

**RESOLUTION 2024-6**

**IN THE MATTER OF THE APPLICATION**

**OF**

**GERALD DELUISI**

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

**WHEREAS**, Gerald DeLuisi (the “Applicant”) is the owner of property located at 97 Lynwood Road, Verona, New Jersey, said property also being known as Block 1403, Lot 38 (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 remove an existing driveway and garage and to construct an addition to the existing house as well as a new patio and a new retaining wall;

**WHEREAS**, the Applicant requested bulk variances for maximum permitted lot coverage where a maximum permitted lot coverage of 25% is permitted pursuant to Verona Chapter 150-17.4D(3) and a lot coverage of 31.37% is proposed, maximum improved lot coverage where a maximum improved lot coverage of 40% is permitted pursuant to Verona Chapter 150-17.4D(4) and an improved lot coverage of 44.19% is proposed, minimum required side yard setback where a minimum side yard setback of 8 feet is required pursuant to Verona Chapter 150-17.4E(2) and a side yard setback of 5 feet is proposed, minimum required combined side yard setbacks where a combined side yard setback of 18 feet is required pursuant to Verona Chapter 150-17.4E(3) and a combined side yard setback of 12.17 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 18 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 remove an existing driveway and garage and to construct an addition to the existing house as well as a new patio and a new retaining wall;
- (3) Chapter 150-17.4D(3) of the Township of Verona Zoning Ordinances permits a maximum lot coverage of 25% in the R-50B Zone and the

- (4) Applicant is proposing a lot coverage of 31.37%;
- (5) Chapter 150-17.4D(4) of the Township of Verona Zoning Ordinances permits a maximum improved lot coverage of 40% in the R-50B Zone and the Applicant is proposing an improved lot coverage of 44.19%. Note that the current improved lot coverage is 56.07% and the applicant proposes a decrease in improved lot coverage bringing the Property closer into conformity with the Verona Zoning Ordinances;
- (6) 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 5 feet;
- (7) Chapter 150-17E(3) of the Township of Verona Zoning Ordinances requires a combined side yard setback of 18 feet and the Applicant is proposing a combined side yard setback of 12.17 feet;
- (8) 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 18 feet;
- (9) The dwelling is located on 55 foot x 128 foot rectangular shaped lot (0.1619 acres or 7,051.5 sq. ft.);
- (10) Stormwater management is exempt as the Applicant proposes a decrease in the improved lot coverage;
- (11) 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;
- (12) Applicant Gerald DeLuisi was sworn and began to present testimony in support of the application;
- (13) Applicant Gerald DeLuisi began his testimony by describing the proposed improvements stating that it is his intention to knock down the existing detached garage in the rear of the Property and bring it forward reducing the improved lot coverage by eliminating the existing driveway to the detached garage;
- (14) Applicant Gerald DeLuisi also explained that the proposed addition will be 18 feet off the rear of the existing dwelling over what is an existing patio area;
- (15) According to Applicant Gerald DeLuisi a retaining wall is proposed which will be less than 4 feet in height at all locations and landscaping will be

added near the retaining wall.

- (16) Applicant Gerald DeLuisi testified that no trees will be removed during the course of construction;
- (17) The Applicants' Planner Alexander Dougherty was sworn and accepted as an expert in the field of planning;
- (18) Planner Alexander Dougherty began his testimony by introducing an exhibit consisting of 9 sheets including maps and photographs of the Property which was marked as A-1 (4-11-24);
- (19) Planner Alexander Dougherty explained that in the course of designing the improvements proposed the Applicant sought to ensure that the design would be consistent with the neighboring properties and the relocated attached garage as well as the addition off of the rear of the Property were both compatible with the neighboring properties;
- (20) Planner Alexander Dougherty identified the variances requested in connection with the application and provided the justification for granting the variances requested;
- (21) Planner Alexander Dougherty testified that the proposed improvements would satisfy several elements of the municipal land use law specifically by creating a desirable visual environment and also improving the welfare of the community generally;
- (22) Planner Alexander Dougherty testified 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;
- (23) Planner Alexander Dougherty opined that the reduction in the improved lot coverage will be a benefit to the environment and that there will be no change to the current stormwater patterns and that should the application be approved there would be an improvement on the current conditions regarding stormwater management at the Property;
- (24) Applicant Gerald DeLuisi testified that the HVAC unit presently on the right side of the existing dwelling will be moved to the rear of the existing dwelling and that its proposed location will comply with the Verona Zoning Ordinances and will not require additional variance relief; and
- (25) During the course of testimony it was determined that an additional variance would be required for maximum permitted driveway width due to the fact that the maximum width of the proposed driveway would be 18 feet where a maximum width of 16 feet was permitted. The Applicant amended the

application on the record to include the additional variance request and Planner Alexander Dougherty provided the necessary justification for the granting of the variance.

**WHEREAS**, the following exhibits were introduced into evidence:

**Exhibit A-1 (4-11-24)**; Nine page handout including maps and photographs of the Property and surrounding properties.

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

- (1) The proposal to remove an existing driveway and garage and to construct an addition to the existing house as well as a new patio and a new retaining wall will be an appropriate improvement to the subject property;
- (2) The proposal to remove an existing driveway and garage and to construct an addition to the existing house as well as a new patio and a new retaining wall 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 remove an existing driveway and garage and to construct an addition to the existing house as well as a new patio and a new retaining wall at the Property outweigh any detriments;
- (4) The proposed construction to remove an existing driveway and garage and to construct an addition to the existing house as well as a new patio and a new retaining wall 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 to remove an existing driveway and garage and to construct an addition to the existing house as well as a new patio and a new retaining wall 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 to remove an existing driveway and garage and to construct an addition to the existing house as well as a new patio and a new retaining wall and for the approval of bulk variances pursuant to N.J.S.A. 40:55D-70(c) for maximum permitted lot coverage

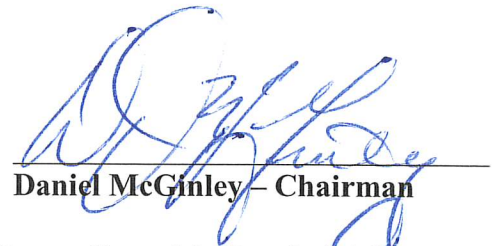
where a maximum permitted lot coverage of 25% is permitted pursuant to Verona Chapter 150-17.4D(3) and a lot coverage of 31.37% is proposed, maximum improved lot coverage where a maximum improved lot coverage of 40% is permitted pursuant to Verona Chapter 150-17.4D(4) and an improved lot coverage of 44.19% is proposed, minimum required side yard setback where a minimum side yard setback of 8 feet is required pursuant to Verona Chapter 150-17.4E(2) and a side yard setback of 5 feet is proposed, minimum required combined side yard setbacks where a combined side yard setback of 18 feet is required pursuant to Verona Chapter 150-17.4E(3) and a combined side yard setback of 12.17 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 18 feet is proposed with regard to the property located at 97 Lynwood Road, Block 1403, Lot 38, 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 to show the HVAC condenser unit relocated to the rear yard;
- (4) Applicant shall provide revised plans to include the additional driveway width variance as approved by the Board during the course of the application;
- (5) Roof leaders shall not be directed toward the neighboring properties; and
- (6) The approvals granted herein shall expire unless construction is begun within two years of the date of the memorializing resolution.

IN THE MATTER OF:

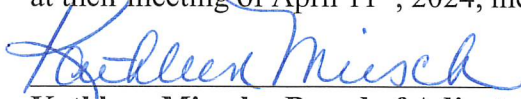
Gerald J. DeLuisi  
97 Lynwood Road  
Verona, New Jersey 07044  
Block 1403, Lot 38

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



**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**