

RESOLUTION 2021-12

IN THE MATTER OF THE APPLICATION

OF

DAVID & LORI LYON

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

WHEREAS, David and Lori Lyon (collectively the "Applicant") are the owners of property located at 168 Grove Avenue, Verona, New Jersey, said property also being known as Block 1403, Lot 92 (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 install an emergency standby generator in a side yard at the Property;

WHEREAS, the Applicant requested a bulk variance for locating mechanical equipment in a side yard which is prohibited by Verona Chapter 150-7.13.B and where an emergency standby generator is proposed to be installed in a side yard at the Property; 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-60 (Medium Density) Single Family Residential Zone;
- (2) The Applicant seeks to install an emergency standby generator in a side yard at the Property;
- (3) Chapter 150-7.13.B of the Township of Verona Zoning Ordinances prohibits mechanical equipment from being located in a side yard prompting the need for variance relief;
- (4) Applicants David Lyon and Lori Lyon were sworn and began to present testimony in support of the application;
- (5) David Lyon began his testimony explaining the reason for their application was to install an emergency standby generator in the side yard at the Property and further why the generator was to be installed in the side yard as opposed to the rear yard as required by ordinance; and
- (6) Specifically, David Lyon stated that due to the fact that the existing

dwelling is built on a concrete slab were the emergency standby generator to be located in the rear yard new gas and electric lines would need to be run. David Lyon then described the proposed location of the proposed emergency standby generator in the side yard and stated that where the generator would be located there was a buffer of bushes and a fence between the generator and the neighboring house.

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

- (1) The proposal to install an emergency standby generator in a side yard at the Property will be an appropriate improvement to the subject property;
- (2) The proposal to install an emergency standby generator in a side 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;
- (3) The benefits of allowing the applicant to install an emergency standby generator in a side yard at the Property outweigh any detriments;
- (4) The proposal to install an emergency standby generator in a side 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
- (5) The proposal to install an emergency standby generator in a side 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 install an emergency standby generator in a side yard at the Property and for the approval of a bulk variance pursuant to N.J.S.A. 40:55D-70(c) for locating mechanical equipment in a side yard which is prohibited by Verona Chapter 150-7.13.B and where an emergency standby generator is proposed to be installed in a side yard with regard to the property located at 168 Grove Avenue, Block 1403, Lot 92, 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; and
- (3) The approvals granted herein shall expire unless construction is begun within two years of the date of the memorializing resolution.

IN THE MATTER OF THE APPLICATION OF
DAVID & LORI LYON
168 GROVE AVENUE
BLOCK 1403 LOT 92

VOTE : TO GRANT

AYES

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

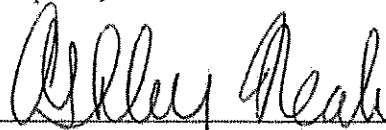
NAYS

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