the intersection; the fenced area is small and is set back approximately thirty-four (34) feet or more from the curb line; the fence will be screened by landscaping; the fence will not be extended in a manner that would adversely affect the large existing tree; the Applicant delivered notice to approximately twenty-four (24) neighboring residents and encountered no objection; and no member of the public appeared in opposition to the Application.
6. The Board finds that the variance, as modified and conditioned herein, can be granted without substantially impairing the intent and purpose of the Master Plan and Zoning Ordinance of the Township of Verona. The purpose of the front yard fence height limitation, being the preservation of the open character of the streetscape and of sight lines at intersections, is substantially served by the reduction of the fence height from six (6) feet to four (4) feet, the substitution of an open metal design for a solid design along the visible frontage, the reduction of the fenced area, and the required landscape screening.
7. The Board has considered the concern expressed during deliberation that the Application as originally proposed did not satisfy the statutory criteria, and finds that the modifications agreed to by the Applicant at the hearing, and the conditions imposed herein, address that concern by substantially reducing the visual impact of the fence at the intersection.
8. The Board finds that the Applicant has sustained his burden of proof with respect to both the positive and the negative criteria, and that the requested variance, as modified at the hearing, is warranted, subject to the conditions set forth below.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Verona that Application No. 2026-14 of Frederick Sprance is hereby **GRANTED**, as modified at the hearing, and the Applicant is granted a variance pursuant to N.J.S.A. 40:55D-70(c) permitting a fence four (4) feet in height along the Glen Road, or westerly, portion of the fenced area on the Property, subject to the following conditions:

1. The fence along the rear, or southerly, portion of the fenced area may be constructed to a height of six (6) feet, of cedar in a board-on-board or solid design generally matching the existing fence upon the neighboring property, such height being permitted under the Ordinance without variance relief.
2. The fence along the Glen Road, or westerly, portion of the fenced area, being the portion most visible from Glen Road and Sunset, shall be an open black metal or iron fence not exceeding four (4) feet in height.
3. The fenced area shall extend no more than fourteen (14) feet from the house, reduced from the sixteen (16) feet originally proposed, and shall otherwise conform to Exhibit A-1 and the testimony presented to the Board at the hearing of August 13, 2026.
4. The Applicant shall install and maintain landscaping and shrubbery sufficient to screen the fencing to the greatest extent practicable and to integrate the fencing into the surrounding landscape.
5. All plantings and landscaping shall comply with the applicable ordinances of the Township of Verona governing permitted plantings and landscaping, including any provisions governing sight triangles at intersections.
6. The gate required for lawn-maintenance access shall be located and designed so as to be as visually unobtrusive as practicable and shall be screened with landscaping. Any architectural trellis or garden-style gate feature shall comply with the applicable height regulations of the Ordinance.
7. The fence shall not be installed or extended in any manner that would adversely affect the large existing tree located near the fenced area.
8. No fence is authorized by this Resolution along the opposite side of the Property, the Applicant having withdrawn that portion of the proposal at the hearing. No patio or other construction is authorized within the fenced area, and grass shall be retained within the fenced area.
9. The Applicant shall obtain all permits required by the Township of Verona and by any other governmental agency having jurisdiction prior to the installation of the fence, and shall comply with all applicable ordinances of the Township of Verona not otherwise varied herein.
10. The Applicant shall pay all applicable fees, escrows, and real estate taxes, and shall satisfy any outstanding obligations to the Township of Verona as a condition of the issuance of permits.

BE IT FURTHER RESOLVED that the variance granted herein runs with the land, and that the variance is granted only as to the specific relief set forth in this Resolution and subject to each of the conditions imposed herein.

VOTE OF AUGUST 13, 2026

On motion of Vice Chair Weston, seconded by Mr. Ryan, the foregoing Application was approved, as modified and subject to the conditions set forth above, at the Regular Meeting of the Board held on August 13, 2026, by the following roll call vote, four (4) members voting in the affirmative and one (1) member voting in the negative:

Board Member	AYE	NAY	ABSTAIN	RECUSED	ABSENT	NOT ELIGIBLE
Mr. Konrad-Parisi	X					
Mr. Tully					X	
Dr. Ries	X					
Dr. Cuartas					X	
Mrs. Murphy-Bradacs					X	
Mr. Mathewson					X	
Mr. Ryan	X					
Mrs. DiBartolo		X				
Vice Chair Weston	X					
Chairman McGinley					X	

MEMORIALIZATION

BE IT FURTHER RESOLVED that this Resolution constitutes the memorialization, pursuant to N.J.S.A. 40:55D-10(g), of the action taken by the Board on August 13, 2026, and was adopted at the Regular Meeting of the Zoning Board of Adjustment of the Township of Verona held on September 10, 2026, by the following vote of the members eligible to vote, being those members who voted in favor of the action on August 13, 2026:

Motion to adopt: Mr. Ryan Second: Dr. Ries

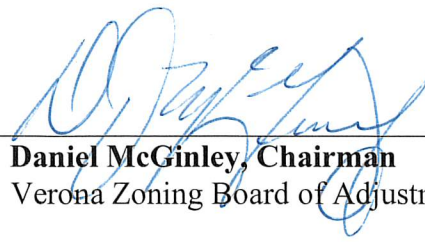
Board Member	AYE	NAY	ABSTAIN	RECUSED	ABSENT	NOT ELIGIBLE
Mr. Konrad-Parisi	✓					
Dr. Ries	✓					
Mr. Ryan	✓					
Vice Chair Weston					X	

CERTIFICATION

I, Dolores Carpinelli, Secretary of the Zoning Board of Adjustment of the Township of Verona, do hereby certify that the foregoing is a true and accurate copy of a Resolution adopted by the Zoning Board of Adjustment of the Township of Verona at its Regular Meeting held on September 10, 2026, memorializing the action taken by the Board on August 13, 2026.



Dolores Carpinelli, Secretary
Verona Zoning Board of Adjustment



Daniel McGinley, Chairman
Verona Zoning Board of Adjustment

