

VERONA

Township of Verona, New Jersey



Minutes of a Regular Meeting of the Verona Board of Adjustment on Thursday February 12, 2015 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, Edward Conlon, Larry Lundy, Louis Russo, Sean Sullivan, Michael Zichelli, Pat Liska, Alt#1, Coleen D'Alessandro, Alt#2

Also present: Robert Gaccione, Esq. & Thomas Jacobsen, Construction Code Official
Absent:

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

Mr. McGinley, Chairman called meeting to order at 8:04 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 2015-02: Gabriel Campos, 20 Mountainview Road
Block 25 Lot 20**

Gabriel Campos, 23 Derwent Avenue Verona New Jersey 07044, property owner, was sworn in.

Mr. Gaccione offered proof of service was in order.

Mr. Campos explained to the board that he and his wife have been residents of Verona for 21 years and they currently reside at 23 Derwent Avenue. They have two children that have gone through or are currently in the Verona schools; their daughter a junior in college and their son an 8th grader currently in the middle school. They also have been actively involved in sports in town. His family loves Verona and they did not want to leave. He is now looking to build a house at 20 Mountainview Road in Verona in R-100 zone. The house they are proposing needs variances for front yard setback and for maximum height.

Currently on the property there is a single family residence that is 19 feet from front property line. The house he is proposing is 30 feet from front property line and it is the

garage that is offset from the house that is in violation. The current codes set a minimum front yard setback for the R-100 zone at 35 feet. The front facade of the house is 47 feet back. They did not want to push the house back further to allow room for a back yard. On this street are R-100 and R-60 zones, he pointed out that those houses in R-60 zone have minimum front yard setback of 30 feet which is where the garage is proposed.

He argued that the town ordinance for height does not take into account properties that slope greatly like this property at 20 Mountainview does; it slopes from street down to the rear of property. The height calculation is based upon an average. The current house is 33 feet in height from road elevation and the proposed house would be 34 feet in height from the road elevation. The neighboring houses on the same side of the street currently range from 20 feet to 33 feet in height from road elevation and on the other side of the street the heights range from 30 to 53 feet in elevation from road. The other side of the street the properties slope from street up to the rear. He explained that to make the house comply with the zoning it would have to be 20 feet from road elevation due to the slope of the property.

Mr. Zichelli asked how the height was determined. Mr. Jacobsen explained that it's the average height around entire property. Mr. Denton added that the property is not just a slight slope it has a radical drop to it and that would potentially mean that they would not be able to build anything.

Mr. Denton asked for further explanation on the garage. Mr. Campos explained the garage was to be attached and stick out beyond the front of the house. He presented a photo rendering of the proposed house front view from the street. This was marked in as Exhibit A-1 2-12-15. Mr. Jacobsen added that the garage is only stepped out on the right hand side of the house not the whole front of the house and that the rest of the house does not trigger a variance only the garage area. The garage is only 5 feet over the minimum where the existing house is quite a bit more.

Mr. McGinley explained that the height variance being that it is 10% greater than the maximum required triggers a "D" variance and requires more explanation. Mr. Campos then presented his father who is a licensed architect in New Jersey. He is not the architect that did the drawings for his project.

Pedro G. Campos, architect, was sworn in. He explained to the board he is a resident of Upper Montclair with an office in Newark, he has been licensed since 1976 and has testified before other boards.

Mr. Denton asked what the height of the house would have to be from street level to meet requirements for zoning. Mr. P. Campos said that the calculations would need to be done. He stated that a strip of homes on the street require 30 feet. The house look fine from the front elevation which meets the requirements. But because of the slope in the rear it does not help with the average height. He stated that they are planning to grade some of the property to help make the slope less and lessen the difference of heights from the front to the rear. There is some 10 feet difference between the front and rear.

Mr. Zichelli asked about the existing house and the difference of the heights on that. The applicant stated currently the house is about 33 feet from street to peek but he rear is about 40 feet plus in height from ground to peek.

Mr. Conlon questioned the current house and what the height is calculated at. Mr. Campos stated it is 40 feet in height from average grade. Mr. Conlon questioned Mr. Jacobsen if that was correct and he responded that it was to the applicants testimony. The board further discussed the property and difference of current house to proposed. Mr. Campos explained that the current house is much closer to the street and about a foot shorter than proposed. Mr. Zichelli stated that the house is larger than most houses in the area but the lot itself is much larger than most and the topography makes it unconventional to most. He also testified the proposed house is to be 2400 square feet and the current house is about 1700 square feet in footprint. HE explained the second floor he proposes to add and the fact that he has proposed a deeper and wider house makes up for the difference in size. He also explained that the option to split the property would also take variances and that he did not want to do that and from what he spoke to neighbors about they would not be happy with that either. He also explained that the current house was deemed an unsafe structure by the town because of a water leak and so would take a lot to fix it. The proposed house is well within the rear and side yard setbacks. Mr. Jacobsen added that coverage wise allowed is 35 % and the proposed is well within at 15.7%.

Mr. Russo questioned about the garage currently on property at the rear. Mr. Campos said that he would keep that there and use for storage.

Mr. Lundy questioned how he figured out the heights of the other properties on the street. Mr. Campos explained he used a laser measurer himself. Mr. Gaccione questioned if he had an engineer to testify to this. Mr. Campos explained he went to school for civil engineering he currently works for developer in New York as an engineer.

Public Questions:

George Sprengel, 10 Mountainview Road Verona NJ 07044

Mr. Sprengel questioned the current house being measured to the highest peak when most of the house is quite bit lower than the one peak of the house. Mr. Campos explained that the house has to be measured from the highest point. Mr. Sprengel stated that the current house is a good 4 to 5 feet lower than the peak though. Mr. Campos explained the new house also has a fairly large peak as well but the rear is what makes for the bigger difference and being back further on the property than the current house.

Mr. McGinley added that it seemed that more of the proposed house is the height level than the current house. Mr. Liska questioned the pitch of the roof of the proposed house. Mr. Campos stated that is 12 on 18 on main part of house with 9 on 12 on front and 18 on 12 on sides.

Mr. Sprengel also asked why the garage was closer to the street than the house. Mr. Campos explained that they were trying to conserve more of the back yard. He sated the current house is only 19 feet back and the proposed is 30 feet back a difference of 11 feet and they are only asking for 5 feet of garage that is into the front yard setback required.

Ed Shankman, 16 Mountainview Road Verona NJ 07044

Mr. Shankman questioned if the proposed house would be closer to his house, the green house next door. Mr. Denton explained that Mr. Campos could answer the question but he was not seeking nor needed a variance for side yard. Mr. Campos stated it will be closer but well within what was allowed; currently 60 feet and proposed 50.2 feet, less than 10 foot difference. Mr. Shankman said that sounded fine.

Michael Boone, 24 Mountainview Road (28 Mountainview Road) Verona NJ 07044

Mr. Boone first wanted to question the town on building codes and making sure the house was being handled to the best of those codes. Mr. Denton explained that this time was strictly for questioning the witnesses that had testified but that at the end he could make a statement about codes.

Mr. Boone then continued with a question about a manhole cover on the left side of the property that went to a septic tank and oil well from 90 years ago and also an old refuse area that came up in plans.. He asked plans for it and steps that would be taken to take care of those. Mr. Campos stated that there was not a tank there and it was taken out years ago. The container that he looked at was 1 foot by 3 feet refuse container. He also explained that anything he would do would conform with state regulations.

Mr. Boone asked about the trees on the property and the plans for them. Mr. Campos explained that they did not plan on touching the trees along the border of the property between their two properties but that there was a tree close to the house that would be in the way and any dead trees would be taken down. He also explained that they would be planting some as well.

Mr. Boone questioned about the runoff from the property and plans for the runoff. Mr. Campos stated that all would remain the same as the current runoff.

MR. Boone questioned the need to exceed the height code by 11 feet. Mr. Campos explained that he current code does not take a sloped lot into account and that if they proposed a house to code that it would be only 20 feet high at street level and that would not be practical.

Danielle Boone, 24 Mountainview Road (28 Mountainview Road) Verona NJ 07044

Mrs. Boone questioned if an environmental study was done because of the manhole is so old and also about asbestos remediation being done if the house is demolished and a study on how that would affect the area. Mr. Campos explained that no environmental impact study required for the manhole and there is no concern with the refuse container. He also explained that as for the asbestos the township requires asbestos abatement to be done prior to demolition. That would mean a licensed company to test for asbestos and if any found a licensed contractor to do the abatement of the asbestos. Mr. Gaccione added that this was not a zoning issue but an enforcement issue that would be taken care of in the construction office.

Mrs. Boone questioned the height of the house being higher than current house and her house. Mr. Campos explained again that the proposed house would only be 1 foot higher than the current house and based on his calculations her house was 32 feet above street elevation and so the proposed would be 2 feet higher than hers.

Mrs. Boone also questioned if the current house had a basement. Mr. Campos stated that the house does have a basement, a walkup basement.

Public questions closed.

Mr. McGinley asked that the board and applicant go through and review Jim Helb, Township Engineer, letter of comments for the application. He stated that #1 and #2 were addressed and agreed upon variances. Mr. Jacobsen added that item #3 is reserved for commercial properties about HVAC and for residential it is in rear yard. Mr. McGinley confirmed with applicant that there would not be any HVAC units on the roof of the home. Item #4 referenced drainage and Mr. McGinley questioned if the applicant was prepared to do something for drainage. Mr. Campos explained he was going to keep what was currently there and that he would have to discuss with Township Engineer on addressing it and that he may be able to do something to the rear. Mr. McGinley stated that #4 and #5 pertain to runoff and enforcement and that they do not see any change from current conditions on proposed plans. Mr. Gaccione explained that the board could

or could not make conditions about those concerns if they felt could be done. Mr. Jacobsen stated that the applicant mentioned grading of property and that they have to make sure that does not exasperate the situation of drainage. Through discussion board decided that the applicant would have to talk to Mr. Helb and work out the drainage and runoff plans. Mr. Gaccione added that if passed that the applicant would have to complying with items #1, 7, 9 and 10 of Jim Helb's letter. Mr. McGinley asked the applicant if they were ok to comply with item #6 through 10 and he agreed. Mr. Jacobsen added that #9 was not applicable.

Public Comments:

Michael Boone, 24 Mountainview Road Verona NJ 07044, sworn in. Mr. Boone spoke about the height of the structure, setting aside the slope of the property, being 11 feet above current codes and being 10 % increase and having the board consider the master plan and the current codes before allowing this to pass. He also voiced his concern for runoff from the property and that the proposed house and construction bring concerns for his house and for neighboring properties. He also wanted make sure he is covered and what recourse he has to go to the town if there are any issues and rights he has to protect himself.

Danielle Boone, 24 Mountainview Road Verona NJ 07044, was sworn in. Mrs. Boone thanked the board for bringing up the runoff issues.. she also wanted to consider the manhole on the property and have it confirmed that there is just a refuse bin and no tunnel down there.

Public comments closed.

Mr. Campos closed by just expressing to the board that he was looking to build a beautiful home, a dream home, to stay in Verona and enjoy for many years to come.

Mr. Russo questioned about the manhole mentioned. Mr. Campos explained that during the demolition the manhole was to be removed and filled. The spot is a 1 foot by 3 feet container and there is no tunnel there. Mr., Russo just asked the applicant to just make sure it is looked into and gone over and made sure there is no other concerns with it.

Mr. McGinley reminded that there were two variances to be considered by the board; the front yard setback and the height variances.

Mr. Denton expressed that the setback was a minor issue and the proposed was an improvement to what exists, that just the garage in setback and that house itself complies. He felt that this was reasonable and he was not opposed to the 5 feet front yard setback issue. Mr. Conlon added that this was a variance seen many times. Mr. Liska added that this was 10 feet back from where existing house sits.

Mrs. D'Alessandro discussed the height and it being close to what exists on current house. Mr. Denton added that reason for the variance was because of the characteristic of the property and if they went with the code the house would be 20 feet in height at street. He added the proposed is set back further into property and makes for a greater violation than the current house.

Mr. Conlon added that this was a vast improvement than what there on property currently and the topography of land adding to need for variances and to take the uniqueness of

property into account. Mr. Zichelli agreed that by looking at the tax map most of the properties on street in area were all pretty uniform in size and that this property was unique in size, shape and slope. He felt that the proposed house was not unreasonable for the lot. He just wanted to make that the runoff was addressed and not to be an issue. Both were in favor of proposed. Mr. Sullivan agreed it was a big house but for a big lot.

Mr. McGinley wanted the possible conditions reviewed if the application approved. Mr. Denton mentioned one be on runoff being addressed. Mr. Gaccione stated that they comply with items #6, 7, 8 & 10 from Jim Helb's letter. Mr. McGinley mentioned addressing the manhole structure. Mr. Jacobsen questioned adding #4 & 5 from Jim Helb's Letter. Mr. McGinley said no to that and Mr. Gaccione added that he board did not agree with #4 and a variation of #5. Mr. Conlon just asked that al be put in legal language.

Mr. Zichelli motioned case 2015-02 be approved with conditions reviewed with Mr. Gaccione; Mr. Denton and Mr. Conlon seconded the motion.
All votes aye. Application granted.

Minutes:

Minutes from the January 2015 regular meeting. All votes aye, minutes approved.

Resolutions:

Case 2015-01 Tim Larkin, 29 Rockland Terrace; All votes aye. Resolution approved and memorialized.

Board went into closed session.
Meeting was adjourned at 9:45 PM.

Respectfully submitted
Kelly Lawrence
Board of Adjustments Secretary