TOWNSHIP OF VERONA
COUNTY OF ESSEX, NEW JERSEY
MINUTES OF THE VERONA BOARD OF ADJUSTMENT MEETING
THURSDAY AUGUST 8, 2024

PRESENT:

Vice Chairman Scott Weston	Dr. Edith Ries
Mrs. Genevieve Murphy-Bradacs*	Mr. Tully
Mrs. Christy DiBartolo	Mr. Greg Mascara, Board Attorney
Mr. Paul Mathewson	Ms. Kathleen Miesch, Board Secretary
Mr. Kevin Ryan	Mr. Peter Ten-Kate, Board Engineer
Dr. Bill Cuartas	

* *Mrs. Murphy-Bradacs arrived at 7:40 pm*

Call to Order: Vice Chairman Weston calls the meeting to order at 7:32 pm

APPROVAL OF MINUTES:
Vice Chairman Weston asks for a motion to approve minutes from the Regular meeting held on July 11, 2024. **Mr. Ryan** makes the motion, **Dr. Ries** seconds. Vice Chair Weston - abstains, all remaining Commissioners in attendance vote in favor. The minutes of July 11, 2024 meeting are approved.

RESOLUTIONS:
Memorialization of Resolution 2024-12 – Application 2024-09; 8 Randolph Place; Block 606, Lot 2; Zoning District; Granting approval of the installation of a 531 square foot patio; 5 foot fence above new retaining walls and any and all conditions listed within the Resolution.
Mrs. DiBartolo makes the motion, **Dr. Ries** seconds; Vice Chair Weston – abstains; all remaining Commissioners in attendance vote in favor. Motion Passes.

APPLICATIONS
Application 2024-08: 48 Durrell Street; Block 1306, Lot 14.01 Zone A-3
Application was carried from the April 2024 meeting where no testimony was taken; Application has been carried from the May 9th 2024 meeting where no testimony was taken; Application was carried from the June 13th 2024 meeting where no testimony was taken; Applicant was carried from the July 11th 2024 hearing where no testimony was taken. Applicant has requested to be carried to the September 12th 2024 hearing. Vice Chair Weston announces that application #2024-08 48 Durrell Street has been adjourned to the Board's September 12th 2024 hearing, to be held in the Council chambers at Town Hall, 600 Bloomfield Avenue, Verona, NJ at 7:30pm; no further notice will be required.

Application 2024-10: 30 Pompton Avenue; Block 202, Lot 44 - ETC Zone
Application carried from the July 11th, 2024 hearing where no testimony was taken. Bulk variance for signs in conjunction with a change of use and minor site plan application to permit Starbucks to occupy the premises. Two D Variances from relief of conditions not met for mixed use sites.

a. A 25' high Starbucks pylon sign is proposed on Pompton Avenue in front of an existing building (formerly Chase Bank), where pylon signs are prohibited by Section 150-7.9 X (12). Bulk variance is required.
b. A 5' Starbucks medallion sign is proposed on the side of the building in violation of Section 150-12.1B. (1) where 4' is permitted. Bulk variance is required.

c. Section 50-8.3B requires that not less than 20% of the lot shall be reserved for open space and landscaping. No open space is provided, this is a pre-existing non-conforming condition. A variance is required.
d. Section 50-8.3B requires a dense landscape buffer of not less than fifteen (15') feet reserved between the mixed uses and any adjoining residential uses. Existing buffer of fifteen (15') is not provided, and this is a pre-existing non-conforming condition. A variance is required.

Jack Dusinberre, Esq., representing the Applicant.

Mr. Aaron Schrager of Brightview Engineering, 70 South Orange Avenue, Livingston, NJ is sworn in by Board Attorney; NJ licensed Engineer; Accepted as an expert.
Mr. Schrager verifies that he reviewed the testimony from the July 11th 2024 meeting and reviewed the proposed changes outlines in Mr. Dusinberre' cover letter of July 26th 2024.
Exhibit A-2 - Revised Site Plan SP-4 prepared by Bright View Engineering dated April 9, 2024, revised July 25, 2024;
Exhibit A-3 - Site Plan Aerial Overlay Exhibit prepared by Bright View Engineering dated July 25, 2024.
7:40 PM – For the record, Mrs. Murphy-Bradacs is in attendance.
Mr. Dusinberre verifies with Board Secretary that all Commissioners absent from the July meeting have watched the video and submitted affidavits – Board Secretary verifies.

Changes explained and reviewed by Mr. Schrager and Mr. Dusinberre:

The Site Plan:

1. The Loading Zone has been relocated to the southerly side of the building.
2. The ADA parking spaces have been reconstructed in front of the main entrance to the Starbucks.
3. The limits of parking lot milling, resurfacing and re-striping have been added.
4. The applicant is investigating the possibility of installing a dual port EV charging station, and two spaces in the Claremont Avenue parking area have been identified for that purpose. Board Attorney remarks that an AV charging station is not a requirement. Mr. Dusinberre advises it is not a requirement but it would in the applicant's best interest because it would be a two for one credit for parking requirements.
5. The five (5) parallel parking stalls have been increased in length from 20' to 21 '.
6. A second dumpster pad has been added next to the proposed Starbucks pad for use by all of the other three (3) tenants.
7. The residential buffer has been increased as follows:
    a. The previously proposed gore striping, before the first parallel parking space as one enters from Claremont Avenue, has been converted to be part of the buffer and will be landscaped by the applicant. It is 9 .1 feet in width for approximately 50' as it runs in a southerly direction, widening to nearly 15 ' just before the first parallel parking space.
    b. At the first parallel parking space the buffer is 7.2' and runs south towards the first dumpster enclosure where it is 7.6' in width.
    c. The solid board fencing has been partially replaced, and the notes indicate any broken boards will be replaced.
    d. The existing guard-rail will remain and landscaping will be installed in the expanded buffer area as approved by the Township Engineer.

The Aerial Overlay:

1. Existing open space is identified in light green.
2. Proposed new open space is identified in dark green.
3. The ADA spaces are in dark blue.
4. The new dumpsters are in slate blue.

5. Existing landscaped areas will be inspected and infilled as approved by the Township Engineer.
6. Newly created open space (dark green) will be landscaped as approved by the Township Engineer.

Mrs. DiBartolo asks about fire lanes – revisiting the testimony that no fire trucks will actually access the property – why is there then a fire lane facing the residential side of the building where no door is on the façade. Mr. Dusinberre responded that there were no response from the Fire Bureau on the application and therefor they added in what is generally acceptable. Later testimony to explain further. The buffer is not only to allow a vehicle or an emergency vehicle to get close to the building. It's also to keep vehicles away from the building in the event of a fire, or parking right next to the building if there were to be a fire. There are a multiple purposes in doing fire lanes.
Mr. Ten Kate adds that a condition of approval that subject to approval of the Fire Department if application is approved.
Vice Chair Weston asks if there are any questions for this witness from the Board – see none,
Vice Chair Weston asks if there any questions for this witness from the public – seeing none.
Mr. Ryan asks about the ordinance requirement of the 15 foot buffer – Mr. Dusinberre explains that as was testified to as you come in from Claremont, there will be 9 feet in width for approximately 30 feet and then it expands to 15 feet in width.
Mr. Ryan asks if there will be any corrections to the deficiencies in existing buffer and Mr. Dusinberre will defer to Mr. Ten Kate's recommendations.
Board Attorney – Swears in Starbucks Representative
Carlos Cruz – Starbucks Representative – 710 Plaza, NY, NY – Construction Project Manager - Supervises all New Jersey construction models and some NY; Attended hearing of July 11, 2024.
New façade with sconce lighting; screening detail on the roof for all the rooftop units; black paint, wood around the top of the building for texture. Standard Starbucks, illuminate signs on both sides of the building. North side of building is proposed 5 feet where 4 is permitted but the size could be cut down if Board recommends;
Outside Seating - Reduced from 14 to ten; lighting over seating area in an alcove not seen by residential properties; refuse clean-up by staff and may have garbage can outside; umbrella's not proposed but could be added at a later date by management; outdoor music is played through speakers with a volume control and can be regulated by management. Outdoor season usually begins in Spring and ends in October; seats are removed from outside and not added to the interior seating;
Dumpster Enclosure - proposing an 18 foot by 9.7 foot high enclosure for the dumpster; Starbucks requires its own dumpster to regulate the refuse; two containers – one for garbage & one for recycling; pick-up 3 x week depending upon demand; Compost bin is in the trash enclosure;
Flagpole – Starbucks is taking down and removing;
Pylon Sign (Variance Request)- Proposed by the applicant at 25 feet high (in total), top 6 feet is the Starbucks siren (Starbucks branding sign); 6000 k white light of illumination behind it – this is standard protocol for all Starbucks buildings. Testimony is that the sign is needed to provide visibility from the intersection of the Starbucks building and give the necessary lead time to enter the location;
Exterior Lighting – the hours of lighting will be in accordance with the local ordinance; the lighting will be reduced when the building or operations are closed; Mr. Rapp testified that the lights that are adjacent to the residential property would be reduced to 3000 K – Mr. Cruz agrees as long as a safe environment for customers/employees; Mr. Cruz accepts the 3000 K lighting reserving the ability to come back before the Board if that condition deems to be unsafe;
Close up the opposite, OK. So then during the wall season, you'll have 40 seasons to be warehouse seats on the door, OK, so, so you're not going to move them indoors. You're going to stay with your 40 seats.
Operations – The total number of seats 40 inside and 10 outside; hours of operation are usually 5:30am - 6:00am to 9:00pm, seven days a week; maximum number of employees on any shift is five to eight dependent upon demand;
Trash Pick-up: Approximately 3x per week during day time hours
Delivery Areas - area that is immediately adjacent to the ramp that would allow deliveries to ramp up into the working portion of the buildings; a patron could come up and go right into the area, or an employee or

delivery person. Delivery trucks are not tractor trailers but more 30 feet straight trucks. Unloading is usually ½ hours' time, 3 to 4 times a week during off-peak hours.
Mr. Tully asks for clarification on parking along the buffer – the employees would be encouraged to park in the parallel parking spaces when they first arrived for manager use.
Mr. Ryan asks for clarification is Starbucks will be a franchise – no, all corporate owned with only franchise people licensees in malls or airports.
Starbucks would be the ones responding to any complaint or change in plans;
Lighting explained further - reducing the kelvin from 4000 to 3000 is the color of light, necessarily the intensity and brightness of the limits; a softer color, but not necessarily a darker environment.
Mr. Matthewson asks about additional signage – entry/directional signage. They are illuminated, but do not have to be. Request for sign on Claremont to not be illuminated – Starbucks is okay.
Signage Discussion:
Variance request for the northern side of the building on Claremont;
Written Starbucks sign on the Pompton Avenue frontage - illuminated;
Pylon – All signs are needed as far as Starbucks is concerned and all the construction that Mr. Cruz has been involved with have the 5 foot sign; Board discusses whether a pylon sign is needed for identification purposes; Board discusses the necessity of pylon sign;
Curbside pick-up will not be incorporated
Drive-thru will not be incorporated;
Mechanical screening – there will be additional units;
Vice Chair Weston asks if there any other questions for Mr. Cruz from the board at this time – seeing none;
Vice Chair Weston asks if there is any member from the public with questions for this witness...
Lauren Yannon: Pest control? Mr. Cruz responds that Starbucks has a pest control system, What toxins are used? Mr. Cruz cannot speak to the toxins but can forward a pest management program to you.
Do you know how many full time and part time employees: Mr. Cruz: Cannot speak to the percentages but most are full time employees with some part time.
Compost: Coffee grounds are composted not food scraps.
Would Starbucks consider moving towards compost all? Mr. Cruz there is a trash bin, a recycling bin and compost for grounds.
6:00 p.m. or later deliveries … what is later: Mr. Cruz states usually before 9:00pm, before close.
Why remove flagpole? Mr. Cruz – no reason.
How many parking spaces? Mr. Dusinberre responds, 70.
Will Starbucks be supporting the community? Starbucks will be involved in some way with the community.
Mr. Matthewson asks about composting and refrigerating … Mr. Cruz responds they do not refrigerate the trash and usually don't have food disposal as it is usually purchased in removed from site,
<Break>
Mr. John Jarr of Brightview Engineering, 70 South Orange Avenue, Livingston, NJ - sworn in by Board Attorney – Traffic Consultant, license in good standing – Accepted as Traffic Expert.
Retained by applicant to design and process an approval for a traffic signal at the intersection of Pompton and Claremont beginning in 2020. The applicant prior to an application approached the town with adding the traffic light and could provide proof that it would be beneficial to have the light. Mr. Jarr explains the process in getting the approval by NJDOT, the County, the State and Verona Council. Verona adopted an ordinance September 21, 2020 endorsing the need for signal the intersection. In March of 2023 the Engineering Manager in Verona approved the plans. N-J-D-O-T issued its permit on May 5, 2023; revised plans were approved October 20, 2023, and then immediately thereafter construction commenced. The traffic light will be built by Essex County
Mr. Jarr explains the delay in the light is due to supply chain – quoted 50 to 60 weeks to get equipment. Hoping to have delivery by Christmas.
The traffic light is an independent project from the site plan that is before the BOA. The project is bonded with State of New Jersey.

If the application is not approved, the applicant is still obligated to complete the traffic signal project – they are independent of each other.

Mr. Jarr answers all questions from the Board regarding the function, timing, traffic analysis, and timing of the traffic light. Mr. Jarr addresses that he advises applicant to have adequate signage so that drivers can identify the Starbucks. Mr. Jarr addresses that in his opinion the signage, location and sign size, is warranted.
The footings and foundations, conduits, and some of the wiring is put the place with a central control.
Exhibit A-4 Final NJDOT Jurisdictional Plan for the Intersection of Pompton Avenue & Claremont Avenue, prepared by Hausing Associates, dated December 2023.

Mr. Jar and Mr. Dusinberre – review Exhibit A-4 with the Board

- County sets the timers for the lights;
- Light is connected with light on Bloomfield Avenue and will work in 'harmony'
- County will make adjustments as needed;
- Mr. Jarr believes site flow works safely and efficiently;
- Addresses Mr. Ten Kate's letter in August, items 10 and 11: the upper entrance and will redesigned to ensure angle turns in and angle turns out in addition to the no left term signs on Pompton Avenue; software settings/tweaking – it would at the County's discretion to any change or post analysis after installation.
- Request could be made after the signal is built;

Mrs. DiBartolo asks if is wise for the two projects to occur concurrently or should they evaluate traffic light first. Mr. Jarr responds that Starbucks traffic is insignificant to the traffic on Route 23 and explains further.

Benefits of Signal:

- Left turn arrow lane to safely make a left turn from Route 23 onto Claremont Avenue;
- The traffic light will be significant quality of life for everybody trying to make a left;
- Lessen people from blocking the box;
- Improve left turns out of Claremont towards Cedar Grove.
- R leave some of the traffic on Linden Avenue and Claremont
- Emergency Vehicles: turning radius for emergency vehicles – the fire trucks do not enter the lot they fight fires from highway

Mr. Weston asks if you are going down to Claremont will you be able to make a right on red; Mr. Jarr advises that currently there are no prohibitions on right on red. It will be watched.
Mrs. DiBartolo asks if it were ever considered extending that street curb from the Bloomfield Avenue up towards Claremont, so somebody physically can't make the left. Mr. Jarr advises that there is a double line and significant amount of No Turns signs. It would be something the County would need to look at and in his opinion the curb is currently at far as the County felt comfortable with...
Mrs. Murphy Bradacs - asks what impact the light will have on speed. Mr. Jarr offers that towards Cedar Grove it should slow traffic and if you are headed from Cedar Grove there should be little or no effect.

Mrs. DiBartolo asks if the objective of this traffic light just a safety concern, or was it to engineer traffic.
Mr. Jarr - Primarily safety. Mr. Ryan offers it will additionally offer pedestrian safety.
Mr. Jarr adds that there will be tactile talking interface at the light at this intersection.
Mrs. Murphy Bradacs – what she has heard about the proposed pylon sign is that people are traveling at every speed won't see the Starbucks without the pylon sign. The installation of this traffic light will have people slowed or stopped at the intersection which will provide an opportunity to see the Starbucks plus

pedestrian traffic. It will be a very visible intersection, with signage – opinion? Mr. Jarr states from a traffic perspective only, Boards are encouraged to place adequate signage so that drivers can find where they're going. He encourages the Board to ensure there is enough signage.
Dr. Cuartas offers what is the gain of the 25 foot sign based on the data provided. 2023 versus 2026 ...
Mr. Jarr states again from a traffic perspective having signage directing people where to go is good. It will benefit the drivers.
Mrs. DiBartolo – with all the signage, visual chaos, does Mr. Jarr feel this would be the case with the pylon or confident this would be ... Mr. Jarr states that the Planner should speak to that.
Dr. Ries asks about an existing wrought iron fence near the light that is dilapidated and broken and could a sign be placed there. Mr. Jarr advises that the fence is going to be repaired by the contractor building traffic light and he cannot speak to a sign there.
Mrs. DiBartolo – consideration given to offsetting lights to manipulate traffic.
Mr. Jarr explains the operations of traffic lights per State guidelines.
Vice Chair Weston – asks Mr. Jarr to describe the traffic increase of cars due to the Starbucks, particularly on Claremont. Mr. Jarr explains using data from the traffic report.
Mr. Tully asks if someone is in the left lane going south, and notices Starbuck's pylon sign, can they merge over safely to enter Starbucks in Mr. Jarr's opinion... Mr. Jarr states that without any Engineering involved there should be adequate room; Without the pylon sign a car could up to the light, see the Starbucks and try to get over – that would be an argument in favor of the pylon sign;
Mr. Ten Kate had a comment on the Engineering report. The traffic report was part of application. At a minimum, Mr. Ten Kate would recommend that after four months of a being in operation, that the light is reviewed again and reports given to Essex County.
Board Attorney Mascera asks Mr. Ten Kate how much this is about the traffic light versus the application.
Mr. Ten Kate states that the traffic going in and out of Starbucks affects the traffic.
The Board discusses whether a Starbucks going in was anticipated when the Council discussed the traffic light. Mr. Ryan provided background.
Board Attorney Mascera brings forward that do we put in a condition for this in 4 months not knowing if Starbucks is part of the possible light failure.
Mr. Ten Kate and Mr. Ryan weigh in on initial light decision by Council;
Board Attorney Mascera cannot put in a condition that does not go with the application;

Vice Chair Weston asks if there are any questions from the public for Mr. Jarr;

Lauren Yannon: Concerned about the children/pre-teens and the timing of the light. How many seconds do pedestrians have to cross? Board Attorney asks for clarification that Ms. Yannon is speaking about crossing Claremont Ave from north to south.

When the pedestrian push button is hit, the walking indication that says it is okay walk, will flash for 7 seconds; it will cycle and the walking person will come up in the indication and the button will say to you WALK WALK WALK. It will do that for 7 seconds, after the 7 seconds it will give 14 more seconds to cross and will count down 14, 13, 12, 11 .... And then go to the DON'T WALK indication.
Crossing across Pompton Avenue will be 7 seconds, and then 16 seconds.
Asks for clarification that Mr. Jarr stated that the property owner or Starbucks was trying to get additional money to have light done prior to Christmas? Mr. Jarr clarified that the property owner had volunteered funds to pay a premium if Mr. Jarr could get the equipment for light sooner.
How is the property owner offering funds to get the light up to open their business not related to this application?
Mr. Jarr responds that nobody expected the timeline and no one wanted to take that long. The owners volunteered the monies at that time. There were many complaints and in reaction to those complaints about how long it was going to take, they offered to try and do something more.
Mr. Mascera offers that the light has positive implications for the entire site, not the proposed Starbucks only.

Ms. Yannon fundamentally disagree that the light and Starbucks application are not connected and believes Mr. Ryan should recuse himself. Mr. Ryan responds that the benefit is for the community and not just the applicant.
Ms. Yannon does not believe the application is 'clean'.
Mr. Ryan states that the point is whether or not it's a benefit just to the applicant or also benefits the community and Ms. Yannon's opinion as a resident does matter.

Chair Weston asks if anyone else from the public has a question for Mr. Jarr;

Robert Denuto – Claremont Ave – Encourage everyone to visit the site; There was a mention of deliveries by track trailer; he does not have the updated schematic showing the 'pork chop'; curious on how the delivery vehicles with enter and exit the premises given a 4 ton weight limit on Claremont Avenue; Mr. Dusinberre clarifies that the testimony was that there would be NO tractor trailers, only box truck, maximum 30 footers, probably 24 footers.
Mr. Denuto asks what will be the impact of the bus stop on the traffic light and Starbuck's patrons exiting and entering; Vice Chair asks to verify which bus stop he is referring to;
On Claremont, southbound side; Mr. Jarr states that it shouldn't be any different than it is today;
How many more vehicles should Mr. Denuto expect travelling up and down his street while his son rides his bike?
Mr. Jarr doesn't believe it will have a great impact.
How many vehicles will stack at the light prior to entrance to Starbucks?
Mr. Jarr's explains the stacking using the display at the meeting;
Vice Chair Weston clarifies the question - queuing on Claremont ...
Mr. Jarr responds that is the cueing of the light cycle. It will vary during a heavy time – the cue should not exceed 5 cars, from their analysis. Based on proposed traffic pattern.
There is microwave detection on both sides.
Vice Chair Weston asks if there are any other questions from the public – seeing none.
Mr. Dusinberre brings forward that Starbucks will accept the condition of the resolution to the effect that Starbucks will not operate until the signal is operational.

Vice Chair Weston allows a public question:
Cindy Chen – When it is said that there is going to be detection on Claremont Avenue ...
The traffic window on Claremont Avenue is going to be concurrent with the light on Pompton Avenue, so what does that mean.
Mr. Jarr explains that there's a different between the synchronization of the lights and the detection. The new traffic light will be synchronize the light with 23 / Pompton. Claremont is a 'slave' to that operation. The key operation is keeping the county road working as efficiently as possible. Mr. Jarr continues in detail of how the lights operate.
Ms. Chen is considered on how it will affect her getting in and out. Mr. Jarr states it should help.

Mr. Dusinberre continues - brings forward that Starbucks will accept the condition of the resolution to the effect that Starbucks will not operate until the signal is operational.
Requests the Board consider allowing the applicant to bifurcate the approval to separate out the two requests for the signs; allowing the applicant to focus in on much greater detail with their planner.
Allows the applicant to consider:

- Dropping the sign down to the 25 down to lower height;
- Reduce size of the medallion

Mr. Dusinberre continues with review of what has been presented to the Board and asks consideration to bifurcating the application.

Board Attorney Mascera - after hearing Mr. Dusinberre's remarks and request, states he is not ready or comfortable giving an opinion to the Board without enough analysis.

Vice Chair Weston – agrees with Mr. Mascera and carries the application to the September 12th 2024 hearing at 7:30pm, Town Hall, 600 Bloomfield Avenue, Council Chambers with no further notice.
At the beginning of the meeting on September 12th, the Board will hear Mr. Mascera's recommendation and the Board will then weigh in on whether the application can be bifurcate the application for the D variances. If that was approved the Board will continue to hear the variances.
Vice Chair Weston asks if there is a need to go into Executive session – seeing none.
Mrs. DiBartolo asks procedural question. Application has been modifying based on Board recommendations as it moves on. At what point does it become a different application
Mr. Mascera states that there are provisions in MLUL that allow an applicant to modify the application during the course of application.
Mr. Mascera explains to the Board why the jurisdiction was changed from the Planning Board to the Board of Adjustment. It is due to the Use Variance – D Variance that the Planning Board cannot here.
Boards continues to discuss variances.

Vice Chair Weston – adjourns the meeting at 10:45pm

Respectfully Submitted
Kathleen Miesch
Kathleen Miesch
Board Secretary