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

RESOLUTION NO. 2026-26
In the Matter of the Application of Kevin Wittig
Application No. 2026-22
66 Linden Avenue, Block 905, Lot 28
Zone: R-50 (Medium-Density Single-Family) District

RESOLUTION MEMORIALIZING THE GRANT OF BULK VARIANCE RELIEF PURSUANT TO N.J.S.A. 40:55D-70(c) FOR THE CONSTRUCTION OF A PATIO, KNEE WALL AND FENCE

WHEREAS, Kevin Wittig (the "Applicant") is the owner of the property known as 66 Linden Avenue, Verona, New Jersey, designated as Block 905, Lot 28 on the Township of Verona Tax Map (the "Property"); and

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

WHEREAS, the Applicant filed an application with the Verona Zoning Board of Adjustment (the "Board"), designated Application No. 2026-22, seeking approval to construct a 391 square foot patio and an associated knee wall, and to install a four (4) foot fence, at the rear of the Property, together with such bulk variance relief pursuant to N.J.S.A. 40:55D-70(c) as is required in connection therewith (the "Application"); and

WHEREAS, this matter was heard during a Regular Meeting of the Board conducted on October 8, 2026, at which time it was established that the Applicant had satisfied the applicable notice requirements of 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 appeared on his own behalf and was sworn in by the Board Attorney; and

WHEREAS, Julie Anne Cecere, a New Jersey licensed architect and professional engineer with twenty-four (24) years of experience, was sworn in by the Board Attorney, was accepted by the Board as an expert witness in architecture and engineering, and testified on behalf of the Applicant; and

WHEREAS, the following exhibit was marked and received into evidence at the hearing:

Exhibit A-1: Revised plan and elevations dated October 8, 2026, prepared by Julie Anne Cecere, including additional details responsive to the review comments of the Board Engineer; and

APPLICABLE ORDINANCE PROVISIONS

WHEREAS, the Application requires relief from the following provision of the Zoning Ordinance of the Township of Verona:

> ***Section 150-17.5 F.(4) – Maximum aggregate area covered by accessory structures:*** the aggregate area covered by accessory structures in the yard in which they are located shall not exceed fifteen percent (15%) of the area of that yard. The rear yard of the Property contains 4,092 square feet, such that the maximum permitted aggregate accessory structure coverage is 613.8 square feet. The existing accessory structure coverage, consisting of the detached garage and existing patio, is 380.6 square feet, or 9.3% of the rear yard. The proposed accessory structure coverage is 772 square feet, or 18.9% of the rear yard. A variance is required; and

WHEREAS, the proposed fence does not count toward the accessory structure coverage calculation and was understood by the Board to comply with all applicable requirements of the Zoning Ordinance, such that no variance relief is required for the fence; and

TESTIMONY AND EVIDENCE

WHEREAS, Ms. Cecere testified that the existing detached garage and existing patio contribute to the accessory structure coverage calculation; that the detached garage could not reasonably be relocated; and that the narrow shape of the lot and its sloping topography limit the practical use of the rear yard; and

WHEREAS, Ms. Cecere testified that the Applicant proposes to enlarge the existing patio in order to create a more functional outdoor living area, providing room to pass the rear-door landing and stairs, to access the driveway, and to accommodate seating and a table; and

WHEREAS, Ms. Cecere testified that the Application satisfies both the hardship criteria of N.J.S.A. 40:55D-70(c)(1) and the benefits criteria of N.J.S.A. 40:55D-70(c)(2); that the proposal would improve the use of the Property without creating adverse impacts upon neighboring properties; that the adjacent properties have additions extending farther into their rear yards than the proposed patio; and that the proposed patio would not block the light, air or sight lines of any neighboring property; and

WHEREAS, in response to the review comments of the Board Engineer, the revised plans marked as Exhibit A-1 include top-of-wall and bottom-of-wall elevations and a construction detail for a small concrete-block knee wall with reinforcing bar and footing; and Ms. Cecere testified that the knee wall is intended to improve safety in light of the grade change at the rear of the dwelling, that it may also serve as a place for potted plants, and that the construction detail addresses the Board Engineer's concern regarding the construction of the wall; and

WHEREAS, Ms. Cecere further testified that two (2) existing roof leaders presently discharge toward the driveway; that the front leader will be redirected to discharge toward the lawn; and that the rear leader will be run beneath the new patio and discharge to daylight onto absorbent lawn area; and

WHEREAS, the Applicant testified that his family has resided at the Property for five (5) years and has not experienced flooding or drainage problems; that there is no drainage toward the

rear of the Property; and that the neighbors on either side of the Property have expressed support for the proposal; and

WHEREAS, Ms. Cecere testified that the proposed fence will enclose the rear yard, will connect near the rear of the dwelling and the garage, and will include a gate; and the location of the fence was clarified on the plan in response to questions from members of the Board; and

WHEREAS, in response to the Board's inquiry as to whether reducing the projection of the patio beyond the rear wall of the dwelling by approximately three (3) feet would eliminate the need for variance relief, Ms. Cecere testified that such a reduction would reduce coverage slightly but would not eliminate the need for a variance, and that the projection as designed accommodates the knee wall footing and provides a consistent alignment; and

WHEREAS, the Chairman opened the hearing to the public for questions of the witnesses and for comments upon the Application, and no member of the public appeared to question or comment, whereupon the public portion of the hearing was closed; and

WHEREAS, in its deliberations, the Board considered the concern that the knee wall, at an approximate height of three (3) to four (4) feet, would be visible from the street and could alter the appearance of the improvement from that of a patio to that of a more massive structure; the Board further considered that the requested increase in accessory structure coverage is minimal, that the side yard setbacks of the proposed improvements comply with the Zoning Ordinance, and that a substantial amount of green space will remain in the rear yard of the Property following construction; and

FINDINGS OF FACT AND CONCLUSIONS OF LAW

WHEREAS, the Board, having considered the Application, the testimony and evidence presented, and the comments of its professionals, makes the following findings of fact and conclusions of law:

1. The Board has jurisdiction over the Application pursuant to N.J.S.A. 40:55D-70(c), and the Applicant has satisfied the notice and jurisdictional requirements of the Municipal Land Use Law.

2. The Property is burdened by conditions peculiar to it, namely its narrow shape, its sloping topography, and the location of the existing detached garage, which cannot reasonably be relocated and which, together with the existing patio, already consumes a substantial portion of the accessory structure coverage permitted in the rear yard. By reason of these conditions, strict application of Section 150-17.5 F.(4) would result in peculiar and exceptional practical difficulties to the Applicant in making reasonable use of the rear yard of the Property, within the meaning of N.J.S.A. 40:55D-70(c)(1).

3. The Board further finds that the purposes of the Municipal Land Use Law, including the promotion of a desirable visual environment and the provision of adequate light, air and open space, would be advanced by the deviation requested, and that the benefits of the deviation substantially outweigh any detriment, within the meaning of N.J.S.A. 40:55D-70(c)(2). The enlarged patio will provide a functional outdoor living area, safe passage

from the rear-door landing and stairs, and access to the driveway, while a substantial amount of green space will be preserved in the rear yard.

4. The requested increase in accessory structure coverage, from 9.3% to 18.9% of the rear yard, is modest in absolute terms, and the proposed improvements comply with the applicable side yard setback requirements. The adjacent properties contain additions extending farther into their rear yards than the proposed patio, and the proposed patio and knee wall will not block the light, air or sight lines of any neighboring property.

5. The Applicant has addressed the drainage and construction concerns raised in the review comments of the Board Engineer by furnishing top-of-wall and bottom-of-wall elevations and a reinforced knee wall construction detail, and by redirecting the existing roof leaders away from the driveway to discharge onto lawn area, and the Board accepts the testimony that the Property has not experienced flooding or drainage problems and that no drainage is directed toward the rear of the Property.

6. The proposed fence complies with the Zoning Ordinance, does not count toward the accessory structure coverage calculation, and requires no variance relief.

7. The relief requested can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and Zoning Ordinance of the Township of Verona, the Property remaining in single-family residential use consistent with the R-50 Zone District and the improvement being located at the rear of the Property.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Verona that the Application of Kevin Wittig, designated Application No. 2026-22, for bulk variance relief pursuant to N.J.S.A. 40:55D-70(c) from the requirements of Section 150-17.5 F.(4) of the Zoning Ordinance of the Township of Verona, to permit aggregate accessory structure coverage of 772 square feet, or 18.9% of the rear yard, where a maximum of 15% is permitted, in connection with the construction of a 391 square foot patio and associated knee wall, and the installation of a four (4) foot fence, at the property known as 66 Linden Avenue, Block 905, Lot 28, is hereby **GRANTED**, subject to the following conditions:

1. The improvements shall be constructed in strict conformance with the revised plan and elevations dated October 8, 2026, prepared by Julie Anne Cecere, marked as Exhibit A-1, and with the testimony presented to the Board at the hearing of October 8, 2026. Any deviation from the approved plans shall require the further approval of the Board or, where appropriate, of the Zoning Officer.

2. The knee wall shall be constructed in accordance with the construction detail, including reinforcing bar and footing, and the top-of-wall and bottom-of-wall elevations set forth on Exhibit A-1, and shall be subject to the review and approval of the Board Engineer and the Construction Official.

3. The existing roof leaders shall be redirected as testified at the hearing, the front leader to discharge toward the lawn and the rear leader to be run beneath the new patio and to discharge to daylight onto lawn area, and in no event shall roof or surface drainage be directed onto any adjoining property. The drainage improvements shall be subject to the review and approval of the Board Engineer.

4. The fence shall not exceed four (4) feet in height and shall be installed in the location shown on Exhibit A-1, in compliance with all applicable provisions of the Zoning Ordinance.

5. The Applicant shall comply with all outstanding review comments of the Board Engineer, to the satisfaction of the Board Engineer, prior to the issuance of any construction permit.

6. The Applicant shall obtain all required zoning and construction permits prior to the commencement of construction, and shall pay all application, escrow and inspection fees due to the Township of Verona.

7. This approval is subject to the Applicant's compliance with all other applicable federal, state, county and municipal laws, ordinances and regulations, and to the approval of any other governmental agency having jurisdiction over the Property, as may be required.

8. Pursuant to N.J.S.A. 40:55D-70(c), this variance shall expire unless construction is commenced within the time prescribed by the Zoning Ordinance of the Township of Verona and the Municipal Land Use Law.

BE IT FURTHER RESOLVED that the Secretary of the Board shall cause notice of this decision to be published in the official newspaper of the Township of Verona in accordance with N.J.S.A. 40:55D-10(i).

VOTE OF OCTOBER 8, 2026

On motion of Dr. Cuartas, seconded by Vice Chair Weston, to approve Application No. 2026-22 and to grant the bulk variance relief requested, the foregoing action was taken at the Regular Meeting of the Board held on October 8, 2026, by the following roll call vote:

Board Member	AYE	NAY	ABSTAIN	RECUSED	ABSENT	NOT ELIGIBLE
Mr. Konrad-Parisi						X
Mr. Tully		X				
Mr. Raff	X					
Dr. Ries	X					
Dr. Cuartas	X					
Mrs. Murphy-Bradacs					X	
Mr. Mathewson					X	
Mr. Ryan	X					

Board Member	AYE	NAY	ABSTAIN	RECUSED	ABSENT	NOT ELIGIBLE
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 October 8, 2026, and was adopted at the Regular Meeting of the Zoning Board of Adjustment of the Township of Verona held on November 12, 2026, by the following vote of the members eligible to vote, being those members who voted in favor of the action on October 8, 2026:

Motion to adopt: Vice Chair Weston Second: Mr. Ryan

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

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 November 12, 2026, memorializing the action taken by the Board on October 8, 2026.

Dolores Carpinelli

Dolores Carpinelli, Secretary
Verona Zoning Board of Adjustment

Daniel McGinley, Chairman
Verona Zoning Board of Adjustment