

Minutes of a Regular Meeting of the Verona Board of Adjustment on Thursday June 14, 2018 beginning at 8:00 P.M. in the Verona Community Center, 880 Bloomfield Avenue, Verona, New Jersey.

Roll Call:

Present: Dan McGinley, Chairman, John Denton, Vice Chairman, Pat Liska, Larry Lundy, Sean Sullivan, and Scott Weston

Also, present: Michael Piromalli, Esq. and Thomas Jacobsen, Township Construction Code Official

Absent: Lou Russo and Christy DiBartolo, Alt #1

Secretary read the notice of Open Public Meetings law and called attendance.

Mr. McGinley called the meeting to order at 8:00 PM. He leads the Pledge of Allegiance. He then explains to the Applicants that the Board can grant variances, but the burden is on the Applicant to prove special reason or any undue hardship. Mr. McGinley states the Applicants shall offer sworn testimony on their application and the Board will rule based on the evidence presented. He reports the variance, if granted, will be memorialized at the next regular meeting.

Application:

**Case 2018-06: Michael Mattevi, 16 Mountainview Road
Block 606 Lot 21**

Michael Mattevi, homeowner of 16 Mountainview Road, was sworn in.

Mr. Piromalli offered proof of service was in order.

Mr. Mattevi explained that they started their project in December of 2016 with demoing the house on the property they purchased and building a new house. The house has two floors and a lower basement level. Since the property slopes in the rear of the house, you can walk out the lower basement level. The house was constructed with a deck off the first floor with a storage area and workshop below it. When final calculations done with this deck and enclosed workshop area the lot coverage is now over then what is allowed. He was directed to go for a variance. There are no other issues. They are asking for approval of this lower area and they will finish it to match the rest of the house. The area is concrete now and he stated they will put stucco to match if approved. This deck and enclosed area below is in the center of the rear exterior between the garage and patio. It does not obstruct any views for the neighbors. He stated it would not be a detriment to the neighbors.

Mr. Sullivan asked if without that area the coverage would be under what is allowed. Mr. Mattevi stated that was correct. Mr. Sullivan asked how much it was under.

Danny Garabedian, contractor for the new house construction, was sworn in.

Mr. Garabedian answered Mr. Sullivan's question by stating without that rear area the lot coverage was just under what is allowed. Mr. Jacobsen, construction official, added that with the area, they are over by 2.73 percent and on the initial drawings submitted with permits showed, the lot coverage was under.

Mr. Lundy asked Mr. Jacobsen that if there was not workshop in the plans that would not be part of lot coverage. Mr. Jacobsen explained that before the drawings showed patio without a deck over it and would be calculated towards improved lot coverage and not building (lot) coverage.

Mr. Lundy asked if it was a deck with just cinder patio that would count against improved lot coverage only. Mr. Jacobsen confirmed that once they enclosed the space below to make the workshop that is when it to building (lot) coverage.

Mr. Lundy asked if this area was shown on original application. Mr. Garabedian stated that the area was on the drawing the whole time and on what was given to him for construction. He also stated it was on the drawings with the permits. Mr. Denton questioned when approve why this issue was not on. Mr. Jacobsen stated that the zoning that submitted was approved and all shown to be within the zoning allowed.

Mr. Garabedian stated that the area was on his drawings and they passed inspections through slab and each all the way to final On final inspection in September, Bill (Noss), building inspector, questioned not having it on his drawings and there was discrepancy between theirs and building department.

Scott Hoffman, architect for the project, was sworn in.

Mr. Hoffman gave his credentials to the Board. Board accepted him as expert in architecture.

Mr. Hoffman presented exhibit A-1 a photo Board of pictures of the property taken from different vies taken by him that previous weekend.

Mr. Weston asked if the deck was part of the original plan. Mr. Hoffman stated it was always on plan. Mr. Piromalli questioned if it was shown closed in. Mr. Hoffman stated the original plans are not what the Board was given and he could not remember if on the original ones submitted, as there were many resubmittals of different pages requested during plan review.

Mr. Mattevi explained that the area is for lawn mower and tools and it has a five-foot wide roll up door. There is no access into the house from the workshop area. It only has exterior access.

Mr. Liska asked if there were any plans for a shed as well. Mr. Mattevi stated no.

Mr. Denton asked if there was a shed instead if it would have same effect. Mr. Jacobsen stated yes. He also stated this is to clean up some paperwork that did not match

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Public Question and / or Comments: None

Mr. Lundy stated he was more concerned with process that got them there and based on size was not concerned with building coverage. He had no problem with the extra 300 square feet.

Mr. Denton stated through testimony felt this is not a conspiracy to get something in without being caught. It seems like just a matter of paperwork and things not matching up.

Mr. McGinley asked if this application had come to them before they started construction would the Board be ok with it. Mr. Denton stated that they probably would not have had any issues. Mr. Lundy stated it would have no effect on neighbors. Mr. Sullivan added that this was not bulk of the building and has a visual quality to it rather than open under the deck and there is no drainage issue with it since would have been patio otherwise.

Mr. Lundy motioned case 2018-06 be granted based on the testimony; Mr. Denton seconded the motion.

All votes aye. Application granted.

Application:

**Case 2018-07: Kevin Fremgen, 32 Otsego Road
Block 802 Lot 55**

Kevin Fremgen, owner of 32 Otsego Road, was sworn in.

Mr. Piromalli offered proof of service was in order.

Mr. Fremgen explained he bought the property recently. He needs to renovate the property is unlivable. He is looking to put a second floor on the existing small house. He would put bedrooms upstairs. He would also like to add a detached garage to the property to park cars in. He would also like to add a deck to the rear of the house. Mr. Fremgen explained in talking to the township engineer, Mike DeCarlo, that there may be issues with runoff. He was informed the week prior that a topographic report suggested be done. He stated that was ordered and being done but it was not ready at time of meeting. He stated he was willing to do anything to help the issues including putting drywells in. He planned to flatten out some of property and take some trees down that had dead branches over the house. He will use pavers suggested by Mr. DeCarlo as well. He is looking to just make the property little more livable.

Mr. Piromalli explained to the applicant that normally put a condition that will grant if based on submitting reports to Township Engineer. He asked the applicant that if granted application would he agree to that condition. Mr. Fremgen stated that he would be willing to do anything needed. Mr. Piromalli added that could include drainage and grading plans.

Mr. McGinley stated the plans require several variances. He stated that the maximum improved lot coverage is a little more than allowed by almost 12%. He felt that was a lot based on size and layout of property. He did add that there is a lot of driveway as the house is set far back from street. He asked the applicant with the plan for the addition did he consider any adjustments to the size of the building. Mr. Fremgen stated when he sat and talked to architect about the plans they did not feel that the 10% was that big. He will implement whatever technology necessary to be okay He will use drywells pavers anything to not mess up any properties around him. The situation of the property being setback so far from the street and out of the way he just wanted to make it livable. Mr. McGinley questioned the tree by where proposed garage is and if he any plans for that tree. Mr. Fremgen state that he did not think that it would be too much to move garage around it and he was not going to touch the tree. Mr. McGinley asked if he had asked town to extend Crilley Court so that the house could face that street. Mr. Fremgen stated that no he had not. Mr. McGinley questioned how would access the property for construction. Mr. Fremgen sated they would access by the driveway. Mr. McGinley also suggested with the driveway being at a crosswalk trucks dropping off equipment and supplies would need to park down the road and to make sure that he speaks with the township when that may happen. Mr. Fremgen agreed and stated that he and his contractor had already discussed that. Mr. McGinley added that he liked that the applicant was willing to do what is needed. He did also suggest with that many improvements that he need a drainage plan.

Mr. Sullivan asked looking at the application it appeared that the additions to the property are the deck and garage and there are no change in size to the house. Mr. Fremgen stated yes the addition is going straight up.

Mr. Weston questioned the number of dwelling units on the property. Mr. Fremgen said just one house. Mr. Weston questioned the drawings stating three dwelling if that was garage, house and

shed. Mr. Denton stated that what was probably meant was that it was going from two bedrooms to three bedrooms.

Mr. McGinley reviewed all the variances that the applicant is asking for. There is a variance improved lot coverage with the house going up the added is the deck and the detached garage. There is a variance for front yard setback off Crilley Court, existing is 3 feet and they are asking for 3 feet. Mr. Sullivan added that this is a paper street. There is also side yard setback variance requested with existing 6 feet and proposed staying at 6 feet. Mr. Liska added this is something that is seen into a lot. There is a variance for deck height of 7.4 feet with allowed being 4 feet. Mr. McGinley added that this height appears to be due to the slope of the property. Mr. Fremgen agreed it was due to the property slope. Mr. McGinley stated it appears that the deck comes out from the first floor of the house but due to the slope in the rear of the house is up above.

Mr. Denton stated that this was major lot coverage. Mr. McGinley stated that the lot was oddly shaped and would be difficult to go back and see where the lot was made from. Mr. Lundy questioned what the driveway square footage was and the lot makes for problems with layout. Mr. Liska stated the lot size was little bigger than what is required for the zone. Mr. Sullivan questioned if the driveway was taken off the property would the coverage go down to the 40% that is allowed. Mr. Fremgen was not certain what the driveway size was and did not know what the coverage would be without it. Mr. Sullivan added that they do like people to have garages to put stuff in and it would follow with the town master plan and redevelopment. He also added that the driveway and shape did create a hardship for doing anything on the lot.

Public Questions:

Suzanne Robinson, 17 Wilton Terrace

Ms. Robinson stated that she lives directly behind the property. She explained that she had concerns about the drainage of the property since she had invested a lot of money into water proofing her property and did not want this to effect what she has done already. She also expressed concern about the deck and people being able to look down from it down into her property. Mr. Piromalli directed her that this was a time for questions and there would times for comments later.

Richard Ram, 34 Otsego Road

He questioned where the garage was going to be located. Mr. Fremgen explained it would be going to the side of the house. There was lumber it would be behind that. Mr. Ram then asked if he could see the plans.

Recess was taken for neighbors to review the plans.

Mr. Denton asked the applicant what would be seen from the deck. Mr. Fremgen stated that the deck comes off the first floor and he would exactly what he could see from the rear windows now. Mr. Denton stated the concerns seem to be that with the deck protruding further out that there may additional line of sight to the neighbors. Mr. Fremgen explained that his eyesight was bad and that the neighbors have fences in the back of their properties and he did not feel that he would see any more. Mr. Piromalli asked how far off the back the deck was. Mr. Fremgen explained it was 11 feet out from the house.

Mr. Denton questioned if the applicant had experience with the runoff down to the lower properties. Mr. Fremgen stated he did not and that he was only aware what heard tonight and what he had discussed with the town engineer. He spoke about getting a topo report and address matters that way. Mr. Denton asked if there would be a plan that would sufficiently address the

runoff. Mr. Fremgen stated there would be. Mr. Lundy added that he has personal experience with runoff living downhill from the golf course and knows what it is like when power is out and the sump pump does not work. He felt that without seeing the drainage plan he would have trouble making a reasonable judgement. He felt the submission was incomplete and there needed to be some professional response to the drainage.

Mr. McGinley wanted to review Mr. DeCarlo's review comments. Mr. Fremgen stated he saved the email to be able to go over the list.

Mr. McGinley suggested that they hear comments from the public but at end strongly suggest that the applicant postpone to time when he has correct materials. Mr. Fremgen agreed he would like to hear what the public had to say.

Public Comments:

Paul Matthewson, 11 Wilton Terrace

Mr. Matthewson stated his concern with the 12% coverage he is requesting. He is concerned with the garage and the closeness to the property line. He also felt a topo would help because the property is steep. He sated concern of where work will go because seems to go through another property He also expressed concern for how this would all effect Crilley court. He believe vegetation would help.

Mr. Jacobsen questioned needing a landscape plan and if the applicant had any plans for that. Mr. Fremgen stated he would do some landscaping.

Richard Ram, 34 Otsego Road

Mr. Ram questioned d the property line between 32 and 34 Otsego being wrong. He stated the driveway is terrible. Mr. Fremgen stated the line was based off the survey for the property. Mr. Ram stated that he was sure the property line did not look like what the line is. Mr. Fremgen stated that when he bought the property he had a surveyor survey the property. Mr. McGinley told the applicant to talk to the architect and tell him that if he uses the survey he should use the reference from the surveyor. Mr. Liska suggested that he put the stakes in at all the corners of the property. Mr. Sullivan stated the Board has no jurisdiction over property lines. It was suggested that he bring his survey to the next meeting. Mr. Jacobsen suggested he bring his survey and the other survey to the township engineer to review.

Linette Matthewson, 11 Wilton Terrace

Ms. Matthewson expressed concern for the encouraging of a 2-car garage and why there was no thought to a 1-car garage that would cover less and may not need variances. She also had concerns for the drainage and the added runoff from the property.

Lisa Nazzaretto, 15 Wilton Terrace

Mrs. Nazzaretto explained that she has an easement down the right side of her property for sewage drains from the applicant's property that run to Wilton Terrace. She had concerns that the construction going on may effect that drain. She also asked that he does not sell the property and plans to live there would he be willing to reconsider some of his plans. Mr. Fremgen explained that he does not want to go in a d upset people. He is trying to do things the way he would like them and if there were a way that can be done, he would prefer it. Mrs. Nazzaretto stated concern of the 2-car garage that would line up behind her property. She also believed that all this work would be well above their properties and fences. She felt eh deck was something to reconsider.

Richard Ram, 34 Otsego Road

Mr. Ram returned to question if the town would ever extend the paper street to be paved. Mr. Piromalli explained the Township has the right at any time to do anything to the paper street.

Francine Baker, 13 Wilton Terrace

Ms. Baker expressed concern of any more trees being removed from the property. She stated the property is known for having springs on it. She would like him to keep as many trees as possible. She also felt that if he kept the Oak tree he would not be able to do the 2-car garage.

Mr. McGinley stated the engineer's letter asked for plan to show all trees larger than 6 inches in diameter and to show all trees that are to be removed. Mr. Fremgen stated the only trees removed so far were ones that were over the house.

Maria Kennedy, 7 Wilton Terrace

She had concerns that she was fixing the drainage problems in her yard now and that this may cause more issues after and she would need to do more. She asked if the Township could help and take on some of the runoff and help with the property by doing so into the paper street wooded area.

Mr. McGinley spoke to the applicant that after hearing the concerns from the Board members and the public that the Board would like for the application to continue to the next meeting with all materials talked about and maybe with contractor, architect or engineer. Mr. Fremgen apologized for not having all the proper materials and explained he did not want to waste anyone's time. Mr. Piromalli added that relative to the concerns about drainage and grading he would need a professional engineer to provide with topo-survey a stormwater drainage report. He also stated that a landscape plan that would help show what see from deck and show any trees to be removed. Mr. Lundy suggested the applicant get a detail of how much coverage the driveway encompasses. He explained a detail of the coverage calculations may shed light on why coverage so skewed with a lot this size that is extraordinary coverage. Mr. Jacobsen agreed showing the calculations would be helpful. He also suggested that the drainage plan be reviewed by the engineer before meeting again. Mr. Jacobsen also questioned a retaining wall is to be used that would need to be shown and reviewed as well. Mr. Fremgen explained he would need to see report before deciding what to do in the plan.

Mr. Piromalli asked if the applicant was willing to adjourn to the next regular meeting of the Board on July 12, 2018 at 8 pm and waive all time constraints of the Board to make decision and agreed to suspend the time during that requested adjournment. Mr. Fremgen agreed.

Mr. McGinley stated that case 2018-07 was adjourned to the July meeting.

Minutes:

Mr. Liska motioned the May 2018 meeting minutes be approved; Mr. Weston seconded the motioned. All other votes aye, minutes approved

Resolutions: none

Board Business:

Meeting dates for 2018-2019 Board year approved.

Mr. McGinley stated that seem to get Environmental Commission comments that square footage on application is incorrect and in most cases the number is close. He said that even for tonight's

application it was 7/10ths off. Mr. McGinley added that it is up to the Engineer to do that. Mr. Lundy added that unless an engineer with stamp on Environmental Commission that they do not need to do and it is not their job or place to do so.

Mr. McGinley informed the Board that Ed Conlon and Michael Zichelli, former Board members, were honored at the Council meeting the Monday before the Board meeting and that it would have been nice for the Board to have been told

Meeting was adjourned at 9:49 PM.

Respectfully submitted
Kelly Lawrence
Board of Adjustments Secretary