

Minutes of a Regular Meeting of the Verona Board of Adjustment on Thursday January 14, 2016 beginning at 8:00 P.M. in the Verona Community Center, 880 Bloomfield Avenue, Verona, New Jersey.

**Roll Call:**

Present: Daniel McGinley, Chairman, John Denton, Vice Chairman, Edward Conlon, Larry Lundy, Louis Russo, Sean Sullivan, Michael Zichelli, Coleen D'Alessandro, Alt#2

Also present: Robert Gaccione, Esq. & Thomas Jacobsen, Construction Code Official.

Absent: Pat Liska, Alt#1

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

Mr. McGinley, Chairman called meeting to order at 8:05 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 monthly meeting.

**Application:**

**Continuation for**

**Case 2015-11: Ariane Duarte – ARIMAC, 706 Bloomfield Avenue  
Block 79 Lot 14**

Mr. Conlon put on record that he was not at the October meeting where last testimony was presented but he had since read the transcripts from that meeting.

Greg Cipriano, Cipriano & Donadio, attorney for applicant, Ariane Bar and Kitchen.

Michael Duarte, husband of business owner Ariane Duarte, Ariane Bar and Kitchen at 706 Bloomfield Avenue was sworn in again. He also lives at 19 Floyd Road in Verona.

Mr. McGinley stated that the point the application was left and adjourned was on discussion of pizza oven and bringing in more information and testimony to the board. Since that point through correspondence from attorney, the applicant is no longer considering a pizza oven on the outside patio area and officially removed it from the application. Without new testimony being offered the meeting will resume back at the Board deliberation on the rest of the application.

Mr. Conlon questioned if the applicant hired a landscape architect. Mr. Duarte said they were in the process of hiring Hillcrest Farms. They were looking at bamboo to plant because it grows tall and quickly. Mr. Zichelli questioned why shrubs and not trees. Mr. Duarte responded that they did not want to do trees because of the limited space and with the bamboo they would be able to put something in the ground to contain the roots. It will be big and bushy but contained. Mr. Denton added that instead of going back and forth about the plantings that it is best left for Mr. Jacobsen and a committee to review a landscape plan and determine what would be good. Mr. Lundy added that the applicant has testified to what they are looking to do but also flexible to work with town and submitting plans for review. Mrs. D'Alessandro added that no one the board was a professional landscaper or arborist so it should be left to the applicant who is working with a professional landscaper to come up with plan that will work for the space and have that plan reviewed by Mr. Jacobsen and committee.

**Public Question:**

John Galife, 12 Rockland Terrace

Mr. Galife asked what time the patio would close and if lights and music when those would shut off as well.

Mr. McGinley said there was testimony to that and that the Board would discuss that for conditions that may be needed for the application if approved.

**Public closed.**

Mr. Sullivan asked for a review of the variances that are now being considered and voted on by the board. Mr. Jacobsen reviewed the variances still being considered from his letter of denial. The variances are for seating number (currently 108, adding 34, total of 142 and only 100 allowed) and for additional parking spaces required (17 spaces for the 34 outside seats).

Mr. Conlon questioned the additional parking that was needed and if they were currently operating on a variance for parking and if the outdoor seating triggered the variance needed. Mr. Jacobsen said they are not currently under a variance for parking and yes the outdoor seating triggered a variance need.

Mr. Conlon also questioned about the outdoor seating and where the number 34 came from. Mr. Duarte explained that they looked at the space and determined the number of chairs and people that would fit comfortably and figured 30-35 people. Mr. Conlon questioned the large increase of 42% in serving. Mr. Denton said the outdoor seats are not being used for full dining so there is not an increase in service. The area is to be used for overflow. Mr. Jacobsen added that as per testimony at last meeting only finger foods would be served outside.

Mr. Conlon also questioned about the existing fence and who it belonged to. Mr. Galife stated it was his fence and it was done by former owner of the business prior to Ariane. Mr. Duarte stated he wanted to pull down the old fence.

Mr. Zichelli questioned with the oven being removed from the outdoor space it would leave more room for seats and if the applicant would be looking to add more. Mr. Lundy stated the variance is for 34 seats with testimony stating such and Mr. McGinley stated it could be conditioned if needed that it only be for 34 seats.

Mr. Jacobsen questioned speakers he saw up when he visited the site that day. Mr. Duarte said there would be no music outside and that the speakers would be removed. Mr. Sullivan asked if condition be done that would state no live music, dj's, performances, piped music, or tv's outside as an in general and not just for this owner. He felt it would help not for this owner but for any future owners and problems that could arise. Mrs. D'Alessandro questioned that's what the town noise ordinance is for. Mr. Jacobsen added that he had spoken to the Chief of Police prior to the last meeting and that any noise issues could be shut down at any time but the magic time usually is 10 pm. He also reiterated that previous testimony the applicant stated that there would be no tv's outside. Mr. McGinley agreed that this owner was not interested in music outside but it could be conditioned and that would take care of any other owners after.

Mr. Conlon questioned the lighting outside. Mr. Duarte stated there are low lights and designed to do whatever the town requires or allows.

Mr. McGinley wanted to discuss times for the patio and when people should leave the patio. Mr. Duarte stated that currently the kitchen closes at 10 pm Friday and Saturdays and the last people leave around 12 or 12:30, those being the latest nights. On Mondays most people gone by 10pm and Wednesdays and Thursdays by 11 people are gone. Mr. Conlon questioned if these hours were for outside or inside. Mr. Duarte stated that was for the inside. Mrs. D'Alessandro stated that the outside was for overflow as testified and people probably would not be out there that late as the hours Mr. Duarte stated. Mr. Sullivan questioned if they were sending people outside after a meal that maybe they could be outside later. He suggested if the kitchen closes at 10 then the patio should close at 10:30 pm. Mrs. D'Alessandro felt 11 pm was not unreasonable to say. Mr. Lundy agreed with 11 pm. Mr. Galife stated he was hoping for 10 pm that way by 11 pm the outside would be cleared. Mr. Conlon agreed that there should be no need for overflow area after 10 pm. Mr. Duarte stated that once closed lights would be turned off along with everything else in area. Mr. McGinley suggested to be fair they would make the time 10:30 pm which is right in the middle of what both parties were saying.

Mr. Jacobsen asked about smoking outside. Mr. Duarte stated that right now if people do go outside to smoke they go out front or to the back of building. If someone started to smoke in patio area would ask them to move or not smoke there. They would their judgment as to what to do or how to handle based on situation and being outside.

Mr. Gaccione reviewed the conditions the board was looking to have included in the resolution as follows: 1- no outside dining as to applicants testimony, 2 – landscape committee of Board to review landscape plan, 3 – outside to close 10:30pm with lights out, 4 – no music, tv's, video screens allowed outside patio area. Mr. Jacobsen asked who the landscape committee was to be. Mr. McGinley stated that the committee would be Mr. Jacobsen, Mr. Conlon and Mr. Liska.

Mr. Conlon motioned for approval of the application with the conditions as mentioned by Mr. Gaccione; Mr. Lundy seconded. All votes aye, application was granted.

**Minutes:**

Minutes from the October 2015 regular meeting; All votes aye, minutes approved.

**Resolutions:**

Case 2015-12 Barone, 2 Brookdale Court; Mr. Sullivan motioned approval; Mr. Denton seconded. All votes aye. Mr. Conlon abstained; Resolution approved and memorialized.

Meeting was adjourned at 9:10 PM.

Respectfully submitted  
Kelly Lawrence  
Board of Adjustments Secretary