



## RESOLUTION 2025-21

### ZONING BOARD of ADJUSTMENT of the TOWNSHIP OF VERONA

Application 2025-04 271 Grove Avenue, Block 1201, Lot 11-- Zone: C-2

WHEREAS, The Compound Fitness LLC (the "Applicant") operates a business known as The Compound fitness center, located at 271 Grove Avenue, Verona, New Jersey (the "Property"); and

WHEREAS, the Property is located in the C-2 Zone District on the Township of Verona zoning map, which permits retail stores, personal services, offices, and banks as principal uses, but does not permit commercial recreational facilities or minimum-service restaurants as a principal use pursuant to Verona Code §150-13.3A; and

WHEREAS, the Applicant was previously granted approval by the Township's former Zoning Official Michael DeCarlo to operate a personal training/fitness studio on the Property and to use 88 square foot as a coffee service bar as an accessory use to the Applicant's primary business pursuant to a letter from, Mr. DeCarlo, dated April 27, 2021; and

WHEREAS, the Applicant applied for a zoning permit to expand its fitness center/training studio which was denied by the current Zoning Official Kathleen Miesch, and

WHEREAS, the Applicant made an application to the Verona Zoning Board for a (d)(2) use variance under the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-70(d)(2)) to expand the square footage of the existing business into an adjoining 1400 square feet space that is currently vacant and to modify and enlarge the existing coffee service bar where such uses are not permitted as a principal use in the C-2 zone; and

WHEREAS, the necessity for a use variance arises because the Zoning Officer determined that the fitness center/training studio is not a permitted use in the C-2 Zone, and a coffee bar is not an accessory use to the principal use; and

WHEREAS, the proposed expansion of the Applicant's business to include an additional 1400 square feet of space requires a (d)(2) use variance to deviate from the permitted use schedule; and

WHEREAS, Alan Trembulak, Esq. represented the Applicant; and

WHEREAS, during the course of the Application, the Applicant introduced the following Exhibits:

Exhibit A-1 - Letter from Zoning Officer Michael DeCarlo dated April 27, 2021 approving an 88 sq ft accessory coffee service bar.

Exhibit A-2 – Architectural plans prepared by William Simun, L.I. Architect, for “Coffee Co.” dated February 20, 2025.

WHEREAS, Danille Kermizian testified that she has owned the business since September 2020 when she took over the space from a yoga studio. She described her business as a high-end personal training center, instruction based by appointment only. She testified that she conducted, through employees/independent contractors, small training classes with five to fifteen clients once a day, and individual personal training sessions throughout the day. She informed the Board that she does not advertise, that training sessions are scheduled in advance and that, unlike most gyms and other fitness centers, members cannot just “walk-in” and use the facility without a previously-scheduled appointment with a personal trainer. She stated that the business has approximately 250 active clients with 50 to 60 clients coming in on an average day. There are six trainers who work as independent contractors. She further testifies that Verona Yoga utilizes her place with approximately one class per day.

Ms. Kermizian informed the Board that the current training floor is not large enough to accommodate the six trainers simultaneously and that the vacant space adjacent to her existing space would adequately accommodate her business requirements, and provide space for an additional training studio, as well as office space and storage space. Ms. Kermizian also explained the purpose of the proposed “wellness area” which would include a shower, changing area, small sauna and a cold plunge.

In response to Board questions regarding the coffee shop customers, Ms. Kermizian confirmed that the coffee shop was open to the public.

Upon further questioning, Ms. Kermizian confirmed that the existing signage violates the Verona Code and that there are currently tables and chairs on the exterior of the coffee shop. She further confirmed that people are served either by entering the shop or by use of a walk-up window.

In response to additional questioning regarding the coffee shop, Ms. Kermizian confirmed that the business will operate as a coffee bar for clients of the fitness center and a coffee shop open to members of the public with existing seating and with no on-site food preparation beyond assembly of pre-made items, and the menu is limited to coffee, tea, pastries, and pre-made sandwiches, and there is no cooking equipment. She further testified that she employs two people per shift and that the coffee bar requires no delivery trucks larger than a standard van. The trash is managed daily via private hauler. She informed the Board that the use has not and will not generate significant parking demand based on her estimate of three to five customer vehicles at peak hours.

When asked about the existing use of the space not dedicated to the coffee bar, Ms. Kermizian testified that the existing space and the proposed expanded space are not

intended to be used as an event space. She testified that there will be no amplified sound other than music normally played during training sessions, no alcohol service, and no evening hours.

WHEREAS, William Stimmel, Civil Engineer and Licensed Planner testified on the Applicant's behalf; and

WHEREAS, Mr. Stimmel was sworn to testify truthfully and was qualified by the Board as an expert in engineering and in professional planning. Mr. Stimmel presented testimony to the Board wherein he reviewed the variances sought, informed the Board as to the layout of the existing approved space, the proposed expanded space and the coffee shop. He testified that the coffee bar would include new equipment and confirmed that there has been and would not be in the future, on-site cooking, and that the coffee bar was used by clients of the fitness center and was open to members of the public. He opined that the use was low-intensity, akin to a retail bakery/coffee shop, and would not generate significant traffic or parking demand.

Mr. Stimmel testified as to the available parking and the impact that the Application would have on-site parking on the Property. He testified that the proposed expansions would have no impact on current parking and that parking variances were not required because of previous approvals granted to the Property owner pursuant to prior applications.

Mr. Stimmel testified regarding the positive and negative criteria in support of the application. He opined that the site is suitable for the continued use of the Property as a commercial recreation facility, noted that the use is similar to the previously permitted yoga and dance studios, that the business is located in the commercial zone, the business promotes health and related uses, is on an arterial roadway and that the expansion of the business could be accommodated without a change to the exterior building. He further opined that the use is appropriate in its location and that goals of Verona's Master Plan would be promoted because the use provides appropriate levels of recreation, support a variety of uses and promotes economic development.

With regard to the negative criteria, Mr. Stimmel opined that approval of the application, both regarding the expanded use and the proposed modifications to the coffee shop, would not be detrimental to the public good because no change is proposed to the site or to the building and that the Applicant's business is similar to the previous business and therefore is not inconsistent with Verona's zone plan.

WHEREAS, members of the Board posed questions regarding the definition of "minimum-service restaurant," parking demand, hours of operation, trash management, noise, precedent for similar uses, and whether the use complies with the original 2021 approval. Specific questions addressed whether the proposed use constitutes an expansion of the accessory coffee bar or a new principal use, the impact of delivery vehicles, the potential for future changes in operations (e.g., adding seating or extended hours), cumulative parking strain from multiple commercial uses in the C-2 Zone, and how the grab-and-go format differs from a full-service restaurant; and

WHEREAS, Steven Plofker, the owner of the limited liability company that owns the Property, testified on the Applicant's behalf and advised the Board that the Applicant had operated her business in good faith based upon Mr. DeCarlo's previous approval.

WHEREAS, Members of the public were also given the opportunity to provide statements to the Board at the conclusion of the Applicant's case. The statements made were unanimously in support of the business and the application; and

WHEREAS, no departmental reviews were submitted or required; and

WHEREAS, the Board established the following findings:

1. The C-2 Zone permits retail, personal services, and offices but not minimum-service restaurants as principal uses under §150-13.3A.

2. The 2021 approval was explicitly for an 88 sq ft coffee service bar as an accessory use to the Applicant's fitness center/training studio, not a standalone food service establishment.

3. The proposed expansion of the fitness center/training studio is not a permitted use in the C-2 Zone, necessitating a (d)(2) use variance.

4. The Property is a commercial building with adjacent commercial uses, relying on existing on-site parking in accordance with prior zoning approvals.

5. Mr. Stimmel's and Ms. Kermizian's testimony was credible and adequately supported the application.

6. Positive Criteria (N.J.S.A. 40:55D-2): The expansion of the fitness center/training studio use promotes the general welfare by reactivating a vacant commercial space, supports local retail vitality, and is particularly suited to the site given its prior use as a yoga studio and Applicant's use of the adjacent space in accordance with approvals granted by the former zoning official.

7. Negative Criteria: The proposed expansion of the Applicant's nonconforming uses can be approved without substantial detriment to the public good and will not substantially impair the intent and purpose of the C-2 Zone Plan or Verona Master Plan, which seek to encourage neighborhood-serving commercial uses.

8. The proposed grab-and-go coffee shop with, no cooking, limited hours, and minimal staffing (2 employees) represents a low-intensity use compatible with the commercial character of the C-2 Zone with no substantial detriment to neighboring properties and no impairment of the Zoning Ordinance or Master Plan.

9. Parking demand is minimal (3–5 spaces at peak), readily accommodated by available on-site parking.

10. The Applicant has agreed to strict operational controls (no cooking, private trash removal, as required, no outdoor music) to prevent evolution into a higher-impact restaurant.

11. Granting the variance will not set an adverse precedent, as the approval is conditioned upon the specific low-impact, grab-and-go operation described; and

12. Mr. DeCarlo's April 2021 letter is acknowledged but the Board takes no position with regard to Mr. DeCarlo's findings and those findings are superseded by the Board's action herein.

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of the Township of Verona, that the referenced Application for expansion of the Applicant's personal training/fitness center and continuation of the accessory coffee bar is approved with the following conditions;

1. The space utilized for the Applicant's primary business purpose shall be defined as a commercial recreation facility.
2. The coffee bar shall be permitted as an accessory use to the Applicant's primary business.
3. The Applicant will not be permitted to modify the configuration or size of the existing coffee bar.
4. The Applicant will apply for a building permit for the existing awning and will modify the awning so that it complies with controlling ordinances.
5. The Applicant will not use its space as an event space.
6. The Applicant will comply with all representations made by and on behalf of the Applicant during the hearing. All of the Applicant's testimony is incorporated herein as if fully set forth and shall be continuing for so long as the Property is used in accordance with the approval granted herein.
7. The Applicant shall be permitted to continue to operate the approximately 88 square feet of space as a grab and go accessory coffee bar that is specifically accessory to the use of the premises as described by the Applicant during the course of the application with no on-site cooking; menu limited to coffee, tea, pre-made pastries, and grab-and-go sandwiches only. The approval shall not be construed to permit any other restaurant or food service use.
8. No deviations from the approved plans without further Board approval.

9. The coffee bar is accessory to the current fitness use. The coffee bar is not approved as a primary independent use but only as an accessory use to the fitness studio.
10. The Applicant will comply with all representations made by and on behalf of the Applicant during the hearing. All of the Applicant's testimony and testimony of the Applicant's professionals are incorporated herein as if fully set forth and shall be continuing for so long as the space that is the subject of the Application is used in accordance with the approval granted herein.

NOW THEREFORE, BE IT FURTHER RESOLVED that a copy of this resolution be provided to the Applicant, Township Manager, Township Council and Township Clerk.

**MOTION TO APPROVE:** Mr. Ryan

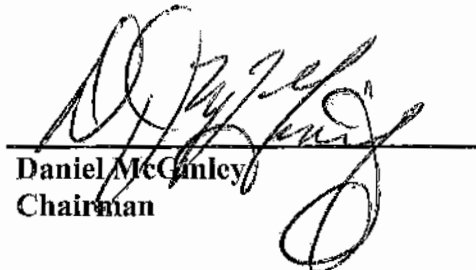
**SECOND:** Vice Chair Weston

**Roll Call Vote:**

	AYES	NAYS	NOT ELIGIBLE	ABSTAIN
Mr. Tully			X	
Dr. Ries	X			
Dr. Cuartas	X			
Mr. Ryan	X			
Mrs. Murphy-Bradacs	X			
Mr. Mathewson	X			
Mrs. DiBartolo				X
Vice-Chair Weston	X			
Chair McGinley				X

**THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF A RESOLUTION ADOPTED BY THE BOARD OF ADJUSTMENT OF REGULAR MEETING HELD ON OCTOBER 9, 2025.**

  
Dolores Carpinelli  
Acting Board Secretary

  
Daniel McGinley  
Chairman