

**RESOLUTION 2024-07**

**IN THE MATTER OF THE APPLICATION**

**OF**

**STEVEN AND DOMINIKA MARSCOVETRA**

**BOARD OF ADJUSTMENT  
TOWNSHIP OF VERONA  
ESSEX COUNTY, NEW JERSEY**

**WHEREAS**, Steven and Dominika Marscovetra (collectively the “Applicant”) are the owners of property located at 45 Montrose Avenue, Verona, New Jersey, said property also being known as Block 1806, Lot 8 (the “Property”) on the Tax Maps of the Township of Verona which is located in a R-50B (Medium / High Density Single Family Residential) Zone;

**WHEREAS**, the Applicant filed an application with the Verona Zoning Board of Adjustment (the “Board”) requesting the approval of bulk variances pursuant to N.J.S.A. 40:55D-70(c) to construct a two (2) story addition to the left side of the existing dwelling, a second floor addition over the main existing dwelling as well as an expansion of the driveway and deck;

**WHEREAS**, the Applicant requested bulk variances for minimum required front yard setback where a minimum front yard setback of 30 feet is required pursuant to Verona Chapter 150-17.4E(1) and a front yard setback of 24.67 feet is proposed, minimum required side yard setback where a side yard setback of 8 feet feet is required pursuant to Verona Chapter 150-17.4E(2) and a side yard setback of 6.67 feet is proposed, maximum permitted building height where a maximum building height of 30 feet is permitted pursuant to Verona Chapter 150-17.4E(6) and a building height of 32.25 feet is proposed, maximum permitted deck height where a maximum deck height of 4 feet is permitted pursuant to Verona Chapter 150-7.21B and a deck height of 6 feet is proposed and maximum permitted driveway width where a maximum driveway width of 16 feet is permitted pursuant to Verona Chapter 150-12.4B(2) and a driveway width of 19 feet is proposed;

**WHEREAS**, the Board, after carefully considering the evidence presented by the Applicant at a public hearing conducted on April 11, 2024, and giving due consideration to any questions and/or comments having been raised by residents who were properly notified (There being no persons presenting any questions or opposition present), and having made the following factual and general findings:

- (1) The subject property is located in a R-50B Medium / High Density Single Family Residential Zone;
- (2) The Applicant seeks to construct a two (2) story addition to the left side of the existing dwelling, a second-floor addition over the main existing dwelling as well as an expansion of the driveway and deck;

- (3) Chapter 150-17.4E(1) of the Township of Verona Zoning Ordinances requires a minimum front yard setback of 30 feet and the Applicant is proposing a front yard setback of 24.67 feet;
- (4) Chapter 150-17.3E(2) of the Township of Verona Zoning Ordinances requires a minimum side yard setback of 8 feet and the Applicant is proposing a side yard setback of 6.67 feet;
- (5) Chapter 150-17.4E(6) of the Township of Verona Zoning Ordinances permits a maximum building height of 30 feet and the Applicant is proposing a building height of 32.25 feet;
- (6) Chapter 150-7.21B of the Township of Verona Zoning Ordinances permits a maximum deck height of 4 feet and the Applicant is proposing a maximum deck height of 6 feet;
- (7) Chapter 150-12.4B(2) of the Township of Verona Zoning Ordinances permits a maximum driveway width of 16 feet and the Applicant is proposing a maximum driveway width of 19 feet;
- (8) The dwelling is located on 78-foot x 164-foot rectangular shaped lot (0.2994 acres or 13,040 sq. ft.);
- (9) Stormwater management is required since the increase in improved lot coverage is above the 400 square foot threshold with an approximate 1,463 square foot increase and an area of disturbance of approximately 6,400 square feet;
- (10) A new retaining wall is proposed which will range in height from 3.2 feet to 4 feet which is permitted by ordinance as the wall will not exceed 4 feet in height in any location;
- (11) The Applicants' expert witness Christine Miseo was sworn and accepted as an expert in the fields of architecture and planning;
- (12) Christine Miseo began her testimony by describing the proposed improvements to the site to include a new attached garage where there is currently no garage on the Property, a master suite over the new attached garage and a full covered front porch;
- (13) Christine Miseo explained that the new open front porch will fit in with

- (14) the character of the neighborhood as many nearby properties have similar porches and this was considered in the design of the project;
- (15) In response to the recommendations within the report of the Verona Environmental Commission Report dated April 8, 2024 Christine Miseo testified that the Applicant will incorporate most of the recommendations of the report but will not incorporate permeable pavers into the design due to the drawbacks associated with permeable pavers;
- (16) Christine Miseo testified that the Property is sloped from the front to the rear and that this slope necessarily impacted the design of the proposed improvements and the variances requested;
- (17) Christine Miseo identified the variances requested in connection with the application and provided the justification for granting the variances requested;
- (18) Christine Miseo testified that the proposed improvements would satisfy several elements of the municipal land use law and that there would be no substantial detriment to the zone plan or the zoning ordinance nor would there be any negative impact on the community;
- (19) Christine Miseo explained that during the course of her testimony and having heard comments from the members of the Board the Applicant would revise the application to move the addition move the proposed addition to the left side of the existing dwelling back to avoid the massing along the front of the Property; and
- (20) Christine Miseo further agreed that the front porch area would remain open and not be enclosed at any point in the future.

**AND WHEREAS**, the Board having made the following legal and general conclusions:

- (1) The proposal to construct a two (2) story addition to the left side of the existing dwelling, a second floor addition over the main existing dwelling as well as an expansion of the driveway and deck will be an appropriate improvement to the subject property;
- (2) The proposal to construct a two (2) story addition to the left side of the existing dwelling, a second floor addition over the main existing dwelling as well as an expansion of the driveway and deck at the Property will advance the purposes of the Municipal Land Use Law in that it will enable

the Applicant to enhance the use of the subject property, thereby promoting the general welfare of the Township and its residents, promote a desirable visual environment, will provide sufficient space for a variety of residential uses and will provide adequate light, air and open space;

- (3) The benefits of allowing the applicant to construct a two (2) story addition to the left side of the existing dwelling, a second floor addition over the main existing dwelling as well as an expansion of the driveway and deck at the Property outweigh any detriments;
- (4) The proposed construction of the two (2) story addition to the left side of the existing dwelling, a second floor addition over the main existing dwelling as well as an expansion of the driveway and deck will be an upgrade of the property that will not adversely affect the intent or purpose of the zone plan; and
- (5) The proposed construction of the two (2) story addition to the left side of the existing dwelling, a second floor addition over the main existing dwelling as well as an expansion of the driveway and deck at the Property will not cause a substantial detriment to the public good.

**NOW THEREFORE**, be it resolved by the Board of Adjustment of the Township of Verona that the Applicants' proposal construction of the two (2) story addition to the left side of the existing dwelling, a second floor addition over the main existing dwelling as well as an expansion of the driveway and deck and for the approval of bulk variances pursuant to N.J.S.A. 40:55D-70(c) for minimum required front yard setback where a minimum front yard setback of 30 feet is required pursuant to Verona Chapter 150-17.4E(1) and a front yard setback of 24.67 feet is proposed, minimum required side yard setback where a side yard setback of 8 feet feet is required pursuant to Verona Chapter 150-17.4E(2) and a side yard setback of 6.67 feet is proposed, maximum permitted building height where a maximum building height of 30 feet is permitted pursuant to Verona Chapter 150-17.4E(6) and a building height of 32.25 feet is proposed, maximum permitted deck height where a maximum deck height of 4 feet is permitted pursuant to Verona Chapter 150-7.21B and a deck height of 6 feet is proposed and maximum permitted driveway width where a maximum driveway width of 16 feet is permitted pursuant to Verona Chapter 150-12.4B(2) and a driveway width of 19 feet is proposed with regard to the property located at 45 Montrose Avenue, Block 1806, Lot 8, based upon the testimony taken on April 11, 2024, be granted, subject to the following conditions:

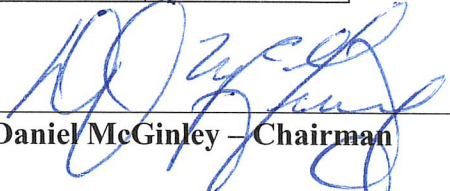
- (1) The Applicants and their witnesses shall be bound by the content of their testimony as if said testimony was incorporated herein;
- (2) All construction shall be completed in accordance with the plans submitted and/or the testimony of the Applicants;

- (3) Applicant shall provide revised plans moving the proposed addition to the left side of the existing dwelling back to avoid the massing along the front of the Property
- (4) The front porch area proposed shall remain open and shall not be enclosed at any point in the future; and
- (5) The approvals granted herein shall expire unless construction is begun within two years of the date of the memorializing resolution.


IN THE MATTER OF:

Steven and Dominika Marscovetra  
 45 Montrose Avenue  
 Verona, New Jersey 07044  
 Block 1806, Lot 8

	AYES	NAYS	ABSTENTION	ABSENT
<b>Ms. Ries (Alt. #1)</b>	X			
<b>Mr. Cuartas</b>				X
<b>Mr. Ryan</b>				
<b>Mrs. Murphy-Bradacs</b>				
<b>Mr. Matthewson</b>				X
<b>Ms. DiBartolo</b>				
<b>Vice Chair Weston</b>	X			
<b>Chair McGinley</b>				

  
 Daniel McGinley – Chairman

The foregoing is a true copy of a resolution adopted by the Verona Township Board of Adjustment at their meeting of April 11<sup>th</sup>, 2024, memorialized on May 9<sup>th</sup>, 2024.

  
 Kathleen Miesch - Board of Adjustment Secretary