

RESOLUTION 2021-16

IN THE MATTER OF THE APPLICATION

OF

ROBERT MITCHELL O'BRIEN

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

WHEREAS, Robert Mitchell O'Brien (the "Applicant") is the owner of property located at 8 Newman Avenue, Verona, New Jersey, said property also being known as Block 903, Lot 23 (the "Property"), which is located in an R-40 (Very 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 a bulk variance pursuant to N.J.S.A. 40:55D-70(c) to widen the existing curb cut at the Property;

WHEREAS, the Applicant requested a bulk variance from the maximum curb cut width requirement which permits a maximum curb cut of 16 feet pursuant to Verona Chapter 150-12.4.B.2 and curb cut which is 24 feet wide is proposed at the Property; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant at a public hearing conducted on April 8, 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-40 (Very High Density) Single Family Residential Zone;
- (2) The Applicant seeks to widen the existing curb cut at the property where a maximum curb cut of 16 feet is permitted and curb cut which is 24 feet wide is proposed at the Property prompting the need for variance relief;
- (3) Chapter 150-12.4.B.2 of the Township of Verona Zoning Ordinances permits a maximum curb cut width of 16 feet and a curb cut which is 24 feet wide is proposed requiring variance relief of 8 feet;
- (4) Applicant Robert Mitchell O'Brien and his spouse Claudia O'Brien were sworn and began to present testimony in support of the application;
- (5) Applicant Robert Mitchell O'Brien began by explaining that when they purchased the house in 2018 it already had a double driveway and that he was seeking to widen the existing curb cut to 24 feet in width to match up to the driveway width;
- (6) Applicant Robert Mitchell O'Brien explained that he was requesting this

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variance due to the difficulty experienced in utilizing the existing 16 foot wide curb cut when trying to access the existing driveway; and

- (7) Applicant Robert Mitchell O'Brien testified that the existing driveway is 20 feet wide and he was seeking to construct the curb cut with the customary flaring at 24 feet wide to be able to properly access the existing 20 foot wide driveway.
- (8) 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
- (9) 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 widen the existing curb cut at the Property will be an appropriate improvement to the subject property;
- (2) The proposal to widen the existing curb cut 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 widen the existing curb cut at the Property outweigh any detriments;
- (4) The proposal to widen the existing curb cut 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 widen the existing curb cut at the Property will not cause a substantial detriment to the public good.

NOW THEREFORE, be it resolved by the Board of Adjustment of the Township of Verona that the Applicant's proposal to widen the existing curb cut at the Property and for the approval of a bulk variance pursuant to N.J.S.A. 40:55D-70(c) from the maximum curb cut width {00361999}

requirement which permits a maximum curb cut of 16 feet pursuant to Verona Chapter 150-12.4.B.2 and curb cut which is 24 feet wide is proposed with regard to the property located at 8 Newman Avenue, Block 903, Lot 23, based upon the testimony taken on April 8, 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) The curb cut shall not exceed 24 feet in width or extend beyond the easterly property line.

**IN THE MATTER OF THE APPLICATION OF
ROBERT MITCHELL O'BRIEN
8 NEWMAN AVENUE
BLOCK 903 LOT 23**

VOTE : TO GRANT

AYES

SCOTT WESTON, VICE CHAIRMAN
PAT LISKA
GENEVIEVE MURPHY-BRADACS
LARRY LUNDY
PAUL MATHEWSON, ALT#2

NAYS

DANIEL MCGINLEY
CHAIRMAN

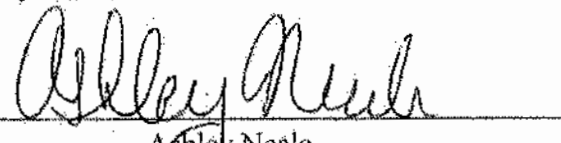
ABSTENTIONS

CHRISTY DIBARTOLO



Dan McGinley
CHAIRMAN

The foregoing is a true copy of a resolution adopted by the Board of Adjustment at their meeting on April 8, 2021 and memorialized on May 13, 2021.


Ashley Neale
Board of Adjustment Secretary