

RESOLUTION 2021-09

IN THE MATTER OF THE APPLICATION

OF

SENETA WHITING

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

WHEREAS, Seneta Whiting (the "Applicant") is the owner of property located at 175 Grove Avenue, Verona, New Jersey, said property also being known as Block 1101, Lot 6.01 (the "Property"), which is located in an R-60 (Medium Density Single Family) Residential Zone;

WHEREAS, the Applicant filed an application with the Verona Zoning Board of Adjustment (the "Board") requesting the approval of a bulk variance pursuant to N.J.S.A. 40:55D-70(c) to construct a new pool in the rear yard of the existing dwelling at the Property;

WHEREAS, the Applicant requested a bulk variance for maximum permitted improved lot coverage where a maximum improved lot coverage of 40% is permitted pursuant to Verona Chapter 150-17.3.D.4 and an improved lot coverage of 64.2% is proposed; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant at a public hearing conducted on February 11, 2021 and giving due consideration to any questions and/or comments having been raised by residents who were properly notified, and having made the following factual and general findings:

- (1) The subject property is located in an R-60 (Medium Density Single Family) Residential Zone;
- (2) The Applicant seeks to construct a new pool in the rear yard at the Property prompting the need for bulk variance relief;
- (3) Chapter 150-17.3.D.4 of the Township of Verona Zoning Ordinances permits a maximum improved lot coverage of 40% in the R-60 Zone where an improved lot coverage of 64.2% is proposed requiring variance relief of 24.2%;
- (4) Applicant Seneta Whiting was sworn and began to present testimony in support of the application;
- (5) Seneta Whiting testified briefly explaining the purpose of the application before the Board and introduced her project engineer Angelo Onello;
- (6) Angelo Onello was sworn, accepted as an expert witness in the field of engineering and began to present testimony in support of the application;

- (7) Angelo Onello began his testimony entering exhibits A-1, A-2 and A-3 into the record and describing the existing conditions at the Property and in particular the current stormwater drainage patterns;
- (8) Angelo Onello then went on to describe the proposed pool and patio area as well as the pool equipment location as well as the stormwater improvements proposed; and
- (9) Angelo Onello stated that he had reviewed prior correspondence regarding the drainage patterns on the Property from engineer James McCumsey to former Verona Municipal Engineer James dated January 21, 2008 and marked as Exhibit A-4 requesting that the drainage on site be directed to the Grove Avenue municipal drainage system and that should the application be approved the roof leaders would be directed to the Grove Avenue municipal drainage system but the remaining stormwater would be directed to the stormwater improvements proposed on site.

WHEREAS, the following exhibits were introduced into evidence:

Exhibit A-1 (2-11-21), Google Earth photo of the subject property from the North;

Exhibit A-2 (2-11-21), Google Earth photo of the subject property from the East;

Exhibit A-3 (2-11-21), Various photographs of the property; and

Exhibit A-4 (2-11-21), Correspondence from engineer James McCumsey to former Verona Municipal Engineer James dated January 21, 2008.

AND WHEREAS, the Board having made the following legal and general conclusions:

- (1) The proposal to construct a new pool in the rear yard of the existing dwelling at the Property will be an appropriate improvement to the subject property;
- (2) The proposal to construct a new pool in the rear yard of the existing dwelling at the Property will advance the purposes of the Municipal Land Use Law in that it will enable the Applicant to enhance the use of the subject property and will improve the aesthetics of the same, thereby promoting the general welfare of the Township and its residents;

- (3) The benefits of allowing the applicant to construct a new pool in the rear yard of the existing dwelling at the Property outweigh any detriments;
- (4) The proposal to construct a new pool in the rear yard of the existing dwelling at the Property will be an upgrade of the property that will not adversely affect the intent or purpose of the zone plan; and
- (5) The proposal to construct a new pool in the rear yard of the existing dwelling at the Property will not cause a substantial detriment to the public good.

NOW THEREFORE, be it unanimously resolved by the Board of Adjustment of the Township of Verona that the Applicant's proposal to construct a new pool in the rear yard of the existing dwelling at the Property and for the approval of a bulk variance pursuant to N.J.S.A. 40:55D-70(c) for maximum permitted improved lot coverage where a maximum improved lot coverage of 40% is permitted pursuant to Verona Chapter 150-17.3.D.4 and an improved lot coverage of 64.2% is proposed with regard to the property located at 175 Grove Avenue, Block 1101, Lot 6.01, based upon the testimony taken on February 11, 2021, be granted, subject to the following conditions:

- (1) The Applicant shall be bound by the content of his testimony as if this testimony was incorporated herein;
- (2) All construction shall be completed in accordance with the plans submitted and/or the testimony of the Applicant;
- (3) The approvals granted herein shall expire unless construction is begun within two years of the date of the memorializing resolution;
- (4) All pool discharge shall be directed to the street and not flow over land;
- (5) Plans shall be revised to include a minimum 3 foot separation between the proposed retaining wall and fence where the retaining wall and fence height in combination will exceed 6 feet total; and
- (6) Grading and drainage plan to be submitted prior to construction which will be subject to the review and approval of the Verona Municipal Engineer.

IN THE MATTER OF THE APPLICATION OF
SENETA WHITING
175 GROVE AVENUE
BLOCK 1101 LOT 6.01

VOTE : TO GRANT

AYES

DANIEL MCGINLEY, CHAIRMAN
SCOTT WESTON, VICE CHAIRMAN
CHRISTY DIBARTOLO
PAT LISKA
LARRY LUNDY
PAUL MATHEWSON, ALT#2

NAYS

ABSTENTIONS



Dan McGinley
CHAIRMAN

The foregoing is a true copy of a resolution adopted by the Board of Adjustment at their meeting on February 11, 2021 and memorialized on March 11, 2021.



Ashley Neale
Board of Adjustment Secretary