

RESOLUTION NO. 2026-22



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

In the Matter of Application No. 2026-17
of Maureen Hedden and John Vantuno
39 Otsego Road, Block 803, Lot 4
Zone: R-50 (High-Density Single-Family)

RESOLUTION MEMORIALIZING THE GRANT OF BULK VARIANCE RELIEF

WHEREAS, Maureen Hedden and John Vantuno (collectively, the “Applicants”) are the owners of the property located at 39 Otsego Road, Verona, New Jersey, designated as Block 803, Lot 4 on the Township of Verona Tax Map (the “Property”); and

WHEREAS, the Property is located in the R-50 (High-Density Single-Family) Zone District on the Township of Verona Zoning Map, and is improved with an existing single-family residence with an attached garage; and

WHEREAS, the Applicants submitted an application to the Verona Zoning Board of Adjustment (the “Board”) seeking approval to construct a new second-floor addition over the existing attached garage (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 Applicants had satisfied the notice requirements set forth in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and the Applicants were permitted to proceed; and

WHEREAS, Maureen Hedden and John Vantuno, owners, were sworn in by the Board Attorney and testified in support of the Application; and

WHEREAS, Evan Scott of Escott Architecture, 29 Arlington Road, Caldwell, New Jersey, was sworn in by the Board Attorney, was accepted by the Board as an expert witness in the field of architecture, and testified in support of the Application; and

WHEREAS, the Board received and reviewed the report of the Township Engineer dated July 8, 2026 concerning the Application; and

APPLICABLE ORDINANCE PROVISIONS

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

§ 150-13.3 B. A residential building which complies with the use requirements of this Ordinance, and which violates a setback regulation may be expanded, **provided that such expansion complies with all current bulk regulations and does not enlarge the extent of the existing setback violation, whether by height or by extension** and

§ 150-17.5 E(2) Minimum Side Yard Setback (one). The minimum required side yard setback (one) is eight (8) feet. The existing side yard setback on the Northwest side of the residence and attached garage is 7.2 feet, which constitutes a pre-existing non-conforming condition, and 7.2 feet is likewise proposed. The proposed second-floor addition over the existing garage constitutes an expansion of the pre-existing non-conforming setback. A variance is required; and

§ 150-17.5 E(3) Minimum Side Yard Setback (both). The minimum required side yard setback (both) is eighteen (18) feet. The existing side yard setback of the residence and attached garage is 13.3 feet, which constitutes a pre-existing non-conforming condition, and 13.3 feet is likewise proposed. The proposed second-floor addition over the existing garage constitutes an expansion of the pre-existing non-conforming setback. A variance is required; and

WHEREAS, no other variance relief was requested by the Applicants; and

TESTIMONY AND EVIDENCE

WHEREAS, the Applicants testified that they are planning to expand their household and desire to construct an addition over the existing attached garage to provide a multipurpose room, primarily for use as an office, but also potentially as a guest room and for additional storage; that they wish to remain in the neighborhood; and that they had explored several alternatives for accommodating the additional space; and

WHEREAS, the Applicants testified that they had considered constructing the addition at the rear of the house, but that doing so would require significant interior reconfiguration, the reduction of an existing bedroom and/or the reconfiguration of the bathroom, and would also require additional variance relief, and that after evaluating the alternatives they proposed a modest second-floor addition over the existing attached garage; and

WHEREAS, the Applicants and Mr. Scott testified that the proposed addition was intentionally designed to minimize impacts upon surrounding properties; that the addition would generally follow the existing second-floor front façade and the existing garage configuration; that the proposed roof would maintain the existing roof slope and would be relatively low in profile; and that the addition would not materially increase impervious coverage or affect the existing drainage facilities, which the Applicants intend to maintain in their existing configuration; and

WHEREAS, in response to questions of the Board concerning the proposed windows and their potential impact upon neighboring properties, the Applicants testified that one side window would be added for architectural and aesthetic purposes, located generally in the area of an existing hallway window, and that a front-facing window would be added to maintain the architectural proportions of the existing house; and that the side window would look primarily toward the side of the neighboring property, which already contains windows in a similar location; and

WHEREAS, the Board reviewed the report of the Township Engineer dated July 8, 2026 and discussed the Engineer's recommendation that drainage be directed, to the maximum extent practicable, toward absorbent surfaces on the Property; and the Applicants confirmed that the existing roof and gutter configuration would generally be maintained, that the addition would not create a material change in the drainage pattern of the Property, and that they agree to comply with the Engineer's drainage recommendation; and

WHEREAS, the Applicants testified concerning the setback conditions of neighboring properties, and explained that the homes across the street generally have front façades located at

similar or somewhat lesser setbacks; that the house immediately to the south of the Property has a front porch or portico extending farther toward the street; and that the property to the north is situated considerably farther back; and

WHEREAS, the Applicants testified that the proposed addition would help normalize the appearance of the house while maintaining the general character of the neighborhood; and

WHEREAS, the Vice Chair opened the hearing to members of the public for questions of the witnesses, 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 several members found that the existing configuration of the Property and dwelling creates practical limitations upon expansion and that constructing upward over the existing garage is a reasonable approach; one member expressed concern regarding the effect of the addition upon the overall streetscape and neighborhood spacing, noted that the lot is not undersized and contains no topographic feature preventing compliance with the applicable setback requirements, and concluded that the detriment to the neighborhood may outweigh the benefit of the proposed deviation; and other members concluded that the proposed addition is appropriately designed, that the existing non-conforming conditions contribute to the need for the requested relief, and that the proposal represents a reasonable use of the Property; and

FINDINGS OF FACT AND CONCLUSIONS OF LAW

WHEREAS, the Board, having considered the Application, the plans, the report of the Township Engineer, 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 existing residence and attached garage are located at a pre-existing non-conforming side yard setback. The proposed second-floor addition would be constructed over the existing garage, within the existing building footprint, and would not further reduce the existing setback, but would extend the pre-existing non-conforming setback vertically. The relief sought is accordingly a bulk variance under N.J.S.A. 40:55D-70(c).
3. The Board finds that the existing configuration of the residence and attached garage, and the pre-existing non-conforming location of the structure upon the lot, constitute an exceptional situation uniquely affecting the Property and the structure lawfully existing thereon within the meaning of N.J.S.A. 40:55D-70(c)(1). The credible testimony established that the alternative of constructing the addition at the rear of the house would require significant interior reconfiguration, the loss or reduction of an existing bedroom, and additional variance relief, and that the location over the existing garage is the reasonable means of accommodating the modest additional space sought.
4. The Board further finds that the purposes of the Municipal Land Use Law would be advanced by the deviation from the Ordinance, 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 addition is confined to the existing footprint, follows the existing front façade and garage configuration, maintains the existing roof slope in a low profile, and is designed to preserve the architectural proportions of the existing house, thereby promoting a desirable visual environment within the meaning of N.J.S.A. 40:55D-2(i), while permitting the Applicants to remain in the neighborhood and accommodate an expanding household.

5. The Board finds that the variance can be granted without substantial detriment to the public good. The addition does not extend the structure any closer to the street than it presently stands; the front façades of the homes across the street are located at similar or lesser setbacks, and the house immediately to the south extends farther toward the street; the addition will not materially increase impervious coverage or alter the existing drainage pattern of the Property; the single new side window is located generally in the area of an existing window and faces a side of the neighboring property that already contains windows in a similar location; and no member of the public appeared in opposition to the Application.
6. The Board finds that the variance can be granted without substantially impairing the intent and purpose of the Master Plan and Zoning Ordinance of the Township of Verona, because the relief is confined to the vertical extension of an existing non-conforming setback within the existing footprint, the addition is consistent with the setbacks and character of the surrounding streetscape, and the drainage condition imposed below addresses the recommendation of the Township Engineer.
7. The Board has considered the concern expressed during deliberation regarding the effect of the addition upon the streetscape and neighborhood spacing, and the observation that the lot is not undersized and contains no topographic impediment to compliance. The Board finds that the hardship here arises not from the size or topography of the lot but from the pre-existing non-conforming location of the existing structure upon it, and that the design of the addition, following the existing façade and roof line within the existing footprint, adequately addresses the streetscape concern.
8. The Board finds that the Applicants have sustained their burden of proof with respect to both the positive and the negative criteria, and that the requested variance is warranted, subject to the condition set forth below.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Verona that Application No. 2026-17 of Maureen Hedden and John Vantuno is hereby **GRANTED**, and the Applicants are granted a variance pursuant to N.J.S.A. 40:55D-70(c) permitting the construction of a second-floor addition over the existing attached garage at the existing non-conforming side yard setback, subject to the following conditions:

1. In accordance with Item No. 3 of the report of the Township Engineer dated July 8, 2026, all roof leaders and footing drains shall be directed onto an absorbent surface, such as grass, mulch, rock, or soil, so that the discharge is dissipated and is not drained immediately to the Township right-of-way or to adjacent properties.
2. The addition shall be constructed in strict conformance with the plans submitted with the Application and the testimony presented to the Board at the hearing of August 13, 2026,

including the maintenance of the existing roof slope, the existing front façade and garage configuration, and the existing roof and gutter configuration.

3. The Applicants shall obtain all permits and approvals required by any governmental agency having jurisdiction over the Property, and shall comply with all applicable ordinances of the Township of Verona not otherwise varied herein.
4. The Applicants 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 Dr. Ries, the foregoing Application was approved, subject to the condition 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	✓					

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

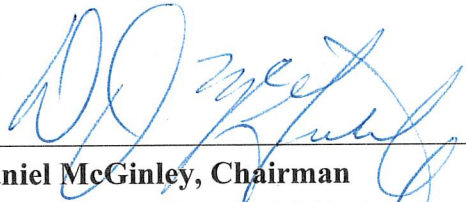
CERTIFICATION

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