TOWNSHIP OF VERONA
COUNTY OF ESSEX, NEW JERSEY

MINUTES OF THE VERONA BOARD OF ADJUSTMENT MEETING
OF THURSDAY, SEPTEMBER 18, 2025

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

PRESENT:

Chairman Daniel McGinley	Dr. Edith Ries
Mrs. Christy DiBartolo	Mr. Gregory Mascera, Board Attorney
Mr. Paul Matthewson	Ms. Sarfeen Tanweer, Board Engineer
Mrs. Genevieve Murphy-Bradacs	Mr. Marco Navarro, Board Engineer
Mr. Kevin Ryan	
Dr. Bill Cuartas	Ms. Kathleen Miesch, Zoning Official/Acting Board Secretary

CALL TO ORDER: Chair McGinley calls the meeting to order at 7:33 pm;
PLEDGE OF ALLEGIANCE;
OPEN PUBLIC MEETINGS ACT STATEMENT read by Ms. Miesch, Acting Board Secretary.
ROLL CALL is taken by Ms. Miesch, Acting Board Secretary;

Chairman McGinley reads a statement of general information of the Zoning Board of Adjustment's role and responsibilities.

APPROVAL OF MINUTES:
Chairman McGinley asks for a motion to approve minutes from the Regular Meeting held on August 14th, 2025; **Mrs. DiBartolo** makes the motion, **Ms. Ries** seconds;
Chair McGinley, Dr. Cuartas, Mr. Ryan, Mr. Matthewson and Mrs. Murphy-Bradacs abstain, the remaining eligible commissioners voted in favor. **Motion Passes.**

RESOLUTIONS:

1. **Memorialization of Resolution BOA 2025-17 - Application #2025-08- 12 Highland Terr, Block 805, Lot 4 -R-50 Zone.** Granting approval to construct a masonry block wall to fill 4- inch height differential with neighboring property to support new fence.
   Motion to Approve: Mrs. DiBartolo **Second**: Dr. Ries
   Chair McGinley, Dr. Cuartas, Mr. Ryan, Mr. Matthewson and Mrs. Murphy-Bradacs abstain, the remaining eligible commissioners voted in favor. **Motion Passes.**

NEW BUSINESS:

1. **Application #2025-07 - 2 Balston Drive, Block 1802, Lot 9- R-70 Zone.** The applicant is seeking approval to construct a 6-foot fence.
   Proposed Fence: 6 Feet High, black metal fence proposed on Lakeside Avenue frontage; extending 32 feet from the existing dwelling, with a 10 foot front yard setback; extending 70 feet across the Lakeside Avenue frontage to the SE property line- As Per § 150-7.3 B Fencing shall not exceed six feet in any yard up to the front facade of the principal structure where said fencing shall not exceed three feet. **A Variance is required:**

Witness/ Owner: Ken Gerlach, 2 Balston Drive, Block 1802, Lot 9, R-70 Zone, is sworn in by Board Attorney Mascera.

Owner lives on corner lot of Lakeside Avenue and Balston Drive, creating two "front" yards. He feels the fence would provide security from street and foot traffic along Lakeside Ave. and prevent anyone

from entering his yard as well as keeping the younger children in his family safe on the property. He would also like the fence so his two dogs can enjoy the backyard as well.

Board Questions:

- Mr. Matthewson asks if this fence will fully enclose his side and backyard.
- Mr. Gerlach answers that his fence will run the length of Lakeside Ave from his backyard corner to the corner of his house at Balston Avenue.
- Mr. Ryan asks if he has had an opposition from neighbors about his proposed fence. Mr. Gerlach states that they all know and have no issue with the fence.
- The Fence will be behind the arborvitaes so no disturbance to current landscaping
- Mrs. Murphy-Bradacs asks if there have been any break-ins in his neighborhood since he mentions a security concern. Mr. Gerlach says he doesn't know of anything specific but has seen people in his driveway trying to open car doors.
- Chair McGinley shares that the Board has seen other applications for fences to provide security with properties on a busy county road.
- Mr. Gerlach states that he has no plans to plant additional shrubs on other side of the house or to take down the existing arborvitaes.

Chair McGinley asks if there are any additional Board Questions - seeing none.
Chair McGinley opens it up to Public statements or questions, seeing none – public portion closed.

Board Discussion:

- Dr. Cuartas responds given the conservative nature and intended purpose and location of the property he approves.
- Mr. Matthewson is in favor considering that applicant is keeping screening as is and will be shielded from Lakeside Ave.
- Mr. Ryan is in favor given the request is reasonable for security and Mr. Gerlach agrees upon the condition that the current landscaping along the property will remain.
- Mrs. Murphy-Bradacs states for the record that Mr. Gerlach's comment about Newark is distasteful

Chair McGinley asks for a motion to approve Application 2025-07 -seeking relief from front yard set-back.

Motion to Approve: Mr. Ryan, **Second:** Mrs. DiBartolo

Roll Call Vote:

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

Motion passes.

1. **Application #2025-02 544 Bloomfield Avenue aka 10 Park Place; Block 1703, Lot 68, TC Zone District** – ***Carried from the April 10, 2025 Board of Adjustment hearing where***

testimony was taken; Carried from the June 12, 2025 meeting where testimony was taken; Carried from July 17, 2025 hearing where no new testimony was heard. Carried from August 14, 2025, where no testimony was heard. Applicant is seeking approval to lease the ground floor, approximately 3,500 to 4,000 square feet, of an existing two-story building located at 544 Bloomfield Avenue with access from 10 Park Place to operate a House of Worship. Relief from the following is required:

a. Per § 150-17.14 A. & D. A House of Worship is not a permitted use or a conditional use;
b. Per § 150-12.6 C. Parking schedule: House of Worship. 1 space per 3 seats or 72 inches of seating space when benches rather than seats are used. Applicant has provided that there is public parking available adjacent municipal lot located on Park Place.

- Reginald Jenkins, Jr. Esq., Trenk Isabel Siddiqi & Shahdanian, PC representing The Islamic Center of Essex County.
- Mr. Jenkins reiterates the purpose of the application, seeking ground floor space for a prayer room. The prayer room is described as a temporary space for morning and evening prayers. They have given extensive testimony on operations; times that prayers will begin and end and the frequency, they have addressed police concerns that prayer times will not coincide with the timing of school children going to and from school. The client will cooperate with any safety and traffic concerns the police have.
- Mr. Jenkins pointed out that applicant wants to make clear that they have no problem stipulating that the congregation will be no more than 100 persons. They have also stipulated that it will not be used for event space, funerals, weddings, parties, there will be no amplified speech or broadcast call to prayer. Electeronic speakers, if used, will not be heard outside the building. It will be a quiet, orderly operation that will not be disruptive to the public in any way.
- Mr. Jenkins wants to call back the Traffic Engineer to clarify testimony about egress points in and out of the parking lot.

Witness: Andrew Vischio, Stonefield Engineering, 92 Park Avenue, Rutherford
Engineer, licensed in NJ, license in good standing, 14 years as traffic expert;

Mr. Andrew Vischio remains under oath from previous hearing;

- Mr. Jenkins asks Mr. Vischio about an additional point of egress that may not have been emphasized enough during the last hearing.
- The traffic impact study took a conservative approach and routed site traffic leaving the municipal lot through Park Place. This parking lot does have a second point of egress exiting traffic to Bloomfield Ave. by the Chase Bank. This exit is a right turn only onto Bloomfield Ave, assuming the use of this driveway, no build conditions are maintained at the subject signalized intersection without the need for any traffic signal timing adjustments.
- The review letter submitted by the Board Engineer dated June 5,2025, found our methodology to be acceptable. There was one comment where Mr. Vischio and Boswell came to a different conclusion and that was pertaining to the need or lack thereof of traffic signal timing adjustments. With this additional egress point, the need for signal timing adjustments is no longer relevant.

Board Questions:

- Mrs. DiBartolo wants to verify that there will be no anticipated need for traffic signal adjustments along Bloomfield Ave. **Correct.** She also wants to know when a traffic pattern analysis is done, how often are atypical situations or emergency issues taken into account. Mr. Vischio replies that

the analysis for an application like this is based on representative traffic conditions, not conditions under something that would require emergency response. These are not conditions that are representative of traffic on a day-to-day basis.

- Mrs. DiBartolo inquires about if a site plan for parking will be presented. Mr. Veschio cannot answer. Mr. Jenkins notes that previously there was an aerial map and location map submitted.
- Dr. Ries asks about parking consideration for school faculty and Lakeside Deli. How many spaces will the applicant be using and how many spaces are available. **There are 75 general purpose parking spaces in the municipal lot that are not allocated to specific users, confirmed in traffic study and review letter. (Comment 14 discussed the 30-minute interval).**
- Mr. Jenkins also notes that there is significant on street parking. Mr. Vischio states that there are 100 available spaces on Lakeside Avenue alone.
- Mr. Jenkins clarifies that the parking used by the congregation during prayer time, will only be for short, maybe 20-minute, time intervals, so parking will remain fluent.
- Mr. Ryan asks that no new information has been brought forth from the traffic study submitted at last meeting other than the new egress point at Bloomfield Avenue. **Correct.**
- Mr. Ryan asks about parking space variance. How many parking spaces are deficient based on the number of people using the space and the available parking in the lot? Mr. Vischio defers to the Planner to answer that.
- Mrs. DiBartolo asks Mr. Jenkins about previous statement that based on Boswell letter, there are 50-70 congregants on a Friday afternoon. What is the latest time will they be departing? Mr. Vischio says between 2-2:30 pm.
- Dr Ries asks if the egress by Chase is town property or Chase property. **It is town property.**
- Mr. Ryan clarifies that people using the egress by Chase bank will be only making a right and anyone making a left will exit at Park Place at the light. **Yes.**
- Mr. Ryan points out that using that exit requires extra caution because of limited view and pedestrian traffic. Mr. Veschio agrees and states that there were 39 vehicles that made that right turn after school dismissal on Sept. 16, 2025. Pedestrian traffic is also taken into account. We anticipate there will be about 12 prayer-goers using that egress and would not be during the school dismissal time.
- The high level of pedestrian traffic from school dismissal would take place well after the Friday prayer time would end.
- Mrs. DiBartolo wants to confirm that there is no parking requirement in that zone. Mr. Vischio defers to the planner.
- Chair McGinley asks for the record if all the parking availability is public or if there is any private parking. Mr. Vischio states that many spaces in the municipal lot that are designated for the school and businesses. The traffic impact study only accounted for spaces used for the general public. Study did not account for availability in small asphalt lot off of Park Place near the ball field.
- Mrs. DiBartolo states that the benefit of a site plan would allow them to see the property lines and whether the smaller lot would be inclusive of the lot being discussed.

Chair McGinley asks if there are any further questions from the Board – seeing none;
Chair McGinley opens it up to public questions, seeing none – seeing none.

Witness: Matthew Seckler, Stonefield Engineering & Design, 92 Park Avenue, Rutherford
Civil Engineer, BS – Masters Senior Regional Planning, Rutgers Univ. Licensed in NJ, license in good standing, Professional Planner;

- Mr. Seckler is sworn on by Board Attorney Mascera and accepted by the Board as a Professional Planner
- Mr. Seckler describes what he has reviewed. He and his office visited the site and have reviewed the following documents prepared and submitted from Stonefield Engineering: traffic study, 2022

Master Plan from Verona, Zoning ordinance, the MLUL, relevant case law and listened to all previous transcripts for this case.

- Mr. Seckler presents Exhibit 1-September 18; aerial photograph of subject area taken Sept 25, 2025, outlined subject site and parking area, Block 1703, Lot 68, in TC Zone. L-shaped property. Exhibit shows 3 story building with no expansion to the exterior, only proposed changes will be to the interior.
- Outlines the permitted uses for the TC Zone, and conditional uses (mixed retail). House of Worship Not listed as permitted use and the reason for this application.
- Some have called it prayer room or House of Worship. Like to confirm that our clients use fits the definition of House of Worship per ordinance- 150-2.3. The Zoning officer has deemed this use as a House of Worship and I concur with this definition for this use.
- Next is determining where a house of Worship is permitted. Exhibit 2 September 18- Handout. Zoning Map (pg1 of 2) prepared 9/18/2025, Stonefield Engineering. Page 1 is excerpt from zoning ordinance of the Semi-public Zone, location where Houses of Worship are allowed. On the map, outlined in Red is the proposed location for our client. You can see other Houses of Worship shown on the map in the permitted zones based on 150-17.18 shown in blue/light blue cross hatch, which pre-date most zoning ordinances. There are no sites for an applicant like ours to operate in the TC Zone where other Houses of Worship are not already operating. Page 2- Zoning Map from 2011. Points out TC and Semi-Public Zones and Their proposed location falls within that area. This TC Zone encourages uses that bring activity along Bloomfield Avenue.
- Identify and classify this House of Worship as beneficial use. Mr. Seckler reads from the MLUL the definition of Inherently Beneficial use. He references NJ court case: House of Fire vs. Clifton, relating to a church proposed in a residential area. It was a conditional use. All parties agreed that construction of a church is an inherently beneficial use of the land and references another case: State vs. Cameron which states courts have held that religious activity itself is in furtherance of public morals and the general welfare and religious institutions enjoy highly favored and protected status which severely curtails the permissible extent of governmental regulation in this area.
- Mr. Seckler references the different standards to be met for an inherently and non-inherently beneficial use. An inherent beneficial use has to meet the SECA Balancing Test which is more relaxed than the Medici standard which is the highest level of standards. If they have an inherent beneficial use, they do not have to show that the site is suited for use, they do not have to show the public good, they do not have to show that there is no detriment to the public good or to the Master Plan. According to SECA vs Wall case, they need to identify public interest, identify detriments that may occur upon approval, Board needs to consider appropriate conditions to reduce detriments that may arise, balance inherent benefits with substantial detriments.
- We have shown that a religious organization is deemed to be inherently beneficial. 1) There is a public interest- this group is in need of a temporary worship space 2) We don't feel there will be detriment to the public good – the proposed space is in Town Center Zone with many other establishments that create vehicle and pedestrian traffic coming and going at all times of the day and into the late evening.
- Council stated that even at the peak prayer time on Friday, the number of people (50- 70) and vehicle traffic would not be a detriment to the community based on the location and zone of the site. As stated previously, the applicant will not hold outdoor prayer, or exceed noise levels that would be heard outside the building or other life cycle events that may be seen as a detriment.
- Conditions that help reduce any negative impact. Aligns with goals of the Master Plan; Prayer goers will frequent businesses and restaurants; the site will not be vacant.
- Mr. Seckler defines a federal act called the Religious Land Use and Institutionalized Persons Act of 2000 that he encourages the Board to consider when making a decision. A board should not deny a religious application except for significant health and safety issues.
- Mr. Seckler addresses parking. Ordinance allows for uses within the TC ZONE to be exempt from parking unless they have an addition or new construction greater than 1000sq ft. Which we do not. Or if the Use is for a restaurant, which we are not.

Board Questions:

- Mr. Ryan asks Zoning Official why the Islamic Center on Grove Ave., originally the Jewish Center is not noted in Exhibit 2- September 18. **The Exhibit shows only Houses of Worship in the TC or Semi Private Zone. The Islamic Center is in residential zone.**
- Dr. Cuartas – Chair or Council, why is there reference to no parking requirement. **The parking ordinance for Houses of Worship does not apply to this use as they are proposing use in the TC Zone, which has different requirements than other zones. 150 -12.1B3 allows for municipal parking to be utilized. The TC goal is to have more building/shops than parking, thus utilizing shared parking.**
- Mr. Ryan wants to know if applicant feels that the variance noted on the application addressing parking seems to be nonapplicable. And if so asks Zoning Official and Board Attorney why it does not apply. **The Zoning official states that since the Use is not permitted in the TC Zone, that she also applied the need for parking spaces for a House of Worship.**
- Applicant says that they will comply with the Board if they feel the parking variance needs to be voted on.

Chair McGinley asks if there are any further questions from the Board – seeing none;
Chair McGinley opens it up to public questions, seeing none – seeing none.

Chair McGinley opens up for public comment:

Public Questions:

Emily Polizzi, Verona

- Reads prepared statement focusing on the detriment and hardship to the residents, not the applicant. She does not believe that the applicant just because they are a House of Worship has an inherent good to the community.

Mannan Razzak, North Caldwell

- Makes statement in favor of the House of Worship commenting that the noise and traffic would be minimal as compared to the current businesses in the area and that parking should not be an issue as the Town Council approved an additional parking lot on Lakeside Ave.

Dex Polizzi, Verona

- Reads statement outlining that this use would not benefit the community and TC Zone in any way, but would cause excessive traffic, overcrowding, nuisance, long term harm to neighborhood and disruption at all times of the day and night. He is concerned about lasting impact on his neighborhood.

Chair McGinley asks if there are any further comments from the Public – seeing none;
Public Comment is closed.

Mr. Jenkins gives his closing remarks.

Board Discussion:

- Dr. Ries is concerned about health and safety of school children at 2pm when school is letting out.
- Mr. Mathewson brings up concern about the approval of this use would then be in effect for any other tenant coming into the building.
- Mr. Mascera points out that the use goes with the land, but restrictions or conditions can be imposed with the approval.
- Mrs. Murphy-Bradacs asks if a time limit can be imposed; grant approval for 1 year or 18 months.
- Can't impose time restrictions as it goes against the land use. If Board decides it is an inherently Beneficial use then the Board can impose restrictions to that use.
- Mrs. DiBartolo has several considerations about 4 am potential prayer time when that is a very quiet time in that neighborhood, and the timing of kids getting out of school and the end of prayer time on Friday is very tight. Occupant load is shown as 156, which she feels is high and there are a lot of other businesses that utilize the parking lot. The prayer group would be using a large number of spots at one time as opposed to other businesses that have customers coming and going.
- Dr. Cuartas raises concern of the uncertainty of future utilization and improvement plans of the facility raises health and safety concern. If parking is questionable in TC- Zone then what else might be skirted on by the owner in the future with other tenants. We did not see what changes may be made to the space. The traffic study was lacking, early morning & late evenings extended utilization presents a health and safety concern. Also granting temporary use is a temporary solution to the problem.
- Mr. Ryan has Safety Concerns with the traffic issues with the intersection at Park Place and Bloomfield Ave.
- Mr. Mathewson feels it is a global issue for safety. Not just this one applicant, but any applicant.
- Mrs. DiBartolo would not be as concerned if Park Place exited somewhere else .
- Chair McGinley speaks to the safety of the building. Space is a windowless basement holding 150 people where we were told entrances and exits would be compliant, but not told how. We are not looking to approve a building, but an area. Does not feel the area is safe and doesn't feel that there should be so many different uses in one building. Applicant also wants a temporary location. One more area the town has to monitor who is going in and the Board would require a lot of conditions for this space to fit the town center for the foreseeable future. If looking at public interest, the biggest concern for this particular property is Health & Safety.

Mr. Mascera clarifies that the Board needs to first determine if the use is inherently beneficial. And then apply the balancing test of positive and negative criteria. Chair McGinley should poll the Board as to what criteria they are applying to this application.

Mr. Jenkins makes an objection that the Board is even considering that a House of Worship is not an inherently a beneficial use.

- Dr. Cuartas not sure about the "degree" of the House of Worship. If a temporary location, and a portion of the practice. The limited benefit this will bring to the community. He believes a House of Worship can be inherently beneficial, but this is not the whole practice.
- Mrs. Murphy-Bradacs feels Board will be remiss if they determine it is not inherently beneficial.
- Dr. Ries asks if we are determining if this is inherently beneficial to the whole community or to the group who will be using the facility.

Mr. Mascera states that consistently religious institutions are considered to be inherently beneficial.

Chair McGinley asks if the Board is in agreement that this House of Worship is an inherently beneficial use. All Board members agree.

The Board discusses the Health & Safety Issues. Mr. Jenkins interjects that the applicant has agreed to cooperation with the Police Department; to provide and pay for additional police presence if conditioned by the Board. But is this practical and enforceable?

Chair McGinley asks for Motion
Motion to Deny - Mrs. DiBartolo; **Second** – Mr. Ryan

Roll Call Vote:

	AYES	NAYS	ABSTENTION	RECUSED	ABSENT
Dr. Cuartas		X			
Mr. Ryan		X			
Dr. Ries		X			
Mr. Tully					X
Mr. Matthewson		X			
Mr. Ryan					
Mrs. DiBartolo		X			
Vice-Chair Weston					X
Chair McGinley		X			
Mrs. Murphy-Bradacs		X			

Motion Denied
Chair McGinley asks for a break until 10:25pm

Board Reconvenes

- Chair McGinley asks for availability to carry application 2025-04- 271 Grove Ave to the next meeting of October 9th 2025;
- Adjourn the application to the October 9, 2025 Board of Adjustment hearing at 7:30PM without any further notice;
- Mr. Trembulak gives consent

Board comments and discussion on the efficiency of the hearings.

Executive Session – Not necessary;

Motion to Adjourn
Meeting Adjourned at 10:37 pm

Respectfully submitted,
Kathleen Miesch
Kathleen Miesch
Acting 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.