

RESOLUTION 2021-10

IN THE MATTER OF THE APPLICATION

OF

LOUIS CASTELLUCCIO & DANA PITTA

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

WHEREAS, Louis Castelluccio and Dana Pitta (collectively the "Applicant") are the owners of property located at 62 Durrell Street, Verona, New Jersey, said property also being known as Block 1306, Lot 13.03 (the "Property"), which is located in an R-70 (Low Density) Single Family Residential Zone;

WHEREAS, the Applicant filed an application with the Verona Zoning Board of Adjustment (the "Board") requesting the approval of bulk variances pursuant to N.J.S.A. 40:55D-70(c) to construct a new 20 foot by 40 foot in ground pool and patio in the rear yard of at the Property;

WHEREAS, the Applicant requested bulk variances for minimum side yard setback where a minimum side yard setback of 8 feet to an accessory structure is required pursuant to Verona Chapter 150-17.2.F.1 and a side yard setback of 2 feet is proposed to the patio and for maximum permitted improved lot coverage where a maximum improved lot coverage of 35% is permitted pursuant to Verona Chapter 150-17.2.D.4 and an improved lot coverage of 47.9% is proposed; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant at a public hearing conducted on March 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 a R-70 (Low Density) 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 150-17.2.F.1 of the Township of Verona Zoning Ordinances requires a minimum side yard setback of 8 feet to any accessory structure in the R-70 (Low Density) Residential Zone where a side yard setback of 2 feet is proposed to the patio requiring variance relief of 6 feet;
- (4) Chapter 150-17.2.D.4 of the Township of Verona Zoning Ordinances permits a maximum improved lot coverage of 35% in the R-70 (Low Density) Residential Zone where an improved lot coverage of 47.9% is proposed requiring variance relief of 12.9%;

- (5) Applicants Louis Castelluccio and Dana Pitta were sworn and began to present testimony in support of the application;
- (6) Louis Castelluccio testified briefly explaining the purpose of the application to permit the construction of an in ground pool and patio in their rear yard and then introduced the project engineer Kirsten Osterkorn;
- (7) Kirsten Osterkorn was sworn, accepted as an expert witness in the field of engineering and began to present testimony in support of the application;
- (8) Kirsten Osterkorn began her testimony explaining that the Property was a non-conforming lot in the R-70 (Low Density) Residential Zone with regard to lot width as a minimum 70 feet is required in the zone and the lot is only 60 feet wide which results in the lot being undersized for the zone;
- (9) According to Kirsten Osterkorn due to the undersized nature of the lot the placement of the pool will require a side yard setback variance in addition to a variance for maximum improved lot coverage;
- (10) Kirsten Osterkorn then explained the stormwater improvements proposed to include a drainage pit and perimeter drain around the patio and she further testified that any additional runoff as a result of the improvements being made would be contained on site;
- (11) In response to question from Board Member Paul Mathewson as to whether any trees would be taken down in the course of construction Louis Castelluccio responded that no trees would be taken down; and
- (12) In response to a question from Board Member Pat Liska regarding whether the pool equipment would be screened Kirsten Osterkorn testified that there will be a fence and that the pool will not be visible from the street.

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

- (1) The proposal to construct a new 20 foot by 40 foot in ground pool and patio in the rear yard at the Property will be an appropriate improvement to the subject property;
- (2) The undersized nature of the lot within the relevant zone would result in a hardship to the Applicant should the requested variance relief not be granted;
- (3) The proposal to construct a new 20 foot by 40 foot in ground pool and patio in the rear yard 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;

- (4) The benefits of allowing the applicant to construct a new 20 foot by 40 foot in ground pool and patio in the rear yard at the Property outweigh any detriments;
- (5) The proposal to construct a new 20 foot by 40 foot in ground pool and patio in the rear yard at the Property will be an upgrade of the property that will not adversely affect the intent or purpose of the zone plan; and
- (6) The proposal to construct a new 20 foot by 40 foot in ground pool and patio in the rear yard 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 20 foot by 40 foot in ground pool and patio in the rear yard at the Property and for the approval of bulk variances pursuant to N.J.S.A. 40:55D-70(c) for minimum side yard setback where a minimum side yard setback of 8 feet to an accessory structure is required pursuant to Verona Chapter 150-17.2.F.1 and a side yard setback of 2 feet is proposed to the patio and for maximum permitted improved lot coverage where a maximum improved lot coverage of 35% is permitted pursuant to Verona Chapter 150-17.2.D.4 and an improved lot coverage of 47.9% is proposed with regard to the property located at 62 Durrell Street, Block 1306, Lot 13.03, based upon the testimony taken on March 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; and
- (4) All fencing shall comply with the Verona Building Code in all respects.

IN THE MATTER OF THE APPLICATION OF
LOUIS CATELLUCIO & DANA PITTA
62 DURRELL STREET
BLOCK 1306 LOT 13.03

VOTE : TO GRANT

AYES

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

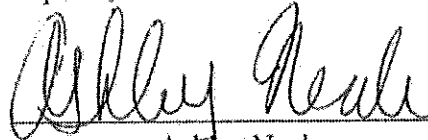
NAYS

ABSTENTIONS



Dan McGinley
CHAIRMAN

The foregoing is a true copy of a resolution adopted by the Board of Adjustment at their meeting on March 11, 2021 and memorialized on April 8, 2021.



Ashley Neale
Board of Adjustment Secretary