

RESOLUTIO 2021-08

IN THE MATTER OF THE APPLICATION

OF

JILLIAN & LEONARD ARMENTI

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

WHEREAS, Jillian and Leonard Armenti (collectively the "Applicant") are the owners of property located at 40 Ann Street, Verona, New Jersey, said property also being known as Block 1102, Lot 41 (the "Property"), which is located in an R-60 (Medium 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 new second story balcony and covered porch at the front of the existing dwelling at the Property;

WHEREAS, the Applicant requested a bulk variance for minimum required front yard setback where a minimum front yard setback of 30 feet is required pursuant to Verona Chapter 150-17.3.E.1 and a front yard setback of 25.91 feet is proposed; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant at a public hearing conducted on February 11, 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-60 (Medium Density Single Family) Residential Zone;
- (2) The Applicant seeks to construct a new second story balcony and covered porch at the front of the existing dwelling at the Property prompting the need for bulk variance relief;
- (3) Chapter 150-17.3.E.1 of the Township of Verona Zoning Ordinances requires a minimum front yard setback of 30 feet in the R-60 Zone and front yard setback of 25.91 feet is proposed requiring variance relief of 4.09 feet;
- (4) Applicant Jillian Armenti was sworn and began to present testimony in support of the application;

- (5) Jillian Armenti began her testimony by explaining that the Applicant was before the Board seeking a bulk variance for minimum required front yard setback where 30 feet is required in the R-60 Zone noting that their current front yard setback is 32 feet and should the variance be approved the front yard setback would be 25.91 feet;
- (6) Jillian Armenti next stated that they had recently constructed a second story addition which did not require variance relief and then decided they would like to improve their outdoor space as well with a covered front porch which would also serve as a balcony off of the front of the house for the new interior space they recently added;
- (7) Jillian Armenti testified that the rear of the Property abutted an industrial area and as a result most of their outdoor time is spent in the front of the house and having a covered porch which could be utilized for the entirety of the year would be a wonderful addition to the home;
- (8) In response to a question from Board Member Pat Liska regarding the floor plan of the home and the proposed second story balcony over the covered porch Jillian Armenti testified that the proposed balcony would be off of the master bedroom which was built as part of the recent addition;
- (9) In response to question from Board Member Christy DiBartolo asking what changed in the design of the addition to require variance relief Jillian Armenti testified that the original design for the addition had a window at the front of the house as opposed to a balcony with a covered porch below and that change necessitated the variance application for not providing the minimum front yard setback required;
- (10) In response to a question from Board Chairman Daniel McGinley regarding whether the balcony would also be covered Jillian Armenti testified that the balcony area would also be covered by an extension of the roof line forward;
- (11) In response to a question from Board Member Pat Liska asking whether the area of the roof now intended to hang over and provide cover for the proposed balcony was part of their original addition plan Jillian Armenti testified that it was not part of the original addition design but was proposed as part of the current variance application;

- (12) During board deliberation Board Member Christy DiBartolo stated her opinion that the proposed improvements would be intrusive and tower over some of the other dwellings in the area and would come forward closer to the street than the neighboring houses;
- (13) Board Member Pat Liska agreed stating that he did not believe the proposed improvements fit in well with the character of the neighborhood and the overall design of the improvements results in a significant protrusion from the building itself;
- (14) Board Member Larry Lindy agreed that the Applicant had limited use of their rear yard as it abuts an industrial use which the Applicant testified caused them to use their front yard almost exclusively for outdoor activity;
- (15) Board Member Paul Mathewson stated his agreement with the other board members regarding the large part of the roof structure over the balcony area but noted that he understood the Applicant's desire to utilize the space over the covered porch as a balcony area and asked if there was any way to minimize the size of the roof structure;
- (16) Board Member Christy DiBartolo expressed her feeling that the architectural design of the roof structure could possibly be redesigned in a way that would minimize its impact but still preserve the ability to have the balcony area. Ms. DiBartolo also again gave her opinion that the scale of the proposed improvements would have a negative impact on the properties in the surrounding area;
- (17) Board Member Paul Mathewson also expressed concern about the grand scale of the roof structure over the proposed balcony;
- (18) Board Vice Chairman Scott Weston stated that he understood what the Applicant is trying to accomplish and how they would utilize the space but the variance requested for the minimum front yard setback meant that the improvements and roof line proposed would be extending out that much closer to the street and would have an impact on the neighborhood; and
- (19) Board Vice Chairman Scott Weston also stated that the Property was in a very quiet area of the street and the impacts of the proposed improvements would only be experienced by their immediate neighbors.

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

- (1) The Applicant's proposed development of the Property would violate the Verona Zoning Ordinance;
- (2) The Applicant has failed to meet its burden of demonstrating that a legal basis exists for the granting of the requested variance;
- (3) The proposed new second story balcony and covered porch at the front of the existing dwelling at the Property is not an appropriate improvement of the subject property;
- (4) The Applicant failed to satisfy the positive criteria for granting the requested bulk variance. Specifically, the Board found that no unique conditions of the site were present and the proposed new second story balcony and covered porch at the front of the existing dwelling at the Property does not advance the purposes of the Municipal Land Use Law as codified in N.J.S.A. 40:55D-2;
- (5) The Applicant failed to satisfy the negative criteria for granting the requested bulk variance. Specifically, the Board found that the proposed new second story balcony and covered porch at the front of the existing dwelling at the Property will result in a substantial impairment of the intent and purpose of the zone plan and zoning ordinance of the Township of Verona; and
- (6) Moreover, the Board found that the proposed new second story balcony and covered porch at the front of the existing dwelling at the Property will cause a substantial detriment to the public good of the neighboring property owners.

NOW THEREFORE, be it resolved by the Board of Adjustment of the Township of Verona that the Applicant's proposal to construct a new second story balcony and covered porch at the front of the existing dwelling at the Property and for the approval of a bulk variance pursuant to N.J.S.A. 40:55D-70(c) for minimum required front yard setback where a minimum front yard setback of 30 feet is required pursuant to Verona Chapter 150-17.3.E.1 and a front yard setback of 25.91 feet is proposed with regard to the property located at 40 Ann Street, Block 1102, Lot 41, based upon the testimony taken on February 11, 2021, be denied.

IN THE MATTER OF THE APPLICATION OF
JILLIAN AND LEONARD ARMENTI
40 ANN STREET
BLOCK 1102 LOT 41

VOTE : TO DENY

AYES

SCOTT WESTON, VICE CHAIRMAN
LARRY LUNDY
PAUL MATHEWSON, ALT#2

NAYS

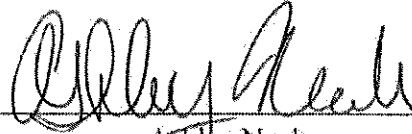
DANIEL MCGINLEY, CHAIRMAN
CHRISTY DIBARTOLO
PAT LISKA

ABSTENTIONS



Dan McGinley
CHAIRMAN

The foregoing is a true copy of a resolution adopted by the Board of Adjustment at their meeting on February 11, 2021 and memorialized on March 11, 2021.



Ashley Neale
Board of Adjustment Secretary