

RESOLUTION 2021-13

IN THE MATTER OF THE APPLICATION

OF

JAMES AMEEN

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

WHEREAS, James Ameen (the "Applicant") is the owner of property located at 11 Cole Road, Verona, New Jersey, said property also being known as Block 402, Lot 8 (the "Property"), which is located in an R-100 (Very 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 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 an emergency standby generator is proposed to be installed 15 feet from a side property line and within 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-100 (Very Low 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) Applicant James Ameen and his wife Marcia Ameen were sworn and began to present testimony in support of the application;
- (5) James Ameen started by explaining that Cole Road is an unimproved paper street and that what constitutes the rear yard or side yard is a matter of interpretation given the fact that the house is facing Belleclaire Place;
- (6) Marcia Ameen further explained that the location for the proposed emergency standby generator would be facing trees and not other houses

and that the rear of their Property abuts the Eagle Rock reservation;

- (7) James Ameen introduced Michael Ver Hage who worked with James Ameen on the proposed location and installation of the Generac emergency standby generator;
- (8) Michael Ver Hage was sworn and began to present testimony in support of the application;
- (9) Michael Ver Hage testified regarding the proposed operation of the emergency standby generator, its location and its testing; and
- (10) In response to a question from Board Chairman Daniel McGinley regarding the level of notice from the operation of the emergency standby generator Michael Ver Hage stated that the decibel level from 27 feet away from the generator was 67 decibels and therefore from the neighboring houses the sound from the generator would be perceptible as a low hum.

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 at the 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 an emergency standby generator is proposed to be installed in a side yard with regard to the property located at 11 Cole Road, Block 402, Lot 8, based upon the testimony taken {00361999}

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
JAMES AMEEN
11 COLE ROAD
BLOCK 402 LOT 8**

VOTE : TO GRANT

AYES

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

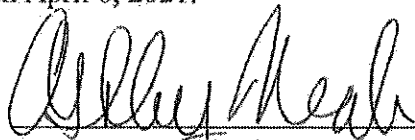
NAYS

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