

RESOLUTION 2021-24

IN THE MATTER OF THE APPLICATION

OF

CAM GAR AT VERONA, LLC

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

WHEREAS, the Applicant, Cam Gar at Verona, LLC (the "Applicant") is the Owner of property at 34 Linn Drive, Verona, New Jersey, said property also being known as Block 2301, Lot 20; Block 2301, Lot 1; Block 2303, Lot 1 and Block 2304, Lot 11 (collectively the "Property"), and located in the A-1 Multi-Family Low Rise Zone;

WHEREAS, the Applicant, submitted an application for variance relief to the Verona Zoning Board of Adjustment in order to construct a new 2 unit apartment building approximately 1,505 square feet in size, an outdoor patio and a new parking and refuse/recycling area at the Property;

WHEREAS, the Applicant provided adequate notice of the public hearing 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 Verona Zoning Board of Adjustment (the "Board") had jurisdiction to consider the application;

WHEREAS, a single public hearing was conducted with regard to this application on August 12, 2021;

WHEREAS, the Applicant was represented by New Jersey Attorney Richard S. Schkolnick, Esq. with an address of 75 Main Street, Suite 201, Millburn, NJ 07041 and appearing on behalf of Applicant were Property Manager of the Runnymede Gardens Apartment Complex Joseph Feldman and New Jersey Licensed Engineer Michael J. Roth of Roth Engineering, LLC with an address of 52 Quail Run, Long Valley, NJ 07853 and New Jersey Licensed Planner William Hamilton of Bowman Consulting with an address of 54 Horsehill Road, Suite 100, Cedar Knolls, NJ 07927;

WHEREAS, a copy of the application together with supporting documentation was filed with the Board as well as their professionals and the Board considered the testimony presented by these experts and their reports in reaching a decision on this application;

WHEREAS, the Applicant requested approval of a use variance pursuant to N.J.S.A. 40:55D-70(d)(5) in order to permit the construction of two additional dwelling units which exceed the maximum permitted residential density permitted by Verona Chapter 150-17.7(D)(9)

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which permits 10 dwelling units per acre where 14.65 dwelling units per acre presently exist at the Property and 14.99 dwelling units per acre are proposed and a bulk variance pursuant to N.J.S.A. 40:55D-70(c) for minimum required parking spaces where 468 parking spaces are required pursuant to Verona Chapter 150-12.6(B) and 427 parking spaces are proposed;

WHEREAS, the Board having fully heard the testimony of the witnesses, who were sworn and accepted as experts in their respective fields, and examined the exhibits presented at the hearings as well as the reports issued by the township and board professionals, and having heard the arguments of the parties for and against the requested relief, including Joseph Feldman and New Jersey Licensed Engineer Michael J. Roth and New Jersey Licensed Planner William Hamilton during the public hearing held on August 12, 2021, and giving due consideration to any questions and/or comments having been raised by residents who were properly notified, has made the following findings:

- (1) The Applicant proposes to construct a new 2 unit apartment building approximately 1,505 square feet in size, an outdoor patio and a new parking and refuse/recycling area. The Runnymede Gardens apartment complex occupies four tax lots within the Township of Verona and is located in an A-1 Multi-Family Low Rise Zone;
- (2) Verona Chapter 150-17.7(D)(9) permits 10 dwelling units per acre in the A-1 (Multi-Family Low Rise) Zone where 14.65 dwelling units per acre presently exist at the Property and 14.99 dwelling units per acre are proposed thus necessitating use variance relief;
- (3) Verona Chapter 150-12.6(B) requires a minimum 468 parking spaces for the proposed use where 427 parking spaces are proposed thus necessitating bulk variance relief;
- (4) The Applicant's Attorney Richard Schkolnick, Esq. made an appearance on behalf of the Applicant and discussed the application in detail and the variances being requested;
- (5) Applicant's Attorney Richard Schkolnick, Esq. called the Applicant's first witness Michael Roth who was sworn in and accepted as an expert in the field of engineering;
- (6) Michael Roth began his testimony by describing the existing conditions at the Property and then describing the proposed improvements generally;
- (7) Michael Roth explained that the improvements for the parking area would result in 6 additional parking spaces being provided 1 of which would be an ADA accessible parking space;
- (8) Michael Roth went on to state that there were currently 252 dwelling units

at the Property and that the Applicant was requesting to add 2 additional dwelling units which would bring the total number to 254 dwelling units and increase the number of minimum required parking spaces from 464 parking spaces to 468 parking spaces where 427 parking spaces will be provided resulting in a net increase of 2 parking spaces from the current condition;

- (9) Michael Roth further testified regarding the lighting and landscaping improvements proposed to include a total of 34 new trees to be planted throughout the development to replace the trees to be removed during the construction of the proposed improvements;
- (10) Michael Roth described the stormwater improvements proposed to include a drywell and also that testified that the proposed improvements would result in a 404 square foot reduction in the total impervious coverage for the Property;
- (11) In the course of addressing the comments within the review letter from Professional Engineer Aaron Schrager of Bright View Engineering dated June 30, 2021 and last revised August 1, 2021 Michael Roth confirmed that the Applicant would comply with the snow removal requirements, that no change in the trash and recycling collection was proposed and confirmed that the proposed improvements would not be considered a major or minor development;
- (12) Applicant's Attorney Richard Schkolnick, Esq. called the Applicant's second witness William Hamilton who was sworn in and accepted as an expert in the field of planning;
- (13) William Hamilton began his testimony by reciting the two variances which were being requested by the Applicant specifically for exceeding the permitted residential density and failing to provide the required number of parking spaces;
- (14) William Hamilton explained that these deviations were already in existence at the Property for the most part and that a minor increase in residential density was proposed from 14.65% to 14.99% which would not negatively impact the zone plan or the neighboring property owners;
- (15) William Hamilton went on to address the variance needed for minimum required parking spaces explaining that 421 parking spaces currently exist at the site and the Applicant proposed to create an additional 6 parking spaces bringing the total to 427 parking spaces. William Hamilton explained the New Jersey Residential Site Improvement Standards parking requirement which Verona Chapter 150-12.6(B) mirrors and testified that

2 additional parking spaces were required for each of the two new dwelling units proposed but that considering the fact that 6 new parking spaces were proposed this would be a net increase of 2 parking spaces in the context of the overall use of the Property;

- (16) William Hamilton then addressed the positive and negative criteria and established the basis for granting the variances at issue testifying that in his professional opinion were the application approved it would have no negative impact on the neighboring property owners as all improvements proposed were internal to the site and will not be visible to the neighbors on Lynn Drive. William Hamilton also stated that there would be no impairment of the zoning plan or the zoning ordinance were the application approved;
- (17) Applicant's Attorney Richard Schkolnick, Esq. called the Applicant's third witness Property Manager of the Runnymede Gardens Apartment Complex Joseph Feldman; and
- (18) In response to a Board Member questions Joseph Feldman testified that no parking spaces at the Property were assigned to any tenant and further that despite not meeting the minimum parking requirement the apartment complex has not had any problems with having enough available parking for all tenants and guests.

WHEREAS, the following exhibits were introduced into evidence:

Exhibit A-1 (8-12-21), Aerial photograph of the Existing Conditions; and

Exhibit A-2 (8-12-21), Site Plan Rendering with the Proposed Improvements Colorized.

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

- (1) The proposed new 2 unit apartment building approximately 1,505 square feet in size would violate the provisions of the Verona Zoning Ordinance;
- (2) Despite exceeding the maximum permitted residential density the proposed new 2 unit apartment building approximately 1,505 square feet in size would be an appropriate improvement and would not negatively impact the zoning plan or the neighboring property owners;
- (3) The proposed new the proposed new 2 unit apartment building approximately 1,505 square feet in size will advance the purposes of the

Municipal Land Use Law in that it will promote public health, safety, and welfare while at the same time improving the aesthetics of the Property;

- (4) The proposed new the proposed new 2 unit apartment building approximately 1,505 square feet in size will not cause a substantial detriment to the public good or substantially impair the intent and purpose of the zone plan and zoning ordinance.

NOW THEREFORE, be it resolved by the Board of Adjustment of the Township of Verona that the Applicant's request for variance relief pursuant to N.J.S.A. 40:55D-70(d)(5) in order to permit the construction of two additional dwelling units which exceed the maximum permitted residential density permitted by Verona Chapter 150-17.7(D)(9) which permits 10 dwelling units per acre where 14.65 dwelling units per acre presently exist at the Property and 14.99 dwelling units per acre are proposed and a bulk variance pursuant to N.J.S.A. 40:55D-70(c) for minimum required parking spaces where 468 parking spaces are required pursuant to Verona Chapter 150-12.6(B) and 427 parking spaces are proposed based upon testimony taken and exhibits presented on August 12, 2021, be hereby **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 shall obtain all outside agency approvals necessary for the development proposed. It shall be the responsibility of the Applicant to determine which, if any, outside agency approvals are necessary;
- (4) The approvals granted herein shall expire unless construction is begun within two years of the date of the memorializing resolution;
- (5) A landscape plan showing the locations of the 34 replacement trees to be planted shall be submitted to the Verona Zoning Officer and the Verona Environmental Commission for review and shall further be subject to the approval of the Verona Zoning Officer; and
- (6) A grading and drainage plan shall be submitted subject to the review and approval of the Verona Zoning Officer.

IN THE MATTER OF THE APPLICATION OF
CAM GAR AT VERONA LLC
34 LINN DRIVE
BLOCK 2301 LOT 20; BLOCK 2301 LOT 1
BLOCK 2303 LOT 1 & BLOCK 24304 LOT 11

VOTE : TO GRANT

AYES

DANIEL MCGINLEY, CHAIRMAN
SCOTT WESTON, VICE CHAIRMAN
LARRY LUNDY
CHRISTY DIBARTOLO
GENEVIEVE MURPHY-BRADACS
PAT LISKA
PAUL MATHEWSON, ALT#2

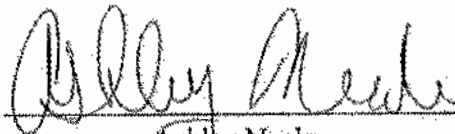
NAYS

ABSTENTIONS



Dan McGinley
CHAIRMAN

The foregoing is a true copy of a resolution adopted by the Board of Adjustment at their meeting on August 12, 2021 and memorialized on September 9, 2021.



Ashley Neale
Board of Adjustment Secretary