

**TOWNSHIP OF VERONA
BOARD OF ADJUSTMENT APPLICATION**

DATE APPLICATION: **April 11, 2024** CASE # _____

PROPERTY ADDRESS: **30 Pompton Avenue**

BLOCK **202**, LOT **44** ZONE **ETC Extended Town Center**

APPLICANT'S NAME: **EVI REALTY, INC.**

PHONE # _____ CELL PHONE # **(862) 240-6221**

EMAIL: **iris@eviivmrealty.com**

PROPERTY OWNER'S NAME: **EVI REALTY, INC.**

PROPERTY OWNER'S ADDRESS: **1093 Smith Manor Boulevard, West Orange, NJ 07052**

PROPERTY OWNER'S PHONE # _____ CELL # **(862) 240-6221**

PROPERTY OWNER'S EMAIL **iris@eviivmrealty.com**

RELATIONSHIP OF APPLICANT TO OWNER: **Same**

REQUEST IS HEREBY MADE FOR PERMISSION TO DO THE FOLLOWING:

Bulk variances in conjunction with a change of use and minor site plan application to permit Starbucks to occupy the premises.

CONTRARY TO THE FOLLOWING:

Bulk Variances Requested:

- 1. Add a free standing pylon sign on Pompton Avenue in front of an existing building (formerly Chase Bank), where pylon signs are prohibit by Section 150-7.9X.12; and,**
- 2. Have a building sign 5' high in violation of Section 150-_____**

LOT SIZE: EXISTING **142,952 sf** PROPOSED **142,952 sf** TOTAL **142,952 sf**

HEIGHT: EXISTING **less than 50' - 1 Story** PROPOSED **No change**

PERCENTAGE OF BUILDING COVERAGE: EXISTING **24.6%** PROPOSED **No change**

PERCENTAGE OF IMPROVED LOT COVERAGE: EXISTING **89.9%** PROPOSED **No change**
(pre-existing non-conformity)

PRESENT USE **Bank** PROPOSED USE **Restaurant**

SET BACKS OF BUILDING: REQUIRED EXISTING PROPOSED

See Detailed ETC Zone District Requirements on SP-1 of the Plans.

DATE PROPERTY WAS ACQUIRED: **20+ years ago.**

TYPE OF CONSTRUCTION PROPOSED: **Renovate existing bank building, remove bank drive-through and canopy; and, re-stripe parking lot to serve a Starbucks Coffee House.**

SIGN INFORMATION (if applicable): supply details on location, dimensions, height and illumination

Existing signs remain unchanged. Onsite movement signs are on the plans.

A 25' high Starbucks pylon sign is proposed. Variance required,

A 5' Starbucks medallion sign is proposed on the side of the building. Variance required.

AREA PER FLOOR (square feet):	EXISTING	PROPOSED	TOTAL
BASEMENT	N/A	N/A	N/A
FIRST FLOOR	3,437 sf	3,437 sf	3,437 sf
SECOND FLOOR	N/A	N/A	N/A
ATTIC	N/A	N/A	N/A

NUMBER OF DWELLING UNITS EXISTING: **None** PROPOSED: **None**

NUMBER OF PARKING SPACES EXISTING: PROPOSED: **113 entire site, 73 for this section.**

History of any previous appeals to the Board of Adjustments and the Planning Board

See attached.

What are the exceptional conditions that warrant relief from compliance with the Zoning Ordinance?

The existing conditions of the property, the road geometry of Pompton Avenue, and the configuration of the Pompton and Bloomfield Avenues intersection cause the hardship, and need for variance relief. Both signs are needed to advise motorists of the business in a timely manner.

Supply a statement of facts showing how relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and the Zoning Ordinance

See Attached Addendum

History of any deed restrictions: **There are none known to the Applicant.**

A legible plot plan or survey to scale (not less than 1"=100') of the property indicating the existing and/or proposed structure and scale drawings of the existing and/or proposed structure must be provided. - **Attached**

A copy of any conditional contract relating to this application must be filed with this application. **N/A**

If the applicant is a corporation or partnership, the names, addresses and phone numbers of those owning a 10% or greater interest in the corporation shall be provided.

See Attached Certification of owners having more than a 10% interest.

Expert witnesses that will present evidence on behalf of this application:

Attorney: Name: **John R. Dusinberre, Esq.**
 Address **155 Passaic Avenue, Suite 320, Fairfield, NJ 07004**
 Phone # **973-227-1212, cell 973-477-8646**
 Fax # **973-227-4099**
 Email **jdusinberre@jrdsnjlw.com**

Engineer: Name **Aaron J. Schrager, PE**
 Address **Bright View Engineering**
 Address **70 South Orange Avenue, Suite 109, Livingston, N.J. 07039**
 Phone # **(973) 228-0999**
 Fax # **(201) 753-3904**
 Email **aschrager@bvengr.com**

Architect: Name **Bergmann Architectural Associates, Inc.**
 Address **1500 John F. Kennedy Boulevard**
 2 Penn Center, Suite 624
 Philadelphia, PA 19102
 Phone #
 Fax #
 Email

Professional
Planner: Name **Aaron J. Schrager, PP**
 Address **Bright View Engineering**
 Address **70 South Orange Avenue, Suite 109, Livingston, N.J. 07039**
 Phone # **(973) 228-0999**
 Fax # **(201) 753-3904**
 Email **aschrager@bvengr.com**

Starbucks Senior
Store Development
Manager: Name **Lizanne Kile**
 Address **Starbucks Coffee Co.**
 Address
 Phone # **703-955-6270**
 Email **lkile@starbucks.com**

**EVI REALTY, INC.
VERONA PLANNING BOARD
ADDENDUM TO APPLICATION**

Variance Relief Requested

1. **Section 150-7.9 X (12) Prohibits Free Standing Signs.** A bulk variance is requested to permit a 25' high pylon sign solely for the Starbucks logo and brand. The sign is necessary for motorists to adequately see the Starbucks location in time to safely slow down and turn into the site. This is true from all directions from which the sign will be seen. The pylon sign will be located near the new southwesterly traffic signal and needs to be high enough so as not to be hidden by the signal.

2. **Section 150-12.1B.(1) Prohibits Building Signs Higher than 4'.** A bulk variance is requested to permit a 5' high Starbucks logo and brand on the side of the building facing Claremont Avenue. Starbucks standard building sign is 5' high, and Starbucks has requested the Applicant to seek relief in order that it may be used. The same arguments apply to this sign, on the Pompton Avenue end of the building, as apply to the pylon sign when viewed by vehicles coming from Cedar Grove heading to Verona.

The applicant will provide professional planning testimony to the effect that the relief for both signs can be granted with substantial impairment of the Master Plan and that relief will not be contrary to the public good.

Description of Proposed Use

Starbucks Coffee is the proposed tenant in the building previously occupied by the Chase Bank at the corner of Pompton Avenue and Claremont Avenue. The nature of the use is well known to the public, and is generally characterized as a retail restaurant having counter service for the retail sale of coffee and related items. There is no table service. Patrons are provided Internet Wi-Fi access and a lounge area for socializing. Outside seating is proposed. It is to be emphasized that there will not be any form of drive-through service.

The Starbucks hours of operation will be Monday through Saturday 5:30 am to 10:00 pm; and on Sunday 6 am to 9 pm. Trash pickup typically occurs 2 or 3 times a week, during off peak business time hours, using a new dumpster enclosure to be constructed at the rear center of the site. A loading area is shown for deliveries against the rear wall of the building, and deliveries occur between 6:30 pm and 5:30 am. Delivery trucks have store keys and generally spend 30 minutes unloading. Deliveries for this site will be by box truck, and there will not be any large tractor trailers. There will be three shifts of employees with 5 to 8 employees on each shift.

Parking

Parking requirements for the entire site are shown on the site plan provided. However, the shape of the entire lot, and the large use by the Acura Dealership, leaves the easterly end of the property as a discreet area that functions as a separately from any of the Acura activity. The existing Famous Ray's Pizzeria, the empty space where Huntingdon Learning Center was located and the Pompton Spa work with the subject property as a single unit (the "Pompton Avenue Site"). The Acura Dealership operates independently from the four (4) other uses, and makes the property when viewed in total deficient with respect to parking.

When looking at the Pompton Avenue Site only, the parking is compliant with zoning requirements. They are broken down as follows:

Famous Ray's	19 required
Huntingdon	15 required
Pompton Spa	12 required
Starbucks	27 required
Total	73 required and 73 provided on the new plans.

Traffic

The Applicant, at the Applicant's expense has received all of the municipal, county and State approvals for the installation of a traffic light at the intersection of Pompton and Claremont Avenues. A traffic study has been provided with the application for the Board's edification. Although construction of the footings for the signals has commenced, delays in the availability of the actual components for the bases, poles and fixtures has prevented the completion of the work. The installation of the signals will improve safety for the general public beyond what Starbucks needs to have its patrons served. These new signals are so important that Starbucks has indicated that it wants them completed before becoming fully operational.

There are several key points with respect to the installation of the new traffic signals. First, traffic will be able to make a left out of Claremont Avenue to head north on Pompton Avenue. Second, vehicles travelling north on Pompton from Bloomfield Avenue will now, safely, be able to make a left turn onto Claremont. The gaps generated by the new signal will make it easier for vehicles leaving the subject site to make a right turn onto Pompton Avenue heading towards Bloomfield Avenue. The warrants issued by the NJDOT for the new signals insure that the new signals will be totally coordinated with the existing traffic controls at the Bloomfield and Pompton Avenue intersection.