

Minutes of a Regular Meeting of the Verona Board of Adjustment on Thursday November 13, 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, Edward Conlon, Michael Zichelli, Pat Liska, Alt#1, Coleen D'Alessandro, Alt#2 Also present: Michael Piromalli, Esq. & Thomas Jacobsen, Construction Code Official.  
Absent: Sean Sullivan, Louis Russo

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

Mr. McGinley, Chairman called meeting to order at 8:05 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 2014-10: Cam Gar at Verona LLC, 34 Linn Drive  
Block 125/128 Lot 1/25,26,27**

Barry R Mandelbaum, attorney for the applicant, explained that in the proof of notification that he affidavit of service mentioned the Township of Fairfield instead of Verona, however all notices sent out mentioned Township of Verona.

Mr. Piromalli offered proof of service was in order and that note would be made that only the affidavit of service mentioned Fairfield instead of Verona.

Mr. Mandelbaum explained that his applicants were seeking variances to construct an auxiliary building to contain a clubhouse and living units. He stated that currently there exists a multifamily complex of 252 living units built in 1960. In 1980 in the area seeking to build there was a pool abandoned and filled in. This new building would consist of 738 square feet of living units and 1700 square feet of clubhouse space. The first floor exercise room and second floor for supers who live fulltime on site. The clubhouse to be used for exercise and recreation and to provide a place for residents to go charge equipment and get warm in the event of a storm with power loss. His testimony would be presented by three professionals; an engineer, an architect and a planner.

Mr. Zichelli questioned if this was to be for the supers to live what would happen to the house at the entrance to the complex were they currently live. Mr. Joseph Feldman Vice President for CamGar at Verona was sworn in and answered Mr. Zichelli by explaining that the living units would be for the maintenance staff that live on site and that the supers would remain in their current locations.

Mr. Mandelbaum called on Eric Keller, professional Engineer, to start the testimony. Mr. Keller was sworn in. He gave the board a list of his background in engineering. The Board approved him as an expert in Engineering.

Mr. Keller referred to a large print showing an existing aerial picture of the site from exhibit 2012 of NJDEP database with a white outline overlaid of the site from the town tax map. The area was where the deserted pool in courtyard area of north west area of the block and also could see parking to the north and east that serves the buildings adjacent to area. There is a flat back yard behind building 12 and behind that the property slopes up to the hilltop property. With the town codes allowed is maximum of 10 living units per acre and the property currently already exceeds this. The variances needed for the building to be allowed are as he stated; density, D-5 use, setbacks between accessory and principle buildings. Based on Township direction for looking at the project it was suggested to look just at this block and lot and not whole complex. Mr. Jacobsen pointed out there are 4 separate block and lots that the complex covers. Mr. Denton questioned Mr. Helb, Township Engineers letter that stated this was not a permitted use in general. Mr. Jacobsen stated he had spoke to Mr. Helb the day before the meeting and he sent out his letter before speaking with him about it but they both agreed this building was okay and with keeping in the spirit of the complex. Mr. Keller explained that Personette Avenue a municipal street goes into the complex and once in complex is a private street and Linn Drive is also a private street in the complex. The area was used for recreation facility in the past where a pool once was located with a fence around it. Currently the flat area has dumpsters in it to help with maintenance. He then offered Exhibit A-2 11-13-14 a proposed rendering of the clubhouse landscape plan in color. The residences are attached not over the fitness center and there are two apartments one over the other. There is parking provided for the building and the dumpsters to be moved in a formalized enclosure to the side. These dumpsters are for use of management for their work on different units and things. The refuse facilities for residents are the same in existing buildings.

Mr. Keller then explained that they would be adding a natural gas generator to the plans for the building on the south side of the building by mechanical room but it is not on any drawings submitted or presented. This generator would be placed by the HVACs units and would be comparable to a unit for an average single family residence as the building is not that large. The generator would only be for this building. The unit would be away from property lines so setbacks in line. The testing would be weekdays during daytime hours so not objectionable to residents but noise ordinance does not apply within own property. Mr. Jacobsen said that the Township Engineer would want to review placement and setbacks of the generator. Some board members had discussion about a previous application for generators at another property that had uproar from neighbors about noise that was further away from residential properties; those generators being rather larger from this generator presented for current applicant. Some had concerns of the noise to the apartments close by and others said that this was all within one property and hard to compare to the other application here it effected outside own property. Some also argued that this generator would benefit the residents where the other application for business use that would not directly help the residents. Mr. Piromalli offered that they could either withdraw generators as part of application and submit separately or the board could hear it as part of application and put conditions on it if application is granted as part of resolution. Mr. Mandelbaum offered that they would prefer to have conditions put in to resolution than to withdraw. Mr. Piromalli explained that if variances would be required for location that as part of condition could be that variances not required with provision of site plan approval for location of generator. Mr. McGinley agreed to that and Mr. Conlon offered to also condition testing times and landscaping.

Mr. Keller continued with the parking for building has 3 total spaces, 1 being handicap space. The spaces shown to be 9x18 feet but if board needs it to be they can stripe spaces

at 9x20 feet. With the aisle size and handicap space they will do whatever the board, Mr. Jacobsen and Mr. Helb deem necessary. Mr. Conlon questioned if the parking spaces would be used by the residential units in the building. Mr. Keller explained that no parking spaces are reserved for anyone or designated for residents. there is plenty of parking all around the complex and close to the proposed building and they would also assume that some of the residents if going to use for exercise may walk to the building to work out and not move their vehicle from spot already have. With all this the improved lot coverage would be reduced and the lot coverage would go up 1%. He continued by explaining that the utilities are available from Linn Drive and roof drains would collect into a pipe to the storm water main in driveway. There would be one pole mounted light fixture added with limited throw of light to west by building 12 and there will be four bollard lights added to lead from parking to fitness center. He mentioned Mr. Helb's comment about adding a light but they believed it was not needed and not consistent with the residential scape but if town wants more lights they would put them in.

Mr. Keller went onto the landscape plan of A-2. The plan shows evergreens to buffer to building 10 and spruce trees to buffer to building to south side. There are some maples and ornamental trees and shrubs to approach apartments. there is no landscaping proposed to the west because already dense with forsythia on the wall to buffer building 12.

Mr. Keller stated that they submitted plans to the county who had no interest in the project and tot Hudson Soil and that was being held till after board approval.

Mr. Keller then went through Mr. Helb's comment letter dated November 12, 2014. Comment #5 referred to parking calculations. Mr. Keller explained that if board required they would provide the numbers in writing but currently they are 43 spaces short as the requirements when built were different then current requirements. With the proposed new building they are adding 3 spaces that follow current requirements so after the parking added the complex would still be 43 spaces short; there would be no change to the lack of spaces required. Comment #6 was about the dead end parking aisle and they would fix that by switching the handicap parking location and the size of the access aisle. Comment #7 they agreed to do. Comment #7 about loading space they ask to have waived as it was not needed as there are little to no deliveries needed for this building. Mr. Conlon questioned if used for parties or gatherings would loading space be needed. Mr. Keller explained that building was not conducive for parties with exercise equipment around and not easily moved and it is not a clubhouse in the sense of the word. he continued with comment #9 stating they would do that. Comment #10 about lighting was discussed. Comment #11 about fire truck access Mr. Keller offered Exhibit A-3 11/13/14 a drawing depicting fire truck turning plan with it pulling in and backing out with no overlaps of curbs, parking or dumpsters. Comment #12 about curb pieces and castings is not applicable as they are not proposing any inlets. Comment #13 is no applicable either for DEP. Comment #14 about replacing sidewalks, Mr. Mandelbaum responded that they are covered by normal maintenance ordinance and taken care of. Comment #15 about location of HVACs will be shown on updated plans to be submitted if approved. Comment#16 roof leters will be connected to existing storm water system. Comment #17 to continue as has in past. Comment #18 affordable housing not applicable. Comment #19 not required. Comment #20 sewer and water fees will be paid. Comments #21 & #22 outside SED only. Comment #23 construction bond will be submitted with escrow.

Mr. Jacobsen questioned about dumpster screening. Mr. Keller explained it would be a wooden fence enclosure about 8 feet high with wooden gates.

Mr. Jacobsen made comment that the current superintendents do a great job maintaining the complex.

**Public Questions Mr. Keller:** none

Mr. Mandelbaum continued testimony by calling on Christopher Szymczak, Architect.

Mr. Szymczak was sworn in. He explained his background in architecture and the board accepted him as an expert in Architecture.

Mr. Szymczak explained the building proposed to be built with brick and siding and asphalt roof to be complimentary and match to rest of buildings in complex. The proposed building to have a footprint of 1800 square feet for the clubhouse with 738 square feet footprint for each apartment. the two apartments to be one over the other. The height of the residential part of building to be 23 feet high and the clubhouse part to be 17 feet high. The building is considered mixed use. The accessory part of the building exceeds height allowed for accessory structures being which is 15 feet. The interior of the building will consist of a reception - waiting area, the fitness room itself, public handicap accessible toilets, and maintenance room for mechanical equipment. There will be one men and one woman shower area with changing rooms with cubbies for people to leave personal belongings while working out. The hours of operation will be 6 or 7 am to 9 or 10 pm. Mr. Zichelli questioned if there would some administrator there. Mr. Szymczak explained that there would probably be a key fob or something like that for people to access. Mr. Jacobsen asked if there would be extra charge for this facility. Mr. Feldman, vice president, explained it would be a monthly amenity fee for use and only those who pay would get access to the facility. The only people allowed to use would be residents of Runnymede Garden apartments. Mr. Jacobsen questioned the plans showing height of 17.5 feet on what submitted not 17 feet. Mr. Szymczak explained that the current plans are for 17 feet.

**Public Questions Mr. Szymczak:** none

Mr. Mandelbaum continued his testimony with William Hamilton, Planner.

Mr. Hamilton was sworn in. He explained to the board his background in planning and was accepted by the Board as a professional Planner.

Mr. Hamilton reviewed the variances being sought. The density variance for two new dwelling units. The use is appropriate as already a facility previously on site. The positives; keeping caretakers, maintenance staff on site, emergency central location, generator to add safety, encourages physical fitness, aesthetic upgrade to site landscaping. D-5 variance they have shown site can handle new building and density increase. The setbacks are all internal to site with no impact to outside properties. There is minimal increase to lot coverage and decrease to improve lot coverage. Building design to be in line with rest of property. There is no substantial detriment by application. The location has no impact to adjacent properties, it is not even visible within property from Linn Drive. Planting to mitigate architectures proposed. The height of the hybrid structure is good transition being the residential buildings could be 35 feet and are 23 feet in part of this building and accessory to be no more than 15 feet with 17 feet proposed so the transition from residential to accessory going from 2 to 17 feet is good. The distance from principle structure to accessory structure is a C-2 variance. The variance for parking

space sizes was covered under Mr. Keller's testimony and can be restriped to changes needed if determined as so. It fits with the Master plan and is permitted to the zone plan.

**Public Questions Mr. Hamilton:** none

Mr. Zichelli suggested that based on what actually in building that should not call it a clubhouse.

Mr. Conlon felt increase in density minimal and coverage negligible, and the use is benefit to the area. His only concern being with rectifying issues with the generator and having testing times conditioned.

Mr. Piromalli reviewed possible conditions; 1- generator location to be in line with Exhibit A-2 11-13-14, 2- Generator no variance needed result of inclusion in application, 3- Times of testing generator weekdays only, once a week, 11 am - 4 pm, no more than time per manufacturer's specs, 4- screening generator per Township Engineer approval, 5- generator to be natural gas fueled no larger than size at discretion of Township Engineer approval, 6- Fitness center only to be used as Fitness center, 7- Exhibit A-3 to be submitted to OEM director for approval, 8- HVAC condenser units to be on plans approved by zoning setbacks, 9-hours of operation

Mr. Lundy questioned putting conditions on hours for private use facility. Mr. Mandelbaum said they would not keep it open all hours. Mr. McGinley added that there was testimony that they would be open specific hours.

Mr. McGinley asked if condition for restriping parking spaces to size and switching the handicap spot to allow for turn around.

**Public Comments:** None

Mr. Conlon motioned that case 2014-10 be approved with conditions discussed; Mr. Lundy seconded the motion.  
All votes aye. Application granted.

**Minutes:**

Minutes from the October 2014 regular meeting. All votes aye, minutes approved.

**Resolutions:**

Tortoriello, 5 Highland Terrace; Mr. Zichelli motioned approval; Mr. Denton seconded. All votes aye, Mr. Conlon abstained. Resolution approved and memorialized.

Fox, 67 Fairway; Mr. Zichelli motioned approval; Mr. Denton seconded. All votes aye, Mr. Conlon abstained. Resolution approved and memorialized

**Board Business:**

Board discussed application of DeCozen that was previously approved with conditions on landscaping. Both Mr. Jacobsen and Mr. Conlon were satisfied with the landscaping and the condition being met of the resolution for the applicant.

Board went into closed session at 9:50pm.

Meeting was adjourned at 10:05 PM.

Respectfully submitted  
Kelly Lawrence  
Board of Adjustments Secretary