

Minutes of a Regular Meeting of the Verona Board of Adjustment on Thursday December 13, 2018 beginning at 7:30 P.M. in the Verona Community Center, 880 Bloomfield Avenue, Verona, New Jersey.

**Roll Call:**

Present: Dan McGinley, Chairman, Scott Weston, Vice Chairman, John Denton, Pat Liska, Sean Sullivan, Christy DiBartolo, Alt #1 and Genevieve Murphy-Bradacs, Alt #2

Also, present: Michael Piromalli, Esq. and Thomas Jacobsen, Township Construction Code Official

Absent: Larry Lundy and Lou Russo

Secretary read the notice of Open Public Meetings law and called attendance.

Mr. McGinley called the meeting to order at 7:42 PM. He leads the Pledge of Allegiance. He then explains to the Applicants that the Board can grant variances, but the burden is on the Applicant to prove special reason or any undue hardship. Mr. McGinley states the Applicants shall offer sworn testimony on their application and the Board will rule based on the evidence presented. He reports the variance, if granted, will be memorialized at the next regular meeting.

**Application:**

Case 2018-12 Harry Sun & Sonia Gray  
54 Oakridge Road, Block 2206 Lot 32

Harry Sun and Sonia Gray, property owner applicants, David Carlback, planner for the applicants, and Christine Miseo, architect for the applicants, were all sworn in.

Mr. Piromalli offered proof of service is in order.

Mrs. DiBartolo excused herself from hearing the case on the Board and she sat in the audience.

Christine Miseo, licensed architect gave the Board her credentials. The Board accepted her as an expert in architecture.

Ms. Miseo explained to the Board that the applicant was looking for a few variances. The biggest variance is for height. The original project for the house did not need any variances. During construction, the rear slope dropped more than originally planned. This change moved the rear height to over 32'6", the original drawing elevation, making the average height now of the whole house 32.5 feet, which is over 30 feet, which the maximum allowed in that zone. The home was a Cape Cod style with the renovation more like small colonial with 2 story in front and project to put large family room, kitchen and master suite to the rear of the home. The garage was originally more forward and the construction pushed that back. The side yard setbacks variances do exist none conforming setbacks. During construction, they found rot and bug issues around the house and therefore needed to rebuild most of the house. The area of the additions are setback in a foot to meet the setbacks. The setback for the garage to fit 2 cars was moved back to be mindful of codes as well. The average grade around the property missed up quite a bit as going through the construction and because of the that need for a height variance of 2.5 feet.

Mr. Denton asked what are the actual variances needed. Ms. Miseo explained that the variances are for height, side yard setback and side yard combined. Mr. Denton asked these are not because the house moved but only because needed to be rebuilt. Ms. Miseo agreed that did not move the house and if not for dry rot the side yard variances would not be needed. She added they would only be there for height variance.

Mr. Sullivan asked what the grade height is in the front and rear of the house. Ms. Miseo explained that the front grade to ridge is 30.8 feet and the rear is at 34 to 35 feet. The average then ends up at 32.5 feet. Mr. Sullivan asked if anything new was built new on top of the part that encroaches in side yards. Ms. Miseo stated that anything newly built was set in to be within the codes.

Ms. Miseo offered colored photos to the Board, most are the same as the ones on the drawings the Board had as part of the application. There was one new photo. The photos were marked in as Exhibit A-1.

Mr. Weston asked if the original plans changed or if the numbers were wrong when did survey. Ms. Miseo explained that she did not interpolate how much the property would drop in the back when calculating and walking the property before drawing up the project. Mr. Weston asked about the storm run-off down to the rear property behind the house. Ms. Miseo explained that runs towards property adjacent and that there is a brook between the properties. The property slopes about 50 feet before the brook then there is the rear adjacent property. Ms. Miseo also spoke with the township engineer and the applicants will be putting in a storm water retention system. It was not necessary to put one in but to be a good neighbor and after meeting the Engineer and Mr. Jacobsen on site, they will be putting in a drywell with a full retention plan including soil disturbance and that plan was currently under review at the engineer's office at the time of the meeting.

#### **Public Questions for architect: none**

David Carlback, professional planner, gave his credentials to the Board. The board accepted him as an expert witness in planning.

Mr. Carlback discussed the property in the application. The property slopes down to the rear of the property at 7.9% slope. The area where the property is located is in a single-family residential zone with a mix of styles and sizes of houses. 60 Oakridge is the largest house and is next door to the applicant's property. The property is in R-70 zone, which is 8400 square foot minimum lot size. The side yard setback on the existing portion of the house is 7.02 feet and allowed is 8 feet minimum. The 2<sup>nd</sup> floor is complaint with that minimum setback. They also need a height variance. He offered Exhibit A-2 photo of the slope in rear of house and topographic of the area. The front yard and rear yard setbacks comply with the ordinance. He explained a hardship existed with the slope and the grade of the property. He felt a limitation for building within the codes based on the combination of the slope of the land, 2.5-story limitation and the height allowance from the township. He mentioned that the neighbor at 60 Oakridge was granted a variance in 2007 for 33 feet height addition.

Mr. Sullivan questioned the addition height being lower ridgeline. Ms. Miseo agreed that the gable roof is lower than the house ridgeline. She offered Exhibit A-3 2 photos 60 Oakridge and 54 Oakridge showing comparable ridges.

#### **Public Questions for Planner: None**

#### **Public Comments:**

Tara Apisa, 52 Oakridge Road, Verona

Ms. Apisa was sworn in.

She stated she is the neighbor next door to the house opposite the one discussed during the meeting. She is the neighbor to the side with the side yard shorter than 8 feet. She confirmed there was no movement of the house and that it has stayed in the same location. She is voicing support of the improvements to the house and they are hoping to see things finish up and be finalized.

Public closed

Mr. Denton felt this was minor variance as they were reconstructing due to damage and the height was made due to the slope of the property. He felt that the efforts being made with regards to runoff on the property was a positive. Mr. Sullivan agreed and he added the portion of the addition was pushing too much and they tried to comply with all codes before.

Mr. Sullivan motioned for approval of case 2018-12 with condition that they do the retention system including soil disturbance; Mr. Denton seconded the motion. All votes aye. The application was granted.

**Application:**

**Case 2018-11 DCH Investments Inc – Acura  
100 Bloomfield Avenue, Block 202 Lot 44**

Mr. Piromalli offered proof of service was in order.

Alan Trembulak, attorney for the applicant, addressed the Board. He explained the application was for freestanding pylon sign that required a variance as freestanding signs are prohibited throughout the Township. Mr. Trembulak wanted the Board to note the number of freestanding signs at this intersection alone. He has two witnesses, Mr. Michael Petry and a manager from Acura dealership to present to the Board.

Mr. Petry was sworn in and accepted by the Board as an expert in Engineering.

Mr. Petry explained he prepared the plans for the proposed sign. He asked to have 4 exhibits marked in, Exhibits A-1, A-2, A-3 and A-4, sets of colored page SP-2 for plans, SP-3 from the plans, aerial photographs of the intersection and series of google earth photos of approaches from various directions to the property. There are 3 lots and the sign will go on lot 44. It is the ETC "Extended Town Center" zone. The building is in the corner of the property, which also has a mixed building with pizza place learning center and spa and a separate bank building. The dealership is surrounded by other commercial uses. There are other freestanding signs along Bloomfield Avenue at the Mattress place, Exxon, Pepboys, and Famous Rays. The Exxon sign across is the sign they used as a starting point for determining the sign for Acura. The original was pylon sign 25 feet solid all the way around and the typical Acura sign. Mr. Petry suggested going shorter and reducing the size of the sign itself. The sign is proposed at 21 feet and 7'5" by 6'8". The post is non-reflective and would have impact on vehicle headlights. This sign will be a custom Acura sign that no other Acura dealerships would have. The sign on the building is visible from Mount Prospect. They are looking to make the site more visible for drivers more specifically on Pompton Avenue and to improve visibility for all motorist trying to locate the dealership. The sign is a corporate mandate and Acura the Corporation usually has pylon signs installed not the pole sign as they are proposing. They feel this is keeping with in the environment of the area and the closest sign at the Exxon station. Mr. Petry served on the Board as a liaison for the Exxon sign when it was proposed. They then like now felt this within the public good if it could prevent one auto accident. Mr. Petry addressed comments from the departments. The sign was not interfere with any driveways, as there was none at the intersection where it was proposed. There would be no safety issues to drivers as the pole was not lit and non-reflective. It is also behind the traffic signals. The existing signs on the property complied with the zoning ordinance and part of previous variance for the property.

Mr. Denton questioned that he felt this was positive in terms of traffic. Mr. Petry stated that yes he felt the intersection warrants it. Mr. Liska questioned the diameter of the pole. Mr. Petry

explained that it tapers and is not round but goes from 18 inches to 14 inches and is about the size of a telephone pole. Mrs. Murphy-Bradacs questioned the height of the other signs in the area. Mr. Petry stated he did not measure the other signs. Mrs. DiBartolo asked if the lights would be removed in the parking lot to put in the sign. Mr. Petry explained the sign would sit behind the lights on an existing paved area with landscape in front of it. Mrs. DiBartolo questioned this sign adding the visual business of the corner. Mr. Petry stated the sign would be above trees and above the traffic in order for someone to see when approaching the dealership. The sign is really the logo for people to spot. The sign is tilted towards to the east so on Pompton it faces you. Mr. Weston questioned the size of a typical Acura sign. Mr. Petry explained typically 25 feet high and 6'8" wide block sign. Mr. Jacobsen asked how long the sign would be on. Mr. Petry stated it would be off by 11 pm until the am and not flash at all. Mr. Jacobsen asked about concerns for cars hitting the sign. Mr. Petry explained that there would be block curbing and new island around the sign with bollards as well. Mr. McGinley asked if the driveway on Pompton was used for the site. Mr. Petry stated that the driveway is not used and typically, they have cars parked there for display.

Public Questions: none

Tim Levicha, general manager for DCH Montclair Acura dealership, was sworn in.

Mr. Levicha stated that he has been at the dealership for 4 years. The dealership just finished some renovations. Corporate Acura is putting pressure to put up a sign. The project has taken a while to get a custom sign done. He explained he did not want to do the sign because of the expense. The dealership does a lot for the township and it does bring in a lot of outside traffic, as it is the largest in the state of NJ. He also explained that in his 4 years there they have never used the Pompton driveway. He had to get special approval from Acura to do this sign because usually they are significantly larger. He is the only Acura dealership without a sign in the country.

Mrs. DiBartolo asked about the corporate mandate and why it is coming now. He explained that because of all the construction they went through the sign was part of the agreement made. Mr. Weston asked if there would be any repercussions for not putting up the sign. Mr. Levicha stated that nothing specific but moving forward there could be.

**Public questions:** none

**Public comments:**

Richard Aloia, 37 Malvern Place, Verona

Mr. Aloia voiced concerns that corporate mandates are not the problem of the Board or the township. He feels the businesses need to comply with the township ordinances. He felt that all the signs in that intersection were pointed out and that if this is allowed where would it stop for allowing signs up. He appealed to the Board to say no and to not make Bloomfield Avenue look like Route 22.

Mr. Trembulak stated they felt this variance was justified and that the good substantially outweighs the deterrents. There are 4 to 5 signs already at the intersection and it would improve visibility of the site. This sign is attractive and it was carefully and thoughtfully done to relate well and fit well with the others in the area.

Mrs. DiBartolo stated this was one of the gateways to Verona and she would prefer to not see this big sign there and leave the Verona sign as the one you notice coming in. She left with the light poles and telephone poles this would obstruct more and she questioned the attractiveness of

the sign. Mrs. Murphy-Bradacs felt that there was testimony that it would improve safety but there was no evidence to show issues there that this would be needed. She felt that the testimony was hollow with the plight to satisfy corporate as it sounded that the dealership does not really want this nor with the business being the biggest in the state that the sign would be needed. She had concerns with approving the application. Mr. Weston continued that he felt that the sign was not comparable to Exxon, as that was needed for motorists to see prices and this was just a logo for location. Mr. Denton was not concerned with corporate wants but the testimony that it could be enhancement of safety for the area. The sign is also smaller than Exxon and they looked to make it such. Mr. Sullivan credit Mr. Petry for the safety as this is the most dangerous intersection he has seen since living in town. The increase in safety would benefit. He felt it was a tasteful sign but would like a condition to limit the sign to just the logo with specific illumination level. Mr. Liska agreed the design was good for this corner. He felt that with driveway on Pompton not being used that the need for the sign for people who might need make the right off Pompton could be needed. He also felt sign was visually nicer than most Acura signs. Mr. McGinley appreciated what they did to modify the sign to what you might see on Bloomfield Avenue but felt it was more necessary for parts of Bloomfield Avenue like in Caldwell where people would be driving at faster speed and need to see location. He did not feel that this location needed here.

Mr. Sullivan motioned for approval of case 2018-11 with condition I business logo; Mr. Denton seconded the motion.

Application was denied with vote of 4 nays to 3 ayes.

**Application:**

**Case 2018-08: Kensington Senior Development LLC,  
420 Bloomfield Avenue & 312 Claremont Avenue  
Block 701 Lot 3 & Block 1708 Lot 2**

Mr. Podvey addressed the Board stating that he had on his agenda for the application for the night to present the new exhibit list and the Have Mr. Petry testify again to the Board with changes made to the proposed plans. The Exhibit list would reflect Exhibits A-42 through A-46. He also informed the Board that just before the meeting he found that a few witnesses that would speak in favor of the application would not be able to make the meeting. He asked that the Board consider hearing Mr. Petry's testimony and put off Public comments to the next meeting. Mr. McGinley agreed that the Board would be good with that.

Mr. Petry, still under oath from previous meeting sworn in, addressed the Board. He explained that since last meeting he submitted revised drawings to Mr. Beckmeyer to review. On the page SP-4 the main property they made the drive aisle 20 feet and incorporated new sidewalks along Claremont. Since Claremont Avenue was recently paved, they agree to redo paving on Claremont after doing tie-ins to utilities in the street. They made the coverage less and included the driveway changes into the impervious calculations. On SP-5, which shows grading, they set the manhole cover with grade for ADA requirements. The driveway was changed to 20 feet wide and that modified the landscaping but they did not reduce the buffer area shown on SP-8. In the parking area, they made a number of changes. They eliminated 4 spaces, reduced the impervious coverage and added a landscape buffer. There will be 105 parking spaces between the two lots and the requirement is for 46 spaces. The fence will be changed on the parking lot site that shows a fence going from 3 feet to 6 feet to comply with fence zoning ordinance. The applicant would be willing to accept a variance for the fence if the Board wants it 6 feet all the way. Mr. Petry explained that the drainage on the parking lot the overflow existing is undersized. Mr. Beckmeyer asked for the system to be evaluated. They found that it was not sufficient and they came up with a new system to go in to help. They are proposing a subsurface detention basin

system with more storage on site with a 15-inch pipe. They are not increasing the impervious coverage on either lot. They are adding an inlet. They modeled both the sites individually and combined and either way it does not increase any more into the street systems. They reviewed letters #2 & #3 from Mr. Beckmeyer. They accept #11 of Mr. Beckmeyer's comments on signage. They are incorporating wider service driveway, adding supplemental lighting, reducing building size at the driveway, adding landscape buffering to both sites, they will add crosswalks and sidewalks. They propose a fence board on board to better block to residents. They will do milling & paving of the lot and Claremont Avenue. They propose an improved storm water collection system on both properties. He feels this is better for the community as a whole. Through all the hearings, they have implemented all suggested improvements.

Mr. Beckmeyer's letters made Exhibits B-18 and B-19.

Mr. Weston asked about the recommendation for the tree to come out by the driveway and the fence lower for safety with traffic and pedestrians. Mr. Petry explained that the height of 6 feet was to keep lights from the residential properties below the parking lot.

Mr. McGinley asked about the crosswalks if there were any for Bloomfield Avenue and Claremont Avenue as well. Mr. Petry explained that the crosswalks were on the site and from one site to the other. Mr. Podvey stated that the crosswalk was talked previously about as a condition if wanted across to the parking lot from the main property. Mr. McGinley stated he was against a crosswalk there.

**Public questions: none**

The Board adjourned the case to the next regular meeting on January 10, 2019 at 8:00 pm without further notice. The applicant waived all time constraints of the Board.

**Resolution:**

Case 2018-09, Sciarra, 7 Crestmont

Mr. Liska motioned approval; Mr. Sullivan seconded motion. All votes aye, resolution memorialized.

**Minutes:**

November 8, 2018 minutes

Mr. Sullivan motioned for approval; Mr. Liska seconded the motion. All votes aye, minutes approved.

Meeting was adjourned at 10:12 PM.

Respectfully submitted

Kelly Lawrence

Board of Adjustments Secretary