

RESOLUTION 2023-11

IN THE MATTER OF THE APPLICATION

OF

JEANENE CARLUCCI

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

WHEREAS, Jeanene Carlucci (the "Applicant") is the owner of property located at 151 Linden Avenue, Verona, New Jersey, said property also being known as Block 54, Lot 4 (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 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 150-17.4.E(2) and a setback of 2.5 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 2.5 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 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-50B (Medium/High Density) Single Family Residential Zone;
- (2) The Applicant seeks to install two HVAC units in a side yard at the Property;
- (3) Chapter 150-17.4.E(2) of the Township of Verona Zoning Ordinances requires a minimum side yard setback of 8 feet and a setback of 2.5 feet is proposed prompting the need for variance relief of 5.5 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 2.5 feet is proposed prompting the need for variance relief of 5.5 feet;
- (5) Applicant Jeanne Carlucci was sworn and began to present testimony in support of the application;
- (6) Jeanne Carlucci explained that she was requesting relief from the Board in order to relocate HVAC equipment from the rear yard to the side yard and

that the application was proposing the installation of 2 new HVAC units in the side yard a minimum 2.5 feet from the side property lot line;

- (7) Jeanne Carlucci testified that the relocation of the HVAC units was dictated by the need for greater overhead clearance and that the proposed location was the best option; and
- (8) Several board members expressed concerns regarding potential noise and visual concerns due to the proximity of the proposed HVAC units to the neighboring property.

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 150-17.4.E(2) and a setback of 2.5 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 2.5 feet is proposed with regard to the property located at 151 Linden Avenue, Block 54, Lot 4, 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;
- (3) The Applicant will install screening to consist of a solid slatted fence at

least 4-foot-high and a vegetation screen of native 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:

JEANNE CARLUCCI
151 LINDEN AVENUE
BLOCK 54 LOT 4

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