



RESOLUTION NO. 2026-18

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

In the Matter of the Appeal of Bella Princess, LLC
Application No. 2026-12
553-555 Bloomfield Avenue, Block 1806, Lot 19
Zone: TC (Town Center) District

RESOLUTION MEMORIALIZING THE DENIAL OF AN APPEAL PURSUANT TO N.J.S.A. 40:55D-70(a) AND (b) AND THE AFFIRMANCE OF THE RESCISSION OF ZONING PERMIT NO. 2022-275

WHEREAS, Bella Princess, LLC (the “Appellant”) occupies the first-floor commercial tenant space at the property known as 553-555 Bloomfield Avenue, Verona, New Jersey, designated as Block 1806, Lot 19 on the Township of Verona Tax Map (the “Property”); and

WHEREAS, the Property is located in the TC (Town Center) Zone District on the Township of Verona Zoning Map; and

WHEREAS, by letter dated May 6, 2026, the Zoning Officer of the Township of Verona rescinded Zoning Permit No. 2022-275, which had been issued to the Appellant by the former Zoning Officer, upon the determination that the permit had been issued without authority (the “Rescission”); and

WHEREAS, the Appellant filed an appeal of the Rescission with the Verona Zoning Board of Adjustment (the “Board”) pursuant to N.J.S.A. 40:55D-70(a), together with a request for interpretation pursuant to N.J.S.A. 40:55D-70(b), which appeal was filed within the time prescribed by N.J.S.A. 40:55D-72(a) (the “Appeal”); and

WHEREAS, this matter was heard during a Regular Meeting of the Verona Zoning Board of Adjustment conducted on July 9, 2026, at which time it was established that the Appellant had satisfied the applicable notice requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and the Appellant was permitted to proceed; and

WHEREAS, Anthony Bocchi, Esq. appeared on behalf of the Appellant, and advised the Board that he had substituted as counsel for the Appellant after the application and notice had been filed and had thereafter filed a notice of appearance; and

WHEREAS, Martha Peralta, the owner and operating manager of the Appellant, was sworn in by the Board Attorney and testified on behalf of the Appellant; and

WHEREAS, Kathleen Miesch, the Zoning Officer of the Township of Verona, appeared and explained the basis for the Rescission; and

WHEREAS, the Board was advised by the Board Attorney that the Appeal is heard by the Board de novo, that the Board possesses all of the powers of the administrative officer from whose decision the appeal is taken, and that the burden of proof rests upon the Appellant to establish that the Zoning Officer erred; and

THE 2020 RESOLUTION AND ZONING PERMIT NO. 2022-275

WHEREAS, by resolution adopted in 2020 (the "2020 Resolution"), the Board granted approval permitting three one-bedroom residential dwelling units on the second floor of the Property and authorizing the existing first-floor commercial tenant space to be used for retail use, personal service use, or retail service use; and

WHEREAS, the 2020 Resolution constitutes the controlling authorization governing the permissible use of the first-floor commercial tenant space at the Property; and

WHEREAS, the application resulting in the 2020 Resolution was submitted by the then-owner of the Property, before the first-floor space was occupied by the Appellant; neither Ms. Peralta nor the Appellant appeared before the Board in connection with that application; and the Board had not, prior to the hearing of this Appeal, heard directly from the Appellant concerning its operations at the Property; and

WHEREAS, Zoning Permit No. 2022-275 was thereafter issued to the Appellant by the former Zoning Officer, and the Appellant has operated at the Property since 2023; and

WHEREAS, the Zoning Officer determined, and advised the Board, that the 2020 Resolution authorized the first-floor commercial premises for retail use, personal service use, or retail service use; that the Appellant's current operation, including the hosting of private and ticketed events, does not fall within those authorized uses; that an event space is not a permitted use in any zoning district within the Township; and that the former Zoning Officer had no authority to approve an event-space use; and

WHEREAS, the Township's position, as presented to the Board, is that the former Zoning Officer did not possess the authority to approve a use inconsistent with the 2020 Resolution; and

POSITIONS OF THE APPELLANT

WHEREAS, counsel for the Appellant argued that the business is consistent with the 2020 Resolution's authorization of retail use, personal service use, or retail service use; disputed the characterization of the Appellant as merely an event-rental space; and described the business as a staffed operation providing recreation, entertainment, and limited food service; and

WHEREAS, counsel for the Appellant further argued that the Township's zoning ordinance was amended in 2026 to include commercial recreation facilities as a permitted use in the TC Zone District, and that the Appellant could fall within that definition because it operates as a business open to the public for a fee; and

WHEREAS, the Appellant argued, in the alternative, that it had received approval from the former Zoning Officer to operate the business; and

TESTIMONY AND EVIDENCE

WHEREAS, Ms. Peralta testified that she has operated the business at the Property since 2023, and has been engaged in the business of providing children's themed parties for approximately twenty (20) years; and

WHEREAS, counsel for the Appellant read to the Board from the 2020 Resolution, and Ms. Peralta confirmed her understanding of the uses authorized thereby, namely retail use, personal service use, and retail service use; and

WHEREAS, Ms. Peralta testified that approximately ninety percent (90%) of the business consists of children's parties, which she described as staffed events involving party directors, costumed characters, assistants, food and beverage service, crafts, story time, dancing, and other organized activities; and

WHEREAS, Ms. Peralta distinguished the business from a conventional rental hall, testifying that the Appellant does not simply rent an empty room to customers, but rather that customers purchase packages that include services and activities provided by the business; and

WHEREAS, Ms. Peralta testified that the Appellant also operates a café which is open to the general public when operating and which offers coffee, pastries, pizza, and other limited food and beverage items; that the café component was included in the business plan submitted in connection with the zoning permit; and that the business maintains a health permit for the sale of food; and

WHEREAS, Ms. Peralta testified that the Appellant conducts ticketed public events, including princess-themed programs and tea parties, which may include character appearances, entertainment, crafts, story time, dancing, and other activities, and for which customers purchase tickets to attend; and

WHEREAS, Ms. Peralta acknowledged that the Appellant offers the premises for private functions, including baby showers, bridal showers, office gatherings, corporate events, and similar occasions, which events may include party coordination, food and beverage service, coffee-bar service, decorations, and other services provided by the Appellant; and

WHEREAS, Ms. Peralta testified that the Appellant does not simultaneously operate the café for the general public while a private or ticketed event is taking place in the same space, and that the space is used either for public café operations or for the scheduled event; and

WHEREAS, Ms. Peralta testified that customers are directed to available municipal parking, and that children's parties generally involve approximately twenty (20) children, together with adults and staff; and

WHEREAS, the Board reviewed the Appellant's advertising of the premises as an exclusive event space, and discussed the implications of that representation in determining the actual use of the Property; and

WHEREAS, the Board reviewed the applicable zoning definitions, including the definitions of event space, personal service establishment, and commercial recreation facility, and

the ordinance provisions concerning event spaces, and noted that event spaces are prohibited throughout the Township; and

WHEREAS, the Board questioned the Appellant concerning occupancy, customer traffic, parking, the number of persons attending events, and the arrival and departure of groups; and

WHEREAS, the Board thereafter deliberated upon the Appeal, considering the actual operation of the business, including the children's parties, ticketed events, private functions, café operations, food service, advertising, staffing, and customer traffic; and

FINDINGS OF FACT

WHEREAS, the Board, having considered the Appeal, the testimony and evidence presented, and the arguments of counsel, makes the following findings of fact:

1. The use of the first-floor commercial tenant space at the Property is governed by the 2020 Resolution, which authorized that space for retail use, personal service use, or retail service use, and by no broader authorization.
2. Neither the Appellant nor Ms. Peralta appeared before the Board in connection with the 2020 application, and the Board had no occasion, prior to this Appeal, to consider the operations that the Appellant in fact conducts at the Property.
3. Approximately ninety percent (90%) of the Appellant's business consists of children's themed parties, which are scheduled, staffed events at which groups of invited or ticketed patrons assemble at the premises.
4. The Appellant additionally conducts ticketed public events at scheduled times, and offers the premises for private functions including baby showers, bridal showers, office gatherings, and corporate events.
5. The Appellant operates a café open to walk-in members of the general public; however, the café is not operated for the general public while a private or ticketed event is taking place, the space being committed either to public café operations or to the scheduled event, but not to both.
6. The Appellant advertises the premises as an exclusive event space.
7. Patrons attending events at the premises arrive and depart in groups at approximately the same time, producing a land use impact — in traffic, parking demand, and concentration of persons — that is characteristic of a facility at which scheduled events constitute the principal activity, and that is distinct from the impact of a retail or personal service establishment serving individual patrons throughout the day.
8. The Board finds that the principal use of the premises is the hosting of scheduled private and ticketed events. The café operation, while genuine, is subordinate to and is displaced by that principal use whenever the two conflict.
9. The Board has determined the actual land use occurring at the premises upon the evidence adduced, rather than upon the label that the Appellant has applied to its business. The Board

accepts Ms. Peralta's testimony that the Appellant provides substantial staffing, services, and activities in connection with its events, and that the Appellant is not a conventional rental hall; the Board finds, however, that the provision of those services does not alter the essential character of the use, which is the assembly of groups at the premises for scheduled events.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the Appeal pursuant to N.J.S.A. 40:55D-70(a), the Rescission being a decision made by an administrative officer in the enforcement of the zoning ordinance, and over the request for interpretation pursuant to N.J.S.A. 40:55D-70(b). The Appeal was timely filed pursuant to N.J.S.A. 40:55D-72(a).
2. The Board reviews the Rescission de novo, possesses all of the powers of the administrative officer from whose decision the appeal is taken, and may reverse, affirm in whole or in part, or modify that decision. The burden of proof rests upon the Appellant to establish that the Zoning Officer erred.
3. The use actually conducted at the premises is not a retail use, a personal service use, or a retail service use within the meaning of the 2020 Resolution. A personal service establishment is characterized by the rendering of services to individual patrons; a retail use and a retail service use are characterized by the sale of goods or services to members of the public who come to the premises individually and in the ordinary course. The Appellant's principal activity is instead the hosting of assembled groups at scheduled private and ticketed events.
4. The use actually conducted at the premises is properly characterized as an event space. Event spaces are prohibited in every zoning district within the Township of Verona. The Board concludes that the specific prohibition of event spaces controls over any more general category of permitted use into which the Appellant seeks to place its operations.
5. The Board has considered the Appellant's argument that its operations fall within the definition of a commercial recreation facility added to the permitted uses in the TC Zone District by the 2026 amendment to the zoning ordinance, and rejects that argument. The Appellant's principal activity is not the provision of recreation to members of the public attending the premises individually, but the hosting of scheduled events for assembled groups. Moreover, the validity of Zoning Permit No. 2022-275 is measured by the ordinance and the approvals in effect at the time the permit was issued, and a subsequent amendment to the zoning ordinance cannot retroactively supply authority that the issuing officer did not possess.
6. Because the use actually conducted at the premises is neither a permitted use in the TC Zone District nor a use authorized by the 2020 Resolution, that use could lawfully be authorized only by a use variance granted by this Board pursuant to N.J.S.A. 40:55D-70(d)(1). No such variance has ever been sought or granted.
7. The former Zoning Officer possessed no authority to approve a use that the zoning ordinance prohibits and that the 2020 Resolution did not authorize. The power to grant a

use variance is vested exclusively in the Board, and no administrative officer may exercise it. Zoning Permit No. 2022-275 was therefore issued ultra vires and is void, and it conferred upon the Appellant no right to conduct the use in question.

8. The Zoning Officer accordingly did not err in rescinding Zoning Permit No. 2022-275, and the Appellant has not sustained its burden of establishing that the Rescission was in error.
9. The Board has considered the Appellant's alternative contention that it received approval from the former Zoning Officer to operate the business. To the extent that contention sounds in equitable estoppel, the Board declines to adjudicate it, that doctrine lying beyond the Board's jurisdiction and being reserved to a court of competent jurisdiction. The Board notes in this connection the settled distinction between municipal action that is ultra vires in the primary sense and action that is merely an irregular exercise of a power the municipality possesses. *See Gruber v. Mayor & Twp. Comm. of Raritan Twp.*, 39 N.J. 1 (1962). Nothing in this Resolution is intended to determine, or to prejudice, any claim of estoppel, vested rights, or reliance that the Appellant may assert in another forum.
10. This proceeding is an appeal and a request for interpretation. No application for a use variance is before the Board, and the Board does not and cannot grant use variance relief in this proceeding.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Verona that the Appeal of Bella Princess, LLC, designated Application No. 2026-12, is hereby **DENIED**, and the determination of the Zoning Officer set forth in her letter of May 6, 2026 rescinding Zoning Permit No. 2022-275 is hereby **AFFIRMED**; and it is further

RESOLVED that Zoning Permit No. 2022-275 was issued ultra vires, is void, and is of no force or effect; and it is further

RESOLVED that the Board, upon the Appellant's request for interpretation pursuant to N.J.S.A. 40:55D-70(b), determines that the use actually conducted at the premises constitutes an event space, that an event space is not a permitted use in any zoning district within the Township of Verona, and that the use is not within the retail use, personal service use, or retail service use authorized by the 2020 Resolution; and it is further

RESOLVED that the Appellant is advised that an application to this Board for a use variance pursuant to N.J.S.A. 40:55D-70(d)(1) is the appropriate avenue by which to seek authorization for the use it wishes to conduct at the Property, and that nothing in this Resolution shall be construed to prejudge the merits of any such application, which would be heard and determined upon its own record; and it is further

RESOLVED that the Secretary of the Board shall cause notice of this decision to be published in the official newspaper of the Township of Verona in accordance with N.J.S.A. 40:55D-10(i).

VOTE OF JULY 9, 2026

On motion of Mrs. DiBartolo, seconded by Vice Chair Weston, to affirm the rescission of Zoning Permit No. 2022-275, to find that the permit was issued ultra vires and is void, and to advise the Appellant that a use variance application is the appropriate avenue for seeking authorization for the proposed use, the foregoing action was taken at the Regular Meeting of the Board held on July 9, 2026, by the following roll call vote:

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					

MEMORIALIZATION

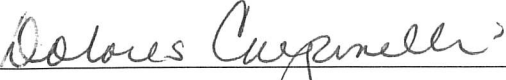
BE IT FURTHER RESOLVED that this Resolution constitutes the memorialization, pursuant to N.J.S.A. 40:55D-10(g), of the action taken by the Board on July 9, 2026, and was adopted at the Regular Meeting of the Zoning Board of Adjustment of the Township of Verona held on August 13, 2026, by the following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

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

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

CERTIFICATION

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, Secretary
Verona Zoning Board of Adjustment



Scott Weston, Vice-Chairman
Verona Zoning Board of Adjustment