

**MINUTES OF THE BOARD OF ADJUSTMENT MEETING  
Thursday October 14, 2021**

Present:

Chairman Dan McGinley

Mr. Pat Liska

Mrs. Genevieve Murphy-Bradacs

Mr. Mike DeCarlo, Zoning Official

Mrs. Ashley Neale, Board Secretary

Mrs. Christy DiBartolo

Mr. Larry Lundy

Mr. Paul Mathewson, Alternate #2

Mr. Michael Piromalli, Board Attorney

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Meeting called to order at 8:02 P.M. by Chairman McGinley. Open Public Meetings Act Statement is read by Secretary Mrs. Neale. Also, present Aaron Schragger and Joe Fishinger from the Township's Engineer firm Brightview Engineering.

**Pledge of Allegiance**

Chairman McGinley gives a brief overview of the Boards duties and responsibilities. Roll Call is taken.

**Approval Minutes**

Chairman McGinley asks for a motion to approve minutes from the Regular meetings held on September 9, 2021. Mr. Liska makes the motion, Ms. DiBartolo seconds. All present vote in favor.

**Resolutions**

Chairman McGinley asks for a motion to approve Resolution 2021-26 for Leonardo at 261 Grove Avenue. Mr. Liska makes the motion, Mr. Lundy seconds. All present vote in favor.

Chairman McGinley asks for a motion to approve Resolution 2021-27 for Watkins at 69 South Prospect Avenue. Mr. Liska makes the motion, Mr. Mathewson seconds. Ms. DiBartolo abstained. All others present vote in favor.

Chairman McGinley asks for a motion to approve Resolution 2021-28 for Wagner at 12 Lynwood Road. Ms. DiBartolo makes the motion, Mr. Liska seconds. All present vote in favor.

**Adjournments**

Chairman McGinley notes that the Board has yet to receive the settlement agreement pertaining to application 2021-12 for 251 ½ Grove Avenue, and therefore they will have to be adjourned to the Board's next regular meeting on Thursday November 18 at 8:00 PM. He asks for a motion to approve the adjournment. Ms. Murphy-Bradacs makes the motion, Mr. Lundy seconds, all present vote in favor.

**New Business**

Chairman McGinley notes for the records that the Board's November meeting originally scheduled for Thursday November 11 will need to be moved to Thursday November 18, because all Township buildings are closed in observation of Veterans Day. He asks for a motion from the Board to approve the date change. Ms. DiBartolo makes the motion, Mr. Mathewson seconds, and all present vote in favor.

**Application 2019-14 for 21 & 25 Grove Avenue**

Jason Truvel introduces himself as the attorney representing the applicant. He notes that the applicant is seeking numerous variances for a Preliminary Final Site Plan to construct 30 residential units on the property. Mr. Truvel recaps, noting that the last time this application was in front of the Board was in March 2020. He comments that the original application proposed 40 units and has been amended to now propose 30 units, 15 percent being affordable. He adds they have increased the amount of parking spaces, which improves the parking ratio. He notes they significantly changed the architecture by removing a story. He notes that the southern driveway was changed to be more covered and that the lot coverage was decreased. He comments they have ensured compliance with the residential buffer and set back to the North. He continues by stating they are proposing a 4,000 square foot green roof to help with storm water management.

Mr. Piromalli makes note for the record that he has reviewed the applicants notices and the Board has jurisdiction to hear this application. Mr. Truvel calls Matthew Seckler from Stonefield Engineering as his first witness. Mr. Piromalli swears him in. Mr. Seckler briefly informs the Board of his background and qualifications. The Board accepts the witness as an expert in Civil and Traffic Engineering.

Mr. Seckler introduces exhibit A1 dated October 14, 2021- Ariel Exhibit from 1/9/2020 from Google Earth, noting the property is outlined in yellow. He continues by describing the surrounding streets and properties of the subject property. He notes an elevation change of 7 to 10 feet from the front of the property of Grove Avenue to the rear. He adds the site has a driveway along the North side of the property closest to the residential homes and approximately six metered parking spaces on Grove Avenue. He comments the application calls for 30 units with 59 parking spaces within the building.

Mr. Seckler introduces exhibit A2 dated October 14, 2021- Rendered Site Plan enhanced and colored with landscaping superimposed. The exhibit was prepared by Stonefield Engineering on July 6, 2021. Mr. Seckler comments that the driveway was shifted and is now proposed to be 25 feet from the property line, which will then tuck under the building with a grade change of approximately 4 feet. He continues by describing the 4,000 square foot green roof proposed for the property. He notes the water will be collected and flow through roof leaders making its way into a storm water management system that includes inlets for collecting rainwater. He comments there will be a reduction of storm water runoff from this site, calling it a curve over curve reduction. He notes that they intend to increase landscaping on the side of the property closest to the residential houses. He adds 17 trees will be planted at 8 to 10 feet in height. He comments that the north side of the property the proposed building will be 15 feet off the property line, which is compliant with the Township ordinance. He adds they proposed to plant approximately 20 arborvitae along the East side of the property line.

Mr. Seckler describes the front and entrance of the building, noting that there will be a driveway off Grove, a pedestrian walkway and an ADA compliant path. He adds the area will be lit, but there will be no building mounted lights on the north, east or south side of the property. He comments there will be lighting to allow safe circulation of cars in and out of the parking garage. He comments they feel they will be able to maintain the metered parking spaces in the front of the site. He states they are proposing a striped out section for no parking, but would allow for ambulances and delivery vehicles.

Mr. Seckler describes the traffic on Bloomfield Avenue and surrounding area. A handout is distributed and Mr. Seckler notes it is an excerpt from the traffic review dated June 25, 2021 submitted as part of the application and will therefore not be marked as an exhibit. He testifies that per the study a residential building of 30 units would increase the morning trip generation by 11 trips, 13 additional trips in the evening and 13 on Saturday's. He comments that the building will consist of 13 one-bedroom units, 16 two-bedroom units and 1 three-bedroom unit.

He continues by comparing the traffic to a 10,000 square foot daycare facility and a 15,000 square foot office building which is a permitted uses in the zone. He notes the office building would have create 6 additional trips in the morning and 4 more in the evening and a daycare facility would create 100 additional trips. He notes that the proposed development would not create a significant increase in traffic for the area. He adds that a level of service analysis was done at the intersection of Grove and Bloomfield. He comments that based on the analysis the increased traffic generated from this site would only increase the delay by about one second. He notes that the overall level of service in the morning is level C and in the evening level F.

Ms. DiBartolo asks how 30 units would only yield 11 trips. Mr. Seckler notes these trips are for peak hours and not all residents would be leaving and entering in the same hours. He adds that some people work from home, and there are bus services directly on the corner that some resident may use. Mr. Truvel asks if the driveway to the site has adequate sight distance. Mr. Seckler confirms there is adequate sight distance for going in or out. Mr. Truvel asks if all proposed sidewalks will be ADA compliant. Mr. Seckler confirms all sidewalks on the frontage of the property and the sidewalk up the building will be ADA compliant.

Mr. Seckler continues by explaining the parking structure for the building. He notes that from the driveway you would head down under the building where there will be 14 standard parking spaces and on the left side there will be a row of five stacking spaces and on the right seven tandem spaces. He notes that around the corner there is a row of 11 spaces, 3 ADA compliant and 5 stacker spaces. He comments the aisles are 23 or 24 foot wide and are two way and the standard spaces are 18 feet long and either 8 and half or 9 and a half feet wide. He testifies that they are proposing 59 spaces and only 57 are required, allowing for two extra spaces. He explains tandem and stacker parking works, adding those spaces would be assigned to the two and three bedroom apartments. He comments that they studied the demographics in Verona and the average number of vehicles for renters was 1.37 per unit, which would be a need of 41 spaces for this project, and they are proposing 59.

Mr. Fishinger asks how the spaces will be designated and how resident will know where they are allowed to park. Mr. Seckler responds that the spaces will be assigned with the tandem and stackers being assigned to tenants in the two and three bedroom units, and they will be numbered. Mr. Fishinger asks where the residents would put their cars when they are trying to get other cars out of the tandem or stacker spaces. Mr. Seckler responds that there are areas striped off, could be near the trash room or by the bed end of the parking spaces that they could leave a car for a few minutes to get another car out. Mr. Fishinger asks how long it would take to get a car out of the tandem or stacker spaces. He responds it would take approximately a minute to move the car and then another minute to re-park the first one.

Chairman McGinley notes his concern for the parking if a resident may not want to put the effort into moving cars in these tandem and stacker spaces that they may park on the street. Mr. Fishinger asks how they plan to prevent people with stacker spaces from parking in the wrong space. Mr. Seckler notes that the stacker spaces require a code to operate and the spaces will be numbered. He adds a management company that would be there if an issue like this arose. Mr. Fishinger asks if there would be a backup generator since the stacker spaces are electrically powered. Mr. Seckler notes they would propose a backup generator but they can also be moved manually. Ms. DiBartolo asks if they intend to install provisions for electric vehicles in the parking area. Mr. Seckler notes that none is shown on the plans but they would agree to comply with any ordinances. Mr. Truvel notes the Governor just passes a bill regarding EV charging stations and they will look and make sure they are in compliance. Mr. Truvel adds that even if there is not an immediate demand they can be wired for future tenants. Mr. Fishinger asks how they plan to account for the guest spaces; he notes that they would be below the requirement. Mr. Seckler notes that they would be under but the other tandem spaces could be used for guest parking.

Chairman McGinley asks how many projects Mr. Seckler has worked on with stacker spaces. Mr. Seckler responds that he has worked on about a dozen. Chairman McGinley asks if he has heard of any issues relating to vehicle size in these types of spaces. Mr. Seckler notes he has not but arrangements could be made if an issue arose. Mr. Liska asks if when the cars are lifted would they be almost at first floor level. Mr. Seckler responds that the architect's testimony will cover specifics but the center area is higher than a normal parking garage. Mr. Mathewson asks about the parking in the front of the building. Mr. Seckler notes that the spaces will be shifted to account for the change in the driveway location but four metered spaces will remain with the current regulations. Mr. Schrager mentions he would like to see the Township's new storm water ordinance complied with to the fullest extent possible. He adds that most of the water will draining to the back corners of the property and notes that he would like to see the pipe cleaned and inspected and a pipe calculations. He adds he would like to see some more, possibly adding a bio swale in the rear of the property. Mr. Seckler notes they would have no problem working with the Engineers office to include some other measures.

Chairman McGinley calls for a break at 9:32 PM. The meeting is called back to order at 9:42 PM.

Chairman McGinley asks if any members of the public have questions for this witness.

**Rachel Moehl from 35 Grove Avenue-** Asks if there will be space for the striping for delivery vehicles since the witness said “believes” Mr. Seckler notes that would be up to the Governing Body not this Board but he feels there is space. Ms. Moehl asks if emergency vehicles will have space. Mr. Seckler responds there would be a 25-foot space between the driveway and the property line for an ambulance to utilize and fire trucks would use the street. Ms. Moehl asks how tow trucks would be able to get in and tow an illegally parked car. Mr. Seckler notes they would and if they were in a stacker spot that would become a management issue. Ms. Moehl asks about noise from the hydraulic system or horns honking. Mr. Secker responds he is not an expert is noise travel but notes the garage is enclosed. Ms. Moehl asks questions to the Board about why the Master Plan limits underground parking.

Ms. DiBartolo asks if there will be a gate to enter the parking garage. Mr. Seckler notes none is proposed at this time, but there will be cameras and the garage will be monitored.

**Jessie Gant from 29 Grove Avenue-** Asks how many traffic analysis has Mr. Seckler done this year. Mr. Seckler comments he has done about 250 reports this year. Ms. Gant asks how many were involving this developer. Mr. Seckler responds he has two projects with this developer. Ms. Gant asks if studies that are more detailed were conducted, like how many right turns on red occur. Mr. Seckler notes that the data from this traffic report is from 2013 and then calibrated 2017 one study came from the Township and one from the DOT because it would not have been accurate to study during COVID. Ms. Gant asks if he has ever lived in an apartment building with a tandem spot. Mr. Seckler states he has not. Ms. Gant asks if overnight parking is allowed for guests and how many spots. Mr. Seckler comments it is and there are about 12 guest spaces. Ms. Gant asks if the trees currently on the property are being removed. Mr. Seckler notes they would and the applicant would follow the Tree Removal Ordinance to replace any necessary.

**Liz Scriffignano from 17 Grove Avenue-** Notes she owns the Animal Hospital directly next to the subject property. She asks about the setbacks on that side of the building. Mr. Seckler notes that on that side of the property there will be about a 9 foot offset with plantings. He adds there will be drainage going to be installed between the building and a proposed 6-foot fence along the property line. Ms. Scriffignano asks if all the trees in the rear near her property are being removed. Mr. Seckler notes that they may be able to save one or two depending on construction methods. Ms. Scriffignano asks how far the building will be from her property. Mr. Seckler notes it will be 6.7 feet from the property line. Ms. Scriffignano comments about the traffic in the area and asks what time was considered peak in the study. Mr. Seckler responds it was 7:30 to 8:30 in the morning and 4:45 to 5:45 in the evening.

Ms. DiBartolo asks when the traffic lights on Bloomfield Avenue are reevaluated for timing. Mr. DeCarlo notes this would be a county issue, and they have been talking with the county about the timing of the lights. Mr. Truvel notes that the application will most likely not conclude tonight, and if it would be beneficial to the Board, Mr. Seckler and Mr. Fishinger can reach out to the county, suggest modifying the timing of the traffic light, and provide an updated count of the intersection.

**Laura Siligato from 31 Grove Avenue-** Asks for clarification on the variances being sought related to parking. Mr. Seckler responds that they meet the functional number of parking spaces where 57 is required and 59 are proposed but because the Township’s ordinance does not count the underground parking towards the requirement a variance is required. Ms. Siligato asks if the Townships new Master Plan would potentially change the current application in regards to storm water drainage. Mr. Seckler notes he cannot speak to the Township’s Master Plan he adds they updated their plan to comply with the State and Township’s updated regulations. Ms. Siligato asks what construction methods would be used for this site. Mr. Seckler responds that construction methods would be determined down the line when the applicant applied for building permits. Ms. Siligato asks if there is an estimate on how long the construction would take. Mr. Seckler notes that the pipes and vegetation portion would take a couple of month but the architect would address the entire construction timeline.

**Liam Holland from 109 South Prospect Street-** Asks about the D variance and what hardships are preventing them from adapting the development to a conforming use. Mr. Truvel notes that their professional planner will address that when he testifies. Mr. Holland asks if the traffic study took into account, the current Master Plan has identified a traffic issue on South Prospect, which is directly across Bloomfield Avenue. Mr. Seckler notes that they looked at the

intersections related to the site, including Bloomfield, Grove, Bloomfield, and South Prospect. He adds that they are requesting a use variance and he believes other permitted uses would see higher traffic levels. Mr. Holland asks what the plan would be if the application were to be denied, would the applicant appeal or reduce the scope of the project. Mr. Truvel notes that would be something the applicant would have to consider at that time and cannot be answered currently.

**Jessica Pearson from 20 Montclair Avenue-** Asks when they intended to address the review comments submitted by Township officials publicly. Mr. Seckler notes he is happy to go through any review letter the Board wished to address. Ms. Pearson comments the green roof structure has changed in size and no details are included in the storm water report. Mr. Truvel responds that Mr. Seckler and Mr. Schraeger spoke and indicated that the square footage of the green roof was not included in the calculations and Mr. Seckler has agreed to supply that information before the next meeting. Ms. Pearson asks about storm water leaving the site and how that complies with the updated regulations. Mr. Seckler states that storm water would hit the green roof portion of the site and some would evaporate and the rest would go to a roof leader system. He adds they would be reducing the run off that is currently on the site and are compliant in their curve under curve calculations. Ms. Pearson asks if the pipe in the northern corner of the property is large enough to handle almost 100 percent of the storm water from the site. Mr. Seckler notes that it is currently handling it and therefore would in the future since no addition runoff will occur. He adds the Board Engineer has requested an analysis of the pipe capacity and they have agreed to perform one. Ms. Pearson asks about a deed restriction for a bio swale. Mr. Truvel notes they would be bound by the plans approved by the Board. Mr. Piromalli clarifies that all the Board's resolutions include a condition that requires applicants to obtain all outside agency approvals. Ms. Pearson asks if 100 percent of the site will be disturbed during demolition. Mr. Seckler responds that nearly 100 percent will be disturbed. Ms. Pearson asks is every parking space is eight and a half by 18 feet. Mr. Seckler notes that some are different to comply with ADA standards. Ms. Pearson asks about EV charging stations. Mr. Seckler explains there is potential for all 20 of the stacker spaces to be wired for EV charging and chargers could be added to the spaces closest to the utility room. Ms. Pearson asks what would be done for the stacker spaces if there were to be flooding in the garage. Mr. Seckler notes he could speak to the manufactures to see what is typically done and there is potential to add a drainage collection system in the lower points of the garage.

**Nathaniel Greenstein from 29 Grove.** Asks what the impact to the trees and shrubbery specifically near their property and would it block sunlight. Mr. Seckler notes that the planner and architect will answer questions relating to building height and impact on surrounding properties.

Chairman McGinley notes that the Board typically does not accept new testimony after 11:00 PM and therefore this application will be continued to the Board's next regular meeting on Thursday, November 18 at 8:00 PM with no further notice being required. Mr. Truvel notes for the record that the applicant agrees to waive any time constraints the Board may have under the Municipal Land Use Law.

### **Adjourn**

There was a unanimous agreement to adjourn at 11:05 PM.

Respectfully submitted,

Ashley Neale  
Board of Adjustment Secretary

*PLEASE NOTE: Meeting minutes are a summation of the hearing. If you are interested in a verbatim transcript from this or any proceeding, please contact the Board of Adjustment Secretary at 973-857-4777.*