

Minutes of a Regular Meeting of the Verona Board of Adjustment on Thursday October 9, 2014 beginning at 8:00 P.M. in the Verona Community Center, 880 Bloomfield Avenue, Verona, New Jersey.

**Roll Call:**

Present: Daniel McGinley, Chairman, John Denton, Vice Chairman, Larry Lundy, Sean Sullivan, Michael Zichelli, Pat Liska, Alt#1, Coleen D'Alessandro, Alt#2

Also present: Michael Piromalli, Esq. & Glenn Hauser, Building Subcode Official.

Absent: Louis Russo, Edward Conlon

Tardy: John Denton

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

Mr. McGinley, Chairman called meeting to order at 8:03 PM. 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 monthly meeting.

**Application:**

**Case 2014-08: Anthony & Malisa Tortoriello, 5 Highland Terrace  
Block 36 Lot 37**

Mr. Piromalli offered proof of service was in order.

Anthony Tortoriello, homeowner, was sworn in.

Mr. Tortoriello explained to the board that he was there seeking variances to put an inground pool in his yard. With the pool he would exceed maximum lot coverage allowed. He explained that he tried to keep the coverage done as low as possible by picking the smallest pool offered of 500 square feet with 3 feet coping and 3 feet beyond pool. The remainder of the yard will be filled with natural landscape and grass. He explained that the pool is for his two small children's enjoyment more than the adults. He also explained that he was not doing this to add value to the pool to have more living space to enjoy on their property. He stated that when they first bought house they talked about putting second floor on the existing raised ranch but they could not afford to do that so instead to provide more living space they decided on utilizing the backyard and putting in a swimming pool. He also explained that he received the comments from town departments and he wanted to explain that the pool would be a salt water pool using a medium cartridge filter using the greenest possible offered by the pool company. He also stated that he spoke to his immediate neighbors about what he was looking to do and tried to hand out as many of the letters to his 200 foot list of neighbors as possible.

Mr. McGinley pointed out that prior to the pool with just his house he is already 12 percent over in improved lot coverage. Mr. Tortoriello added that he is a maximum density zone with most of properties in the area having little property and that his is just his house with a deck. Mr. Denton asked where the filter was to be located, if it was going on the existing deck. Mr. Tortoriello explained that it was going to go between the house and sidewalk next to his air conditioning unit. He chose there because he did not want it in the rear of the yard because of the neighbors or in the yard itself so he could have landscaping and some yard. He explained the filter would go on a small fiberglass slab that is not permanent. Mrs. D'Alessandro asked about the tree in the yard and if that was going to stay. Mr. Tortoriello stated that unfortunately that would have to come down. Mr. Liska asked if this was a prefab pool since stating that took smallest package

available. Mr. Tortoriello explained that it is not pre-fab but the way the pricing works no matter what he would have to pay for 500 square foot pool even if he chose to go smaller. Mrs. D'Alessandro asked about the fencing for the pool and if it was to code. Mr. Tortoriello explained that things need to be corrected and the pool company is aware and will make corrections or the town will not be able to issue certificate of occupancy for it.

**Public Comments:** None

Mr. Zichelli expressed his feelings that they have seen this kind of application before the board before being that houses were built and not all conform to the zone they are in as this one that starts with limited space and he would be in favor of the application. Mr. Denton agreed that this was like many other applications that were seen by the board where they percentage of coverage is already maximized. He also stated that the homeowner was doing his best to minimize the coverage by taking the smallest and not trying to cover every inch of the yard with a pool. Mr. Sullivan agreed that this was a undersized lot that makes for the impervious coverage to go up faster and the house itself is smaller house so they using what they have. He also had no objections to the application. Mr. Lundy also echoed other board members agreeing that it is substandard sized lot and undersized for the zone and the homeowner was making an effort to keep the pool in line with the lot size.

Mr. Zichelli motioned case 2014-08 be granted; Mr. Lundy seconded the motion. All votes aye. Application granted.

**Application:**

**Case 2013-09: Spencer Fox, 67 Fairway Avenue  
Block 129 Lot 16**

Mr. Piromalli offered proof of service was in order.

Spencer Fox, homeowner, was sworn in.

Jennifer Knarich, attorney for the applicant, started by explaining the applicant was looking to update their home at 67 Fairway Avenue in Verona. The home is in R-70 residential zone. They are looking to get variances to put a one and half story addition on to the house along with a deck. The plans are to include landscaping and buffering. The addition triggers variances for maximum building coverage, maximum improved lot coverage and rear yard setback. The homeowner has already agreed to cut down on the improved lot coverage and reduce it from 42.6 percent to 39.05 percent by removing a paver patio.

Ms. Knarich asked for Mr. Fox to speak more about what they are looking to do and why. Mr. Fox stated that he and his wife moved to this house in June of 1998. Previously they lived on Floyd road in Verona for 11-12 years. He and his wife raised three children in Verona and they want to stay in Verona. With the family dynamics changing and he and his wife now being of the older generations they now have to host gatherings and they are also looking forward to grandchildren and extending family. He stated his house was built in 1959 with small rooms including formal living room, den, family room and kitchen all on first floor. The addition and alterations they are looking to do will not add a room just add to the existing rooms and help with the flow of the house. Having kids and college fees did not allow for them to do this work earlier but now with kids out of the house they can make the improvements they have wanted. They are not making new rooms just moving kitchen to center of house and making more room. All changes will be to the rear and from front will not see any change. The windows are to be

changed out to more energy efficient ones. The deck is coming off and will be replaced a shorter but wider one. At present the access to the deck is from the den so makes grilling difficult so the new deck will also have access to it from the kitchen. The siding on the new addition will match the existing house. He explained that all the houses in the neighborhood were built around the same time and many of them have already done updating to their homes. He explained the bathrooms in the house are still the original 1960's style. He also spoke to his neighbors on either side about the plans they are looking to do and all are excited and one was even present in audience.

Mr. Zichelli asked about drainage of property and as part of addition improves drainage system. Mr. Fox stated they had no drainage issues currently; front leters, back of garage go to the street and the downhill side runs to a drywell. All drains run to the street or to the drywell. He also testified that with the addition they will make sure to pay attention not to cause issues to the neighbors with runoff and drainage. Mr. Zichelli specifically asked that a pipe exposed to the left side be looked at. Mr. Fox said they would absolutely make note and have the architect look at it and make sure all drains are going to the street or the drywell.

Mr. Sullivan asked about the paver area being removed. Mr. Fox explained they previously had it there and used it to marry all three of their daughters. But currently they do not use it and would like to remove it in anticipation of grandkids and maybe putting a swing set there.

Mr. McGinley asked about the windows for the new addition and if any would line up with the neighbors' windows. Mr. Fox explained that to the left downhill side no new windows being added and to the right one window would be added but the neighbor has no windows to the side.

**Public Questions for Mr. Fox:** None

Ms. Knarich explained to the board she had another witness the architect that was ready to present if the board needed. Mr. McGinley stated the board waived the next witness and thought the case was well presented by the homeowner and nothing more needed.

Ms. Knarich ended the presentation by stating she believed this was a good plan for the residence and was not an over reach and would hope the board grant the application.

**Public Comments:** None

Mr. Sullivan expressed no problems with the application as the variance is more for the deck than the house. Mr. Denton also in favor as the homeowner eliminated a variance just by removing the pavers.

Mr. Denton motioned that case 2014-09 be approved with 3 conditions the drainage be addressed and drainage plan be submitted to Township Engineer, siding match existing house and no windows line up with neighbor windows; Mr. Lundy seconded the motion; all votes aye. Application was granted.

**Minutes:**

Minutes from the September 2014 regular meeting. All votes aye, minutes approved with typos to be addressed.

**Resolutions:**

Case 2014-07 Mr. Rachel, 26 Valhalla Way; Mr. Sullivan motioned approval; Mr. Zichelli seconded. All votes aye. Resolution approved and memorialized.

Case 2013-04 DeCozen, 225 Bloomfield Avenue; Discussion of conditions on wordage about vehicles or their parts in buffer zone to be addressed by Mr. Piromalli and reworded. Mr. Denton motioned approval; Mr. Zichelli seconded. All votes aye (Mr. McGinley, Mr. Liska and Mrs. D'Alessandro could not vote on this). Resolution approved and memorialized

Meeting was adjourned at 9:05 PM.

Respectfully submitted  
Kelly Lawrence  
Board of Adjustments Secretary