TOWNSHIP OF VERONA
COUNTY OF ESSEX, NEW JERSEY

MINUTES OF THE VERONA BOARD OF ADJUSTMENT MEETING
OF THURSDAY, NOVEMBER 14, 2024

Meeting held in the Ballroom of the Verona Community Center @ 880 Bloomfield Avenue, Verona, NJ 07044 @ 7:30PM

PRESENT:

Chairman Daniel McGinley
Vice Chairman Scott Weston
Mr. Paul Matthewson
Mrs. Christy DiBartolo
Dr. Bill Cuartas
Dr. Edith Ries

Mr. Michael Tully
Mr. Gregory Mascera, Board Attorney
Mr. Peter Ten Kate, Engineer
Mr. Michael Caggiano, Engineer
Ms. Kathleen Miesch, Zoning Official
Ms. Caitlin Kester, Board Secretary

Call to Order: Chair McGinley calls the meeting to order at 7:33 pm

APPROVAL OF MINUTES:

Chairman McGinley asks for a motion to approve minutes from the Regular meeting held on August 8, 2024. **Mrs. DiBartolo** makes the motion, **Vice-Chair Weston** seconds.
Chair McGinley abstained, the remaining commissioners in attendance voted in favor. **Motion Passes.**

Chairman McGinley asks for a motion to approve minutes from the Regular meeting held on September 12, 2024.
Mrs. DiBartolo makes the motion, **Vice-Chair Weston** seconds;
All commissioners in attendance vote in favor, no opposed, no abstentions. **Motion passes.**

Chairman McGinley asks for a motion to approve minutes from the Regular meeting held on October 10, 2024.
Vice-Chair Weston makes the motion, **Mr. Matthewson** seconds.
Mrs. DiBartolo abstained, the remaining commissioners in attendance voted in favor. **Motion Passes.**

RESOLUTIONS:

1. **Resolution BOA-2024-016** – Resolution appointing Gregory Mascera, Esq. as Board of Adjustment Attorney.
   Vice-Chair Weston makes the motion, **Mr. Matthewson** seconds; all commissioners in attendance vote in favor; no opposed; no abstentions. **Motion Passes.**

2. **Memorialization of Resolution 2024-17** – Application 2024-09; 8 Randolph Place; Block 606, Lot 2; Zoning District; Amending **Resolution 2024-12** which was memorialized on August 8th, 2024 to include a variance granted in favor of the applicant to allow the applicant to construct a fence not to exceed 5 feet in any location on top of the retaining walls in the rear yard. Only Board members that voted yes to the original resolution are eligible to vote on the amendment. Dr. Ries; Mr. Tully; Mr. Matthewson; Mrs. DeBartolo all vote favorably. **Motion Passes**

NEW BUSINESS:

1. **Application 2024-13: 553-555 Bloomfield Avenue - Lot 19 Block 1806 – TC Zoning District.**
   Applicant was carried from the September 12, 2024 hearing where testimony was taken.
   Applicant requests approval to add a new use and install an ATM Machine in the existing building. Based on the resolution adopted in 2020, the owner received conditional use approval to have a retail or retail service or personal service use on the first floor and residential use on the

second floor. The applicant proposes a bank institution on a portion of the existing retail area. Relief is sought from the Verona

Zoning Code: a. **§ 150-17.14 A or D**. A return to the Zoning Board is required for an amendment to a prior condition approval.

Michael Sullivan of Stickel Koenig & Sullivan, 571 Pompton Ave, Cedar Grove, NJ – previously sworn in by Board Attorney Mascera.

- Representing the property owner of 553-555 Bloomfield Avenue LLC. The Management member is Joe Valente and was present.
- Mr. Sullivan recapped the history of the application previously started on September 12, 2024. The property is located in a TC zone. The Board granted Use, Conditional Use and Site Plan Approval to establish 1 bedroom apartments on second floor and commercial space on first floor for retail, retail service or personal service use.
- Apartments are fully occupied on second floor. First floor commercial space is occupied by La Bella Princess Café. 258 sq. ft. commercial area remains empty subject to this application.
- Amended preliminary site plan, a D-1 Use Variance, Amended Conditional Use Approval to permit a Wells Fargo ATM facility with 1 ATM machine in the 258 sq. ft. location.
- Proposing two wall mounted signs. 9 sq. ft. illuminated sign facing Bloomfield Avenue and 4 sq. ft. non illuminated sign facing Lakeside Avenue.
- Mr. Sullivan explains there were questions and discrepancies from September 12, 2024 meeting which is why this meeting was continued for the applicant and experts to regroup.
- Mr. Sullivan has three witnesses:
    - Mr. Dan Dressel – Architect
    - Michael Bolton - Wells Fargo to address Operations
    - John Taikina. - Planner

Also confirming with the Board Secretary that there were 7 eligible Board Members; the Use Variance needs 5 yes votes for this application to pass.

Witness: Dan Dressel, 19 Edstand Drive, Moonachie, NJ – previously sworn in at the September 12, 2024 meeting by Board Attorney Mascera and accepted as expert; New Jersey Institute Technology in 1992 licensed architect in 1996. The Architect of record for the 2020 approval.

- Mr. Sullivan introduces the below exhibit and advises that it is a duplicate of the plans submitted to the Board with the addition of a notation corrected on it.
- Mr. Dressel goes over the site plan and the corrected floor plan.
    - **Exhibit A-1** – Elevations and alterations, Sheet A-102, prepared by Dan Dressel, dated March 24, 2020, revised October 15, 2024
- 258 square feet on the west side of the building façade;
- Divided into two spaces – one for public access of ATM and one for servicing of the ATM

Signage:

- two signs are proposed – Wells Fargo illuminated sign 9 sq. ft. on Bloomfield Avenue over entrance and one 3.9 sq. ft. directional sign on the Lakeside Avenue side of the building; the Lakeside Avenue sign is what was added to the plan and is a non-illuminated
- Existing signage for building is 40.96 sq. ft., adding in new signage proposed is 44.06 sq. ft.

Lighting:

- Requirement is two foot candles, proposing two wall path lights;

Access from Princes Café – there is no access from the Princess Café into the ATM area; only accessible from Bloomfield Avenue.

Mr. Sullivan has no further questions for Mr. Dressel – open up for Board questions:

- Mr. Weston verifies that there are two separate areas – customer access and then a door to access the ATM for service. Mr. Dressel verifies and provides square footage for customer access is between 55 and 60 sq. ft. with the service area being larger than the customer area.
- Mr. Tully asks about window coverings – Mr. Dressler – nothing proposed at this point. Mr. Weston asks if there is a maximum and Zoning Officer responds 25% maximum coverage;
- Chair McGinley inquires about the wall finishes as proposed being standard for an ATM – Mr. Dressler – yes;
- ADA requirements: Comply with ADA for access. Existing ramp from street to building does not comply with ADA on new construction; because this is an existing space renovation, it does comply;
- Mr. Matthewson asks for the depth of sign on Lakeside Avenue – non-illuminated - it is thin similar to a traffic directional sign.

Chair McGinley – asks if there are any further questions from the Board – seeing none. Chair asks if there are any questions from the public for the Architect - seeing none.

Mr. Sullivan calls **Mr. Michael Bolton** – Wells Fargo. Sworn in by Board Attorney Mascera. Michael Bolton – 11 Crestview Drive, Clanton, Alabama. Lead Construction Manager – Wells Fargo focusing on ATM construction. Not present at the September 12, 2024 hearing but did review the transcript.

Operational testimony from September 12, 2024 hearing: 24/7 operations, 1 ATM, access by bank card (does not need to be a Wells Fargo card), typically replenished one to two times per week - Power outage – a customer that is inside will be able to vacate the area through the door;

Opened up to Board Questions:

- Chair McGinley revisits testimony from September 12th regarding customer access if the ATM is already in use – Mr. Bolton advises that as long as a person has a bank card they can access the area even if someone else is utilizing the ATM;
- Dr. Ries asks about security –lighting on the inside of the vestibule and outside on the streets, video surveillance.
- Need? Mr. Bolton advises that there was a branch within close proximity to the area that was closed. Their customers were impacted by the closure and they want to provide them the service.
- Mr. Weston asks about any noted security issues at previous branch – not aware of any;
- Mrs. DiBartolo asks about where security cameras and tied into – the cameras are tied to Wells Fargo security who are tied into the local police;
- Mr. Sullivan adds that Kathleen Miesch verified earlier that the Verona Police Department were given a set of the plans and had no issues.
- Lighting? – 3 foot candles on sidewalk; can lights on the interior. Mrs. DiBartolo asks if there is a screening mechanism to shield bright light from outside – there will be no light streaming passed the sidewalk.
- Servicing area – customers cannot see in but you can see out from the servicing area to ensure no-one is in the vestibule after servicing machine.

Chair McGinley – asks if there are any further questions from the Board – seeing none. Chair asks if there are any questions from the public for the Wells Fargo Operational expert - seeing none.

Mr. Sullivan calls **Mr. John Taikina – Planner** - All Things Planning & Development, LLC, 900 Main Street, Suite 1, Belmar, NJ 07719. Sworn in by Board Attorney Mascera. Licensed Planner in good standing; Rutgers University – accepted as expert witness.

Planner

- Testifies to visiting subject property; reviewing Verona Zoning Ordinance & Master Plan.

- Planner discusses his findings. Planner advises that Zoning Officer wrote in the denial that a bank is not a permitted use in the zoning district, while it is. Note: it is allowable in the district, it is not allowable in a mixed use building or permitted use within the previous resolution.
- Planner discusses the new conditional use approval; banking facilities; residential uses; needed service; suitable site for an ATM; reviews lighting; the overall use: site suited; D1 and D3; positive and negative criteria; the Medici criteria; on street parking; Master Plan.

Opened up to Board Questions:

- Chair McGinley verifies with the Board Attorney that if the applicant wanted to add a second ATM at the location that they would have to return to the Board – correct.
- Dr. Cuartas discusses whether parking should be discussed referencing the denial letter; Board Attorney provides clarity that the Board is looking at the modification and the impact the ATM will have and not revisiting the previously approved; Discussion is whether the parking approved in 202 would be exacerbated by the additional ATM use; Planner adds that the ATM parking use is less in requirement that the other commercial uses.
- Mrs. DiBartolo asks for details on the loading of the ATM: small van that fits in regular parking space; two individuals man truck; one person services ATM and one will remain with vehicle and circle if need be; follow banking safety protocols; Mr. Bolton testifies that usually there are no dedicated spaces for vestibule sites;
- Frequency of ATM installations - Mr. Bolton stated having 300+ projects nationwide in his queue currently;
- Dr. Ries asks whether the two spaces on Lakeside are dedicated to ATM; no – they are for the building as whole; double parking thought of as an issue – not an issue.

Chair McGinley – asks if there are any further questions from the Board – seeing none. Chair asks if there are any questions from the public for the Planner - seeing none.

Mr. Sullivan summarizes the application.

Chair McGinley closes the public portion and moves to **Board Deliberations**:

- Layout concerns are discussed;
- Signage over storefront – reorient signage;
- Vice Chair Weston – no issue moving forward;
- Dr. Cuartas after discussion parking is okay with application;
- Dr. Ries is concerned with safety issues and adds to parking issues on Bloomfield Ave; Mr. Sullivan references the previously approved parking demand;
- Chair McGinley asks for condition of approval to have the windows be reflective of active storefront windows instead of blank spaces
- Change the layout of the interior, turning 90 degrees
- **Condition - Layout**:
  - Security access door adjacent to where the ATM was on the plan;
  - Continue the wall all the way to the back and alcove an area for the ATM;
  - Longer corridor area that is at least 5 to 6 feet wide;
  - Full access of the windows for the public to see in;
  - Service area will be behind it;
- **Condition – Revised Plan:**
  - Board Engineer will review and approve new floor plan based on conditions with no return to the Board;
- **Condition - Sign - Bloomfield Avenue**
  - Reconfigure and relocate sign so it does not straddle ornamentation;
  - Resize the sign – proposed as 9 sq. ft. sign, revise to no larger than 15 sq. ft.;
  - Board Engineer will review revised signage

Chairman McGinley asks for a motion to approve Application 2024-13 with the conditions of revised layout with no return to the Board; revised sign on Bloomfield Avenue not to exceed 15 sq. ft. with the Board Engineer reviewing with no return to the Board.
Vice-Chair Weston makes the motion, **Mrs. DiBartolo** seconds

Roll Call Vote:

	AYES	NAYS	ABSTENTION
Dr. Ries		X	
Mr. Tully	X		
Dr. Cuartas	X		
Mr. Matthewson	X		
Mrs. DiBartolo	X		
Vice Chair Weston	X		
Chair McGinley	X		

2. **Application 2024-12: 15 Parkhurst Street - Lot 41 Block 1604 - R-70 (Low-Density Single-Family)** Applicant requests relief from the below listed zoning codes for a new patio that has already been constructed.
John Guadagnoli, Architect – 224 Lorraine Avenue, Montclair, NJ representing the applicant Fatjon Allteni. Sworn in by the Board Attorney. Application deemed complete and in order to proceed.
   - Mr. Guadagnoli explains the application details and states that the applicant did not know needed a permit to expand the patio. The following variances are needed:
     - **§ 150-5.3 C (6) Side Yard patio setback -** patios must be a minimum of 5 feet from property lines. The new patio has a side yard setback of 0 feet.
     - **§ 150-17.2 D (4) Impervious Coverage** the maximum permitted impervious coverage is 35%. The overall increased impervious coverage is 73.3% with the new patio
     - **§ 150-17.2 F (4)** the maximum permitted aggregate area covered by accessory structures is 15%. The overall increased rear yard coverage is 80.9% with the new
   - Applicant has since removed 218 sq. ft. of concrete from the property, right side of the house, so the net increase is 249Sq. ft.; citing plans, the removal was behind the existing deck;
   - Slope – the property is virtually flat; Patio is very narrow;
   - The garage takes up a good portion of the yard;
   - Existing fence encompasses entire yard;
   - Zoning table on plans accounts for concrete that has already been removed;
   - The lot is an undersized lot with the dwelling situated towards the rear and a large garage in the rear of the property leaving very little yard space and causing a hardship;
   - Drainage – currently no issues; water goes under the existing deck with is not paved – it is
   - gravel;
   - Leaders from the garage go to under the deck;
   - Mr. Guadagnoli offers that the applicant is willing to take out the 65 – 70 sq. ft. of concrete between the deck and the patio;
   - Chair McGinley states that the lot has a lot of issues with all the coverage; the maximum impervious coverage percentage asking for is very high;
   - Mr. Tully adds that it is difficult to look at the drainage without a grading plan;
   - Chair McGinley asks about a mitigation plan;

- Mr. Guadagnoli states they could put in a dry well and pipe the increase in the coverage to it;
- Chair McGinley points out there are no members of the public in attendance although all
- neighbors within 200 feet were notified;
- Chair McGinley asks the Engineer if a drywell would be an acceptable solution; Engineer states it would be an overall mitigation but you would not capture any runoff from the patio. Engineer states that ideally you would have a 3 to 5 foot strip of grass to capture runoff before it got to the neighbor's property;
- Chair McGinley adds that the applicant wants to keep the flow from the neighbor's yard and as a homeowner not direct it towards the house;
- Mrs. DiBartolo discusses the neighborhood;
- Vice Chair Weston agrees that without seeing a grading plan and a drainage solution it would be difficult to approve;
- Dr. Cuartas agrees and asks about a garden wall and it is states it acts like a curb;
- Mr. Guadagnoli asks if it is better to move to a further date and submit a water management plan;
- Mr. Ten Kate – suggests that to reduce the impact, it would be prudent to have a space of grass between the patio and the neighbor; it would be more cost effective to remove it than to put in seepage pits;
- Chair McGinley – that would take care of two issues as you are not supposed to be to the property line and it would reduce the run-off;
- Chair McGinley carries the application to the February 13th 2025 BOA meeting with the applicant waiving all the time constraints for the Board;
- Bard Attorney adds that the Board will consider the modifications at the February 13th 2025
- hearing with no guarantee of an approval, it is at the applicant's risk;
- Chair McGinley carries the application to the February 13th 2025 BOA meeting, 7:30PM, in the ballroom of the Verona Community Center;
- Mr. Guadagnoli will produce revised plans in advance of the meeting for review.

Chair McGinley asks if there is any need to go into Executive Session – seeing none;

- Kathleen Miesch reviews new departmental review sheet with the Board; Resolution for the new Board Secretary will be at the December 12, 2024 hearing; reviews the applications that are scheduled to be heard on November 21st 2024;

- Brief discussion on the Starbucks application that the Board approved on September 12th 2024; Starbucks has removed themselves and will not be moving forward. The resolution will still need to be drafted and memorialized.

Vice Chair Weston makes the motion to adjourn.
Chair McGinley: approves motion.

Meeting Adjourned at 9:29PM

Respectfully submitted,

Kathleen Miesch

Kathleen Miesch - 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 973-857-4773.