



RESOLUTION NO. 2026-16

TOWNSHIP OF VERONA ZONING BOARD OF ADJUSTMENT COUNTY OF ESSEX, STATE OF NEW JERSEY

Application No. 2026-10 257 Pompton Avenue, Block 104, Lot 1 Zone: C-2 District

RESOLUTION MEMORIALIZING THE GRANT OF A USE VARIANCE PURSUANT TO N.J.S.A. 40:55D-70(d)(1)

WHEREAS, Brian J. Aloia (the “Applicant”) is the owner of the property located at 257 Pompton Avenue, Verona, New Jersey, designated as Block 104, Lot 1 on the Township of Verona Tax Map (the “Property”); and

WHEREAS, the Property is located in the C-2 Zone District on the Township of Verona Zoning Map, and is improved with an existing building presently configured and occupied as three (3) residential dwelling units; and

WHEREAS, the Applicant submitted an application to the Verona Zoning Board of Adjustment (the “Board”) which was thereafter modified, as ultimately presented, to seek a use variance pursuant to N.J.S.A. 40:55D-70(d)(1) permitting the use of the existing building as a three-family residential dwelling (the “Application”); and

WHEREAS, the Board determined that the Applicant satisfied the notice requirements set forth in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and the Applicant having been permitted to proceed; and

WHEREAS, the Applicant appeared, was sworn and testified in support of the Application, and no other witnesses were presented on the Applicant’s behalf; and

APPLICABLE ORDINANCE PROVISIONS

WHEREAS, the Ordinance provision applicable to this Application and the variance required by the Applicant is as follows:

§ 150-7.11 Principal Permitted Uses — C-2 Zone District. Residential dwelling use, and in particular a three-family residential dwelling, is not among the principal permitted uses in the C-2 Zone District. A use variance pursuant to N.J.S.A. 40:55D-70(d)(1) is required; and

WHEREAS, no bulk, dimensional, or other variance relief was requested by the Applicant, and the testimony established that the Application requires a single D(1) use variance and no additional variances; and

TESTIMONY AND EVIDENCE

WHEREAS, the Applicant testified that the Property presently contains a building configured and occupied as three (3) residential dwelling units; and

WHEREAS, the Applicant testified that no exterior modifications are proposed, and that the existing driveways, garage, parking layout, patios, and building footprint will remain unchanged; and

WHEREAS, the Applicant testified that the only proposed interior alteration is the relocation of interior door openings so as to convert one existing one-bedroom apartment into a two-bedroom apartment; and

WHEREAS, the Applicant testified that the third-floor unit presently lacks a stove, and that if the Application were approved the Applicant would obtain all required permits to install a code-compliant stove, thereby completing that unit as a legal dwelling unit; and

WHEREAS, the Applicant testified that landscaping improvements, including the planting of flowers, are contemplated, but that no site changes or additions are proposed; and

WHEREAS, the Applicant addressed each item contained in the review letter of the Township Engineer, and testified that no exterior improvements or grading are proposed, no increase in impervious coverage will occur, the Property has experienced no flooding during the Applicant's ownership, no new mechanical equipment (HVAC units, or generators) are proposed, existing parking satisfies the requirements of the Ordinance through the garage and driveways, and roof leaders presently discharge onto absorbent surfaces, with no drainage or ponding issues observed; and

WHEREAS, the Board questioned the Applicant concerning the nature of the variance requested, the existing and proposed residential use, the historical use of the Property, parking assignments for tenants, and whether the Property had ever received approvals for three residential dwelling units; and

WHEREAS, the testimony established that the building has functioned as residential housing for many years, but that a legally approved three-family use has never existed at the Property; and

WHEREAS, the Applicant further testified that the proposal promotes an appropriate residential use of the Property, that the Application would not create substantial detriment to the public good, that the proposal would not substantially impair the intent or purpose of the Township's Master Plan or Zoning Ordinance, and that the proposed apartments would provide reasonably affordable housing options without altering the exterior character of the site; and

WHEREAS, the Chairman opened the hearing to members of the public for questions of the Applicant, and Anna Fusaro of Verona, New Jersey inquired why the Applicant sought a variance rather than using the Property as presently zoned, and Anthony Gardner of Vincent Place, Verona, New Jersey inquired whether an approved use would carry over to subsequent owners; and

WHEREAS, the Chairman opened the hearing to members of the public for statements concerning the Application, and Ms. Fusaro stated her opinion that the project would change the character of the neighborhood and voiced her opposition to the Application, and Mr. Gardner stated his concern as to the precedent that approval would set for future applications; and

WHEREAS, prior to deliberation, the Board Attorney advised the Board that the Applicant's position as Township Attorney should receive neither favorable nor unfavorable consideration, that a use variance, if granted, runs with the land, that approval would not establish automatic precedent for future applications, each of which must be evaluated independently upon its own merits, and that any future expansion or intensification of the nonconforming use would require additional approval of the Board; and

WHEREAS, the Board thereafter deliberated upon the Application; and

FINDINGS OF FACT AND CONCLUSIONS OF LAW

WHEREAS, the Board, having considered the Application, the testimony and evidence presented, the comments of the public, and the advice of the Board Attorney, makes the following findings of fact and conclusions of law:

1. The Board has jurisdiction over this Application pursuant to N.J.S.A. 40:55D-70(d)(1), and the notice and publication requirements of N.J.S.A. 40:55D-11 and 40:55D-12 were satisfied.
2. The Property is located in the C-2 Zone District, in which residential dwelling use is not a principal permitted use. The relief sought is accordingly a use variance under N.J.S.A. 40:55D-70(d)(1).
3. The Board expressly finds that no legally approved three-family use has ever existed at the Property. The existing three-unit configuration does not constitute a lawful pre-existing non-conforming use, and nothing in this Resolution shall be construed as a certification of a non-conforming use pursuant to N.J.S.A. 40:55D-68. The relief granted herein is a use variance, and the lawfulness of the three-family use derives solely from this Resolution.
4. The Applicant bears the burden of establishing both special reasons for the grant of the variance (the positive criteria) and that the variance can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and zoning ordinance (the negative criteria).
5. The Board finds that the Property is particularly suited for the proposed use, which constitutes a special reason for the grant of the variance. The building is already configured and occupied as three residential dwelling units, that no exterior modification, enlargement of the footprint, or site alteration is proposed, and the Property occupies a transitional location between the single-family residential neighborhood and the State Highway Route 23 corridor, such that residential occupancy of the existing structure is a reasonable and appropriate use of this particular parcel.
6. The Board further finds that the proposed use advances the purposes of the Municipal Land Use Law, including N.J.S.A. 40:55D-2(e) and (g), by promoting appropriate population densities and by providing sufficient space in an appropriate location for residential use, and that the retention of three modest dwelling units contributes to the variety of housing opportunities available within the Township.
7. The Board further finds that approval affords the opportunity for the existing units to be completed and improved under current construction codes and permit requirements, including the installation of a code-compliant stove in the third-floor unit, thereby advancing the public health and safety.
8. The Board finds that the proposed use can be reconciled with the omission of residential use from the list of permitted uses in the C-2 Zone District. The reconciliation rests upon the absence of any exterior change to the Property, the existing residential configuration and long-standing residential occupancy of the building, the transitional location of the Property between the single-family neighborhood and the highway corridor, the absence of any additional variance relief, and the finding that the proposed use will generate no greater traffic than the uses permitted in the C-2 Zone District.
9. The Board finds that the variance can be granted without substantial detriment to the public good. No exterior improvements or grading are proposed; there will be no increase in impervious coverage; no new mechanical equipment, HVAC units, or generators are proposed; existing parking satisfies the requirements of the Ordinance through the garage and driveways; existing drainage patterns are unchanged and no drainage or ponding issues have been observed; and the use will generate no greater traffic than the uses permitted in the Zone District.
10. The Board has considered the objections raised by the members of the public. As to the concern that the project would change the character of the neighborhood, the Board finds that no exterior modification whatsoever is proposed and that the building will present to the neighborhood exactly as it presently does. As to the concern regarding precedent, the Board finds, consistent with the advice of the Board Attorney, that the grant of this variance establishes no automatic precedent, and

that each application for development must be, and will be, evaluated independently upon its own merits and upon its own record.

11. The Board finds that the variance can be granted without substantially impairing the intent and purpose of the Master Plan and Zoning Ordinance of the Township of Verona, for the reasons set forth above and because the relief is confined to the existing structure and to a maximum of three dwelling units, with any expansion or intensification of the use requiring further application to and approval by this Board.
12. The Board finds that the Applicant has sustained his burden of proof with respect to both the positive and the negative criteria, and that the requested use variance is warranted.
13. The Board acknowledges the advice of the Board Attorney that the Applicant's position as Township Attorney is entitled to neither favorable nor unfavorable consideration, and the Board confirms that its determination rests solely upon the record made before it and upon the standards imposed by the Municipal Land Use Law.

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Verona that Application No. 2026-10 of Brian J. Aloia is hereby **GRANTED**, and the Applicant is granted a use variance pursuant to N.J.S.A. 40:55D-70(d)(1) permitting the use of the existing building on the Property as a three-family residential dwelling, subject to the following conditions:

1. The use of the Property shall be limited to three (3) residential dwelling units, and the Property shall be developed, used, and maintained in strict conformance with the plans submitted with the Application and the testimony presented to the Board at the hearing of July 9, 2026.
2. No exterior modifications to the building or the site are authorized by this Resolution. The existing building footprint, driveways, garage, parking layout, and patios shall remain unchanged.
3. The interior alterations authorized hereby are limited to the relocation of interior door openings so as to convert one existing one-bedroom apartment into a two-bedroom apartment, as testified to by the Applicant.
4. The Applicant shall obtain all required construction permits and shall install a code-compliant stove in the third-floor unit so as to complete that unit as a legal dwelling unit, and shall cause all three dwelling units to comply with all applicable construction, fire, housing, and property maintenance codes.
5. Parking shall continue to be provided on-site by means of the existing garage and driveways in satisfaction of the requirements of the Ordinance.
6. Any increase in the number of dwelling units, and any other expansion or intensification of the use approved hereby, shall require further application to and approval by this Board.
7. The Applicant shall obtain all other permits and approvals required by any governmental agency having jurisdiction over the Property, and shall comply with all applicable ordinances of the Township of Verona not otherwise varied herein.
8. The Applicant shall pay all applicable fees, escrows, and real estate taxes, and shall satisfy any outstanding obligations to the Township of Verona as a condition of the issuance of permits.

BE IT FURTHER RESOLVED that the use variance granted herein runs with the land, and that the variance is granted only as to the specific relief set forth in this Resolution and subject to each of the conditions imposed herein.

VOTE OF JULY 9, 2026

On motion of Vice Chair Weston, seconded by Dr. Cuartas, the foregoing Application was approved at the Regular Meeting of the Board held on July 9, 2026, by the following roll call vote, six (6) members voting in the affirmative, thereby satisfying the requirement of N.J.S.A. 40:55D-70(d) that a use variance be granted only upon the affirmative vote of at least five (5) members of the Board:

Board Member	AYE	NAY	ABSTAIN	RECUSED	ABSENT	NOT ELIGIBLE
Mr. Tully	X					
Dr. Ries					X	
Dr. Cuartas	X					
Mrs. Murphy-Bradacs						X
Mr. Mathewson						X
Mr. Ryan	X					
Mrs. DiBartolo	X					
Vice Chair Weston	X					
Chairman McGinley	X					

BE IT FURTHER RESOLVED that this Resolution constitutes the memorialization, pursuant to N.J.S.A. 40:55D-10(g), of the action taken by the Board on July 9, 2026, and was adopted at the Regular Meeting of the Zoning Board of Adjustment of the Township of Verona held on August 13, 2026, by the following vote of the members eligible to vote, being those members who voted in favor of the action on July 9, 2026:

Motion to adopt: Mrs. DiBartolo Second: Mr. Ryan

Board Member	AYE	NAY	ABSTAIN	RECUSED	ABSENT	NOT ELIGIBLE
Mr. Tully					X	
Dr. Cuartas					X	
Mr. Ryan	✓					
Mrs. DiBartolo	✓					
Vice Chair Weston	✓					
Chairman McGinley					X	

I, Dolores Carpinelli, Secretary of the Zoning Board of Adjustment of the Township of Verona, do hereby certify that the foregoing is a true and accurate copy of a Resolution adopted by the Zoning Board of Adjustment of the Township of Verona at its Regular Meeting held on August 13, 2026, memorializing the action taken by the Board on July 9, 2026.

Dolores Carpinelli
Dolores Carpinelli, Secretary
Verona Zoning Board of Adjustment

Scott Weston
Scott Weston, Vice-Chairman
Verona Zoning Board of Adjustment

