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

March 10, 2022

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

RE: 756 Bloomfield Avenue – Letter of Denial

Owner: JMAC Group LLC
Applicant 137 Washington Avenue
Belleville, NJ 07109
Property: 756 Bloomfield Avenue
Lot 11.02 Block 1603
Zone: MR (Mixed Retail)

Zoning Request:

The applicant is seeking to expand the use of the existing one story commercial building by adding a second story and slightly increasing the existing off street parking. No other site improvements have been submitted and therefore have not been reviewed.

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 "New Second Story Addition, 756 Bloomfield Avenue, Verona NJ 07044". Plans prepared by Guzo Architects, dated 09/16/21, Sheet numbers P-1, P2 and P-3.

Existing Zoning:

The property commonly known as 756 Bloomfield Avenue and also being shown on the Official Tax Maps of the Township of Verona as Tax Lot 11.02 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 97% of the area of the lot. A majority of the property slopes from the parking area adjacent to Bloomfield Avenue down towards Pine Street. The survey provided shows that there are currently only 6 parking spaces on the property which are of various sizes and have not been dimensioned on the site plan.

Proposed Zoning Review:

§150-17.13 MR (Mixed Retail) Zone District

A. Permitted Uses: (1) Single Family Dwellings, (2) Professional Offices (Non-Medical) (3) Commercial Offices (Non-Medical) and (4) Retail.

D. Permitted Conditional Uses:

- (1) Mixed residential and retail subject to the mixed use standards set forth in § 150-8.3.
- (2) Mixed residential and commercial office (nonmedical) subject to the mixed use standards set forth in § 150-8.3.
- (3) Mixed commercial and professional offices (nonmedical) subject to the mixed use stand. set forth in § 150-8.3.
- (4) Mixed residential and professional office (nonmedical) subject to the mixed use standards set forth in § 150-8.3.

The existing uses are as follows:

Commercial Office (Non-Medical) – Permitted Use

Showroom/Office (Non-Medical) – Permitted Use

Warehouse – Garage – Non-Conforming Use (Existing)

The proposed use(s) are as follows:

Commercial Office (Non-Medical) – Permitted Use

Showroom/Office (Non-Medical) – Permitted Use

Warehouse – Garage – Non-Conforming Use (Existing)

Three (3) One Bedroom Apartments on the Second Story. (Proposed)

The Mixed Use proposed by the applicant is a permitted Conditional Use under §150-17.13 D (2), however since the applicants site plan does not meet all the conditions set forth under §150-8.3 B. (2) and (3) pertaining to Mixed Uses this then constitutes a “D-3” 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.

1. 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.
2. The proposed site plan, sheet “P-1” shows that there are only presently 6 parking spaces which are to remain. These spaces are shown on the plan to be various sizes only one of which (stall #5) appears to be compliant with the Townships standard for stall size. The standard stall size per §150-12.2 A is 9 feet x 20 feet. A space of 18 feet can be used where the front overhang of the vehicle is possible over a grass or paved area not used for vehicular or pedestrian traffic. The existing parking stall are also parked within the minimum front yard setback which is not in compliance with §150-12.4 (5). The 2 new parking spaces that are shown are tandem/double parking spaces which is not permitted under §150-12.8 F and finally both the existing and proposed parking must back out of the spaces onto a street which is not permitted under §150-12.8 G.

The minimum required number of off-street parking spaces required as per §150-12.6 and RSIS is 13 spaces when only 8 shall are proposed 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.

3. 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.
4. 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)

Zoning Decision:

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

Conditional Use Variances Pursuant to N.J.S.A. 40:55D-70 d (3).

- §150-8.3 B(2) Parking Required, thirteen (13) Spaces where only eight (8) are provided.
- §150-8.3 B(3) Not less than twenty (20%) percent of the lot shall be reserved for open space where only 2 and four tenths (2.4%) percent are provided.

Bulk Variances 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.
- §150-12.6 - Number of Parking Spaces Required: 13 Spaces Required, 8 Spaces Proposed.
- §150-12.8 F - Tandem or Double Parking Not Permitted.
- §150-12.8 G - Backing into a street from a parking stall not permitted.

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 P-1 should provide signature area for the County.

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

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.