

RESOLUTION 2021-25

IN THE MATTER OF THE APPLICATION

OF

MICHAEL & CARLA GUGLIEMI

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

WHEREAS, Michael & Carla Gugliemi (collectively the "Applicant") are the owners of property located at 93 Lynwood Road, Verona, New Jersey, said property also being known as Block 1403, Lot 40 (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 bulk variances pursuant to N.J.S.A. 40:55D-70(c) to construct a new 14 foot by 28 foot in-ground pool with mechanical pool equipment, a 10 foot by 14 foot cabana, patio and retaining walls in the rear yard of the existing dwelling at the Property;

WHEREAS, the Applicant requested bulk variances for maximum permitted improved lot coverage where a maximum improved lot coverage of 40% is permitted pursuant to Verona Chapter 150-17.4.D.4 and an improved lot coverage of 41.6% is proposed, minimum rear yard setback to any accessory structure where a minimum setback of 10 feet is required pursuant to Verona Chapter 150-17.4.F.2 a minimum rear yard setback of 7.1 feet is proposed, maximum aggregate area covered by accessory structures where a maximum area of 15% is permitted pursuant to Verona Chapter 150-17.4.F.4 and an aggregate area covered by accessory structures of 60% is proposed, minimum required swimming pool setback to a rear yard where a setback of 10 feet is required pursuant to Verona Chapter 150-17.5.A and a swimming pool setback to a rear yard of 5.6 feet is proposed and minimum required pool filtration equipment setback from any lot line where a minimum setback of 5 feet is required pursuant to Verona Chapter 150-17.5.B and a pool filtration equipment setback from a lot line of 1 foot is proposed; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant at a public hearing conducted on August 12, 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-50B (Medium-High Density Single Family) Residential Zone;
- (2) The Applicant seeks to construct a new 14 foot by 28 foot in-ground pool with mechanical pool equipment, a 10 foot by 14 foot cabana, patio and retaining walls in the rear yard of the existing dwelling at the Property prompting the need for bulk variance relief;

- (3) Verona Chapter 150-17.4.D.4 permits a maximum improved lot coverage of 40% in the R-50B Zone where an improved lot coverage of 41.6% is proposed requiring variance relief of 1.6%;
- (4) Verona Chapter 150-17.4.F.2 requires a minimum rear yard setback to any accessory structure of 10 feet and a minimum rear yard setback of 7.1 feet is proposed requiring variance relief of 2.9 feet;
- (5) Verona Chapter 150-17.4.F.4 permits a maximum aggregate area covered by accessory structures of 15% of total lot area where an aggregate area covered by accessory structures of 60% is proposed requiring variance relief of 45%;
- (6) Verona Chapter 150-17.5.A requires a minimum swimming pool setback to a rear yard of 10 feet where a swimming pool setback to a rear yard of 5.6 feet is proposed requiring variance relief of 4.4 feet;
- (7) Verona Chapter 150-17.5.B requires a minimum pool filtration equipment setback from any lot line of 5 feet where pool filtration equipment setback from a lot line of 1 foot is proposed requiring variance relief of 4 feet;
- (8) Applicant Michael Gugliemi was sworn and began to present testimony in support of the application;
- (9) Michael Gugliemi testified briefly explaining the purpose of the application before the Board install an in-ground pool, cabana and patio in their rear yard and described the variances required in connection with the application;
- (10) Michael Gugliemi also explained the reasons for the location of the pool and the retaining walls due to the fact that the property slopes from the front to the back;
- (11) Michael Gugliemi stated that they experienced a great deal of difficulty in trying to design the location of the proposed improvements due to the slope of the rear yard and the existing retaining wall;
- (12) Michael Gugliemi then introduced his project engineer Jeff Egarian;
- (13) Jeff Egarian was sworn, accepted as an expert witness in the field of engineering and began to present testimony in support of the application;

- (14) Jeff Egarian began his testimony explaining that the location of the in-ground pool and accessory structures was the optimal location due to the slope of the yard and to lessen the grading needed;
- (15) Jeff Egarian stated that in order to deal with the additional coverage being proposed the Applicant incorporated a 500 gallon seepage tank into the design and all stormwater generated would be routed to the seepage tank which would more than accommodate any stormwater generated by the proposed improvements;
- (16) Jeff Egarian then described the surrounding properties and their uses and described the efforts which were made during the design phase to ensure that the neighboring property owners would not be negatively impacted;
- (17) Jeff Egarian also testified that a 6 foot high privacy fence would be installed along the rear property line to provide privacy for both the Applicant and the neighboring property owner; and
- (18) In response to board member comments and concerns, the Applicant Michael Guglielmi agreed to reduce the size of the proposed cabana from 12 feet by 16 feet to 10 feet by 14 feet to eliminate 2 bulk variance which were previously required. In turn the proposed lot coverage was reduced to 41.6%.

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

- (1) The proposal to construct a new 14 foot by 28 foot in-ground pool with mechanical pool equipment, a 10 foot by 14 foot cabana, patio and retaining walls in the rear yard of the existing dwelling at the Property will be an appropriate improvement to the subject property;
- (2) The proposal to construct a new 14 foot by 28 foot in-ground pool with mechanical pool equipment, a 10 foot by 14 foot cabana, patio and retaining walls in the rear 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 new 14 foot by 28 foot in-ground pool with mechanical pool equipment, a 10 foot by 14 foot cabana, patio and retaining walls in the rear yard of the existing dwelling at the Property outweigh any detriments;
- (4) The proposal to construct a new 14 foot by 28 foot in-ground pool with

mechanical pool equipment, a 10 foot by 14 foot cabana, patio and retaining walls in the rear 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 new 14 foot by 28 foot in-ground pool with mechanical pool equipment, a 10 foot by 14 foot cabana, patio and retaining walls in the rear yard of the existing dwelling at the Property will not cause a substantial detriment to the public good.

NOW THEREFORE, be it unanimously resolved by the Board of Adjustment of the Township of Verona that the Applicant's proposal to construct a new 14 foot by 28 foot in-ground pool with mechanical pool equipment, a 10 foot by 14 foot cabana, patio and retaining walls in the rear yard of the existing dwelling at the Property and for the approval of bulk variances pursuant to N.J.S.A. 40:55D-70(c) for maximum permitted improved lot coverage where a maximum improved lot coverage of 40% is permitted pursuant to Verona Chapter 150-17.4.D.4 and an improved lot coverage of 41.6% is proposed, minimum rear yard setback to any accessory structure where a minimum setback of 10 feet is required pursuant to Verona Chapter 150-17.4.F.2 a minimum rear yard setback of 7.1 feet is proposed, maximum aggregate area covered by accessory structures where a maximum area of 15% is permitted pursuant to Verona Chapter 150-17.4.F.4 and an aggregate area covered by accessory structures of 60% is proposed, minimum required swimming pool setback to a rear yard where a setback of 10 feet is required pursuant to Verona Chapter 150-17.5.A and a swimming pool setback to a rear yard of 5.6 feet is proposed and minimum required pool filtration equipment setback from any lot line where a minimum setback of 5 feet is required pursuant to Verona Chapter 150-17.5.B and a pool filtration equipment setback from a lot line of 1 foot is proposed with regard to the property located at 93 Lynwood Road, Block 1403, Lot 40, based upon the testimony taken on February 11, 2021, 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 approvals granted herein shall expire unless construction is begun within two years of the date of the memorializing resolution;
- (4) The Applicant shall reduce the size of the cabana from 12 feet by 16 feet to 10 feet by 14 feet;
- (5) The plans shall be revised so that all stepped retaining walls will be separated by a minimum 3 feet to prevent additional variance relief being required for maximum retaining wall height; and

- (6) Grading and drainage plan to be submitted prior to construction which will be subject to the review and approval of the Verona Zoning Officer.

**IN THE MATTER OF THE APPLICATION OF
MICHAEL AND CARLA GUGLIEMI
93 LYNWOOD ROAD
BLOCK 1403 LOT 40**

VOTE : TO GRANT

AYES

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

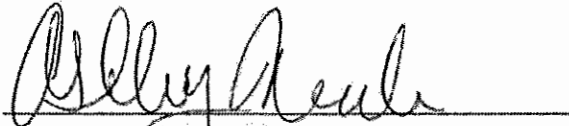
NAYS

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