

RESOLUTION 2023-10

IN THE MATTER OF THE APPLICATION

OF

TIMOTHY RUSH

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

WHEREAS, Timothy Rush (the "Applicant") is the owner of property located at 110 Forest Avenue, Verona, New Jersey, said property also being known as Block 2102, Lot 94 (the "Property"), which is located in an R-50 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 construct a secondary curb cut and driveway in the front yard of the existing single-family dwelling at the Property;

WHEREAS, the Applicant provided adequate notice of the public hearings in accordance with the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et. seq.* and the requirements of the Township of Verona;

WHEREAS, the Board had jurisdiction to consider the application;

WHEREAS, the Applicant requested a single bulk variance to permit a second driveway curb cut which is prohibited by Verona Chapter 150-12.4.B; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant at a public hearing conducted on July 13, 2023 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-50 High Density Single Family Residential Zone;
- (2) The Applicant seeks to construct a second curb cut and driveway in the front yard of the existing dwelling at the Property prompting the need for bulk variance relief;
- (3) Chapter 150-12.4.B of the Township of Verona Zoning Ordinances permits one curb cut only for a single family dwelling and a second curb cut is proposed requiring variance relief;
- (4) Timothy Rush was sworn and began to present testimony in support of the application;

- (5) Timothy Rush explained that they live on a corner lot and were seeking to construct another driveway for a single car but did not want to extend their current driveway to preserve a historic tree at the Property;
- (6) Timothy Rush then stated that the additional driveway would necessitate a second curb cut which requires variance relief; and
- (7) Timothy Rush testified that the additional driveway will be large enough so that the vehicle parked will not overhang onto the sidewalk.

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

- (1) The proposal to construct a second curb cut and driveway in the front yard of the existing dwelling at the Property will be an appropriate improvement to the subject property;
- (2) The proposal to construct a second curb cut and driveway in the front yard of the existing dwelling 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 a second curb cut and driveway in the front yard of the existing dwelling at the Property outweigh any detriments;
- (4) The proposal to construct a second curb cut and driveway in the front yard of the existing dwelling 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 a second curb cut and driveway in the front yard of the existing dwelling 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 a second curb cut and driveway in the front yard of the existing dwelling at the Property and for the approval of a single bulk variance pursuant to N.J.S.A. 40:55D-70(c) to permit a second driveway curb cut which is prohibited by Verona Chapter 150-12.4.B with regard to the property located at 110 Forest Avenue, Block 2102, Lot 94, based upon the testimony taken on July 13, 2023, 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; 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:

TIMOTHY RUSH
110 FOREST AVENUE
BLOCK 2102 LOT 94

VOTE : TO GRANT

AYES

NAYS

ABSTENTIONS

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

Daniel McGinley
Dan McGinley, CHAIRMAN

The foregoing is a true copy of a resolution adopted by the Board of Adjustment at their meeting on July 13, 2023 and memorialized on August 10, 2023.

Marcie Maccarelli
Marcie Maccarelli,
Acting Board of Adjustment Secretary