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

RESOLUTION NO. 2026-27
In the Matter of the Appeal of Cynthia Bynes
Application No. 2026-23
340 Bloomfield Avenue, Block 703, Lot 8
Zone: TC (Town Center) District

RESOLUTION MEMORIALIZING THE DENIAL OF AN APPEAL PURSUANT TO N.J.S.A. 40:55D-70(a) AND THE AFFIRMANCE OF THE RESCISSION OF ZONING PERMIT NO. 2021-194

WHEREAS, Cynthia Bynes (the "Appellant"), owns, operates, and occupies commercial tenant space at the property known as 340 Bloomfield Avenue, Verona, New Jersey, designated as Block 703, Lot 8 on the Township of Verona Tax Map (the "Property") to operate the business known as Esteemed Events and Planning; and

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

WHEREAS, Zoning Permit No. 2021-194 (the "Permit") was issued to the Appellant by the former Zoning Officer of the Township of Verona in connection with the Appellant's business at the Property; and

WHEREAS, by letter dated May 6, 2026, the Zoning Officer of the Township of Verona rescinded the Permit upon the determination that the use conducted by the Appellant at the Property is an event space, which is not a permitted use in the TC Zone District, rather than an on-site catering establishment (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), designated Application No. 2026-23 (the "Appeal"); and

WHEREAS, this matter was heard during a Regular Meeting of the Board conducted on October 8, 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, Jason Steinberg, Esq., of Steinberg Law Firm, LLC, Parsippany, New Jersey, appeared on behalf of the Appellant; and

WHEREAS, Cynthia Bynes, of 352 Yale Avenue, Hillside, New Jersey, was sworn in by the Board Attorney and testified on her own behalf; and

WHEREAS, Dorothy Campbell Bass, of Irvington, New Jersey, and Tara Jurro, of Oak Ridge, New Jersey, each a former customer of the Appellant, were 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, was present at the hearing; and

WHEREAS, the Board was advised that the Appeal is a review of the determination of the Zoning Officer, and not a rehearing of the original zoning permit application; that the Board possesses all of the powers of the administrative officer from whose decision the appeal is taken; and that the question before the Board is whether the Zoning Officer's interpretation of the Zoning Ordinance, as applied to the Appellant's use of the Property, is correct upon the ordinance and the record before the Board; and

POSITIONS OF THE APPELLANT

WHEREAS, counsel for the Appellant presented a history of the Appellant's business, and argued that the business was originally approved by the former Zoning Officer under the category of on-site catering because the Zoning Ordinance, at the time the Permit was issued, did not contain a specific definition of "event space"; and

WHEREAS, counsel for the Appellant argued that the business has consistently provided food service at the events conducted at the Property; that the former Zoning Officer treated the use as generally fitting the definition of an on-site caterer; and that the approval should continue as a previously permitted use notwithstanding that the Zoning Ordinance and its terminology have subsequently changed; and

WHEREAS, counsel for the Appellant further argued that the definition of event space was added to the Zoning Ordinance after the Permit was issued, and that the Appellant's use should be evaluated under the ordinance and interpretation in effect at the time of the original approval; and

TESTIMONY AND EVIDENCE

WHEREAS, Ms. Bynes described the Appellant's business as an event space at which customers hold meetings and parties; testified that the business has been beneficial to the community because her customers purchase food and beverages for their events from neighboring businesses; and described her own role as providing or arranging for food and service, table settings, and other event-related assistance; and

WHEREAS, Ms. Bass testified that she hired the Appellant's venue to host an 80th birthday party; that she provided the food for the event and brought it in from an outside source; that Ms. Bynes provided, and charged for, waiter and waitress service and the provisions for hot buffet-style food service; that no food was prepared on-site; and that this was a one-time event; and

WHEREAS, Ms. Jurro testified that she contracted with Ms. Bynes to host a birthday and empowerment party at the Appellant's venue; that the contract included the provision of brunch food and waiter and waitress service by Ms. Bynes; and that this was a one-time event; and

WHEREAS, no member of the public appeared to question the witnesses or to comment upon the Appeal; and

WHEREAS, the Board reviewed the application materials, including the Appellant's zoning permit application, which described the business as an event space and meeting room for private events; and

WHEREAS, the Board reviewed the definition of event space contained in the Zoning Ordinance, being a commercial venue rented or retained for a planned activity at a specific time,

such as a birthday party, wedding or business conference, and the provisions of the Zoning Ordinance concerning on-site and off-site catering establishments; and

WHEREAS, the Board considered the distinction between on-site and off-site catering, and whether the food service provided by the Appellant constitutes the primary use of the premises or is ancillary to the rental of the venue; considered the testimony that food has been served at events held at the Property, including an event for which the food was brought in by the customer from an outside source and served on-site; and considered whether customers could rent the premises without the Appellant's catering or staff services, and whether the operation is therefore a hybrid of an event space and a catering establishment; and

WHEREAS, the Board further considered whether the former Zoning Officer possessed the authority to approve the use under the catering category, whether the use as conducted meets the definition of a permitted catering establishment, and whether a subsequent amendment of the Zoning Ordinance could invalidate a previously lawful use; and

WHEREAS, the Board was advised by the Board Attorney that, in the event the Appeal were denied, the Appellant could return to the Board to seek a use variance under the current provisions of the Zoning Ordinance; and

WHEREAS, in its deliberations, members of the Board concluded that the business functions as an event space and that its operation does not fit the definition of an on-site caterer contained in the Zoning Ordinance; noted that the Appellant's original zoning permit application expressly described the business as an event space and meeting room; and noted that the former Zoning Officer's statement that the use "generally" fit the definition of a caterer indicated that the classification of the use as a catering establishment was not definitive; and

WHEREAS, the Board acknowledged that the definition of event space was not contained in the Zoning Ordinance at the time the original application was submitted, and considered the Appellant's reliance upon the guidance previously furnished by the Township; and the Board's deliberations were directed to the proper interpretation of the Zoning Ordinance and did not question the Appellant's good faith; 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 Appellant's zoning permit application, upon which the Permit was issued, described the proposed business as an event space and meeting room for private events.

2. The Appellant's business consists of the rental of the premises to customers for planned activities held at specific times, including birthday parties, meetings and similar private events.

3. The food service provided at the premises is ancillary to the rental of the venue. The testimony established that customers may, and do, bring in food from outside sources for their events; that no food was prepared on-site at the events described by the witnesses; and that the services furnished by the Appellant in connection with such events consist of waiter and waitress service, buffet provisions, table settings and event coordination.

4. The Appellant's customers hold their events at the premises; the Appellant does not furnish food prepared at the premises for consumption elsewhere.

5. The former Zoning Officer, in approving the Permit, stated that the use "generally" fit the definition of a caterer. The Board finds that this qualified characterization did not constitute a definitive determination that the Appellant's business is a catering establishment.

6. The Board has determined the actual land use occurring at the premises upon the evidence adduced, rather than upon the category under which the Permit was issued, and finds that the principal use of the premises is that of an event space.

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.

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 rests upon the Appellant to establish that the Zoning Officer erred.

3. The use actually conducted at the premises is an event space within the meaning of the Zoning Ordinance, being a commercial venue rented or retained for planned activities at specific times, such as birthday parties, meetings and similar functions.

4. The use actually conducted at the premises is not an on-site catering establishment within the meaning of the Zoning Ordinance. The ancillary provision of wait staff, buffet provisions and event coordination in connection with the rental of the venue does not convert an event space into a catering establishment, particularly where the food served is brought to the premises by the customer from outside sources and is not prepared on-site.

5. An event space is not a permitted use in the TC Zone District. The authorization of such a use requires a use variance granted by this Board pursuant to N.J.S.A. 40:55D-70(d)(1), and no such variance has been sought or granted.

6. The Board has considered the Appellant's argument that the Permit should be evaluated under the Zoning Ordinance as it existed before the definition of event space was adopted, and rejects that argument. The Appellant's own application described the business as an event space and meeting room, and the Board finds that the business as conducted was not a catering establishment under the Zoning Ordinance as it existed at the time the Permit was issued. The subsequent adoption of a definition of event space did not convert a permitted use into a prohibited one; rather, it confirmed that a use of the kind conducted by the Appellant was not among the uses permitted in the TC Zone District. The former Zoning Officer possessed no authority to approve a use not permitted by the Zoning Ordinance, the power to authorize such a use being vested exclusively in this Board.

7. The Zoning Officer accordingly did not err in rescinding the Permit, and the Appellant has not sustained its burden of establishing that the Rescission was in error.

8. This proceeding is an appeal pursuant to N.J.S.A. 40:55D-70(a). No application for a use variance is before the Board, and 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. To the extent the Appellant asserts any claim founded upon its reliance on the Permit or upon the guidance of the former Zoning Officer, the Board makes no determination of any such claim, which lies beyond the Board's jurisdiction.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Verona that the Appeal of Cynthia Bynes, designated Application No. 2026-23, is hereby **DENIED**, and the determination of the Zoning Officer set forth in her letter of May 6, 2026 rescinding Zoning Permit No. 2021-194 is hereby **AFFIRMED**; and it is further

RESOLVED that the Board determines that the use conducted by the Appellant at the premises known as 340 Bloomfield Avenue constitutes an event space within the meaning of the Zoning Ordinance of the Township of Verona; that an event space is not a permitted use in the TC Zone District; and that the use is not an on-site catering establishment; 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 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 OCTOBER 8, 2026

On motion of Vice Chair Weston, seconded by Dr. Ries, to deny the Appeal and to affirm the rescission of Zoning Permit No. 2021-194, the foregoing action was taken at the Regular Meeting of the Board held on October 8, 2026, by the following roll call vote:

Board Member	AYE	NAY	ABSTAIN	RECUSED	ABSENT	NOT ELIGIBLE
Mr. Konrad-Parisi						X
Mr. Tully		X				
Mr. Raff	X					
Dr. Ries	X					
Dr. Cuartas	X					
Mrs. Murphy-Bradacs					X	
Mr. Mathewson					X	
Mr. Ryan		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 October 8, 2026, and was adopted at the Regular Meeting of the Zoning Board of Adjustment of the Township of Verona held on November 12, 2026, by the following vote of the members eligible to vote, being those members who voted in favor of the action on October 8, 2026:

Motion to adopt: Vice Chair Weston Second: Dr Ries

Board Member	AYE	NAY	ABSTAIN	RECUSED	ABSENT	NOT ELIGIBLE
Mr. Raff					X	
Dr. Ries	✓					
Dr. Cuartas					X	
Vice Chair Weston	✓					
Chairman McGinley	✓					

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 November 12, 2026, memorializing the action taken by the Board on October 8, 2026.

Dolores Carpinelli

Dolores Carpinelli, Secretary
Verona Zoning Board of Adjustment

Daniel McGinley, Chairman
Verona Zoning Board of Adjustment