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OF COUNSEL:
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CTREVENEN@MONTCLAIRLAW.COM

April 6, 2022

VIA HAND DELIVERY

Ashley Neale, Secretary
Verona Board of Adjustment
600 Bloomfield Avenue
Verona, New Jersey 07044

Re: Zoning Board Application
Applicant: 770 Bloomfield LLC
Property: 770 Bloomfield Avenue (Block 1603 Lot 8.02)

Dear Ashley:

I represent 770 Bloomfield LLC in connection with the enclosed application to the Board of Adjustment for a use variance and other relief relating to the above referenced property.

Enclosed for filing are the original and sixteen (16) copies of application packets containing the following:

1. Zoning Board Application
2. Site Plan and Architectural Plans prepared by Palermo Edwards
Architecture
3. Letter of Denial
4. Survey

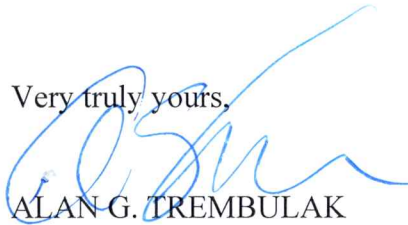
Also enclosed is a W-9 Form, a check in the amount of \$760.00 for the application fee (including \$10.00 for the list of property owners) and a separate check in the amount of \$1,000.00 for the escrow deposit.

Ashley Neale, Secretary
April 5, 2022
Page 2

Please contact me if you need any additional submissions are required in order for this application to be deemed complete.

Thank you.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'A. Trembulak', is written over the typed name.

ALAN G. TREMBULAK

AGT/fc

Enclosure

cc: John Fio Rito and Patrick Southern (via email)

TOWNSHIP OF VERONA
BOARD OF ADJUSTMENT APPLICATION

DATE APPLICATION April 6, 2022

CASE # 2022-05

PROPERTY ADDRESS 770 Bloomfield Avenue

BLOCK 1603 LOT 8.02 ZONE MR (mixed retail)

APPLICANT'S NAME 770 Bloomfield Avenue LLC

PHONE # 914-589-7405 CELL PHONE # _____

EMAIL john@pointcapital.com

PROPERTY OWNER'S NAME same as applicant

PROPERTY OWNER'S ADDRESS c/o John Fio Rito, 26 Westover Road, Verona, NJ 07044

PROPERTY OWNER'S PHONE # _____ CELL # 914-589-7405

PROPERTY OWNER'S EMAIL same as applicant

RELATIONSHIP OF APPLICANT TO OWNER same

REQUEST IS HEREBY MADE FOR PERMISSION TO DO THE FOLLOWING:

Modify and enlarge a pre-existing nonconforming commercial building to be used as a self-storage facility.

CONTRARY TO THE FOLLOWING:

Verona Zoning Ordinance 150-17.13 (self storage facilities are not permitted uses in the MR Zone District).

Variances are also requested from the following sections of the zoning ordinance: (a) Section 150-12.2 (size of parking Spaces - - 20' length required; 18' proposed); Section 150-12.4.B.(5) (parking not permitted in front yards). Section 150-12.6 (off street parking - - 13 spaces required; 4 spaces proposed); and Section 260-12.5A (one loading space required; none proposed).

LOT SIZE: EXISTING 8401.69 PROPOSED 8401.69 TOTAL 8401.69

HEIGHT: EXISTING 1 Story PROPOSED 2 Stories; 30 feet

PERCENTAGE OF BUILDING COVERAGE: EXISTING 54.43 PROPOSED 63.12

PERCENTAGE OF IMPROVED LOT COVERAGE: EXISTING 95.71 PROPOSED 95.71

PRESENT USE vacant-commercial PROPOSED USE self storage facility

SET BACKS OF BUILDING:	REQUIRED	EXISTING	PROPOSED
FRONT YARD	<u>20'</u>	<u>11.39</u>	<u>11.39</u>
REAR YARD	<u>50'</u>	<u>N/A</u>	<u>N/A</u>
SIDE YARD (1)	<u>15'</u>	<u>2.71</u>	<u>2.71</u>
SIDE YARD (2)	<u>35 (both)</u>	<u>5.68</u>	<u>5.17</u>

DATE PROPERTY WAS ACQUIRED November 12, 2021

TYPE OF CONSTRUCTION PROPOSED:

A second story and an addition will be added to the existing building. Type of construction will match the existing building and/or the self-storage facility located on the adjoining property.

SIGN INFORMATION (if applicable): supply details on location, dimensions, height and illumination

Not applicable.

AREA PER FLOOR (square feet):	EXISTING	PROPOSED	TOTAL
BASEMENT			
FIRST FLOOR			
SECOND FLOOR			
ATTIC	N/A		

NUMBER OF DWELLING UNITS: EXISTING 0 PROPOSED 0

NUMBER OF PARKING SPACES: EXISTING 4 PROPOSED 4

History of any previous appeals to the Board of Adjustments and the Planning Board

Unknown.

What are the exceptional conditions that warrant relief from compliance with the Zoning Ordinance?

Supply a statement of facts showing how relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and the Zoning Ordinance

The property is appropriate for the proposed use given its relatively small size and the inability to provide sufficient on-site parking for any legally permitted use. There is adequate on-site parking for the self-storage facility and the proposed use will be less intrusive and less detrimental to the neighborhood than a conforming commercial use. The proposed self-storage facility will operate as an addition to the existing self-storage facility located on the adjacent property (776 Bloomfield Avenue) owned by the same principals as the Applicant. That facility has provided a much-needed service to the Verona community and has operated with very low impact in terms of traffic generation and on-site parking demands.

History of any deed restrictions:

A legible plot plan or survey to scale (not less than 1"=100') of the property indicating the existing and/or proposed structure and scale drawings of the existing and/or proposed structure must be provided.

A copy of any conditional contract relating to this application must be filed with this application.

If the applicant is a corporation or partnership, the names, addresses and phone numbers of those owning a 10% or greater interest in the corporation shall be provided.

Name	Address	Phone #
Name	Address	Phone #
Name	Address	Phone #

Expert witness(es) that will present evidence on behalf of this application:

Attorney: Name Alan G. Trembulak, Esq.
Address 363 Bloomfield Avenue, Suite 2C, Montclair, NJ 07042
Phone # 973-744-2100
Fax # 973-509-9521
Email atrembulak@montclairlaw.com

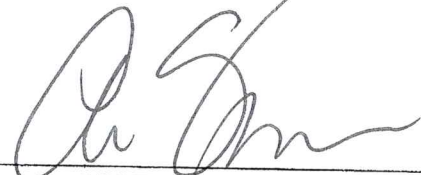
Architect/Engineer: Name Palermo Edwards Architecture
Address 600 Mountain Road, Kinnelon, NJ 07405
Phone # 201-532-4453
Fax # 973-909-7753
Email jpalamo@palermoedwards.com

Planner: Name Peter Steck, P.P.
Address 80 Maplewood Avenue, Maplewood, NJ 07040
Phone # 973-762-6568
Fax # _____
Email steckplan@gmail.com

AFFIDAVIT OF OWNERSHIP

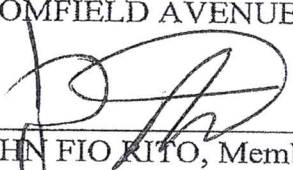
STATE OF NEW JERSEY }
 } SS.:
COUNTY OF ESSEX }

JOHN FIO RITO of full age, being duly sworn according to law on oath deposes and says, that deponent maintains an office at 121 Garabrant Street, in the City of Jersey City in the County of Hudson and State of New Jersey and that 770 Bloomfield Avenue LLC is the owner in fee of all that certain lot, piece of land, situated, lying and being in the Township of Verona aforesaid and known and designated as Block 1603 and Lot 8.02 as shown on the tax maps of the Township of Verona.



NOTARY PUBLIC
ALAN G. TREMBULAK
An Attorney at Law of
New Jersey

770 BLOOMFIELD AVENUE LLC

By: 

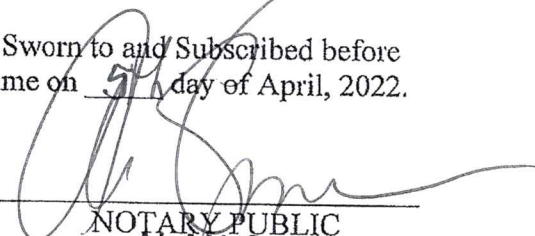
JOHN FIO RITO, Member

AFFIDAVIT OF APPLICANT

STATE OF NEW JERSEY }
 } SS.:
COUNTY OF ESSEX }

JOHN FIO RITO of full age, being duly sworn according to law, on oath deposes and says that all of the above statements contained in the papers submitted herewith are true.

Sworn to and Subscribed before
me on 5th day of April, 2022.



NOTARY PUBLIC
ALAN G. TREMBULAK
An Attorney at Law of
New Jersey



JOHN FIO RITO

The radiata shows have been located from evidence observed on the surface only. The surveyor wishes to point out that the radiata shows comprise all radii within a 30 m area, unless otherwise specified. The surveyor further does not warrant that the radiographed radiata shows are in the center of the radiata. The surveyor has not physically located the radiographed radiata.

Exposure of subcutaneous injection catheters are one part of this survey. Examples of leaks, catheter rupture and cross port problems, with, gas leaks, sock or lumen leaks, etc.,

Except as specifically stated or shown in data files, this survey does not purport to reflect any of the following which may be applicable to the subject and related comments, other than possible comments that were visible on our record of the state of the making of this survey: including without limitation, restrictive covenants, informational restrictions, nonuse or other data use regulations, and any other laws that an accurate and complete table-which each developer

Declaration is made to original purchaser of the survey. It is not transferable to subsequent purchasers or subsequent owners.

Survey is valid only if participants answered and did not stop at any of questions

Subjective and environmental conditions were not examined as a part of this study.

This survey does not purport to represent all decontaminated Hazard Areas, Riparian Zones, Wetlands, or other areas under Federal Emergency Management Agency jurisdiction. The results are representative of those at sites where the National Environmental Protection and Asset Assessment Program was implemented by the New Jersey Department of Environmental Protection and are not intended to reflect the results of surveys conducted by other agencies. Ultimate responsibility for the accuracy of the information reported herein shall rest with the user.

Environmental
Systems Inc./EPA

Flood plain maps were not reviewed or considered part of this survey.

The totality of the foregoing departed herein in the survey is based upon the evidence tested and recorded and the opinion of the surveyors as to the validity of such evidence, any representation or statement in this report is not to be construed as a warranty of the accuracy of the information herein. The surveyors do not warrant the accuracy of the information herein, but only the accuracy of the information as it appears in the survey. The surveyors do not warrant the accuracy of the information herein, but only the accuracy of the information as it appears in the survey.

This survey represents a positional location of recorded dead birds that was used to represent an approximate assemblage to estimate sizes of this species.

A warranty, waiver, and disclaimer (not to set cancer markers) has been obtained from the defendant manufacturer.

This survey was prepared without the benefit of a full title abstract search. The surveyor highly recommends to all users of this survey that a title search be performed regarding Tax Lots 501 & 502 Block 1663 before any proposed improvements or construction.

Effects of Dexam is NATURE will be published first date of PS

All references are given in the text.

Downloaded from www.jstor.org/stable/2346190 on Thu, 15 Jun 2016 12:05:00 UTC

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BOUNDARY AND TOPOGRAPHY SURVEY OF

TAX LOTS 8.01 & 8.02, BLOCK 1603
TOWNSHIP OF VERONA,
ESSEX COUNTY NEW JERSEY

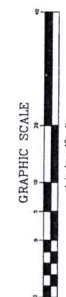


ROBERT L. CIGOL, N.J.P.L.S. No. 24GS04026100
CERTIFICATE OF AUTHORIZATION No. 24GA27919000

ZM 1" = 10' 01-06-2022 1 OF 1 2111063



DATED MARCH 1, 2017 (LOT 8.01) AND DECEMBER 15, 2021 (LOT 8.02)

[illegible]

MAYOR
ALEX ROMAN
DEPUTY MAYOR
CHRISTINE MCGRATH
COUNCILMEMBERS
JACK McEVOY
CYNTHIA L. M. HOLLAND
CHRISTOPHER H. TAMBURRO

TOWNSHIP OF VERONA
COUNTY OF ESSEX, NEW JERSEY



TOWNSHIP MANAGER
JOSEPH O. D'ARCO
TOWNSHIP CLERK
JENNIFER KIERNAN
TOWNSHIP ATTORNEY
BRIAN J. ALOIA, ESQ.

VERONA COMMUNITY CENTER
880 BLOOMFIELD AVENUE
VERONA, NEW JERSEY 07044

MUNICIPAL BUILDING
600 BLOOMFIELD AVENUE
VERONA, NEW JERSEY 07044

DEPARTMENT OF PUBLIC WORKS
10 COMMERCE COURT
VERONA, NEW JERSEY 07044

March 8, 2022

(973) 239-3220
WWW.VERONANJ.ORG

Township of Verona
Zoning and Engineering Dept.
10 Commerce Court
Verona, NJ 07044

RE: 770 Bloomfield Avenue – Letter of Denial

Owner: 770 Bloomfield Avenue LLC
Applicant 770 Bloomfield Avenue
Verona, NJ 07044
Property: 770 Bloomfield Avenue
Lot 8.02 Block 1603
Zone: MR (Mixed Retail)

Zoning Request:

The applicant is seeking to convert and expand the use of the existing commercial building from permitted retail use to a non-permitted Storage Warehouse – Self Storage Facility use. No other site improvement have been shown on the plans which were submitted.

Plans Reviewed:

This office is in receipt of the following applications, drawings, reports, specifications which were submitted by the owner/applicant for review and consideration.

- Architectural plans entitled “770 Bloomfield Avenue, Reconstruction and Second Floor Addition to an existing retail building to be used as Self Storage” prepared by Palermo/Edwards Architecture. Plans dated 02/01/22, Sheet numbers C-100, A-100, A-110 and A-200.

Existing Zoning:

The property commonly known as 770 Bloomfield Avenue and also being shown on the Official Tax Maps of the Township of Verona as Tax Lot 8.02 in Block 1603, is situate in the Townships “MR” Mixed Retail Zone, as shown upon the Townships official Zoning Map, prepared by Kasler Associates, PA dated July 11, 2011.

Existing Conditions:

The existing property is what is commonly known as a through lot, meaning that it has street frontage on two sides, and in this case the lot is bounded by Bloomfield Avenue to the south and Pine Street to the north. Both the existing building and parking encompass more than 95% of the area of the lot. A majority of the property slopes from the parking area adjacent to Bloomfield Avenue down towards Pine Street. There is an existing free standing sign at the far right side corner of the property near Bloomfield Avenue. The height and size of that sign have not been submitted and therefore have not been reviewed by this office.

Proposed Zoning Review:

1. Permitted uses for this zone are, single family dwellings, professional offices (non-medical), commercial offices (non-medical) and retail. The applicant is seeking an adaptive re-use of the existing building and to convert the use to be a “self-storage facility”. This use is a non-permitted use within the MR Zone and therefore would constitute a “D” Variance. For a “use” variance to be granted by the Board, the applicant must clearly demonstrate that the granting of the variance, that the “use” will not substantially impair the intent and purpose of the zone plan and zoning ordinances, and will not be of detriment to the public good.

2. The Applicant is proposing a slightly more intensive use than one which presently exists. Based on the existing deficiency of the parking requirements the applicant must rely upon public on-street/off-site parking to supplement any existing and proposed on-site parking to support the patrons utilizing the facility and therefore must demonstrate that there will not be a detriment to the public good and safety as a result of the Boards granting of the "use" variance.
3. The "Proposed Site Plan, Sheet C-100" shows that there are presently 4 parking spaces which are labeled as "existing to remain". There are no additional off-street parking spaces proposed. These existing spaces should be dimensioned on the plan, showing their width and length as well as any clearances to buildings, property lines and the widths of any drive aisles. The minimum required number of off-street parking spaces required as per §150-12.6 (Storage Warehouse) is one space per 750 feet of Gross Floor Area (G.F.A.). The site data chart shows the existing/proposed building as having a G.F.A. of 9,146.5 SF, therefore $9,146.5 \text{ SF} / 750 \text{ SF} = 13$ spaces required thus creating a parking variance. If it is the applicants intention to utilize off-site parking to supplement the parking deficiency it should be noted that §150-12.1 A. 2. Stipulates that any off-site parking spaces which are being considered be no more than 250 feet (walking distance) to the nearest point of the premises to be benefited. If off-site parking is being considered, than the applicant should include any such spaces on a plan and show the appropriate dimensions and distances.
4. The proposed existing off-street parking measures 9 feet wide x 18 feet long (scaled), §150-12.2 calls for the minimum off-street parking space to be 9 feet x 20 feet. (Where front overhang of vehicle is possible over a grassed or paved area not used for vehicular or pedestrian traffic, the stall length can be reduced to 18 feet) Therefore the 18 feet shown requires a variance. The proposed/existing parking spaces along the existing building currently have no wheel stops or bollards to protect from cars damaging the building. The applicant should address or detail by dimension how building protection can be performed within such a reduced parking stall size and still provide enough back-up or drive aisle separation.
5. The first parking stall on-site is only 12 feet from the property line. No parking is permitted is permitted within a front yard per §150-12.4 B (5). The minimum front yard setback is 20 feet.
6. The plans do not include an area to be utilized for loading/unloading per the requirements of §150-12.5 A. (One loading space is required for the first 10,000 square feet of gross floor area). Each space must be a minimum of 12 wide x 30 feet long.
7. The existing free standing sign is an existing non-permitted sign per §150-7.9 X (12). If this sign is to be modified (Height and Size) then is must submitted for review. Change of copy does not violate the pre-existing non-conformity.
8. There are no provisions on the site plan for ADA compliant parking. Section 216.5 of the 2010 American with Disabilities Act for Accessible Design (September 15, 2010) indicates that a site with a total of four or fewer parking spaces, including accessible spaces shall be exempted from having to indicate accessible spaces provided on site. The current site plan as submitted shows four proposed parking spaces but requiring a total of 13 spaces (total) and thus not excluding this site from the exemption. The plan should also provide detail spot grades at all finished floors, landings, stairs, walls, ramps, parking spaces and along the intended ADA accessible route. (existing and proposed) There are no indications of handrails on the existing or proposed steps, walls or ramps. This should be shown where required. Applicant should review the ADA regulations in regards to parking and accessible route and comply with those standards as set forth and as part of same. Signage, striping should conform to current ADA and Manual on Uniform Traffic Control Devices (MUTCD).
9. The existing ingress and egress into the existing parking area from Bloomfield Avenue is impeded due to the depressed curb(s) being misaligned in relationship to the drive aisle(s) and the existing striped parking stalls. The anticipated intensification of the proposed change of use would only exacerbate the intended parking and vehicular movements as shown on the site plan. The applicant should provide a traffic study performed by a qualified traffic engineer. The study should include what impact the existing eastbound left hand turn lane (for Fairview Ave.) on Bloomfield Ave. and the Intersection of Forest Ave, directly opposite

the sites driveway have on the site and how it effects the ability for a vehicle to make a left hand turn out of the site Easterly onto Bloomfield Ave.

10. There is an "Ingress & Egress Easement (deed book 4963, page 799) on the plans. The applicant should provide this office with a copy of this current deed exception, so that this office can review the details contained within and be certain that any such easement is reciprocal in nature and that it provides same to owner of Lot 8.01 as it does for Lot 8.02.
11. There are currently several existing roof leader drains connected to the building. None appear to be proposed on the Sheet C-110, a few of these existing leaders extended down into the pavement or subgrade. The applicant should provide information as to depth and where these currently discharge to. The remaining leaders which spill out onto the existing grade should be tied into the same system if and where possible.

Zoning Decision:

The proposed request for zoning approval has been **DENIED** by this office for the following reasons;

VARIANCE REQUIRED: Pursuant to N.J.S.A. 40:55D-70 d (1).

- §150-17.13 A: Warehouse – Self Storage Non-Permitted Use

VARIANCE REQUIRED: Pursuant to N.J.S.A. 40:55D-70 c

- §150-12.2: Parking Stall Size: 9 feet x 20 feet Required, 9 feet x 18' feet Proposed.

VARIANCE REQUIRED: Pursuant to N.J.S.A. 40:55D-70 c

- §150-12.4: No Parking Permitted in Front Yard: 20 feet Required, 12 feet Proposed.

VARIANCE REQUIRED: Pursuant to N.J.S.A. 40:55D-70 c

- §150-12.5 A: Loading Space Required: One 12 foot x 30 foot Space Required, None Proposed.

VARIANCE REQUIRED: Pursuant to N.J.S.A. 40:55D-70 c

- §150-12.6: Number of Parking Spaces Required: 13 Spaces Required, 4 Proposed.

Any other variances which have not been included in this review but have been identified by the Board of Adjustment.

Address any comments as per the Township Engineer. (If any)

Address any comments as per the Township Building Department. (If any)

Address any comments as per the Township Police Department. (If any)

Address any comments as per the Township Fire Department. (If any)

The applicant must provide the following for additional approval from the Township Engineer's office as a condition of any Board approval.

- a.) Barrier Free Access and Parking Plan and construction details
- b.) Site lighting, existing and proposed. Point by point lighting intensities should be indicated on the plan along with any relative construction details.
- c.) Signage, both existing and proposed.
- d.) Construction details such as but not limited to walls, walks, ramps and handrails.
- e.) Rooftop HVAC Equipment, location and screening.
- f.) Refuse-Recycling dumpster location and screening.
- g.) The applicant must receive Essex County Planning Board Approval. Sheet C-100 should provide signature area for the County.

Should you require any additional information, please contact our office.

Please feel free to contact this office should you have any questions,

Respectfully Submitted,

Michael C. DeCarlo

Michael C. DeCarlo
Engineering Manager – Zoning Official

Note:

Appeals to the zoning board of adjustment from the decision of an administrative officer must be taken within 20 days by filing a notice of appeal with the officer from whom the appeal is taken specifying the grounds of such appeal. N.J.S. 40:55D-72a. Failure to adhere to the time for appeal will result in the zoning board not having jurisdiction to consider the appeal.

The applicant must provide the following for additional approval from the Township Engineer's office as a condition of any Board approval.

- h.) Barrier Free Access and Parking Plan and construction details
- i.) Site lighting, existing and proposed. Point by point lighting intensities should be indicated on the plan along with any relative construction details.
- j.) Signage, both existing and proposed.
- k.) Construction details such as but not limited to walls, walks, ramps and handrails.
- l.) Rooftop HVAC Equipment, location and screening.
- m.) Refuse-Recycling dumpster location and screening.
- n.) The applicant must receive Essex County Planning Board Approval. Sheet C-100 should provide signature area for the County.
- o.) Address additional variances and comments as per the Construction Official / Code Enforcement Officer.
- p.) Address additional variances as may be deemed necessary by the Board of Adjustment.