

RESOLUTION 2023 - 12

IN THE MATTER OF THE APPLICATION

OF

MATTHEW O'DAY

BOARD OF ADJUSTMENT
TOWNSHIP OF VERONA
ESSEX COUNTY, NEW JERSEY

WHEREAS, Matthew O'Day (the "Applicant") is the owner of property located at 28 Linden Avenue, Verona, New Jersey, said property also being known as Block 908, Lot 28 (the "Property"), which is located in an R-50B (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 two bulk variances pursuant to N.J.S.A. 40:55D-70(c) to install two HVAC units in a side yard at the Property;

WHEREAS, the Applicant requested bulk variance for minimum required side yard setback where a minimum side yard setback of 8 feet is required pursuant to Verona Chapter 150-17.5F.(1) and a setback of 6.81 feet is proposed and for minimum required side yard setback to any mechanical equipment where a minimum setback of 8 feet is required pursuant to Verona Chapter 150-7.13.A and a setback of 6.81 feet is proposed at the Property; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant at a public hearing conducted on August 10, 2023 and giving due consideration to any questions and/or comments having been raised by residents who were properly notified (There being no persons presenting any questions or opposition present), and having made the following factual and general findings:

- (1) The subject property is located in an R-50B (High Density) Single Family Residential Zone;
- (2) The Applicant seeks to install two HVAC units in a side yard at the Property;
- (3) Chapter 150-17.5F.(1) of the Township of Verona Zoning Ordinances requires a minimum side yard setback of 8 feet and a setback of 6.81 feet is proposed prompting the need for variance relief of 1.19 feet;
- (4) Chapter 150-7.13.A of the Township of Verona Zoning Ordinances requires a minimum side yard setback to any mechanical equipment of 8 feet and a setback of 6.81 feet is proposed prompting the need for variance relief of 1.19 feet;
- (5) Applicant Matthew O'Day was sworn and began to present testimony in

{00451383}

support of the application;

- (6) Matthew O'Day explained that he was requesting relief from the Board in order to install central air conditioning into his home and that if her were to place the units in his rear yard they would be less efficient;
- (7) Matthew O'Day testified that the location of the HVAC units to the proposed location was the best option and was with the consent of his neighbor next door; and
- (8) The pad upon which the HVAC units would be placed would be no larger than 2-3 square feet and would be located in front of the fence facing the street;

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

- (1) The proposal to install two HVAC units in a side yard at the Property will be an appropriate improvement to the subject property;
- (2) The proposal to install two HVAC units in a 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, thereby promoting the general welfare of the Township and its residents;
- (3) The benefits of allowing the applicant to install two HVAC units in a side yard at the Property outweigh any detriments;
- (4) The proposal to install two HVAC units 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 two HVAC units in a side yard 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 install two HVAC units in a side yard at the Property and for the approval of two bulk variances pursuant to N.J.S.A. 40:55D-70(c) for minimum required side yard setback where a minimum side yard setback of 8 feet is required pursuant to Verona Chapter 150-17.5F(1) and a setback of 6.81 feet is proposed and for minimum required side yard setback to any mechanical equipment where a minimum setback of 8 feet is required pursuant to Verona Chapter 150-7.13.A and a setback of 6.81 feet is proposed with regard to the property located at 28 Linden Avenue, Block 908, Lot 28, based upon the testimony taken on August 10, 2023, be granted, subject to the following conditions:

{00451383}

- (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 Applicant will install screening to consist of a vegetation screen of evergreen plants for landscaping around the proposed two HVAC units; and
- (4) 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:

MATTHEW O'DAY
28 LINDEN AVENUE
BLOCK 908 LOT 28

VOTE: TO GRANT

AYES

Chairman Dan
McGinley
Mr. Paul
Mathewson
Mr. Pat Liska
Mrs. Genevieve
Murphy-Bradacs
Mr. Larry Lundy

NAYS

ABSTENTIONS

Mr. Kevin Ryan
Mr. Lou Russo

ABSENT

Mrs. DiBartolo
Vice Chairman
Weston

Daniel McGinley
Dan McGinley, CHAIRMAN

The foregoing is a true copy of a resolution adopted by the Board of Adjustment at their meeting on August 10, 2023 and memorialized on September 14, 2023.

Marcie Maccarelli
Marcie Maccarelli,
Acting Board of Adjustment Secretary

{00451383}