

RESOLUTION 2021-19

IN THE MATTER OF THE APPLICATION

OF

CARRIE & BRIAN QUIGLEY

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

WHEREAS, Carrie & Brian Quigley (collectively the "Applicant") are the owners of property located at 73 Franklin Street, Verona, New Jersey, said property also being known as Block 1001, Lot 14 (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 a bulk variance pursuant to N.J.S.A. 40:55D-70(c) to construct an above ground pool in the rear yard at the Property;

WHEREAS, the Applicant requested a bulk variance for minimum required side yard setback for a permanent or portable swimming pool where a minimum 10 foot side yard setback is required pursuant to Verona Chapter 150-7.5.A and a swimming pool is proposed which will be 8 feet from a side property line at the Property; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant at a public hearing conducted on May 13, 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) Single Family Residential Zone;
- (2) The Applicant seeks to construct an above ground pool in the rear yard at the Property;
- (3) Chapter 150-7.5.A of the Township of Verona Zoning Ordinances requires a permanent or portable swimming pool to be a minimum 10 feet from any side yard property line and an above ground pool is proposed which will be 8 feet from a side yard property line prompting the need for variance relief of 2 feet;
- (4) Applicants Carrie and Brian Quigley were sworn and began to present testimony in support of the application;
- (5) Brian Quigley stated that he was before the Board seeking permission to install an above ground pool which will be 8 feet away from the side yard

property line;

- (6) Brian Quigley explained that there was a 15 foot wide sewer easement at the rear of the Property which could not be used and that there is no other place to locate the pool which would not affect the easement area; and
- (7) Carrie Quigley also testified that they intended to incorporate a 6 foot high fence and plantings between the neighboring property and theirs to mitigate any effect of the lessened side yard setback to the proposed pool.

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

- (1) The proposal to construct an above ground pool in the rear yard at the Property will be an appropriate improvement to the subject property;
- (2) The proposal to construct an above ground pool 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;
- (3) The benefits of allowing the applicant to construct an above ground pool in the rear yard at the Property outweigh any detriments;
- (4) The proposal to construct an above ground pool 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
- (5) The proposal to construct an above ground pool 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 an above ground pool in the rear yard at the Property and for the approval of a single bulk variance pursuant to N.J.S.A. 40:55D-70(c) for minimum required side yard setback for a permanent or portable swimming pool where a minimum 10 foot side yard setback is required pursuant to Verona Chapter 150-7.5.A and a swimming pool is proposed which will be 8 feet from a side property line with regard to the property located at 73 Franklin Avenue, Block 1001, Lot 14, based upon the testimony taken on May 13, 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;

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- (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
CARRIE & BRIAN QUIGLEY
73 FRANKLIN STREET
BLOCK 1001 LOT 14

VOTE : TO GRANT

AYES

DANIEL McGINLEY, CHAIRMAN
PAT LISKA
GENEVIEVE MURPHY-BRADACS
LARRY LUNDY
CHRISTY DIBARTOLO
PAUL MATHEWSON, ALT#2

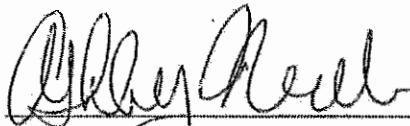
NAYS

ABSTENTIONS



Dan McGinley
CHAIRMAN

The foregoing is a true copy of a resolution adopted by the Board of Adjustment at their meeting on May 13, 2021 and memorialized on June 10, 2021.



Ashley Neale
Board of Adjustment Secretary