



May 24, 2024

Board of Adjustment
Township of Verona
600 Bloomfield Avenue
Verona, New Jersey 07044

Attention: Malak Metwaly, Secretary for the Board of Adjustment

Re: EVI Realty, Inc.
**Change of Use and Minor Site Plan Application
for Proposed Starbucks**
30 Pompton Avenue
Block 202, Lot 44
Township of Verona
Our File No. VAES-177

Dear Board Members:

We have received copies of the following documents relative to the above referenced application:

- a. Submission Letter prepared by John R. Dusinberre, Esq, dated April 11, 2024.
- b. Township of Verona Planning Board Site Plan Application, undated and including the following:
 - Site Plan Review Checklist;
 - Planning Board Application Fee Calculation Sheet for Site Plan;
 - Township of Verona Board of Adjustment Application with Addendum, dated April 11, 2024;
 - 200 Foot Property Owner's List, dated January 30, 2024;
 - Sample Mailing Notice Certification;
 - Sample Public Hearing Legal Notice;
 - Affidavit of Ownership and Applicant, dated April 11, 2024;
 - Ownership Disclosure, dated April 11, 2024;
 - Authorization to Inspect Property, dated April 11, 2024;

- Submission Letter to Essex County Planning Board, dated April 10, 2024, and;
 - Aerial and Site Photos.
- c. Site Plan (7 sheets) entitled, “Preliminary – Final Site Plan Application For the Proposed Change of Use of the Existing Commercial Building to Proposed Use, Starbucks, Located at 30 Pompton Avenue, Lot 44, Block 202, Township of Verona, Essex County, New Jersey”, prepared by Bright View Engineering, dated April 9, 2024.
- d. Architectural Floor Plan (1 sheet) entitled, “30 Pompton Ave, Verona, NJ 07044”, prepared by Bergmann Architectural Associates, Inc., dated December 1, 2023.
- e. Starbucks Coffee Co. Renderings (5 sheets) prepared by Bergmann Architectural Associates, Inc., undated.
- f. Starbucks Coffee Co. Sign Design Details (4 sheets).
- g. A reduced copy of property survey (1 sheet) entitled, “ALTA/ACSM Survey of 100-120 Bloomfield Avenue, 12-30 Pompton Avenue, Lot 44 in Block 8 on Tax Maps of Township of Verona, Essex County, New Jersey”, prepared by Pronestic Surveying, Inc. The date of the survey is not clear on plan provided.
- h. “Traffic Impact Study, Proposed Coffee Shop, 30 Pompton Avenue, Verona Township, Essex County, New Jersey”, prepared by Bright View Engineering, dated February 21, 2024.

Application

1. The Applicant/Owner in this matter is:

EVI Realty, Inc.
1093 Smith Manor Boulevard
West Orange, New Jersey 07052

The Applicant must notify the Township of any changes in this information.

2. The property in question (Block 202, 44) is an irregularly shaped lot with frontage on Pompton Avenue, Claremont Avenue, and Bloomfield Avenue. It is located in the ETC Extended Town Center Zone. It should be noted that Pompton Avenue is New Jersey State Route 23 and Bloomfield Avenue is a County Road (CR 506).
3. Lot 44 is currently occupied by three (3) one-story buildings which contain multiple retail and commercial uses such as car showroom and service center, pizzeria, learning center spa, and bank. An associated parking lot is also present on site.
4. The Applicant is seeking preliminary site plan and variance approval to change occupancy of the existing bank building to a Starbucks Coffee House with outdoor seating. The existing drive-through and canopy are to be removed. Associated site improvements include parking lot restriping, new refuse/recycle area, signage, drainage, and lighting.

5. The Applicant has noted that no changes are proposed to the existing building footprint.
6. The Site Data Chart on Sheet SP-1 indicates that the proposed Starbucks is a limited-service restaurant which is a permitted use in the ETC Zone (Section 150-17.15 A (10)).

Submission Status

7. The application is deemed **complete** for a public hearing with respect to the items of the Municipal Code that the Municipal Engineer is charged to review subject to the Applicant submitting a full-scale, signed, and sealed copy of the property survey.

Variances/Waivers

8. The Applicant is requesting the following variances associated with this Application:

Section	Item	Requirement	Existing	Proposed
150-17.15 C(3)	Min. Front Yard Setback (Pompton Avenue)	30 feet	22.6 feet (e)	22.6 feet (e)
150-17.15 C(11)	Max. Impervious Coverage	80%	89.9% (e)	89.9% (e)
150-17.15 C(13)	Min. Landscape Buffer Along Residential Zone	15 feet	5.1 feet (e)	5.1 feet (e)
150-17.23 E	Max. Outdoor Seating	49% of Indoor	90% for pizzeria (e)	90% for pizzeria (e) 35% of Starbucks
150-12.1 B(5)	Parking in Front and Side Yards	Not Permitted	Parking in Front and Side Yard (e)	Parking in Front and Side Yard (e)
150-5.3 F(2)	Paving of Required Yards for Parking	Not Permitted	Paved Parking in Required Yards (e)	Paved Parking in Required Yards (e)
150-8.4 B	Parking and Storage of Vehicles in Front Yard	Not Permitted	Parking and Storage of Vehicles in Front Yard (e)	Parking and Storage of Vehicles in Front Yard (e)

9. The Applicant is requesting the following sign variances associated with this Application:

Section	Item	Requirement	Existing	Proposed
150-7.9 S(2)	Max. Business Sign Height	4 feet	N/A	5 feet along Claremont Avenue (V)
150-7.9 X(12)	Pylon Sign	Not Permitted	N/A	One (1) 25-foot-high pylon sign proposed (V)

(V) Variance Required
 (e) Existing Non- Conformity

Architecture

10. The Applicant shall provide testimony regarding the proposed changes to the exterior façade of the tenant space including materials of construction, colors, lighting, signage, etc. In particular, the Applicant should discuss the appearance of the north, south and east facades that primarily face Pompton Avenue.
11. The Applicant shall provide testimony regarding the proposed outdoor seating area and compliance with Section 150-7.23 of the Township Code as follows:
 - a. Safe egress of patrons;
 - b. Any planned accessory items such as music boxes, heat lamps, service counters, umbrellas, etc., and;
 - c. Handling of refuse and recyclables.
12. The Applicant shall provide testimony if any new mechanical equipment (HVAC units or generator) is proposed for the new use. If so, architectural screening shall be provided for all mechanical equipment and compliance with Section 150-7.13 of the Township Code is required.
13. The Applicant shall provide testimony as to the proposed hours of operation and the anticipated number of employees during peak hours for the proposed use.

Site Plan

14. The Applicant should provide testimony regarding how the proposed site layout and circulation is designed to support how the Starbucks functions.
15. The Applicant shall provide testimony if the proposed ramp at the South side of the building is designed to be an ADA accessibility path and complies with ADA Standards and accessibility. The architectural renderings provided show railing proposed along the ramp. This railing shall be identified and labeled on the site plan.
16. Construction details have been provided for stairs and bollards. The location of proposed stairs and bollards shall be shown and labeled on the site plan.
17. The Applicant shall indicate if the existing flag pole in front of the building will be removed.
18. Areas of the parking lot are cracked and in need of repair. The Applicant shall provide testimony if any resurfacing of the existing parking lot is proposed. Any areas of the parking lot that are in need of surface repair where the pavement is not being replaced should be repaired to the satisfaction of the Township Engineer.

19. The Applicant should provide testimony regarding how pedestrians will travel safely through the parking lot and site.
20. The Applicant is proposing a new 10.17' x 19.33' refuse/recycle area. The Applicant shall provide testimony as follows:
 - a. How often solid waste and recycling is picked up and if this area is adequate in size for the operation?
 - b. Construction detail shall be provided for the proposed refuse/recycle area as they have not been submitted with the Application. Is an enclosure fence or wall proposed around this area?
 - c. Will the location of the refuse/recycle area obstruct the normal traffic flow?
 - d. We recommend that curb be installed from the existing inlet to the planter so surface water runoff does not flow to the adjacent property.
21. The existing sidewalk along the Pompton Avenue and Claremont Avenue frontages has settled below the curb line. We recommend that where this exist, the sidewalk be replaced to eliminate a tripping hazard. Note 4 on sheet SP states that the Applicant will replace any sidewalk and curb in disrepair along the property frontstage as directed by the Township Engineer and the County of Essex Engineer.
22. The Applicant should provide testimony with regards to access and turning movements for emergency vehicles.
23. The Applicant should address how snow plowing operations are to be handled.
24. All Fire Zone and No Parking Zone is subject to the approval of the Township's Fire Prevention Bureau.
25. The Applicants shall be aware of their responsibility to repair any damage to improvements within the Township Right-of-Way including, but not limited to, sidewalk, curb, and asphalt, caused by construction activities associated with the improvements on the subject lot.
26. Pompton Avenue (NJSR 23) is under the jurisdiction of NJDOT. The Applicant shall obtain approval or exemption from NJDOT.
27. Bloomfield is under the jurisdiction of Essex County. The Applicant shall obtain approval or exemption from Essex County Planning Board.
28. The owner/applicant must submit an as-built survey that accurately shows all the improvements. This survey must include all existing and finished grades.

Retaining Walls

- 29. At the northeast corner of the property, the existing retaining wall and fence along Pompton Avenue is damaged. This wall and fence must be repaired.
- 30. The Applicant proposes to construct a wall along the proposed ramp to the south of the building with a maximum exposed wall height of 3.75 feet. A construction detail shall be provided for this wall.
- 31. Please be advised, all retaining walls greater than three (3') feet in exposed height require retaining wall stability calculations to be provided by a licensed professional engineer in the State of New Jersey. The calculations must be signed and sealed, for the Township's review and approval prior to construction.

Off-Street Parking/ Loading Spaces

- 32. The following number of parking spaces are required per parking calculations shown on Sheet SP-1:

Sale of new/used motor vehicles (DCH Montclair Acura)
23,573 square feet x 1 space/700 square feet of GFA + 6 spaces = 40 spaces

Eating/drinking places (Pizzeria and Starbucks)
38 seats (pizzeria) x 1 space/2 seats = 19 paces
54 seats (Starbucks) x 1 space/2 seats = 27 spaces

Office (Huntington Learning Center)
2,400 square feet x 6 spaces/1,000 square feet of GFA = 14.4 spaces

Personal service establishment (Pompton Spa)
3,480 square feet x 1 space/300 square feet of GFA = 11.6 spaces

Total Required Parking = 112 spaces

- 33. The Applicant is proposing a total of 199 parking spaces including three (3) ADA spaces. The Site Plan sheet SP-4 shown 170 striped parking spaces. The Applicant should provide testimony on the discrepancy.
- 34. The Applicant shall provide testimony regarding compliance with ADA and electric vehicle (EV) requirements. A total of six (6) ADA spaces are required for the parking lot whereas only three (3) are proposed.
- 35. Five (5) new parallel parking spaces are proposed along the shared property line with Lot 43 which contains a residential dwelling. The Applicant shall provide testimony if these parking spaces will affect the privacy of the adjacent residential dwelling.

36. One (1) 12 ft x 30 ft loading space is proposed to the west of the Starbucks building. The Applicant should provide testimony regarding deliveries to the site, size and number of trucks, and times of deliveries.

ADA Facilities

37. All ADA parking spaces, accessible paths and pedestrian facilities constructed on site and within public rights-of-ways must be constructed in accordance with Federal ADA Standards. Compliant Design and Construction Certifications for ADA Facilities must be submitted to the Municipal Engineer.
38. The Applicant should confirm in the testimony that the handicap parking spaces and accessible path to the building entrance on the North side of the building will meet ADA standards.

Traffic

39. The Applicant should provide testimony regarding the impact on traffic due to the proposed use.
40. The Applicant has submitted a Traffic Impact Study for proposed Starbucks. We are currently reviewing this report and will provide our comments under separate cover.

Utilities

41. The Applicant shall provide testimony if they will be utilizing the existing water, sewer, gas, etc. services to the building. If so, the location of the existing services shall be shown and labeled on plan.
42. The Applicant shall provide testimony if there is adequate water pressure available for the proposed Starbucks.
43. The Applicant shall confirm the existing sewer system has adequate downstream capacity for the proposed building.
44. Any existing services to be utilized will require a video inspection to confirm they are not clogged or damaged, and are operating properly. The Applicant should make any repairs that are required.

Drainage

45. The Applicant is proposing no increase in impervious coverage.
46. The existing 15-inch RCP is proposed to be removed and replaced with 18-inch HDPE Pipe with new B inlet and storm manhole which will connect to the existing drainage system on site.

47. We recommend any portion of the existing drainage system to be utilized shall be inspected and cleaned to insure it is properly functioning.
48. The Applicant shall confirm the existing stormwater system has adequate downstream capacity for the proposed use.
49. The final grading of the lot must ensure that additional surface runoff does not flow or get trapped on any adjoining properties. The Township reserves the right to direct regrading of the lot if it is not graded properly

Lighting

50. The Applicant is proposing modifications to the existing site lighting. One new (1) wall-mounted light is proposed whereas the other existing wall-mounted and pole-mounted lights around the Starbucks building are proposed to have new light fixtures.
51. Construction details shall be provided for the proposed light fixtures. It appears that the W-18 light fixture as shown on sheet SP-6 will have a light color intensity of 4000k. We recommend that the light color intensity be a maximum of 3000k due to the site being adjacent to residential dwellings.
52. The Applicant shall provide testimony as to the adequacy of the lighting of the building and parking areas.
53. The Applicant shall provide testimony if the proposed building and parking lot lighting will intrude into the residential neighboring properties.
54. The Applicant shall provide testimony as to the hours of the site lighting and if it will be reduced in evening hours when only lights necessary for security purposes shall be left on.
55. The Applicant shall provide testimony if the proposed outdoor restaurant lighting is limited to one footcandle over the seating area with the source of the light not visible from any adjoining residential uses in compliance with Section 150-7.23 of the Township Code.
56. The Township reserves the right to require modification and changes in the proposed lighting for a six (6) month assessment period after construction of the project is completed and a Certificate of Occupancy is issued so that the Township officials have the opportunity to determine what, if any, changes are necessary to lighting improvements. Applicants shall comply

Landscaping

57. The Applicant is requesting a variance for not providing the required planting area and buffers with an excess of parking spaces proposed. The Applicant shall provide testimony justifying the requested reduction in planted areas and buffers with the excess parking proposed.
58. The existing foundation landscaping is sparse across the building. The Applicant should provide testimony if any additional site landscaping is proposed including any landscaping to enhance the outdoor seating area.

Tree Removal

59. The Applicant shall confirm that no trees are proposed to be removed. If no trees are to be removed, same shall be noted on plan.
60. The Township of Verona has a Tree Removal Ordinance (Chapter 493, Article II) and any trees to be removed are subject to review and approval by permit only. The permit application is available on-line at the Township website and shall be reviewed independently of this review letter by the Township Zoning Official.

Signage

61. The Applicant shall provide testimony with respect to the proposed signs being in conformance with Chapter 367 of the Township Code and the sign variances requested.
62. The signage details show the following proposed signs:
 - a. One (1) 27.08 sf 'Starbucks' sign along the east façade of the building,
 - b. One (1) 19.63 sf Starbucks logo sign along the north façade of the building,
 - c. One (1) 25-foot-high double-faced pylon sign at the intersection of Pompton Avenue and Claremont Avenue. The area of this sign is proposed to be 28.3 sf.
63. Per Section 150-7.9 X(12), pylons signs are not permitted. A variance is required for the proposed pylon sign. The Applicant should provide testimony as to the need for this pylon sign to be 25 feet high.
64. A 'Starbucks - Enter' sign is proposed at the driveway entrance from Claremont Avenue. Construction details shall be provided for all proposed directional signs.
65. The Applicant shall confirm in testimony that the lighting intensity is proposed to be 6,500k. The Applicant should provide testimony as to the need for the sign to have that amount of intensity.
66. Per Section 150-7.9S (4), no business sign shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m. the following morning, unless the business or use so advertised

is open to the public later than 11:00 p.m. or earlier than 6:00 a.m. The Applicant shall present testimony to the proposed hours for any expected sign to be illuminated.

67. The Township reserves the right to require change in the lighting intensity for a period of up to six (6) months after installation.

Soil Movement

68. Soil movement quantities shall be provided on plan.
69. The Township of Verona has a Soil Removal Ordinance (Section 440) and any soil to be moved is subject to review and approval by Township Council.
70. The contractor must maintain soil erosion and sediment control measures throughout the duration of construction.
71. The limit of disturbance shall be quantified on plan. If the proposed disturbance exceeds 5,000 SF, approval from the Hudson-Essex-Passaic Soil Conservation District (HEPSCD) will be required.

Thank you for your kind attention to this matter. Should you have any questions or require additional information, please do not hesitate to contact me.

Very truly yours,

BOSWELL ENGINEERING



Peter C. Ten Kate, P.E.

PCTK/rs

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