

Minutes of a Regular Meeting of the Verona Board of Adjustment on Thursday March 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, 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: Edward Conlon

Tardy: Larry Lundy (8:05 PM)

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:**

Chairman McGinley explained by board decision to alter the agenda and hear 2015-03 last instead of first.

**Case 2015-04: William Radigan, 17 Malvern Place  
Block 31 Lot 22**

William Radigan, 17 Malvern Place, property owner was sworn in.

Mr. Gaccione offered proof of service was in order. He asked if the applicant had served most of the notice personally and Mr. Radigan confirmed he had.

Mr. Radigan explained to the board that he was looking to put a front porch on his house. He was looking to put a new roof on his home and figured this would be good time to also look to put on the front porch. He believed that he porch would add to the aesthetics of the home and match others on his block. The other homes around him are approximately 22 feet from the sidewalk and he would be similar to those. He would need front yard setback as 30 feet is what is allowed. He testified that the porch would be screen in porch with 3feet foot cement walls up to screened area.

Mr. McGinley asked how the proposed 21 feet front yard setback compared to his neighbors. Mr. Radigan explained that the house to the left by his quick calculations through using Google earth showed about 22 feet from the sidewalk.

Mr. McGinley asked if they were seeking 2 variances. Mr. Jacobsen responded that yes they were seeking for improved lot coverage as well. Mr. McGinley asked if the lot was already over in coverage without the proposed porch. Mr. Radigan explained that he was at 41 percent coverage before and would be at 44 percent with it. Mr. Jacobsen added that it was 41.8 percent and he home was in an R-50 zone.

Mr. Zichelli asked the homeowner if he spoke to his neighbors and if any had concerns. Mr. Radigan said yes he had and that the only concern they had was that he even needed a variance to do the porch as they did not think it was needed.

Mr. Jacobsen added as a side note to the chairman that the project also included two dormers front and rear. And those are within the zoning allowed including height and no variances were needed for those. Mr. Radigan added that the dormers were an idea from his architect and he was not sure if they were going to even do this part of the project.

**Public Comments:** none

Mr. McGinley explained the board had seen many of these cases. This project would be improvement to the look of the house. The lot is smaller size for the R-50 zone. Mr. Russo agreed this is common for homes in Verona. MR. Sullivan agreed and commented that the lot coverage is mostly because of the driveway going to back of the lot to the garage.

Mr. Denton motioned case 2015-04 be approved; Mr. Lundy seconded the motion. All votes aye. Application granted.

Mr. Gaccione explained to the homeowner the next part of the variance process, resolution to be memorialized at the next meeting and after that there is an appeal time and they may during that start the steps for the project at their own risk or wait till after appeal time frame.

**Case 2015-05: Christopher & Theresa Petermann, 24 Valhalla Way  
Block 21 Lot 25**

Theresa and Chris Petermann, property owners for 24 Valhalla Way were sworn in.

Mr. Gaccione offered proof in order and made note that the applicants served notice personally.

Mr. Petermann explained they are looking to put a two story addition onto the side of their home. He stated he has typical Verona home and with one bathroom. He lives with three grown women and is looking to put a second bathroom in to the house off the master bedroom and on the first floor make a den area where he can do work when he works at home. The idea to do this came after seeing the neighbor down the street do similar. The side of the house they chose to put the addition on is within that side yard setback however the other side of the house has issues with setback therefore he explained they were seeking a variance for side yard setback for both. He stated that they had the neighbors from 22 Valhalla Way over to walk through the whole project as it was closest to them and on the side by their driveway.

Mr. Sullivan asked if they had discussed with them about an existing noisy air conditioning unit. Mr. Petermann stated they had and they discussed going to a quieter unit and adding fencing.

Mr. Denton questioned about the deck being taken away. Mr. Petermann explained that part of the project for the deck and kitchen was not going to happen right now; the

architect put that in but that they were only doing the side addition at this time. The other part of the project was still in discussion between their family members.

Mr. McGinley questioned the windows for the project and where they looked out. Mr. Petermann stated the windows would be changed from what was on the drawing. They were going to go with two smaller windows to match what there now and maintain the look of the rest of the house and because otherwise would look at the driveway of the neighbor.

**Public comments:** None

Mr. McGinley stated this was standard Verona application with placement on lot of houses and saw no major concerns with the project.

Mr. Denton asked about the siding for the addition and if it was to match house. Mr. Petermann stated they would be matching the cedar siding of the house and the landscaping around it as well.

Mr. Sullivan motioned case 2015-05 be approved; Mr. Lundy seconded the motion. All votes aye. Application granted.

**Case 2015-03: Kieran Quinn & Jennifer Critchley, 108 Sunset Avenue  
Block 9 Lot 40**

Kieran Quinn and Jennifer Critchley, property owners for 108 Sunset Avenue and Julie Anne Cecere, Architect and Engineer, were all sworn in.

Mr. Gaccione offered proof of service in order.

Ms. Cecere offered to the board her credentials for architecture including her degree from University of Miami. She explained she added Professional Engineer two years ago by sitting for a test. She also stated she had been before many boards before both Zoning and Planning boards and was before Verona about 10 years ago. Board agreed to accept her as expert in field of architecture.

Mr. McGinley questioned if they would like to proceed looking at the case without a planner being involved as this case had a "D" variance similar to a recent case seen without and if anticipated any concerns coming from it.

Mr. Gaccione explained the legality of it and that planning testimony and info should be on record but the applicant could proceed as they see fit with or without a planner testimony.

Ms. Cecere stated she had testified before boards for cases similar without planner and she was comfortable testifying without one tonight. She said she was not aware that the board required one but they could start present tonight and carry over to next if planner seen as necessary to vote on case.

MR. Zichelli asked the applicants had spoken to their neighbors. Ms. Critchley stated they had spoken to all except the ones behind. They had left a hand written note for them

to let them know if they had problems and had not heard from them to this point. Those neighbors were in the public for meeting.

Board then discussed back and forth about needing a planner or hearing the case the without a planner. Several suggested that they wait and hear whole case together. Ms. Critchley asked if the planner's opinion was needed in regards to the master plan and for argument of positive and negative benefits. Mr. Gaccione explained the legalities and that the board can take into consideration the opinions and arguments but without the licensing it the planning aspects could be disregarded. Mr. Zichelli added that the use variance is magnified because it is not in the house but in a separate building on the property.

The Board took a recess at 8:35 pm to allow the applicants and their architect to discuss what actions they wanted to take. At 8:4 pm the meeting was called back to order.

Ms. Cecere stated that the applicants decided to ask to carry their case to the next meeting in order to get a planner and to go over the plans with the planner.

The Board agreed to grant a postponement to the regular April 9, 2015 meeting at 8:00 pm. Mr. Gaccione stated that notice was adequate to adjourn without additional notice.

**Minutes:**

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

**Resolutions:**

Case 2015-02 Gabriel Campos, 20 Mountainview Road; All votes aye. Resolution approved and memorialized.

Board went into closed session.

Meeting was adjourned at 8:50 PM.

Respectfully submitted

Kelly Lawrence

Board of Adjustments Secretary