

IN THE MATTER OF THE APPLICATION
OF
555 BLOOMFIELD AVENUE VERONA, LLC

BOARD OF ADJUSTMENT
TOWNSHIP OF VERONA
ESSEX COUNTY, NEW JERSEY

WHEREAS, the Applicant, 555 Bloomfield Avenue Verona, LLC (the “Applicant”) is also the Owner of the property at 553-555 Bloomfield Avenue, Verona, New Jersey, said property also being known as Block 1806, Lot 19 (the “Property”), and located in an TC (Town Center) Zone;

WHEREAS, the Applicant, submitted an application for preliminary and final major site plan approval with associated variances to the Verona Zoning Board of Adjustment seeking approval to convert the second story of an existing building to three 1-bedroom residential dwellings units and to use the existing commercial tenant space on the first floor for either retail, personal service or retail service uses;

WHEREAS, the Applicant provided adequate notice of the public hearings in accordance with the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et. seq.* and the requirements of the Township of Verona;

WHEREAS, the Verona Zoning Board of Adjustment (the “Board”) had jurisdiction to consider the application;

WHEREAS, a remote public hearing was conducted regarding this application on August 13, 2020;

WHEREAS, the Applicant was represented by New Jersey Attorney David Owen, Esq. with an address of 52 Upper Montclair Plaza in Upper Montclair, NJ 07043, and appearing on behalf of Applicant were Joseph Valente as representative of Applicant and property owning entity 555 Bloomfield Avenue Verona, LLC with an address of 277 Bloomfield Avenue, Verona NJ 07044, New Jersey Licensed Architect Daniel Dressel with an address of 19 Edstan Drive, Moonachie NJ 07074 and New Jersey Licensed Planner Nicholas Graviano with an address of 101 Crawfords Corner Road, Holmdel NJ 07733;

WHEREAS, a copy of the application together with supporting documentation was filed with the Board as well as their professionals and the Board considered the testimony presented by these experts and their reports in reaching a decision on this application;

WHEREAS, the Applicant requested approval of a use variance pursuant to N.J.S.A. 40:55D-70(d)(1) in order to permit the conversion of the second floor of the building to a residential use, namely three 1-bedroom apartments over either a retail service or a personal service use which is not permitted in the TC Zone pursuant to Verona Ordinance Section 150-17.14.A as well as a use variance pursuant to N.J.S.A. 40:55D-70(d)(3) in order to permit the conversion of the second floor of the building to a residential use, namely three 1-bedroom

apartments over retail use which is a conditional use in the TC Zone pursuant to Verona Ordinance Section 150-17.14.D.1 but where the application does not meet the required conditions namely the minimum rear yard setback requirement pursuant to Verona Ordinance Section 150-17.14.D and Section 150-17.14.C.7 where a minimum rear yard setback of 20 feet is required and a rear yard setback of 0 feet is provided and the minimum open space requirement where a minimum 20% of lot area must be devoted to open space pursuant to Verona Ordinance Section 150-8.3.B.3 and 0% of lot area is devoted to open space; and

WHEREAS, the Board having fully heard the testimony of the witnesses, who were sworn and accepted as experts in their respective fields, and examined the exhibits presented at the hearings as well as the reports issued by the township and board professionals, and having heard the arguments of the parties during the remote public hearing on August 13, 2020 has made the following findings:

- (1) The Property is occupied by a two story brick building located at the corner of Bloomfield Avenue and Lakeside Avenue across the street from Verona Park. There is also a rear section of the building visible only from Lakeview Avenue which is one story adjacent to a paved parking area accessible only from Lakeview Avenue;
- (2) The first floor of the building was previously occupied by a retail use specifically a sporting goods store and a personal service use specifically a hair salon with the second floor of the building designated for office use. The building is currently under renovations and both the former sporting goods store and second floor office space are presently vacant while the hair salon currently remains in operation;
- (3) The Applicant seeks to convert the second story of the building to three 1-bedroom residential dwelling units and to obtain the necessary variance relief in order to utilize the entire ground floor tenant space including the tenant space now occupied by the hair salon for either retail, retail service or personal service uses;
- (4) The Applicant further seeks to make site improvements to the paved parking area to include installing planters which will be in front of the two proposed parking spaces and aesthetic improvements to the one story section of the building;
- (5) Architect Daniel Dressel testified that the Applicant was seeking to make improvements to the existing building to retrofit both the first and second floors to be more compatible with the needs of the neighborhood and the community;
- (6) Architect Daniel Dressel described the proposed improvements in detail and confirmed that the building would be fully sprinklered;

- (7) In response to a board member question with regard to the location of the air conditioning units, Architect Daniel Dressel testified that each residential dwelling unit proposed would have its own individual condenser unit which would be located on the roof. Mr. Dressel further indicated that the condenser units would be screened by the parapet wall and would not be visible from the street level;
- (8) In response to a board member question regarding the available parking for the proposed residential dwelling units, Joseph Valente testified that the tenants for two of the three residential dwelling units would be assigned one parking space each in the on-site parking lot and the tenant for the third residential dwelling unit would be provided with a permit to park in the municipal lot across Bloomfield Avenue at the expense of the property owner;
- (9) Planner Nicholas Graviano began his testimony explaining the previous and current use of the Property and then discussed the proposed uses and the variances being requested in connection with the approvals;
- (10) Planner Nicholas Gravino explained that whether a use variance pursuant to section d(1) or section d(3) is required, there are specific purposes of zoning set forth at N.J.S.A. 40:55D-2, and therefore “special reasons” exist which support the argument in favor of the relief requested;
- (11) With regard to the positive criteria, Planner Nicholas Gravino testified that the project will promote the general welfare because the property is particularly suited for the project and the proposed combination of uses at the intersection of Bloomfield Avenue and Lakeside Avenue will be successful given the history of both retail use and personal service use on the first floor and given nearby ample on-street parking and off-street parking opportunities;
- (12) According to Planner Nicholas Gravino, the project and combination of uses will also provide additional tenant space at an appropriate location for the residential and commercial uses to meet the needs of all citizens;
- (13) Also to the positive criteria Planner Nicholas Gravino stated that the project will promote the free flow of traffic because of the ample nearby on-street and off-street parking available, will promote business activity through the renovation of the building and will create a desirable visual environment and promote the efficient use of land;
- (14) With regard to the negative criteria, Planner Nicholas Gravino testified that the variances requested will not cause any substantial detriment to the public good or any substantial impairment of the master plan or zoning ordinance;

- (15) According to Planner Nicholas Gravino retail uses, retail service uses and personal service uses are all permitted in the TC Zone and residential units over retail uses would be a conditional use in the TC Zone. Mr. Gravino further testified that residential dwelling units over retail uses, retail service uses and personal service uses will not have any adverse effect upon the surrounding properties and will likely strengthen the surrounding properties;
- (16) According to Planner Nicholas Gravino the proposed renovation of the existing building will help meet the continuing demand for small apartments and personal service and retail service establishments; and
- (17) Lastly Planner Nicholas Gravino testified that the proposed development was in accordance with the Verona Master Plan which in the goals and objectives section at paragraph 8 seeks to “encourage the renovation and rehabilitation of existing buildings and storefronts” and in the land use plan element at Town Center District calls for “pedestrian-oriented” business and a “pedestrian-oriented” district. According to Mr. Gravino this project implements these objectives and policies because the proposed uses are in furtherance of both building renovation and “walk-in” pedestrian business.

AND WHEREAS, the Board having made the following legal conclusions:

- (1) The TC (Town Center) Zone is primarily intended to promote commercial uses and retail uses in the mixed-use context where the residential use is roughly equal to the commercial use. In addition the uses proposed for the first floor namely either retail, retail service or personal service uses are all permitted uses in the TC Zone without the residential component as proposed by the Applicant;
- (2) The proposed renovation and use of the building is appropriate for the site and is not in conflict with the intent and purpose of the zoning ordinance and zone plan;
- (3) The proposed renovation and use of the building will be an appropriate improvement to the subject property;
- (4) The proposed renovation and use of the building will advance the purposes of the Municipal Land Use Law as set forth herein in that it will enable the Applicant to enhance the use of the subject property, and will improve the aesthetics of the same, thereby promoting the general welfare of the Township and its residents;

- (5) The site is particularly suited to the proposed renovation and use of the building;
- (6) With respect to the use variance pursuant to N.J.S.A. 40:55D-70(d)(1) the Applicant addressed and provided an enhanced quality of proof insofar as applicable;
- (7) With respect to the use variance pursuant to N.J.S.A. 40:55D-70(d)(3) the Applicant proved that the Property can accommodate and continues to be appropriate for the conditional use notwithstanding that it does not meet the conditional use requirements due to 2 longstanding conditions of the property;
- (8) The proposed renovation and use of the building will be an upgrade of the property that will not adversely affect the intent or purpose of the zone plan; and
- (9) The renovation and use of the building will not cause a substantial detriment to the public good.

NOW THEREFORE, be it unanimously resolved by the Board of Adjustment of the Township of Verona that the Applicant's proposal to convert the second story of an existing building to three 1-bedroom residential dwellings units and to use the existing commercial tenant space on the first floor for either a retail use, a personal service use or a retail service use, and for the approval of a preliminary and final major site plan in addition to a use variance pursuant to N.J.S.A. 40:55D-70(d)(1) in order to permit the conversion of the second floor of the building to a residential use, namely three 1-bedroom apartments over either a retail service or a personal service use which is not permitted in the TC Zone pursuant to Verona Ordinance Section 150-17.14.A as well as a use variance pursuant to N.J.S.A. 40:55D-70(d)(3) in order to permit the conversion of the second floor of the building to a residential use, namely three 1-bedroom apartments over retail use which is conditional use in the TC Zone pursuant to Verona Ordinance Section 150-17.14.D.1 but where the application does not meet the required conditions namely the minimum rear yard setback requirement pursuant to Verona Ordinance Section 150-17.14.D and Verona Ordinance Section 150-17.14.C.7 where a minimum rear yard setback of 20 feet is required and a rear yard setback of 0 feet is provided and the minimum open space requirement where a minimum 20% of lot area must be devoted to open space pursuant to Verona Ordinance Section 150-8.3.B.3 and 0% of lot area is devoted to open space with regard to the Property located at 553-555 Bloomfield Avenue, Verona, New Jersey, said property also being known as Block 1806, Lot 19, be granted subject to the following conditions:

- (1) The Applicant shall be bound by the content of his testimony as if this testimony was incorporated herein;
- (2) All construction shall be completed in accordance with the plans

submitted and/or the testimony of the Applicant; and

- (3) The approvals granted herein shall expire unless construction is begun within two years of the date of the memorializing resolution.

TOWNSHIP OF VERONA
ESSEX COUNTY, NEW JERSEY

**IN THE MATTER OF THE APPLICATION OF
555 BLOOMFIELD AVENUE VERONA LLC
553-555 BLOOMFIELD AVENUE
BLOCK 1806 LOT 19**

VOTE : TO GRANT

AYES

DAN MC GINLEY, CHAIRMAN
SCOTT WESTON, VICE CHAIRMAN
CHRISTY DIBARTOLO
PAT LISKA
LARRY LUNDY
GENEVIEVE MURPHY-BRADACS
PAUL MATHEWSON, ALT#2

NAYS

ABSTENTIONS

D. J. McGinley

Dan McGinley, CHAIRMAN

The foregoing is a true copy of a resolution adopted by the Board of Adjustment at their meeting on the 13th day of August 2020 and memorialized on the 10th day of September 2020.

Kelly Lawrence, Board of Adjustment Secretary