

Minutes of a Regular Meeting of the Verona Board of Adjustment on Thursday September 14, 2017 beginning at 8:00 P.M. in the Verona Community Center, 880 Bloomfield Avenue, Verona, New Jersey.

Roll Call:

Present: Dan McGinley, Chairman, Larry Lundy, Louis Russo, Sean Sullivan, Michael Zichelli, Pat Liska, Alt#1, and Coleen D'Alessandro, Alt #2

Also present: Robert Gaccione, Esq., Thomas Jacobsen, Township Construction Code Official and Greg Mascera, Esq.

Absent: John Denton, Vice Chairman and Ed Conlon

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

Mr. McGinley called the meeting to order at 8:06 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 2017-15: Michael & Renee Holland, 71 Afterglow Avenue
Block 401 Lot 8**

Applicant requested adjournment to the next meeting and waived all time constraints. By acclamation, the Board approved for the case to be adjourned to the next regular meeting on Thursday October 12 at 8:00pm without further notice needed.

Application:

**Case 2017-16 John Caniglia & Mary Kabat, 32 East Lincoln Street
Block 1608 Lot 21**

Greg Mascera, Esq. sat in as acting Board attorney for this case as Mr. Gaccione requested himself for personal reasons.

Mr. Mascera offered proof of service was in order.

John Caniglia, property owner and applicant, was sworn in.

Mr. Caniglia explained to the Board that he is a land use attorney and familiar with board proceedings. He explained he was before the board seeking 3 variances to put a deck at his house; the variances being for front yard setback, rear yard setback and improved lot coverage. He explained the deck was to be constructed over an existing brick patio and extend over that area with a minor increase in coverage for the deck and 2 feet off ground. Being a corner lot, his side of his house is really a front yard therefore the setback is 30 feet. The deck will not extend past the existing areas of the house in the front and rear yards however is in violation of the setbacks. The rear also being 30 feet setback requirement however the deck would not extend past a family room extension on the house to the rear. He explained his yard is fenced in and there would be no impact on the neighbors. He was going to be using the space in the same way just a deck versus a patio. He reviewed the Fire Official's comments and will move his grill 5 feet away from the house to comply with the code. He also stated that he did not see the Environmental Commission's review as comments or suggestions but more as a disagreement in

coverage. He also stated he was not subject to steep slope and the only slope is 2% grade by his steps.

Mr. Russo asked how long the applicant had lived at that property. Mr. Caniglia stated since 1993. Mr. McGinley asked what was behind his house. Mr. Caniglia explained the neighbor behind Mr. had his 2-car garage and patio between them and the fence shielded them from each other. He referenced the photos that he supplied in his application explaining the only reason there was a missing part of the fence on his property was from having a tank removed on the property and it would be replaced once all work done. He also explained he took the photos while standing on a retaining wall that would be as high as the deck so the board would see the view he would have from his deck.

Public Comments: None

Mr. Sullivan motioned case 2017-16 be grant; Mr. Lundy seconded the motion. All votes aye, application approved.

Mr. Mascera offered that the resolution was prepared for this case in the event it was approved. Drafts of the resolution were handed to the board members for review. Mr. McGinley stated there were no conditions for the case.

Resolution: Mr. Russo motioned approval of the resolution for case 2017-16, 32 East Lincoln Street; Mr. Sullivan seconded the motion. All votes aye, resolution memorialized.

**Case 2017-14: Brittany Lane t/a “Brittany Lane Studio”, 460 Bloomfield Avenue
Block 701 Lot 1**

Mr. Gaccione returned to sit on the Board and Mr. Mascera stepped down.

Mr. Gaccione offered proof of service was in order.

Alan Trembulak, attorney for the applicant, explained to the Board that the applicant is seeking use variance to operate a specialty beauty salon in a 375 feet office space. He stated they are before the Board with a similar application and variance as earlier in the year for another space in the same building because of a mixed-use variance for café bakery shop. He explained further that a specialty beauty salon is allowed the Town Center Zone only if it is by itself and not in a building with other uses. Mixed uses of retail and office or retail and residential are allowed but nothing that allows personal service and retail or office or residential. He would have two witnesses to testify for the applicant, Brittany Lane, the business owner, and a professional planner.

Brittany Lane was sworn in.

Ms. Lane explained that she had an agreement if she was approved for variances to occupy a same existing office space of 375 square feet. This space has its own entrance off Cumberland behind the pastry shop. She explained to the Board that she has held a valid cosmetology license for 10 years. Her business consists of doing make-up, eyelash extensions and brow waxing. She explained she has one client at a time. She also has established clients. She is looking to have space for her own business and this location seemed perfect with the size of the space, the private bathroom and the private entrance. She would be the only employee and see only one client at a time. Clients would have to schedule by appointment Tuesday through Saturday from hours of

10 am to 6 pm. Saturdays would be shorter days. Parking needed for the business would be 1 space for her and 1 space for a client. Deliveries would consist of occasional UPS small boxes for supplies, nothing big. She stated none of the products used have fumes. She uses wax and lash glue, which have no fumes, and no ventilation needed.

Mr. Russo questioned if she would open on Sunday if someone requested it. She stated no, that Sundays she may do weddings or things but they would be done on location at the venues.

Mr. Jacobsen questioned whether the glue used would be able to smell at the residents above. Ms. Lane stated it would not be able to smell at the apartments above.

Public Questions: None

Mr. Trembulak called on his next witness to testify.

Meghan Hunscher, licensed professional planner, was sworn in.

Mr. Sullivan verified that the Board had already accepted Ms. Hunscher as a professional previously in this same year and the Board should continue to accept her as such.

Ms. Hunscher explained she had reviewed the application, the property, the zoning ordinance and the master plan for the township. The property is a mixed-use property with previously granted café space, retail, office space and apartments above. She explained based on the ordinance the office space is allowed but not on the first floor and by granting the applications it would eliminate a use that is not allowed in that space. The conditional uses do not meet the requirements needed to have them also the principal uses are not equal which also requires a variance, Parking for the space is available but not required and there is a loading zone in the back.

Ms. Hunscher presented Exhibit A-1 to the Board. Three photos of the site, zoomed out view, zoomed in view and different view of the subject property.

Ms. Hunscher stated this space was suited for this use; the size, the location, the access; all make it very appropriate for the applicant and the building. She stated as she testified for “dolce Marie” application this was not an application of substance of spirit but more a technical variance application. This is a mixed-use variance issue as the use is able to stand alone as a use. She stated it was unclear why this was not included in mixed uses as it is common to have these types of personal services mixed in with other such uses as are in the building. It is common and with the master plan to create that one stop shopping, having all different businesses or uses in one area. She stated the benefits outweigh the deterrents. She felt there were no deterrents to this application and many positives that follow with the master plan.

Public Questions for Ms. Hunscher: None

Public Comments: None

Mr. Lundy commented that this was straightforward case and from the planners presentation showing how technical he did not see that proposed use was more intensive than the current office use. The applicant testified that they needed to follow state governing on space. Number of employees falls in line with space size and the space in question would not work for more than one worker. Therefore would be no room for expansion of the business.

Mr. Sullivan stated he was in favor of permitting the use in that building.

Mr. Zichelli also stated he was in favor with the application.

Mr. Gaccione confirmed there were no conditions for the application.

Mr. Lundy motioned case 2017-14 be granted; Mr. Liska seconded the motion.
All votes aye. Application granted.

Minutes:

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

Meeting was adjourned at 8:56 PM.

Respectfully submitted
Kelly Lawrence
Board of Adjustments Secretary