

Minutes of a Regular Meeting of the Verona Board of Adjustment on Thursday January 10, 2019 beginning at 8:00 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, Larry Lundy, Pat Liska, Sean Sullivan, Christy DiBartolo, Alt #1 and Genevieve Murphy-Bradacs, Alt #2  
Also, present: Robert Gaccione, Board Esq. and Thomas Jacobsen, Township Construction Code Official  
Absent: Lou Russo

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

Mr. McGinley called the meeting to order at 8:02 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 2018-08: 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 where they left in the December meeting was to allow public comment and for his closing statements.

Mr. McGinley stated that at this point all testimony has been presented and the Board would open the meeting to public comments.

**Public Comments:**

Mark DeMattheis, 435 & 449 Bloomfield Avenue, was sworn in.  
Mr. DeMattheis has concerns for Verona Place apartments across Bloomfield Avenue from the project and the public safety making left hand turn into property from the west. He stated if the applicant could make some changes like no left turn, he would have no objections.

Anthony Ambrosio, 19 Crestmont Road, sworn in.  
Mr. Ambrosio stated he has lived in town for long time. He feels this kind of development is favorable for the town. He added with aging community and the difficulties in finding place for elderly to live when they longer can live in their house, this is a terrific objective. The applicant took particular consideration to workout concerns and the Board as well. He applauded the purpose of the application and it would be an enhancement to a great town. He felt it is the Board responsibility that a beneficial project is done. He support the application and it is very beneficial to the town.

Frank Ferrarri, 43 Howell Drive, sworn in.  
Mr. Ferrarri echoed similar thoughts to Mr. Ambrosio. He has lived in town for 55 years. He feels there is a need for senior housing. It would be nice to have options. He felt this is a good ratable for the town. He compared to traffic of senior housing on Woodland Ave in West Orange has less traffic than the caterer does. He is in favor of the application.

James Kirby, 93 Woodland Avenue, was sworn in.

Mr. Kirby stated he lives two blocks away from the location. While he understands how the prior people feel, he feels this is a deterrent to the town. He feels there is a problem with the location. He feels the site is not safe because of where located on Bloomfield Avenue. He feels Bloomfield is almost a highway now. There was someone his age that lost his life crossing the street. He is concerned with the location and the draw of the park. The closest place to park safely to the park is by walking down to Eight Hills or for people to just try to cross right there by the site. He sees why people want it in the area but not on Bloomfield Avenue. He feels that if put on Second Mountain it would be great and there would be room to sit on the lawn. This is a deterrent to the town. He does not agree with passing this application and if he were on the Board, he would vote no.

Jessica Pearson, 20 Mountain Avenue, sworn in.

Ms. Pearson explained that last year the applicant went before the township Planning Board asking for zoning change for the property. With Jason Kasler, the town planner present, the Planning Board voted it down. She agrees it will impair the Master Plan and is not good for the area. She stated this applicant was in Montclair before Verona. She mentioned the applicant's professional planner mentioned that they came to Verona from Montclair because of a target residential change but they had not evidence of this need in the presentation. Ms. Pearson offered information from the state on the 2016 numbers on assisted living, including average age of 85 years, average length of stay 31 months and 65% of living require four or more services. She questions the placement of facility on such a busy street a block away from worst intersection in town. She referenced the definition for open space. She questioned why the planner had not looked into other sites in the area like the one in West Orange that has large site with outdoor space and safe circulation around the building. She also had concerns that the project was in compliance for the Town Center bulk zoning regulations but that those regulations were more for commercial and not residential density. She referenced the size of Claridge House residential density with the need for 8 acres of land. Hse argued that the site would be better suited for another zone and that they would have to comply with bulk for that zone. She felt that curb-to-curb build with 92 dwelling units and 130 residents would be 2 ½ the maximum allowed. She referenced page 442 of the master plan and the regulations for assisted living that did not equate to 92 units on 1 acre of land. She was not against assisted living developments but not for this development on this site. She argued this was not in accordance with the Township Master Plan. She referenced the minutes from the Planning Board meeting where the applicants presented a zone change for the property. She offered Exhibit O-1. She asked that the Board not grant the application in the Town Center because of precedence set with parking under at Verona Place. She asked that the Board deny the application as much as Kensington looks beautiful but it is not a good spot and does not promote the Master plan of the Town or the business district.

Richard Aloia, 37 Malvern Place, sworn in.

Mr. Aloia pointed out that the two people in favor did not live near this proposed project. He stated that the use of Inherent Beneficial is only when it satisfies a true need. The applicant did not consider and did not look beyond Verona to see the need for a use. He felt they should have submitted methodology and reports showing needs for this type of use. He mentioned the Land Use guidelines for Inherently Beneficial use. He feels that just because it is inherently beneficial use that does not mean that you should just put it in. He feels this is the wrong place for this type of facility. He is in favor of senior assisted living but not in the Town Center zone and feels this would create undue hardship in that area. Mr. Aloia referred to the Montclair application and the numbers used in that application and how they changed for Verona. He was concerned that they did not reference the number of trips made each day in and out of the facility. He felt that 120-150 employees daily, 55 visitors daily, the delivery trucks and ambulances all coming to this for profit facility would create hundreds of vehicles on Claremont Avenue and would be an injustice

and inconsiderate to the neighborhood and people living around them. He mentioned that the lives 2 blocks away from the proposed site and never heard noise day or night from the caterers currently there. He asked the Board to not allow the greed of profit business to come into a location that was proper for this type of use to sway the Board. He asked the Board to strictly adhere to the Master Plan and reject the application.

Richard Cohen, 2 Claridge Drive unit 5JE, sworn in.

Mr. Cohen stated he had been married at the Richfield Regency 30 years ago. He believed there would be no better use of an assisted living on that site. He has his mother in Passaic at a facility and like to move her closer. He would like at this time for the Board to approve the application.

Al DeOld, 15 Howard Street, was sworn in.

Mr. DeOld asked the Board to reject the application. He has lived in town for over 40 years. He was on the town Planning Board and goes to town council meetings for the last 10 years. He stated that there are 10 facilities within 5 miles of the area. He was also surprised that they had yet to have anyone ask why there is not a facility in Verona. He referenced the township Master Plan as the reason. He had concern with the facility being wall to wall Bloomfield Avenue to Claremont Avenue with no open space. He mentioned going to other facilities in the area that have more room. He feels that for the Town Center this is not what the Master Plan calls for. He does not feel this is an appropriate place for this use. He feels that there could be a better area with more open space. He asked the Board to stick to the Master Plan and reject the application.

Jude Rappatte, 420 Bloomfield Avenue, owner of Richfield Regency, was sworn in.

Mr. Rappatte told the Board he is current owner of Richfield Regency. He was a manager of the facility from 1988 and purchased the facility in 1995. He feels that Kensington Senior Development would help develop Verona and would not detract from Verona. The use would not compete with other uses. He feels that this was not a section of the main part of Bloomfield Avenue; he felt that was more to the west of the property. He believed this would create more business and bring more to Verona. They would replace the existing building and enhance Verona with specialized use. He felt it would add to the tax base without draining Verona. He asked the Board to vote in favor for the long-term benefit of the use.

Patrick Gilmore, 449 Bloomfield Avenue, was sworn in.

Mr. Gilmore explained that he lived near the site and he applauded the application and the foresight for this use. He feels that another McDonald's or theater was not needed. He felt that this is something needed and he was close to needing a facility like this. He told the Board was born and raised in New Jersey and lived here all his 83 years. He did not want the Board to be swayed and not to be ashamed to vote yes for the project. He applauded the facility and felt the Board could not go wrong with allowing it.

Brad Quick, 180 Claremont Avenue, was sworn in.

Mr. Quick told the Board he has lived in town for 8 years and both his children have been born while living in Verona. He understands a certain group are for this application and another group is against it. He has heard the testimony from the professionals stating this would not put more traffic on Claremont Avenue, he felt this was ridiculous. He felt that this assumption was based on numbers and not actually being in the area. He feels this is a small community that is densely populated and this would fundamentally change the DNA of the town. He felt this was not family friendly and would definitely change the traffic on Claremont Avenue along with other streets that run off Claremont Avenue. He implored the Board to say no to this facility because once they say yes it could not be changed. He feels the traffic will be terrible and people with kids will not want to move to Claremont Avenue or the streets around it.

Public closed.

Mr. Podvey offered his final summary to the Board. He thank the Board for their patience on the long and unusual matter. For him, this was an unusual application for him having to go to Department of Community Affairs about RSIS in regards to parking. He also stated that he never before had a mayor testify, a town council member cross-examined or had Planning Board testify against a project presented. He offered five witnesses that testified about the project. He had Mr. Rafeedie, who spoke of the background of Kensington and the project in general. The applicant wants to build a 90 unit, 130 bed, assist living facility. They propose 55 underground parking and 50 parking spaces across the street on Claremont Avenue. This is the 5th project for Kensington. All areas of other projects similar to Verona and even some more densely populated. There were exhibits of activities that go on onsite and off. He stated there is nothing that states that this type of facility needs to be in open space. This is an aged population in a limited area taken to other areas. Mr. Rafeedie spoke of how the facility would operate and how the shifts would work. This information tied into the testimony of the traffic expert, Mr. Jafolla, it was presented that only 2% of the current total residents drive. The first shift is 40 to 45 employees working 7 am to 3 pm, the second shift is smaller with employees there from 3 pm to 11 pm and the third shift is the smallest of 10 to 15 employees working 11 pm to 7 am. Employees do not arrive all at the same time; depending on their role depends on when they arrive for shifts; cooking staff would arrive earlier than executive staff. There is a nurse there full time during the day and LPN at night. The trash pickup, food delivery and recycling would be less than experiencing now to the catering hall. The other facilities have ambulance calls less than 2 times per week and the applicant agreed to have private ambulance service to take the burden off the town's volunteer rescue squad. The elevators are big enough to handle the rescue squad stretchers. The building fits well on the site with the elevations. The architect designed the building to fit into the township and match notable buildings of Verona. He stated that there was no retail here because of the slope of the property retail would not fit. Mr. Podvey argued that retail is not going well now with all the big stores going out to business and most retail being to the west down Bloomfield Avenue. The benefit of the project that adds 100 full time job opportunities and additional part-time jobs. He argued that people coming to visit their relatives are not making obligatory visits but are coming to see loved ones stay and take them around. The visitors will come and use the retail and services in the area. The applicants also testified to having partnerships with local vendors and groups to utilize the local businesses and people. Sionas, the architect, testified to mimicking the building to others in town. The average age is usually 85 years and up with all needing different levels of care. Only about 7% of the residents do not need care. Mr. Jafolla, the traffic expert, testified twice. The first time he testified to what happens at the facility currently with a lot of traffic from valet and back up of traffic. They currently have valet parking utilizing the lot across the street and on street parking as well. The Mayor requested he look at the traffic studies for Annin and Verona Place apartments and traffic in area when school was open. He adjusted the study and concluded that the proposed would not make the traffic any worse at any intersection around the facility. In September, he observed schoolchildren walking and determined that on Claremont by the parking lot a tree should come down as a safety measure. Bloomfield Avenue is a county road and Mr. DeMattheis requesting a no left turn going east into facility would be up to the county. The applicant would accept if that were conditioned. The traffic study put into exhibit contains all the findings and conclusions of the traffic studies done around the facility. Ms. Gregory, the planner, sent letter to the Board in June with the application as to what an inherently beneficial use is and case law to show a case like this. Assisted Living is an inherently beneficial use. He referenced Sunrise Assisted Living vs. Madison as case law indicator. He also reference the Sica test the Board must go through to determine if the application should be granted. The planner went into full detail of this test in her report to the Board. Mr. Podvey in his legal research referenced the Children's Institute application that was denied and over turned by a judge because had to compare traffic not when

vacant but to when in full operations with Hoffman La Roche there He hopes the Board would not make the same mistake here as well. The planner also testified to the variances requested also in the original June paperwork. The applications variances testified to are as follows: the assisted living use, the parking under the building, design variance for sight distance, which was changed by Petry, coverage of the Claremont Avenue parking lot, the use of the Claremont Avenue parking lot, the size of the parking spaces, driveway width size and two entrances existing, The parking spaces as exists there are 8 undersized and the new plans testified to by Petry 4 were eliminated and only 4 undersized. Ms. Gregory testified to the positives and them outweighing the negatives. The Lugo letter offered as exhibit t cleared any doubts in regards to the parking spaces needed. He referenced the Environmental Commission letters that are in as exhibits and referenced the minutes from the Environmental Commission meetings. The letters given were not from eh Environmental Commission but a sub-committee of the Commission and one of the sub-members is an Engineer. He also referenced minutes of the Town Council meeting in regards to affordable housing and the changes the council approved for the town. The town approved 300 units, 20% affordable, on what is now Spectrum, previously TCI, 42 units with 20% affordable, on Poekel property and 55 units all affordable where Cameco is. His point is Verona is changing and that this is fitting in with those changes coming. The fundamental change that objectors have testified to is already here and the Board should let this be part of the good for Verona. This project would also provide 13 units to the COAH obligation. This application should be approved.

Ten-minute break

Mr. Gaccione addressed some items of Mr. Podvey's closing statements. The mention of never seeing a Planning Board member testify, they have the right to as a public participant. The original application for TCI was in the 90's and the board turned down the application. The court overturned that decision. Ten years ago, the Board turned down an application for an expansion to TCI and that decision was sustained by the courts. Mr. Denton added that none of the current Board members was on the Board for the first application but a few were on to hear the second application. Mr. Gaccione explained that Mr. Podvey indicated housing for elderly being an inherently beneficial use, he agrees it can be but there is the issue of if the need is already satisfied. Mr. Denton questioned if there was testimony of need for it. Mr. Gaccione explained the Sica test and that is the Board turned down because of negative there was need for substantial deterrent not just deterrent. The Board would need to deliberate to the negative criteria because already saying an inherently beneficial use. He stressed the use is the key variance.

Mr. McGinley explained that there would be seven voting members for the application. They would consist with all the members sitting at the meeting except for alternate #2, Genevieve Murphy-Bradacs. Mr. Lundy added that he was not at the December 13 meeting but he had viewed the tape of the meeting and reviewed the transcripts of the meeting. He submitted a signed affidavit to the Board secretary. Mr. Gaccione explained that there were signed affidavits for all Board members not in attendance at specific meetings throughout all the hearings for the application held with the Board secretary.

Mr. Liska questioned the letter from Mr. Lago from the state the Board received the letter and draft of the minutes from the meeting but not the approved minutes from eh meeting. He questioned if the Board could accept this. Mr. Gaccione stated that under the circumstances the Board could accept this.

Mr. Denton questioned the negative criteria. He stated one substantial deterrent to the public good and another substantial impairment of Town Master plan. He asked if they are the same or

separate. Mr. Gaccione explained that it was traffic not necessarily impairment of zone plan, however retail could be negative deterrent to zone plan.

Mr. McGinley started the Board looking at the application and working through the Sica test. The first part being the positive criteria, which he felt was set for them. Mr. Denton added that it did not appear to be an issue with anyone even the objectors. They all felt this is a great use to provide a place for people who can no longer take care of themselves.

Mr. McGinley continued the next part is to look at the negative criteria.

Mr. Denton felt there was number of issues raised in testimony with the project. He had concern with the project on this property in the Town Center zone and it not being with the intent of the Master plan for this district. The Master Plan for this zone intent more for business, retail at first level and having offices, or residential above street level. Mrs. DiBartolo added the key to the area and zone is drop in trade; majority of the town would not be able to utilize this project with it closed to people at street level. Mr. Denton felt they could try to incorporate retail environment as others in the downtown area, like coffee shops, restaurants, stores to make it downtown friendly. They could possibly have retail type establishments on first floor and assisted living above. He feels that the nature of the downtown being substantially impaired makes for a big negative to the project.

Mr. Lundy referred back to the testimony and why they decided to keep the salon and other on the street level closed to public. He also reminded the owner of Richfield Regency testified for the project. He also referenced the apartments across the street at Verona Place that the Board approved. The Verona Place apartments did not have retail on first floors; they were approved with parking on the first level. He referenced points being made of the topography of the property with a significant slope that this project fit into that and utilized the topography with the paring underneath. Mr. Lundy also thought the project was fitting with what you see on Bloomfield Avenue in that section from Church Street down to the river; there is not retail dependent on drop-in customer traffic. Mr. Denton argued that on the other side of Bloomfield Avenue where the Verona Place apartments were put in was no retail establishment just open property. He also referenced the side of the project has a coffee shop near it and Salugo restaurant down a little ways before the river. Mr. Denton had concern with there being no retail on a large parcel of land in the zone. Mr. McGinley stated the building directly next to the project is not retail and it was an old theater now an office building. Mr. Podvey added that at one time there was supermarket on located there.

Mr. Lundy questioned the Master Plan being ten years old established in 2009 and may need to be reviewed. Mr. Gaccione stated that the Master Plan should be reviewed every ten years but does not need to be changed, just reviewed. Mr. Lundy felt that retail space has changed drastically in ten years and may not be relevant or point at this time. Mr., Liska stated that looking at reports big retail stores not doing well but little retail shops are doing better. Mrs. DiBartolo added to Mr. Liska suggesting that is true for restaurants and not just retail. Mr. Lundy argued this fits into topography and based on area of Bloomfield Avenue this is in, it does fit into the Master Plan. Mr. Denton argued that no testimony saying that could not develop retail on this site. He compared Verona to Montclair with similar topography and having lots of retail development on such. Mr. Denton suggested that maybe reduce the project to mitigate issue and have retail on first floor with living above. Mr. Liska stated that that could bring up more issues with parking. Mr. Lundy referred back to discussions during testimony about retail space and that lead to more parking and traffic issues. The Board along with the applicant agreed to have that part closed to public. Mrs. Murphy-Bradacs stated the public has come forward with issues with traffic around the facility. She also referenced testimony from traffic expert that retail or large restaurant would generate even more traffic in the area. She felt that making a project with stores below and living above would generate more traffic in and out of property and more parking issues. She suggested that the retail part not being there not as important as to the goal of Master Plan as more of the public concern is with traffic. Mr. Lundy added that there was

testimony from experts in regards to traffic and those experts are professionals with licenses that they are putting these studies on.

Mr. Liska stated that part of the application deals with the parking issues and that traffic wise there would be a change with anything other than caterers. He agrees the driveway being straight across from Verona Place is a bad idea. He feels the current driveway being up further is better for cuing of cars.

Mr. Weston stated he had safety concerns with eth project. He also felt the size of the project was to maximize the profits of the business. The size of the building limits landscaping and open areas. He feels having all traffic exit out to Claremont Avenue on to neighborhood streets creates safety issue. He had concerns with cars leaving property left on Claremont Avenue and further down going onto Bloomfield Avenue. That area going into Bloomfield Avenue is dangerous with people trying to merge and cross over to left lane. He also felt that the Claremont parking lot could be used little more than the experts suggested and that lot would create more pedestrian safety risks. He also felt risk with the lack of open space on the property people would look to go to the Verona Park across the street. He felt it would be a matter time before someone would be hit trying to cross to the park. The size of the driveway was stated that trucks would have to back up and out of the service entrance and not be able to turn around. Mr. Weston had concerns of safety of trucks backing out onto Claremont Avenue. Mr. Denton added that it is hard for traffic to be compared with the current use. The current use highest traffic times are in evening and weekends not during times when kids are walking or at rush hour.

Mr. Sullivan explained that the project having windows on the avenue side to make it look more inviting than the blank wall that exists now. He feels the project would have more people going in out and that would utilize the town. He felt those utilizing the local businesses might be more the employees than residents as suggested by applicant but still more using local businesses. He also thought that there would be more traffic during the day no matter what goes in to property. The concerns with calls late at night are not different from any other residential areas. He felt this was more in keeping with residential around the property. He felt usually problem with commercial backing up to residential areas in Verona but this project is residential. He did not see it as a deterrent in the Town Center.

Mr. Liska felt the project was over built. He suggested if built to size to fit property and parking all on the site would be better. He referenced Mr. Podvey's closing statement where he mentioned Verona changing with new residential. M. Liska argued that those projects would be built to fit the parking on site. Mr. Liska also felt the DCA was wrong in feeling that only 46 parking spaces were needed for the 92 units. He had concern if ever changed to apartments 175 parking spaces would be needed. He also asked that if approved a condition be put to keep at 46 spaces and not allowing the project to be expanded to something more. Mr. Lundy questioned the concern with parking. He felt that the numbers of 50 parking under the building and 55 on accessory lot would cover well more than 46 needed. Mr. Lundy also added that testimony stated that there were no kitchens in the units so not apartments. Mr. Liska explained that the 46 was for this use only. Mr. McGinley added that no change could be made without the project going before the Board. Mr. Lundy added that impose regulations on those that do things unlawfully or brake zoning laws. Mr. Denton argued needed to evaluate on use presented and not what could be done later.

Mr. Denton referenced Mr. Podvey's closing with the new projects coming at TCI and Cameco and suggested maybe one of those sites would be better suited for the project rather than in downtown area. He had concerns of residents walking out and being at busy street or trying to cross Bloomfield Avenue. Mr. Lundy argued that in West Orange the Green Hill facility is on a two-lane road as well with a higher speed limit. Mr. Weston stated that site has more open space grounds for the residents to stay on site and walk around. Mr. Lundy stated that testimony showed a courtyard on the property and the residents are not going to be just walking out. Mr. McGinley wanted to focus on three concerns no retail, traffic and parking. Mr. Sullivan stated that the parking underneath, if granted, and the parking across the street the project is way

over on parking required. Mr. McGinley stated that the lack of retail was adverse to the Master Plan but not to the properties next door or across the street. Mr. Denton felt that looking at development of town not just particular area this is a huge setback and impairment to what is encouraged to be in the zone. Mrs. DiBartolo questioned what percentage of the town would utilize this project as opposed to percentage that would utilize retail or restaurant. MR. Sullivan argued a small percentage would utilize now but would hope to live to age to utilize a facility like this. Mr. Denton had concerns that the applicant did not propose anything to mitigate with any retail or restaurant shops on first floor. Mr. Sullivan stated that there is not a lot of street level retail in this area. He mentioned the office building next door, the office furniture store that changed to offices and bakery shop, the residential to the other side and across the street. He suggested it is not very retail oriented area on Bloomfield Avenue. Mr. McGinley explained that Town center has no requirements for parking. Mr. Liska and Mr. Sullivan referenced code that is depends on whether retail or restaurant as to what parking is required. Mr. McGinley asked board if they felt that retail an adverse condition; Mrs. DiBartolo does not think so, Mr. Lundy does not think so, Mr. Sullivan does not think so, Mr. Denton does think so and Mr. Weston does think so. Mr. McGinley questioned the board's thoughts on traffic and safety. Mr. Weston mentioned that the tree being removed by Claremont lot would aid in pedestrian safety. Mr. Denton felt that maximizing the size of the building adding more numbers of people would add to pedestrian traffic and the location onto busy Bloomfield Avenue would add to pedestrian safety. He felt this would add to people crossing both Bloomfield Avenue and Claremont Avenue and increase safety issues. Mr. Sullivan realized different use that shifts use to different times than now. He felt the flow as described is not greater or not a danger at this facility. He felt that traffic is already bad up and down Bloomfield Avenue. MR. Weston felt this would exacerbate the issue and the applicant could mitigate the issue with less units. Mr. Denton added that this would be more appropriate in another area where elderly that need assistance are not stepping out to busy street. Mr. McGinley stated that this function or other use would create a problem. Mr. Lundy questioned if it would be better for traffic if a CVS went into the location. He continued stating that people in this facility need assistance and would not see them running out to Bloomfield Avenue they would be more the type to go out to the courtyard enjoy a little fresh air. He stressed these are people in assisted living needing assistance. This use would be less than if a larger retail place went on the site. Mr. Sullivan added that there was testimony that most trips off site go on bus to locations; if the park was offered for people that are more active could utilize the bus to get people there. He felt currently the traffic in area is dangerous and that the proposed would not increase the danger. Mr. Liska added that any use would busy traffic during the day. The issues brought in by this could be mitigated by moving the driveway entrance. Mr. Sullivan suggested the entrance could not be moved for this project because of the need to go to the low end of property for parking underneath. Mr. Denton felt that a smaller building could mitigate pedestrian problem, traffic concerns and parking issues. Mrs. Murphy-Bradacs suggested some issues could be mitigated by having exit only to Bloomfield Avenue with no left turns. Mrs. DiBartolo stated that they could not do that because of testimony on site line issues.

Mr. McGinley suggested the Board came to impasse in discussions. Mr. Gaccione suggested making a motion at this point and having a vote. Mr. McGinley suggested motion on the "D" or use variance first and if approved would move to the separate "C" or bulk variances.

Mr. Sullivan motioned to approve the use variance without conditions for case 2018-08; Mr. Lundy seconded the motion. With votes of 3 ayes (Mr. Sullivan, Mr. Lundy, Mr. McGinley) to 4 nays (Mr. Denton, Mr. Liska, Mr. Weston, Mrs. DiBartolo) motion denied. Use variance no granted.

Mr. McGinley stated with the approval of the use variance failed there was no reason to continue with additional variances.



**Minutes:**

December 13, 2018 minutes

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

**Resolution:**

Case 2018-12, Harry Sun & Sonia Gray, 54 Oakridge Road

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

Meeting was adjourned at 11:27 PM.

Respectfully submitted

Kelly Lawrence

Board of Adjustments Secretary