

IN THE MATTER OF THE APPLICATION

OF

BOARD OF ADJUSTMENT
TOWNSHIP OF VERONA
ESSEX COUNTY, NEW JERSEY

AMERICAN SAVINGS BANK

WHEREAS, the Applicant, American Savings Bank, is the tenant of the property located at 725 Bloomfield Avenue, also being known as Block 85, Lots 10 & 11, Verona, New Jersey, said property owned by Diabes Enterprises, which property is located in a CBD, Central Business District; and

WHEREAS, the Applicant requires the approval of a Site Plan along with a "D" Use variances, pursuant to N.J.S.A. 40:55D-70(d), from the permitted use and sign requirements of Article IV, Chapter 150-9, Schedule I of the Township of Verona Zoning Ordinances to use a part of the site as a proposed permitted commercial bank and part of the site and building as two prohibited drive through bays; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant at the public hearings of September 9, October 14, and November 11, 2004, and giving due consideration to questions and/or comments having been raised by residents who were properly notified, and having made the following factual and general findings:

The subject premises is located in a CBD, Central Business District;

The Applicant is proposing to construct a permitted bank building on the site and to include two prohibited drive-thru bays;

Article IV, Chapter 150-9, Schedule I of the Verona Zoning Ordinance permits commercial offices for the CBD zone but excludes drive-thru bays at banks;

According to the Applicant, American Savings Bank has a presence in the area, with other branches which have drive-thru bays which are an important convenience and service for its customers, and proposes hours of operation for these bays of Monday, Thursday, and Friday from 8:00am to 6:00pm, Tuesday and Wednesday from 8:00 am to 3:00 pm, and Saturday from 9:00 am to 1:00 pm, with no Sunday hours;

According to the Applicant's Traffic Engineer, with the signage, curb cut locations and angles, and overall design of the traffic patterns and structures on site, the proposed drive-thru use of the site can be done without substantial impact on the safety, convenience and general welfare of the surrounding residents and passing traffic.

According to the Applicant's Planner and Traffic Engineer, the use and sign variances are warranted because:

1. The use is generally accessory to the permitted banking business and serves public expectations and needs of convenience and efficiency and is necessary to enable the bank to be competitive.

2. All other banks on the major corridor street in Verona have drive-thru bays, including those in the CBD.

3. The use is particularly well suited to this location because it replaces a gas station which generated even greater traffic, it is not a pedestrian-oriented site as it is at the edge of the business zone and area, and it is well regulated by the traffic signals at the intersection.

4. This is the most appropriate use of the land as the primary use is permitted and the drive-thru is an integral part of the modern banking facility.

5. The proposal is an enhancement to aesthetics and traffic safety because the new building will be more attractive than the prior gas station use and the relocated and well designed driveways will remove turning maneuvers further from the intersection and will diminish likely traffic through the residential neighborhood.

6. The proposed sign will provide substantial benefits of visibility to enhance traffic safety by reducing abrupt maneuvers on the heavily traveled Bloomfield Ave. Such benefits substantially outweigh any detriments caused by the presence of the free standing sign.

7. There will be no substantial detriment to the public good or the intent and purposes of the zone plan or ordinance because this type bank will generate less traffic than other promoted uses, will shift the curb cuts further from the intersection to increase safety, is safely accessed with the traffic signals nearby, the drive-thru site will effectively and efficiently serve customers already on the street, and the drive-thru access lanes are not in the area of town with a heavy pedestrian traffic and can therefore harmlessly co-exist with both vehicular and pedestrian traffic.

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

The proposed use will be an appropriate use of the subject property with the indicated improvements;

The proposed construction will advance the purposes of the Municipal Land Use Law in that it will enable the Applicant to enhance its use of the subject property, and will improve the aesthetics, safety, and appropriateness of use of the same, thereby promoting the general welfare of the Township and its residents;

The proposed construction and use will be an appropriate upgrade of the property that will not adversely affect the purpose of the zone plan and ordinance;

Special reasons exist to justify the proposed use, which will not cause a substantial detriment to the public good;

The benefits of the proposed construction will outweigh any detriments; and

Any negative criteria have been sufficiently addressed through safety and site plan details through the testimony;

NOW THEREFORE, be it unanimously resolved by the Board of Adjustment of the Township of Verona that the Applicant's request for variances to use a part of the subject bank structure as a drive-thru bank and for a free standing sign, pursuant to N.J.S.A. 40:55D-70(d), from the permitted uses of the Verona Zoning Ordinance with regard to the property located at 725 Bloomfield Avenue, based upon the testimony be granted,

AND NOW BE IT FURTHER resolved by a vote of 4-3 that the Site Plan for the proposal as submitted is granted, all subject to the following conditions:

1. The Applicant shall be bound by the content of its testimony as if this testimony was incorporated herein;
2. Hours of operation of the drive-thru shall be Monday, Thursday, and Friday from 8:00am to 6:00pm, Tuesday and Wednesday from 8:00 am to 3:00 pm, and Saturday from 9:00 am to 1:00 pm, with no Sunday hours;
3. Lights providing security shall remain on continuously for 24 hours;
4. The gas tanks shall be removed and EPA clearance obtained;
5. There shall be no Sunday banking hours;
6. All lighting shall be approved by the Township engineer;
7. All construction shall be completed in accordance with the plans submitted and/or the testimony of the Applicant;
8. This approval is subject to receipt of County Planning Board approval;
9. There is to be no storage of garbage outdoors;
10. The landscaping is provisionally approved, subject to final approval of the Landscape Committee of the Board in concert with a representative group of neighbors and interested parties;
11. A barrier to insure no left turns onto West Lincoln Street from the site and insuring no right turns from southbound West Lincoln Street into the site shall be provided, subject to the approval of the Township engineer;
12. Directional signs, subject to approval by the township engineer, shall be installed directing bank customers to eastbound and westbound Bloomfield Avenue;

13. The drainage and storm water detention systems shall be reviewed and approved by the township engineer;
14. There shall be sufficient blacktop to allow the parking spaces to have a 2 (two) feet overhang between the parking spaces and the guardrail;
15. Applicant shall apply to Essex County for more green time for the light

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VOTE :

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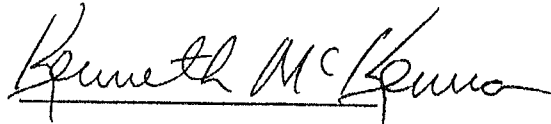
MICHAEL ZICHELLI

LAWRENCE LUNDY

JOHN DENTON

SEAN SULLIVAN- ALT #1

KENNETH MCKENNA



KENNETH MCKENNA, CHAIRMAN

The foregoing is a true copy of a resolution adopted by the Board of Adjustment at their meeting on the 11th day of November, 2004, and memorialized at their meeting on the 9th day of December, 2004.



JOYCE STEWART, Secretary