

RESOLUTION 2021-17

IN THE MATTER OF THE APPLICATION

OF

ANTHONY PALMA

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

WHEREAS, Anthony Palma (the "Applicant") is the owner of property located at 27 Ozone Avenue, Verona, New Jersey, said property also being known as Block 1201, Lot 5 (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 bulk variances pursuant to N.J.S.A. 40:55D-70(c) to construct an expansion of the existing first floor as well as constructing a new second story at the Property;

WHEREAS, the Applicant requested bulk variances from the maximum improved lot coverage requirement where a maximum improved lot coverage of 40% is permitted pursuant to Verona Chapter 150-17.4.D.3 and an improved lot coverage of 45.9% is proposed, from the minimum single side yard setback requirement where a minimum single side yard setback of 8 feet is required pursuant to Verona Chapter 150-17.4.E.2 and a single side yard setback of 3.8 feet is proposed and from the minimum required side yard setback as percentage of lot width where a minimum required side yard setback as a percentage of lot width of 25% is required pursuant to Verona Chapter 150-17.4.E.4 and a side yard setback as percentage of lot width of 24.5% is proposed; 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 an R-50B (Medium-High Density Single Family) Residential Zone;
- (2) The Applicant seeks to construct an expansion of the existing first floor as well as constructing a new second story at the Property prompting the need for bulk variance relief;
- (3) Chapter 150-17.4.D.3 of the Township of Verona Zoning Ordinances permits a maximum improved lot coverage of 40% and an improved lot coverage of 45.9% is proposed requiring variance relief of 5.9% feet;
- (4) Chapter 150-17.4.E.2 of the Township of Verona Zoning Ordinances

requires a minimum single side yard setback of 8 feet and a single side yard setback of 3.8 feet is proposed requiring variance relief of 4.2 feet;

- (5) Chapter 150-17.4.E.4 of the Township of Verona Zoning Ordinances requires a minimum required side yard setback as a percentage of lot width of 25% and a side yard setback which is 24.5% of lot width is proposed requiring variance relief of 0.5%;
- (6) Applicant Anthony Palma was sworn and began to present testimony in support of the application;
- (7) Applicant Anthony Palma began his testimony by explaining that he was before the Board seeking a bulk variances in order to construct a two story addition on the right side of their residence and described the four variances he was requesting;
- (8) Applicant Anthony Palma went on to describe the proposed additions in detail and to further express why the additional living area was needed;
- (9) In response to a question from Board Chairman Daniel McGinley the Applicant Anthony Palma explained that the location of the some utilities current located in the side yard would be relocated to the rear yard but would comply with the code requirements; and
- (10) In response to a question from Board Member Christy DiBartolo regarding the roof height the Applicant Anthony Palma agreed to revise the pitch of the roof so that the building height would not exceed 30 feet.

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

- (1) The proposal to construct an expansion of the existing first floor as well as constructing a new second story at the Property will be an appropriate improvement to the subject property;
- (2) The proposal to construct an expansion of the existing first floor as well as constructing a new second story 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 expansion of the existing first floor as well as constructing a new second story at the Property outweigh any detriments;

- (4) The proposal to construct an expansion of the existing first floor as well as constructing a new second story 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 expansion of the existing first floor in addition to a new second story 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 construct an expansion of the existing first floor as well as constructing a new second story at the Property and for the approval of bulk variances pursuant to N.J.S.A. 40:55D-70(c) from the maximum improved lot coverage requirement where a maximum improved lot coverage of 40% is permitted pursuant to Verona Chapter 150-17.4.D.3 and an improved lot coverage of 45.9% is proposed, from the minimum single side yard setback requirement where a minimum single side yard setback of 8 feet is required pursuant to Verona Chapter 150-17.4.E.2 and a single side yard setback of 3.8 feet is proposed and from the minimum required side yard setback as percentage of lot width where a minimum required side yard setback as a percentage of lot width of 25% is required pursuant to Verona Chapter 150-17.4.E.4 and a side yard setback as percentage of lot width of 24.5% is proposed with regard to the property located at 27 Ozone Avenue, Block 1201, Lot 5, 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 height of the building will not exceed 30 feet.

IN THE MATTER OF THE APPLICATION OF
ANTHONY PALMA
27 OZONE AVENUE
BLOCK 1201 LOT 5

VOTE : TO GRANT

AYES

DANIEL MCGINLEY, CHAIRMAN
SCOTT WESTON, VICE CHAIRMAN
PAT LISKA
GENEVIEVE MURPHY-BRADACS
CHRISTY DIBARTOLO
LARRY LUNDY

NAYS

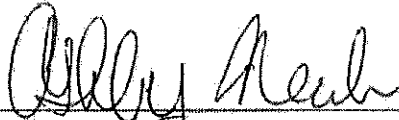
PAUL MATHEWSON, ALT#2

ABSTENTIONS



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