TOWNSHIP OF VERONA
COUNTY OF ESSEX, NEW JERSEY

MINUTES OF THE VERONA BOARD OF ADJUSTMENT MEETING OF THURSDAY, SEPTEMBER 12, 2024

Meeting held in the Council Chambers @ 600 Bloomfield Avenue, Verona, NJ 07044 @ 7:30PM

PRESENT:

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

Call to Order: Chair McGinley calls the meeting to order at 7:32 pm

APPROVAL OF MINUTES:
The minutes of August 8, 2024 will be approved at the meeting of October 10, 2024.

RESOLUTIONS:
None

APPLICATIONS
Application 2024-11: 83 Fairview Avenue; Block 1502, Lot 49 – R-60 Zoning District
Applicant requests approval to construct a 120 square foot shed on a corner property in the side yard 2 feet from the side yard property line and 5 feet from the principal structure. Relief is sought from Zoning Code:

I. § 150-17.3F (1) Minimum side yard setback (one): eight feet. Shed is proposed to be 2 feet from side yard property line.
II. § 150-17.3F (3) Minimum distance between accessory and principal structures: 10 feet. Shed is proposed to be 5 feet from principal structure (existing dwelling).

Applicant David Keefe, 83 Fairview Avenue, Verona, NJ – Sworn in by Board Attorney Mascera

- Applicant testifies that he is proposing to place a 120 square foot shed in the side yard
- Received the denial on April 18th 2024
- Applying for two variances:
  - Minimum side yard setback is eight feet and proposed is 2 feet;
  - Minimum require distance between the accessory and the principal is 10 feet and proposed is 5 feet;
- No site modifications are required or planned for the shed, no stormwater management is required and no grading.
- No tree removal
- No soil removal is needed. The property is on a gentle slope and water runoff is expected to move in its natural direction.
- The need to install and place the shed in the proposed location is due to being a large family with no garage and the basement that needs to converted into living space.

- Items typically stored in a garage will be stored in the shed;
- Due to the property layout, the proposed location is the only place for the shed with ease of access from the backyard without disrupting the aesthetics of Fair View Avenue.
- There is a five to six foot high solid wood fence and a gate that surrounds that side of the house and the majority of the side of the shed will be covered;
- Proposed to be painted the same color as the house; the roof will mimic both color and style of the principal structure.
- Location: 2 feet from the fence to be easily accessible for maintenance and five feet from the principal structure.
- Board asks for clarification on whether the shed is pre-fabricated – Yes;
- Board asks about the ground treatment where shed is going to be located: ground, dirt;
- Board asks for clarification on location: to the right of the existing boat;
- Board asks for clarification of proximity to the neighbor's shed: The neighbor's property extends beyond the backside of the property. The neighbor's shed is right at the back line of the back property so it is not near the proposed shed.
- The neighbor's shed is a preexisting non-conforming
- Board discusses that building so close to the property line, within five feet, is supposed to be fire rated. That should be applicable to sheds.
- Building Department reviews sheds only 200 square feet or over;
- Discussion on requiring the shed to be fire rated;
- Board asks for a condition that the Building/Construction Official and the Fire Official review for shed to be fire rated. This is due to safety concerns.
- Board Attorney states that a condition can be made that further sign off from Building Department and the Fire Department be required and if not then a fire rated shed would be required.
- Clarification asked by Board Attorney to Mrs. DiBartolo: 5 feet from property line or structure? 5 feet off of property line, whatever depth of construction within that 5 feet has to be fire rated.
- Mr. Ryan asks if the shed met setbacks would the fire rated still be an issue, or is it only because it is within the 5 feet – is it diminimis. Mrs. DiBartolo states that the likelihood of combustible storage is a concern.

Board determines the condition must be part of the approval: Building Department and the Fire Department be required to review and a fire rated shed would be required.

Chair McGinley asks for a motion to approve. Mrs. DiBartolo – Makes the motion to approve with condition of fire rated shed; Mr. Tully – Seconds the motion
Board Secretary calls the vote:

Dr. Cuartas – Yes
Mr. Ryan – Yes
Mrs. Murphy-Bradacs – Yes
Mrs. DiBartolo – Yes
Mr. Matthewson – Yes
Vice Chair Weston - Yes
Chair McGinley – Yes

Motion Approved

Application 2024-13: 555 Bloomfield - Lot 19 Block 1806 – TC Zoning District
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: § 150-17.14 A or D. A return to the Zoning Board is required for an amendment to a prior condition approval.

Attorney Michael Sullivan of Stickel Koenig & Sullivan, 571 Pompton Ave, Cedar Grove, NJ - 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. The property address is 553-555 Bloomfield Avenue. History - in September of 2020, the Board adopted a resolution and granted a use, conditional use and site plan to establish three, one bedroom apartments on the second floor and commercial space on the first floor for retail, retail service, or personal service use.
- The apartments are fully occupied and most of that first floor space is occupied by The La Bella Princess Cafe.
- Returning for an amended preliminary final site plan for a use variance and amended conditional use; Proposing an ATM facility, 258 sq. ft.; unmanned with bank card access; Open 24 hours, seven days a week. Proposing two signs, approximately nine square foot, illuminated, facing Bloomfield Avenue and approximately four square feet of non-illuminated sign based on Lakeside Avenue.
- Jurisdiction to hear the application is verified by Board Attorney Mascera as well as legal ad and notice;

Dan Dressel, 19 Edstand Drive, Moonachie, NJ – Sworn in by Board Attorney Mascera; New Jersey Institute Technology in 1992 licensed architect in 1996 – accepted as expert;

- Architect of record in the 2020 project
- Mr. Dressel reviews what is existing and what is proposed using sheet PB-1, plans dated 2024-06-11 which was provided to the Board with the application;
- Signs are discussed;
- Chair asks who can answer questions regarding the ATM unit. Making assumptions - access, handicap ramp is according to building code, door width 33", small lobby with ATM in front; questions what the remainder of that space is being used for.
- Mr. Dressel replies that the 258 sq. ft. is standing space for patrons to wait while others are using the ATM;
- Mrs. DiBartolo asks about the wall in front of the windows according to the plan;
- Chair asks if the owner would be available to address operations of the unit.
- Mr. Sullivan states that they do have the Engineer who is familiar with these type of fit outs.
- Mr. Dressel does not believe the plan is an accurate depiction of what is proposed, as it is an open 258 square foot space with the ATM mounted on one of those walls with no additional walls proposed.
- Mr. Tully asks about lighting upgrades on the exterior – Mr. Dressel answers no lighting proposed other than the light sign; within the space the lighting will meet the proper codes for service
- Mr. Tully adds that lighting codes 50 ft. from your ATM on the exterior door for both stand alone and interior ATMs. Mr. Sullivan states that it will meet Building Code but if it is a condition of approval they will comply;
- Chair asks if these are any further questions for the Architect – seeing none. Asks the public if they have questions for the Architect – seeing none. Mr. Dressel is excused.
- ADA compliancy with door swinging in versus out is discussed briefly;

Tung-To Lam, Engineer, Bohler Engineering, 30 Independence Blvd Suite 200, Warren, NJ;

- 2004 graduate from Rochester Institute of Technology – Civil Engineering degree, Professional Engineer in good standing in New Jersey & surrounding states. ATM experience with major brands including Back America.
- Sworn in by Board Attorney Mascera;
- Mr. Sullivan reviews the operations of the ATM with Mr. Lam who concurs: cash, only access by bank card, open 24 hours seven days a week as long as the doors available;
- Mr. Mascera advises that Mr. Lam was not accepted by the Board as an Engineer but for testimony on ATMs.
- Chair McGinley now accepts Mr. Lam as an Engineer and accepts all testimony;
- Chair McGinley asks how the ATM is serviced; ATM machine appears to be behind the wall.
- Mr. Lam – ATM serviced from behind, insert bank card, enter your PIN number take a withdrawal from it.
- Mr. Ryan asks about a panic button – there is none proposed;
- Mrs. DiBartolo asks about the access door being proposed through the café' space -
- Mr. Valenti states that there is no access from the Princess Café to this machine.
- Mr. Sullivan states that once someone enters the ATM space, they will lock the door behind them and no one else will occupy the room;
- Mr. Weston states that based on the testimony, operationally, someone can actually just stay in that room all night and remain locked in and no one else can come in… Mr. Sullivan - yes.
- Chair McGinley addressed Mr. Sullivan advising that the Board is having difficulties walking through the application as the drawings are not accurate, witnesses cannot explain through an inaccurate drawing.
- It would be difficult making a determination. Current testimony shows that the door that is shown from the Princess Cafe does not exist, the walls in front of the windows are nonexistent, the wall that the ATM is on also does not exist because the ATM sits in the middle, etc.
- Mr. Sullivan asked to carry the application to reconcile the discrepancies and bring additional testimony at a subsequent date.
- Chair McGinley confirms with the Board.

Chair McGinley announces that the applicant consents to carrying the application to the November 14, 2024 Board of Adjustment hearing with no further notice required.

Application 2024-08: 48 Durrell Street; Block 1306, Lot 14.01 Zone A-3
§ 150-8.10 D - Cabanas shall be restricted in size to a total of 100 square feet of gross floor area. The proposed cabana area is 576 SF. § 150-7.13 Mechanical equipment. A. No mechanical equipment shall be located within a required minimum yard requirement and shall not extend more than five feet from the structure for which they serve. Generator is proposed at 87.5 feet from the principal dwelling.
Applicant, Joseph Venezia, was sworn in by Board Attorney Mascera and then testified to the following:

- Everything from the original project except the small paver walkway from the house has been removed so there is only grass around the pool, the in-ground pool and cabana;
- Testified that the generator is being proposed by the pool equipment and will be 87.5 feet from the principal dwelling.
- Testified that the fence is pool compliant, black fence.

Expert Witness: Mark Gimigliano – Engineer, 21 Bowling Green Parkway, Lake Hopatcong, NJ. New Jersey Institute of Technology. Sworn in by Board Attorney Mascera;

- Worked with Boswell Engineering to try to fix the drainage system in the backyard, planned to put some drains in the backyard and tie it into the drainage system in Durrell Street.
- Extend the sewer line into Durrell Street to drain the back area;

- The second part of the project also included the pool and once those items were added under Verona's ordinance it was considered a major storm water development. In order to comply with those requirements because of the nature of the backyard because it is isolated, no water flows out of that area and it became prohibitively expensive to comply with those requirements. The patio was then removed from the project and the drainage connection to the street was removed.
- The project then falls under the Minor Storm Water Development Ordnance.
- The waste lines from the cabana will go to the grinder pump and will be pumped up to the sanitary lateral in front of the house.
- The roof leaders from the command will tie into the drains, and everything will go to an additional dry well. There's a dry well now that collects water from the roof of the home.
- They will add to that so that increases the capacity and the intent is to get more water into the ground and try to help him with some of the damp and flooding conditions that have been experienced.
- Cabana will include a gas stove; there will be a gas line for stove and pool.
- Grinder Pump for residential use. Sewage flows in and then when it gets to a certain level, it is pumped out, into the grinder pump and it grinds it up into small pieces, and then it's pumped through the line. When the line is full of sewage, there's a check valve at the end of the line and water fills up to a certain level, and pumps the sewage into the line, and it keeps pushing it along until it gets to the end at the lateral that connects to the street; it flows by gravity, the way the sewage from the rest of the home streams.
- Chair asks if these are any further questions for the Engineer – seeing none. Asks the public if they have questions for the Engineer – seeing none.
- Applicant will comply with all of the recommendations listed within Mr. Peter Ten Kate, Boswell Engineering's memo of September 3, 2024
- Board had concerns of the cabana being turned into an accessory dwelling unit – Applicant states that will never be his intention;
- Board would like a condition of approval that the cabana cannot have any sleeping quarters or be used for overnight accommodations; unless a local ordinance or state law in the future allows such types of dwelling units;
- The applicant would be in favor of the condition;

Chair McGinley asks for a motion to approve variance from § 150-8.10 D for the cabana and § 150-7.13 for mechanical equipment. Mr. Ryan makes the motion; Vice Chair Weston – Seconds Board Secretary calls the vote:

- Dr. Cortez - Yes
- Mr. Ryan – Yes
- Mrs. Murphy-Bradacs – Yes
- Mrs. DeBartolo – No
- Mr. Matthewson – Yes
- Vice Chair Weston – Yes
- Chair McGinley – No

Motion Passes

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. Application carried from the August 8th, 2024 hearing where testimony was taken;* Applicant is seeking approval for signs in conjunction with a change of use and minor site plan application to permit Starbucks to occupy the premises. Relief is sought for the following:

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 § 150-7.9 X (12); 5' Starbucks medallion sign is proposed on the side of the building in violation of § 150-12.1 B (1) where 4' is permitted; § 150-8.3 B (3) 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; § 150-8.3 B (4) 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') feet is not provided, and this is a pre-existing non-conforming condition.

Jack Dusinberre, Esq. representing EVI Realty, the applicant.

Previously heard testimony on Site Plan, traffic and operational. Proposing to reduce the height of the proposed pylon sign by 5 feet. Application amended for pylon height from 25 feet to 20 feet in height.

Mr. Rapp, professional Engineer; testified previously on the application; remains under oath and licenses remain in good standing.

Mr. Rapp reviews the following exhibits which were distributed to the Board and also shared with the audience:

- Exhibit A-5 – Pompton Avenue Southbound 250 foot Distance; photo taken by Brightview Engineering @ 10:00 AM on August 30, 2024
- Exhibit A-6 - Pompton Avenue Southbound 400 foot Distance; photo taken by Brightview Engineering @ 10:00 AM on August 30, 2024
- Exhibit A-7 - Pompton Avenue Northbound at Pompton Avenue Intersection; photo taken by Brightview Engineering @ 10:00 AM on August 30, 2024

Exhibit A-5: Visual to see if the building can been seen from that distance. Pylon sign placed on exhibit at 20 feet and superimposed proposed traffic signal – to scale;

It was clarified for the Board that Pylon signs are prohibited;

Exhibit A-6: The Starbucks sign is visible at the 400 foot mark; 20 feet would be the correct height for the sign

Exhibit A-7: The Starbucks sign is visible and appears to be even with the Famous Ray's Pizza sign;

Mrs. Murphy-Bradacs – clarifies that there are no cars in front of the picture. Mr. Rapp states that if there were cars in front the sign would be less visible, but visible.

Mrs. DiBartolo – most Starbucks do not have Pylon signs, what is used to determine that a pylon sign is needed? **Mr. Ryan** adds that he does not believe the sign is needed as people will know it is there. Mr. Rapp states that the sign is for safety reasons for all drivers in the future.

The three lanes start after Claremont where the traffic signal starts.

Mrs. DiBartolo asks Mr. Rapp's opinion if this is a consistently busy intersection. Mr. Rapp is not the traffic Engineer.

Board Attorney Mascera clarifies the discussion that took place at the end of the last hearing regarding this application. The discussion entailed what the Board would consider regarding the type of variances the applicant would need. His opinion is that two D-3 variances are needed and clean-up of previous approvals so everything is incorporated into one decision. This should be answered during Planner testimony.

Chair McGinley asks if there are any additional questions from the Board for the Engineer; seeing none the Chair asks if there are any questions from the public for the Engineer.

Public:

Cindy Chen – asks for clarification on three lanes; Mr. Rapp explains.

Lauren Yannon – what is the certainty that the drivers will make better decisions with a sign; Mr. Rapp states it will give drivers more time to make the decision. Mrs. DiBartolo adds that as design professionals, you are taught to design to the norm so not every issue can be considered;

Robert Denuto – light pollution and eye-sore of the siren beacon sign; is there no other point along the property where it could placed; Mr. Rapp explains it was investigated and the proposed placement is what was deemed best.

Chair McGinley asks if there are any additional questions, seeing none.

Mr. Dusinberre calls **Donna Holmqvist, Professional Planner**, Founder & CEO of Preferred Planning Group LLC, 110 Chestnut Ridge Rd Ste.192, Montvale, NJ; Rutgers University Urban Planning; Masters in Urban Planning from NYU; 1990 licensed in NJ; American Institute of Certified Planners, Founded firm in 2018. Board Attorney Mascera swears in Ms. Holmqvist. Chair McGinley – The Board accepts Ms. Holmqvist as an expert in professional planning;
Ms. Holmqvist explains what she will be reviewing and will present exhibits and address the D3 variances. Exhibits are distributed to the Board and to the public:

- Exhibit A-8 – Figure 1 – Unique features prepared by Preferred Planning Group, September 12, 2024
- Exhibit A-9 – Existing Conditions, Figure 2 - Unique features prepared by Preferred Planning Group, September 12, 2024
- Exhibit A-10 – 30 Pompton Avenue, Pompton Avenue Rendering - Prepared by Preferred Planning Group, September 12, 2024
- Exhibit A-11 – 30 Pompton Avenue, Claremont Avenue Rendering - Prepared by Preferred Planning Group, September 12, 2024

Ms. Holmqvist reviews the site. Sites the mixed use section of code 150-8.3 – conditions for conditional uses in the ETC Zone. 1.5 acres required existing is 3.28 acres. Two conditions not complied with minimum open space – lessening the non-conformity; second requirement for 15 foot buffer adjacent to residential – currently a 4 foot buffer and are extending to 7.1 feet – lessening the non-conformity.
Ms. Holmqvist –
Exhibit A-8 - discusses the unique features of the site; opinion that turning was not safe; discusses Claremont to Bloomfield possible 6% grade – view by road, traffic, etc. would block view of the building – tucked back.
Exhibit A-9 – pictures taken August 31st 2024 by Ms. Holmqvist. Explains pictures. Is size of pylon size acceptable – opinion is yes. ETC Zones allow three feet, Starbucks is only one story. Significant features. Review of bulk requirements for the ETC Zone and sign ordinance.
Exhibit A-10 – artistic rendering of the proposed signs; Proposing 1 free standing and 2 wall signs; opinion sign is not intrusive and a recognizable logo

Mr. Matthewson points out that a sign is proposed on the site plan but not on the rendering.
Mr. Rapp – directional signs are removed from the application and will not be installed.

Exhibit A-11 – Added the signal arms. Focuses on the three story building across the street; discusses the signage inclusive of the detail of the siren and the impact of reducing the size of the signage; opinion is that the signage is necessary where proposed.
Mrs. Murphy-Bradacs questions the signage and safety and cites that Ray's Pizza does not have a sign like the proposed and there aren't multiple accidents occurring.
Ms. Holmqvist addresses the Master Plan –

- Crash data heat map. Identifies the intersection as highlighted, as hazardous.
- Monitoring the Competitiveness of Township areas – Starbucks is a great replacement of a commercial bank as they are going dark more and more;
- Use – proposed is a permitted use – no use variance is required;
- Safe circulation system – signage is a benefit to the area;
- Enhancing and maintaining attractive gateways – Welcome to Verona sign is right there
- Utilize Township areas and create anchors – Starbucks is beneficial to that need;
- Economic Development Goals – Outdoor café and not a drive thru is a major concession to the neighbors;
- Signage request is: Reasonable, appropriate and compatible
- Ms. Holmqvist is asked her opinion on the use. She states that this is a permitted use.
- Ms. Holmqvist recaps her testimony; what is being proposed is 1 wall sign, 1 logo medallion and 1 free standing size is not overpowering this site:

Negative criteria –

- No substantial determinant to the public good – high volume traffic area; designated in the MP as crash data heat map; near transit stops, physical features support the site;

- No substantial impairment to the Master Plan – better zoning alternative; logo recognized faster than the name; contributes the place making;
- ETC Zone allows three stories/50 feet height and digital message sign.
- Pre-existing D3 conditions are being improved.
- Questions from the Board:
- Mrs. DiBartolo – the use being appropriate for the sight in this context? Planner – yes.
- Chair McGinley asks was there any consideration given to modifying the existing monument signage to include the Starbucks. Planner – not aware of any discussion.
- Dr. Cuartas – clarify on A-8, view obstructions – Planner states it is the minimal setback with vegetation and shrubbery blocks view and vertical curve downward.
- Mrs. Murphy Bradacs – Exhibit A-9, #2, can you tell the height? Planner – total height was not estimated, only the setback;
- **Chair McGinley asks if there are any additional questions from the Board for the Planner; seeing none the Chair asks if there are any questions from the public for the Planner.**

Public:

- Tara Bratek – Questioning how as a Planner, Ms. Holmqvist could think a sign could make the intersection better and that spot is good for the area. **Planner** responds it is a permitted use, not having a drive thru makes it more appropriate. Re-occupying a vacant building is appropriate.
- Lauren Yannon – How would the Planner classify Claremont Ave if Pompton Ave is a highway. Planner – a local road. Only way to get to Starbucks is to make a left turn onto Claremont – Planner – yes from northbound.

Chair McGinley asks if there are any additional questions from the public for the Planner. Seeing none.
Mr. Dusinberre – no further testimony.
Chair McGinley opens up for statements from the public regarding the application.
Allison Miller – resident of Verona; not in favor of the Starbucks. Addresses the human element and what it means for the residents, traffic and congestion. Requests Board denies the request.
Tara Bratek – Asks about notice; *Response - Per the notice records, it was verified that the HOA of Beacon Hill was notified and that covers the common area; the individual units that fall within within 200 feet received the notice. Resident referred to her HOA.* Comments about the light, traffic pattern, stop sign by Otis Place – Chair responds that it is not within the Board's jurisdiction and is referred to the Council.
Lauren Yannon – Asks that Chapter 150-7-23 be looked at surrounding music and lighting as it affects neighboring residents; qualifications about outdoor seating – concerns about litter, rodents, loitering; Consideration: no outdoor seating; big belly garbage cans; no outdoor music; lighting; eliminate outdoor seating; remove parking spots abutting residents. Traffic, speeding, "rage driving", concerns and consideration for the residents and families. Asking for no left turn onto Claremont when leaving Starbucks; suggest 4 way stop on Claremont and Montclair; speedbumps; no pylon sign; take more in account the EVC valid concerns; contribution of Starbucks and/or the property owner to the Community; does not feel Starbucks is a good fit for Verona; expands on Starbucks; asking for Board to deny.
Allison Cook – Non-profit organization that creates civics education curriculum to give young people a voice. Proud to go to work and speak about her participation in this process. Appreciate the opportunity to be heard. When moved in she heard about the speeding, live where safety and community are a concern; appreciates being told where to go to address different concerns; wanted to go on record as a woman of color in this community hoping to increase diversity and multi-racial inclusiveness; expressed her gratitude, appreciation and also her fear as someone who walks with her children on Claremont and feels this is a disruption to a community where she is raising her children.
Cindy Chen – stated an individual named Michael Nochimson (sp?) came to her house and stated she was not being a good neighbor; why was she making a fuss about a buffer and that he and his wife are friends of the owner. She did not appreciate it – the Board concurred that they also were not in favor. Tree – Norway Maple – would like Starbucks to remove that tree.
Chair McGinley seeing no one else from the public – the public portion was closed.
Mr. Dusinberre – Stated he finds the behavior that Ms. Chen reported reprehensible; regarding tree – if it needs to be removed Starbucks will do that in conjunction with Zoning Officer; a lot of testimony is not

part of the application; sign – made the case that the signage is appropriate regardless of brand; did everything the Board asked to be done regarding the site plan; traffic flow in and out is good; traffic signal is good and a done deal; ask the Board discussion be about the building sign and then the pylon sign.

Board Deliberation:
Condition: Starbucks will not open until the new traffic light is operational;
Dense landscape buffer being extending to 50% of the 15 feet required: Starbucks have to fund to make it compliant. Board Attorney - Financial wherewithal of the applicant cannot be a part of deliberation.

Chair McGinley – Motion to approve variance for 150-8.3 B4 – dense landscape buffer; improved
Kevin Ryan – Motion; Scott Weston – Second
Mr. Matthewson asked to include the removal of the tree; Zoning Officer explains the tree removal process. Cannot add in mandatory tree removal, but must go through official tree removal process.
Board Secretary calls the vote:

Dr. Cuartas - Yes;
Mr. Ryan - Yes;
Mrs. Murphy-Bradacs - Yes;
Mrs. DiBartolo – No;
Mr. Matthewson – Yes;
Vice Chair Weston – Yes;
Chair McGinley – Yes.

Motion Approved

Chair McGinley – Not less than 20% of the lot
Board Discussion
Mr. Ryan – makes motion to approve; Mrs. DiBartolo seconds
Conditions: Based on revised plans.
Board Secretary calls the vote:

Dr. Cuartas - Yes;
Mr. Ryan - Yes;
Mrs. Murphy-Bradacs - Yes;
Mrs. DiBartolo – Yes;
Mr. Matthewson – Yes;
Vice Chair Weston – Yes;
Chair McGinley – Yes.

Motion Approved

Chair McGinley – 20 foot high pylon sign on Pompton Avenue – Deliberation
Vice Chair Weston – testimony was about safety, in favor of sign; if 20 foot gets approved does not feel the 5 foot medallion is needed.
Mr. Ryan – is okay with the 5 foot medallion and does not feel the 20 foot sign is necessary; does not like the esthetics and doesn't feel it will have positive impact;
Mrs. Murphy-Bradacs – not in favor of pylon sign; create a visual nuisance to the residential area; signage testimony addressing safety was inconsistent; will not solve safety issues; does not find testimony regarding similar signs credible; photographs by Engineer did not show or can barely see the sign with no vehicles in photos;
Mrs. DiBartolo – Photographs by Engineer you cannot see the sign; Planner asked why Verona doesn't allow pylon signs – guess is that we don't want to look like Route 22 or Route 46; not convinced the safety concerns outweigh the greater need for the neighborhood;
Dr. Cuartas – if the sign barely does anything, why allow it; okay with the building signs but the pylon sign does not fit the character of the town.
Chair McGinley asks to call a vote to deny the variance for the 20 foot high pylon sign.
Mr. Ryan makes a motion to deny the approval of the pylon sign; Mrs. Murphy-Bradacs – seconds.

Board Secretary calls the vote:

Dr. Cuartas - Yes;
Mr. Ryan - Yes;
Mrs. Murphy-Bradacs - Yes;
Mrs. DiBartolo – Yes;
Mr. Matthewson – Yes;
Vice Chair Weston – No;
Chair McGinley – Yes.

Motion Approved

Mr. Matthewson – Asks about a No left-hand turn condition; Board Attorney – While there was testimony from an objector, the Board is cautioned to not put that condition in. There was nothing presented in front of the Board or an argument that there should not be a left hand turn. The Board heard no testimony, and it would open the Board up to liability should there be an accident or other such incident caused by a left turn.

Chair McGinley asks Board regarding approval of the **5 foot Starbucks medallion sign:**
Mr. Ryan makes a motion for the approval of the 5 foot medallion sign; Mrs. DiBartolo - seconds
Board Secretary calls the vote:

Dr. Cuartas - Yes;
Mr. Ryan - Yes;
Mrs. Murphy-Bradacs - Yes;
Mrs. DiBartolo – Yes;
Mr. Matthewson – Yes;
Vice Chair Weston – Yes;
Chair McGinley – Yes.

Motion Approved

General Conditions
Approval of Site Plan – Mr. Ryan moves the Site Plan
Mrs. DiBartolo – speaks about parking and occupant load; Board discusses Starbucks being classified as a restaurant in relation to the occupancy and parking; Mr. Tully and Mrs. DiBartolo discuss details; Mrs. DiBartolo does not believe that a Starbucks has the same parking or pedestrian traffic as a restaurant. Dr. Cuartas asks if there was any discussion about loitering or cars idling after they get their coffee … Verona has a no loitering ordinance. Mr. Ryan adds that there are general laws in the Building Code regarding occupancy. Mr. Tully adds if you are compliant with the building code on occupancy, you do not need an occupancy plaque outside your building. You can technically go above the occupancy count. The code gives a leeway of more people.
Chair McGinley notes the motion by Mr. Ryan and asks for a second; Vice Chair Weston seconds;
Counsel will review the previous meeting recordings to verify conditions.
Board discusses conditions: reduce outdoor seating; music will be at a low decibel; there will be no filtration rom lighting towards Claremont, no drive-thru, no curbside service, no loading area in the rear, restriping, Starbucks will not open to the public until the new traffic light is operational; dense landscape buffer being extending to 50% of the 15 feet required, etc. - Counsel will review conditions as agreed upon by the applicant and further conditioned by the Board.
Board Secretary calls the vote:

Dr. Cuartas - Yes;
Mr. Ryan - Yes;
Mrs. Murphy-Bradacs - Yes;
Mrs. DiBartolo – No;
Mr. Matthewson – Yes;
Vice Chair Weston – Yes;
Chair McGinley – Yes.

Motion Approved

Chair McGinley: No need for Executive session
Chair McGinley: Motion to adjourn; entire Board: Aye

Meeting Adjourned at 12:54AM – October 13, 2024

Respectfully submitted,

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 973-857-4772.