

Minutes of a Regular Meeting of the Verona Board of Adjustment on Thursday January 11, 2018 beginning at 8:00 P.M. in the Verona Community Center, 880 Bloomfield Avenue, Verona, New Jersey.

**Roll Call:**

Present: Dan McGinley, Chairman, John Denton, Vice Chairman, Ed Conlon, Larry Lundy, Louis Russo, Sean Sullivan, Michael Zichelli, Pat Liska, Alt#1, and Coleen D'Alessandro, Alt#2  
Also, present: Robert Gaccione, Esq. and Thomas Jacobsen, Township Construction Code Official

Absent:

Tardy: John Denton, Vice Chairman (came in during opening of meeting)

Secretary read the notice of Open Public Meetings law and called attendance.

Mr. McGinley called the meeting to order at 8:02 PM. He leads the Pledge of Allegiance. He then explains to the Applicants that the Board can grant variances, but the burden is on the Applicant to prove special reason or any undue hardship. Mr. McGinley states the Applicants shall offer sworn testimony on their application and the Board will rule based on the evidence presented. He reports the variance, if granted, will be memorialized at the next regular meeting.

**Application:**

**Case 2017-18: 776 Bloomfield Avenue LLC, 776 Bloomfield Avenue  
Block 1603 Lot 8.01**

John Fio Rito, 26 Westover Road Verona, was sworn in.

Cal Trevenen, attorney in front of Board on behalf of applicant's attorney Alan Trembulak, gave his opening statement. He explained to the Board that he would have four witnesses coming before the Board for the application. His witnesses as follows: first John Fio Rito, face of the application, principal for 776 Bloomfield Avenue LLC, Verona Resident, as his fact witness, second Jennifer Palermo, registered architect, third Craig Peregoy, Professional Engineer specializing in traffic and fourth Peter Steck, Professional Planner. He also explained that the property was created from subdivision done in late 1986. The subdivision created constraints on the property and parking areas. The application is to convert a 14,180 square feet commercial warehouse like structure on a through lot that goes from Bloomfield Avenue to Pine Street into a mini self-storage facility. He explained that the application was before the Board for site plan and because the use is not allowed in the MR- Mixed Residential zone district. He also explained that mini self-storage warehouse does not seem to be allowed in any zone district in town. He continued to explain that uses allowed in the MR zone are single-family dwellings, professional offices non-medical, commercial offices non-medical or retail. If retail were to come in the use would require 71 parking spaces. He also stated that because of the way property is and what uses are allowed any of them would require parking variances for the site. He stated that they were hoping to show the Board that with professional witnesses that the mini warehouse would be the least intensive non-residential use for the property.

Mr. Gaccione offered proof of service was in order. He also put on the record that Mr. Denton came in during Mr. Trevenen's opening comments and with no testimony from witnesses that he was ok to hear and vote on the application.

Mr. Trevenen called John Fio Rito as his first witness.

Mr. Fio Rito explained to the Board that he is the face of application. He is a Verona resident, he moved in to Verona 10 years ago. He has two kids in the school system and his wife is a local realtor. He currently works as a real estate developer in Jersey City that focuses on historic rehabs and adaptive reuse. He also explained that he worked in past as manager for pick-it-pack-it organization giving him experience with warehouse and storage. Being in town, he has seen the amount of vacant spaces on Bloomfield and he was looking for one of those properties to see what can be done to help fill the vacant space. He decided to see what could be done with the 14,000 square feet vacant building. Originally was going to apply before the Board for a residential apartment project. After going to and hearing from the community that the parking for that use would hard on the area and not wanting to upset the neighbors, they dropped the residential idea. The building itself says "warehouse" on it so went to storage use idea. They feel there is a need for the use but not any storage facilities close. This would be local based facility with 100 boxes and 13,500 people in Verona; they feel it will fill quickly. They will make improvements to the building and have a new business in the empty building with updated state of the art electronics. He also explained that with the amount of taxes, they would pay for the property and with low impact on township utilities; it would be good for the town.

Mr. Conlon questioned in regards to the owners of the property and who or what is Capricorn. Mr. Fio Rito explained that 776 Bloomfield Avenue LLC is a wholly owned subsidiary of Capricorn and they have 50/50 ownership partnership. Exhibit A-1 1-11-18, the deed for the property was submitted.

Mr. Russo asked if he had any other facilities like this. Mr. Fio Rito stated he did not and this would be his first. Mr. Russo also asked what the hours of operation would be. Mr. Fio Rito stated that they would have normal operating hours and would say 24 hours with security cameras and door entry. Mr. Russo questioned the policing of the facility if it was to run 24hours. Mr. FioRito stated he is open to blocking off time. He had spoken with Cameco the business up the street and they run 24 hours.

Mr. Gaccione asked Mr. Fio Rito if he was looking for 24-hour operation. Mr. FioRito stated that the original thought was to have automated door that would allow opening at leisure. Mr. Trevenen stated that it would probably be minimal use at times but could be needed. Mr. Fio Rito added that it is not a huge facility, see it more local in center of town and he does not see residents coming at 2 am but could be available for that person that may not be able to come during day.

Mr. Conlon questioned what kind of lighting would be used for people coming in and out in it would be 24-hour facility. Mr. FioRito stated that they could use motion and regular ingress egress lights. He added that the lot is currently illuminated and they can augment that if needed.

Mr. Denton questioned about parking in the rear of the building. Mr. Fio Rito stated there is no parking the rear. Mr. Jacobsen added that there is no parking at night on Pine Street, which is the rear of the building. Mr. Trevenen explained that with the next witness there would be testimony that the ramp out rear on building on original plans will be removed and the entrance will be relocated.

Mr. Jacobsen expressed concern of drop off with box trucks and back up alarms. Mr. Fio Rito answered that there would only be pedestrian loading on Pine and main loading unloading would be at front of building. He added that the units were smaller, more like closets, and that he would assume not large box trucks coming in. Mr. Jacobsen also asked what would be allowed stored in the units. Mr. Fio Rito stated he could show the lease agreement that all customers will have; the agreement is very strict and was taken from a national facility.

Mr. McGinley stated that it does not sound like a manned facility. Mr. Fio Rito said that during lease up times it would be more manned and once a sustained operation they would work out how manned.

Mr. Trevenen questioned Mr. Fio Rito if there were people using the facility at late hours did he think those people would be largely coming off Bloomfield Avenue and not Pine Street. He answered that he would like to say yes but would depend on where person's box is in the building. However, Pine street entrance is single man door and would encourage people to come through front of building.

**Public Questions for Mr. Fio Rito:**

Mr. Stephen Jeklinski, 51 Pine Street

Mr. Jeklinski stated he has been resident of Verona for 13 years and he had concerns about 24-hour facility.

Mr. McGinley reminded the public this was a time for questions and at the end of all testimony there would time for comments and statements.

Mr. Jeklinski asked if there was an option to change the hours. He felt this would louder with people with boxes going in and out. Mr. Fio Rito stated that he would make sure that Mr. Jeklinski would have his number and way to get in touch with him if there are any issues.

Mr. Denton asked if there was a way to lock out the Pine Street entrance at certain hours. Mr. Fio Rito stated that absolutely that could be done any lock can be programmed like that.

Mr. Jacobsen stated that there is a Township ordinance that prohibits having 24-hour business. The ordinance states that cannot operate between hours of 12 and 5 am. Mrs. D'Alessandro asked if you could consider this same as any other operation or different based on what they offer. Mr. Liska added that this is not residential so should be treated as a business. Mr., Gaccione agreed the ordinance for operation would apply to this business. Mr. Denton questioned how this would be different from renting as this was leasing a space. He felt there is no transactions taking place they are just leasing a space. Mr. Gaccione answered that commercial hours have no operation from 12 midnight to 5 am.

Mr. Russo questioned the number of units and how many would they see being used in those hours. Mr. Fio Rito stated there are about 100 unit and he did not see even 5% would need to access at those hours. Mr. Russo added that it would not be big deal if not allowed that during those hours, it could be policed and they can tell their clients that they cannot come in during those hours. Mr. Zichelli thought that was easier said than done, that there might be people who may need something from their box at 1 am and could be hard to tell them they cannot get to their own things. Mr. Lundy added that there was testimony that there would be digital locks on the doors that can be set to lock and they can have them locked at hours they cannot have business. Mr. Conlon added they have no power to override the ordinance. Mr. Gaccione agreed it was not in zoning ordinance it was part of the municipal ordinances.

Mr. Trevenen stated if this is a municipal code than they have to comply with the code and the applicant will.

Mr. Joseph Lipani, 741 Bloomfield Avenue unit C2

Mr. Lipani questioned the main entrance is to be off Bloomfield Avenue. Mr. Fio Rito stated that was correct. Mr. Lipani also questioned if not use Pine Street is it possible for 35 feet box truck to back in off Bloomfield Avenue. Mr. Gaccione answered that there would be a traffic expert to

testify and ask about that. Mr. Fio Rito did say that 35 feet truck has come off Bloomfield to deliver carpet to the carpet shop next door.

Public questioned closed for Mr. Fio Rito at this time.

Mr. Trevenen called his next witness.

Jennifer Palermo, architect, was sworn in.

Ms. Palermo gave the Board her credentials, as a licensed architect in State of New Jersey and educational background. Mr. Sullivan moved the Board accept her as an expert in field of architecture; no objections. Ms. Palermo was accepted as expert.

Ms. Palermo explained that the plans they were presenting were slightly different from the ones submitted with the application. Exhibit A-2 1-11-18, an amended 4-page plan for the property based on comments received from municipal reports, was submitted.

Ms. Palermo explained the property was previously a piano warehouse, which had its own entrances, and there were two other uses in the building that had entrances of their own as well. Currently there are six different entrances to the building. The new plan originally showed the changes to entrances including one off Pine with a ramp. In the amended drawings, the ramp for handicap access in rear was removed based on comments from township. There is an easement that was created when the property was subdivided to provide car access to the combined parking lot.

Mr. Trevenen provided copy of subdivision deed that shows easements for ingress and egress and it shows the meets and bounds that relate to the plans as well. This document was submitted as Exhibit A-3 1-11-18.

Ms. Palermo continued that there is not much that can be done to make the property better with the geometry of the lot, the shape of the structure, easements and slope of the property. In the drawings, the striping for parking is the same as it currently is. She explained that if they tried to change it would cause more issues with flow in and out and with the carpet shop parking and the carpet trucks coming in as well. They are proposing to leave the parking as is. They are not proposing to increase the footprint of the building. They will put thin brick on the outside of the building, as they cannot remove the stucco. In the plan it shows the first floor which also the top floor. There is an entrance ramp off front by Bloomfield Avenue, an entrance off the parking area and an entrance in rear on Pine that was relocated to come in at grade so ramp was not needed. In the drawings, there are simulated windows to go around building to make all sides look similar. Windows are not needed for storage facility; for security purposes, they are not needed. The windows on the Bloomfield side they will keep entrance but make it look friendlier looking and clean it up. On the upper side, they will keep windows to provide light in during day in hallway and to illuminate out at night. The north side windows will be blocked up. They are proposing brick and to do stucco in same color. Exhibits A-4 and A-5 1-11-18, renderings of brick and windows proposed.

Mrs. D' Alessandro asked what would the simulated windows be like. Ms. Palermo explained they would framed with metal panels.

Ms. Palermo stated this would be a fully sprinkled facility. There is a handicap parking proposed as first spot closed to Bloomfield Avenue. This spot has the easiest access to the ramp in the front. She explained due to the easement the access to the parking is through the neighbor's area of the parking. She also added that if the neighbor can get an 18-wheeler in to the parking than

anyone can get a smaller truck in easily. There is no real room for off street loading space. She also explained that the property is exempt from steep slope. The property is currently 100 % impervious coverage and it is hard to work outside that. The building is to be climate controlled. There are three 5-ton hvac units proposed on the west side of the building.

Mr. Conlon asked if there would be fencing or screening to block the units. Ms. Palermo said they would screen around them. Mr. Jacobsen added that nothing was submitted in the original drawings that showed the hvac units so there are no comments on them for side yard setbacks. She stated this was the location that worked for the units. Mr. Zichelli asked why they could not be put on the roof. Ms. Palermo stated the only roof that would be usable is in rear near Pine Street as rest of roof is sloped. They could not use that roof, as it is closer to Pine Street. She felt side yard was more appropriate. She stated they are at least 20 feet away from property line. Mr. Gaccione noted that in his opinion they noticed for side yard setback so there is no issue with the hvac units being added in. He questioned if she was comfortable with saying the units are 20 feet from property at closest point. Ms. Palermo stated probably about 14.6 feet but if they moved them forward, they could meet the 15 feet requirement. She stated they would not seek variance for side yard for condensers they will move them forward to make sure within setback requirement. Mr. Conlon asked if they would be screened from Bloomfield Avenue side. Ms. Palermo stated they could do a board on board fence to block from Bloomfield Avenue as the neighbor already board on board fence, which would block units from them.

Mr. Liska questioned the handicap parking. He thought that one handicap parking space and one handicap van space was needed, which would be two spots. Ms. Palermo explained that she was under the impression that there could be one space used to cover for both.

Mr. Jacobsen questioned if the paved area to the left of front entrance on Bloomfield Avenue would be used for parking. Ms. Palermo stated that no they would not as they did not want people to be backing out on to Bloomfield Avenue.

Ms. Palermo discussed dumpster location for the property. They are proposing to left of Bloomfield entrance. She explained the neighbor carpet shop has two dumpsters to rear by Pine Street. They could put in rear near neighbor or possibly store them inside. They are needed for cleaning of facility and / or emptying out units. Mr. Fio Rito stated they were required to show trash removal. He could see if leaving out dumpster that other people may dump stuff in them. He visualizes boxes inside and take them out for pick up. Mr. Jacobsen added that there have been problems with dumpsters on Pine Street. He preferred along with Mr. McGinley the idea of keeping garbage inside and taking out for pick up.

Ms. Palermo explained also proposed is a sign on the peak of the roof that is 30 inches tall by 16 feet long that is back lit not neon. This would be a two-sided sign that could be see going up or down the Avenue. The sign is to identify the address of the building; there would be no name on the sign. There would also be an 8 feet tall wood panel sign by the front entrance. They would restrict time on for sign light with it on at 11 pm and off at 6 am.

Mrs. D' Alessandro asked if they had a name for the facility. Mr. Fio Rito stated that it was just 776 Bloomfield Avenue.

Mr. Jacobsen questioned roof top sign, as they are not allowed in the township. Ms. Palermo stated it is a roof top address label. He asked if they could lower the sign and put it on the building, instead since roof top signs are prohibited in Verona. Mr. Zichelli asked if there were any other roof signs in town. Mr. Jacobsen stated there was one on the old Lisboa building that has been vacant for 5 years now.

Mr. Trevenen asked if Board would consider giving variance for address sign. Mr. Gaccione added that he did not feel it was a significant variance and the board could give variance without separate notice served. Mr. Trevenen then stated they would request variance for rooftop sign.

Mrs. D'Alessandro questioned if there was definition for roof top sign. Mr. Gaccione stated there was no straight definition that would be the Boards opinion as to what make roof top sign. Mr. Fio Rito asked if they moved the signs down off the peek and had two separate signs on either side of the peek if that would be better. Mr. Trevenen added that this what they are proposing is to move the sign down so it would not extend above peek but still be on the roof on both the eastern and western side of building roof. Ms. Palermo added then there would two 40 square feet signs on either side totaling 80 square feet and that is still within size of sign allowed.

Mr. Trevenen asked if Ms. Palermo had reviewed the fire official comments. She stated they were reviewed and they had no objections to any of their comments.

Ms. Palermo explained they proposed to remove the utility pole currently to the front westerly corner of property. They would remove Bloomfield service an only have service run off Pine Street as they proposing one use in the building and not multiple as was before. They are also proposing building mounted lighting at the entrances on Bloomfield Avenue and Pine Street.

Mr. Jacobsen stated that lighting plan is usually reviewed by the Township Engineer and asked if could be condition.

#### **Public Questions for Ms. Palermo:**

Mr. Jeklinski, 51 Pine Street.

Mr. Jeklinski asked if the three 5-ton units are air conditioning and heating. Ms. Palermo stated that they are just for air conditioning and that there will be furnaces inside for heating.

Mr. Jeklinski also asked about the fence in their property if they take it down what would they put up. Mr. Fio Rito stated he had no problem leaving up fence and they can put together an agreement if they do put up something different.

Mr. Jeklinski asked if the a.c. units could be moved to the other roof. He had concerns about hearing humming from the units all summer long in his yard. Mr. Trevenen stated that where proposing now is at end of his property. Ms. Palermo added that they units would be moved forward to be 20 feet from property lines so they would be further away from his property closer to Bloomfield Avenue then what was on the drawings. Mr. Fio Rito added that the units would be new energy efficient units that are quieter. Ms. Palermo added that with all the renovations to be done as if insulating, new roof and walls will make the whole building more energy efficient and help to no run all summer long. She also added that with half the building underground it stays cooler in the summer and warmer in the winter without anything.

Mr. Jeklinski questioned the entrance in rear on Pine and its location. Ms. Palermo explained it was put there to allow access at grade level and it is 30 feet from the property line they share. He asked if this was standard size door. She replied yes it would not be a double door.

Mr. Jeklinski questioned if that would 24-hour access. Mr. McGinley stated they already established hours of operation could not be 24 hours.

Public questions closed at this time.

A ten-minute break was taken at this time. Meeting was called back to order at 10:01pm.

Mr. Trevenen called his next expert. Mr. Craig Peregoy, Professional Engineer traffic specialist, was sworn in.

Mr. Peregoy gave the Board his credentials including licensing, education and experience testifying in front of other boards. Mr. Sullivan motioned the Board accept him as an expert. The Board accepted him as expert in Professional Engineering as traffic specialist.

Mr. Peregoy submitted to the Board Exhibit A-6 1-11-18, a traffic impact study.

Mr. Peregoy explained this was the least impactful use for the property that generates such little traffic. He explained that for this size self-storage at the most would generate one visitor per hour on weekdays and two visitors per hour on weekends. Single family can generate more traffic than that and retail would be much more on average. At four locations of 600 units on a day in May 2017, at most they saw six visits in one hour. The number of parking spaces at this facility will not have a need for all at once. This is an infrequently visited use. In the busiest facilities four spaces were needed at most, the building currently has six spaces. This is the only use that would fit what is existing. The numbers in the study show this at facilities six time the size of the proposed. His opinion is that you will not see six vehicles there at once, maybe see or two vehicles there at a time.

**Public questions for Mr. Peregoy: None**

Mr. Trevenen called his last expert to testify.

Mr. Peter Steck, Professional Planner, was sworn in.

Mr. McGinley stated the Board accepted Mr. Steck's credentials as they have in the past as an expert.

Mr. Steck offered Exhibit A-7 1-11-18, which showed aerial view of property with zoning map of area, photos of the property as it currently sits, site and floor plans as proposed and proposed façade look with zoning for the MR zone. The aerial map was from Bing maps. The photos were taken at the site on January 2, 2018 by Mr. Steck. The floor plan shows the ramp on Pine Street that has been removed as testified earlier by others.

Mr. Steck explained that the property was used as warehouse piano showroom, which held used pianos for purchase. It was not used as an actual warehouse it would be considered retail sales. Other uses in the back of building were for retail sales and fixing of instruments. They are proposing to change from retail to mini storage. Mr. Steck gives definitions for both mini warehouse and warehouse from ordinance. The area around property is predominantly commercial on Bloomfield Avenue and residential on Pine Street. The property is in the MR mixed retail zone. Allowed in the zone are single-family residents, professional offices non-medical, commercial offices non-medical and retail. There are conditional mixed uses allowed like retail with residential. Warehouse is not allowed in any zones in Verona. The township does have definitions for warehouse and mini warehouses but neither is allowed. This unique use produces little traffic and parking demand. No other use even the allowed uses would be okay with parking. Usually warehouses are boxes without windows however; they are proposing to make the outside look more aesthetically pleasing. In his opinion other than single residential, no other use would be complementary to the parking existing; retail would be much more active and have a greater impact on residential behind. They are proposing to keep building as is with setbacks and coverage. They are proposing roof signs that need variances but serve as way of finding so have public purpose. The size and number of parking is more than adequate for the use. The handicap space understand that one space has to accommodate a van. If four or less spaces would not need handicap but since six need one space. The lack of off-street loading space is not a concern, as most people will be coming with pedestrian vehicles and unloading.

Mr. Jacobsen questioned on the Engineer's comments concerning leaders and gutters. Mr. Steck explained existing to the west side behind the condensers is a light well for drainage. The well slopes toward Pine Street. There is a gutter or two that drains to and headways to curb. There are three gutters and one missing on Pine Street that will be replaced. They will replace existing splash blocks. The sheet flow is towards Pine. There is no other choice due to existing conditions.

**Public Questions for Mr. Steck:**

Mr. Jeklinski, 51 Pine Street

Mr. Jeklinski asked about the condensers being moved to the 1-story roof in the back. Ms. Palermo answered that would not work as it would be closer to residential on Pine and impact more units. He then questioned if that would be closer than right on his property line where proposed. She answered that they already testified they would be moving the units down from his property line. Mr. Denton added they were moving them so that a variance was needed for the units. He questioned again, why they could not be moved to the roof. Ms. Palermo also stated that moving them there would also impact visually and with sound, as they would still need to be screened on the roof.

Public Questioned closed.

Mr. Trevenen stated after all the testimony they have shown this is the least intense use you can find for this facility. Due to preexisting conditions, they have to get several variances and are limited in uses that can utilize the property without having a great impact on the surrounding areas. There is a need for this in the community. They are proposing to dress up the property and area around.

Mr. Denton stated the testimony is clear this is particularly suited for this property. The property is zoned into inutility. He sees no negative consequences and thinks this positive.

Mr. Conlon said it appears to be wise use and positive.

Mr. Russo agreed.

Mr. Sullivan has no problem with the use for the property.

Mr. McGinley stated the Board was all in agreement for D variance being acceptable. The conditions of the existing property create the other variances, like size of parking.

Mr. Lundy stated the testimony on parking showed that there is no more to be done and it is suitable for the use. Mr. Conlon agreed it is suitable.

Mr. Zichelli questioned having some vegetation on Bloomfield side. Mr. Lundy said it could not be done, as it is all impervious surface. Ms. Palermo explained that maybe if could leave the steps as is the plants could be left however, they needed to put the ramp to the entrance and have the handicap parking space to accommodate a van.

Mr. McGinley continued with the variances. He stated the off-street parking was unnecessary so it could be granted. The front yard setbacks and side yard setbacks are no change from existing as well as the coverage and landscape buffer.

The Board discussed the conditions for the approval. Mr. Conlon suggested hours of operation comply with municipal ordinance. Mr. Sullivan added the roof top sign consider to be a rooftop sign but say it is permitted as long as it does not extend above roof and is limited to address of location only and is within size requirements. Mr. Jacobsen added that lighting to be reviewed.

Mr. Russo questioned security and if any alarm if someone were to break into someone else's units. Mr. Fio Rito stated there would be cameras and only people getting in the building would have units. Mrs. D'Alessandro asked if locks on the units would be put on the unit owner themselves. Mr. Fio Rito stated yes that would be the case.

Mr. Jacobsen added a condition for screening around the condenser units to be board on board with a minimum height of the units. Mr. Gaccione added also subject to Mr. Jacobsen's review.

**Public Comments:**

Robert Christenson, 52 Pine Street

Mr. Christenson stated he had concerns about parking on Pine Street. He asked if that would be limited. Mr. Denton responded parking is limited by Township parking ordinance. Mr. Christenson questioned if that meant anyone could pull up and unload a box truck from Pine Street. Mr. Fio Rito stated the whole building was connected flat and the ramp was off Bloomfield Avenue.

Public closed.

Mr. Gaccione reviewed the conditions: 1- to comply with municipal ordinance for hours of operation, 2- condensers will not violate side yard setback and screening to be reviewed by zoning official, 3- lighting plan to be reviewed by Engineer office, 4- comply with fire official suggestions and 5- rooftop sign to change and reviewed and approved by constructional official.

Mr. Jacobsen added that for the air conditioning units a detail drawing to scale, showing side yard setback and screening is needed for review.

Mr. Sullivan motioned case 2017-18 be granted with the conditions discussed; Mr. Lundy seconded the motion.

All votes aye. Application granted.

**Minutes:**

Mr. Liska motioned the November 2017 meeting minutes be approved; Mr. Sullivan seconded the motioned. All votes aye, minutes approved

Meeting was adjourned at 10:45 PM.

Respectfully submitted  
Kelly Lawrence  
Board of Adjustments Secretary