

RESOLUTION 2021-03

IN THE MATTER OF THE APPLICATION

OF

JONATHAN GULDIN

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

WHEREAS, Jonathan Guldin (the "Applicant") is the owner of property located at 1 Rawding Court, Verona, New Jersey, said property also being known as Block 1306, Lot 16.05 (the "Property"), which is located in an R-50B (Medium High Density Single Family) Residential Zone;

WHEREAS, the Applicant filed an application with the Verona Zoning Board of Adjustment (the "Board") requesting the approval of four bulk variances pursuant to N.J.S.A. 40:55D-70(c) to construct a 20 foot by 30 foot in-ground pool and a concrete/paver pool deck at the Property;

WHEREAS, the Applicant requested bulk variances for minimum improved lot coverage requirement where a maximum improved lot coverage of 40% is permitted pursuant to Verona Chapter 150-17.4.D.4 and an improved lot coverage of 42% is proposed, minimum distance of a pool to any street where a pool is not permitted to be any closer to a street than the principal structure pursuant to Verona Chapter 150-7.5.A where the principal structure is 30.3 feet from the front yard property line and the pool is proposed to be 14 feet from the front yard property line, maximum permitted fence height in any front yard where a maximum fence height of 3 feet is permitted pursuant to Verona Chapter 150-7.3.B and a 4 foot high fence is proposed and minimum front yard setback to a fence where a 10 foot setback is required pursuant to Verona Chapter 150-7.3.D and a fence is proposed which is 0 feet from the front property line; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant at a public hearing conducted on January 14, 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-50B (Medium High Density Single Family) Residential Zone;
- (2) The Applicant seeks to construct a 20 foot by 30 foot in-ground pool and a concrete/paver pool deck at the Property prompting the need for bulk variance relief;
- (3) Chapter 150-17.4.D.4 of the Township of Verona Zoning Ordinances permits a maximum improved lot coverage of 40% where an improved lot coverage of 42% is proposed requiring variance relief of 2%;

- (4) Chapter 150-7.5.A of the Township of Verona Zoning Ordinances prohibits a pool being any closer to the street than a principal structure and a pool is proposed to be 14 feet from the front property line and the principal structure is 30.3 feet from the front property line requiring variance relief of 15.7 feet;
- (5) Chapter 150-7.3.B of the Township of Verona Zoning Ordinances permits a maximum fence height of 3 feet in any front yard and a fence is proposed in a front yard which is 4 feet in height requiring variance relief of 1 foot;
- (6) Chapter 150-7.3.D of the Township of Verona Zoning Ordinances requires a minimum front yard setback of 10 feet to any fence and a fence is proposed which is 0 feet from the front property line;
- (7) Property Owner Jonathan Guldin was sworn and began to present testimony in support of the application;
- (8) Jonathan Guldin explained that he was seeking to construct a 20 foot by 30 foot swimming pool in what he uses as the rear yard at the Property but due to the orientation of the Property as a corner lot on a cul-de-sac it is more of a side yard than a rear yard and is in fact considered a front yard pursuant to the Verona Zoning Ordinance;
- (9) In response to a question from Board Vice Chairman Scott Weston regarding whether the Property or neighboring properties experienced any drainage issues Jonathan Guldin stated that there were no flooding issues to his knowledge and when his lot was created as part of a subdivision underground detention basins were incorporated into the design;
- (10) New Jersey Licensed Engineer Charles Stewart was sworn, accepted as an expert in the field of engineering and began to present testimony in support of the application;
- (11) Charles Stewart explained that his company had designed the subdivision which created the subject lot and described the stormwater improvements which were incorporated into the design;
- (12) In response to a question from Board Member Paul Mathewson regarding whether the existing stormwater system could handle the additional runoff from the increased impervious coverage requested Charles Stewart testified that there was more than enough capacity in the existing stormwater system to accommodate the additional stormwater runoff as a result of the application;

- (13) In response to a question from Board Member Pat Liska regarding the drainage on the low side of the patio around the east side of the proposed pool Charles Stewart agreed to extend the proposed 4" perforated HDPE pipe around the northeast corner of the paver patio for the entire length of the pool along the east property line and to tie the extended HDPE pipe into the existing 15" RCP storm drain existing at the Property;
- (14) In response to a question raised by Board Chairman Daniel McGinley regarding the proposed fence height, Jonathan Guldin agreed to reduce the height of the fence from 6 feet to 4 feet and also to relocate the proposed fence on the east side of the Property to be a minimum 3 feet from the property line;
- (15) New Jersey Licensed Landscape Architect Randi Friesema was sworn and accepted as an expert in the field of landscape architecture and began to present testimony in support of the application;
- (16) In response to a question from Board Member Paul Mathewson regarding the location of the pool mechanical equipment and whether the sound from the pool mechanical equipment would be detrimental to the neighbors Randi Friesema stated that there would be minimal sound impact to the neighboring property owners;
- (17) Randi Friesema further testified to the proposed landscape buffering proposed and how these plantings would further reduce the sound from the pool mechanicals reaching the neighboring properties;
- (18) New Jersey Licensed Planner John McDonough was sworn and accepted as an expert in the field of professional planning;
- (19) John McDonough began his testimony by discussing the Property from an aerial view and explained the location of the proposed pool and how the pool would appear from the neighboring properties due to the grade of the Property and the neighboring properties;
- (20) John McDonough further stated that the Property is irregularly shaped and also is a corner lot on a cul-de-sac which results in the variance relief needed;
- (21) John McDonough then described the variances required in connection with the application and explained the justification for each variance in turn utilizing both the C(1) and C(2) criteria; and
- (22) In response to a question from Board Chairman Daniel McGinley regarding the impact of the increased impervious coverage Jonathan

Guldin agreed to eliminate a 2 foot width of pavers currently existing and proposed at the east edge of the paver patio for the entire length of the currently existing and proposed paver patio to reduce the impervious coverage variance needed.

WHEREAS, the following exhibits were introduced into evidence:

Exhibit A-1 Planning Exhibit prepared by John McDonough, P.P. with fourteen slides showing the existing and proposed conditions at the Property.

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

- (1) The proposal to construct a 20 foot by 30 foot in-ground pool and a concrete/paver pool deck at the Property will be an appropriate improvement to the subject property;
- (2) The proposal to construct a 20 foot by 30 foot in-ground pool and a concrete/paver pool deck 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 irregular shape of the Property would result in a hardship for the Applicant were the provisions of the zoning ordinance strictly enforced;
- (4) The benefits of allowing the applicant to construct a 20 foot by 30 foot in-ground pool and a concrete/paver pool deck at the Property outweigh any detriments;
- (5) The proposal to construct a 20 foot by 30 foot in-ground pool and a concrete/paver pool deck 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 20 foot by 30 foot in-ground pool and a concrete/paver pool 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 20 foot by 30 foot in-ground pool and a concrete/paver pool deck at the Property and for the approval bulk variances pursuant {00361999}

to N.J.S.A. 40:55D-70(c) for minimum improved lot coverage where a maximum improved lot coverage of 40% is permitted pursuant to Verona Chapter 150-17.4.D.4 and an improved lot coverage of 42% is proposed, minimum distance of a pool to any street where a pool is not permitted to be any closer to a street than the principal structure pursuant to Verona Chapter 150-7.5.A where the principal structure is 30.3 feet from the front yard property line and the pool is proposed to be 14 feet from the front yard property line, maximum permitted fence height in any front yard where a maximum fence height of 3 feet is permitted pursuant to Verona Chapter 150-7.3.B and a 4 foot high fence is proposed and minimum front yard setback to a fence where a 10 foot setback is required pursuant to Verona Chapter 150-7.3.D and a fence is proposed which is 0 feet from the front property line with regard to the property located at 1 Rawding Court, Block 1306, Lot 16.05, based upon the testimony taken on January 14, 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) The Applicant will extend the proposed 4" perforated HDPE pipe around the northeast corner of the paver patio around the proposed pool for the entire length of the pool along the east property line and to tie the extended HDPE pipe into the existing 15" RCP storm drain existing at the Property;
- (5) The Applicant will maintain the existing fence or install a new fence on the east side of the Property to be 3 feet from the property line;
- (6) The Applicant will reduce the proposed impervious coverage eliminating a 2 foot width of pavers currently existing and proposed at the east edge of the paver patio for the entire length of the currently existing and proposed paver patio; and
- (7) All pool discharge and backwash will be directed into the storm sewer system and not run over the land.

IN THE MATTER OF THE APPLICATION OF
JONATHAN GULDIN
1 RAWDING COURT
BLOCK 1306 LOT 16.05

VOTE : TO GRANT

AYES

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

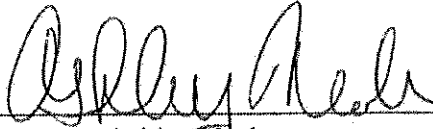
NAYS

ABSTENTIONS



Dan McGinley
CHAIRMAN

The foregoing is a true copy of a resolution adopted by the Board of Adjustment at their meeting on January 14, 2021 and memorialized on February 11, 2021.



Ashley Neale
Board of Adjustment Secretary