



To: Bloomfield Zoning Board of Adjustment & Applicant

From: George Wheatle Williams, PP, AICP Principal  
Steven Martini, PP, AICP Associate

Date: April 12, 2024

Re: **D-1 Use Variance Approval**  
**D-4 FAR Variance Approval**  
**"C" Variance Approvals**  
**Preliminary and Final Major Site Plan Approval**  
176 Walnut Street (Block #287, Lot #21)

### Planning Review Memo

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## INTRODUCTION

This office has reviewed the application submitted by Christopher Rodgers ("Applicant"). The applicant has filed an application with the Bloomfield Zoning Board of Adjustment to 'convert' the use of an existing second principal building in the rear of the subject site to a manufacturing/fabrication use on the first floor and an accessory storage use in the basement of the building. The property in question ("subject site") consists of one tax lot: 176 Walnut Street (Block #287, Lot#21). The proposed uses of 'manufacturing' is not among the permitted uses in the in the R-2A Zone. Therefore a "D-1" variance is required for the proposed use. Additionally, a "D-4" variance is required for exceeding the maximum floor area ratio ("FAR") permitted in the zone, and "C" variances are required for deviating from multiple bulk and area regulations. In preparation of this report, this office reviewed the following documents:

- Standard Development Application dated February 7, 2024.
- Variance Application Checklist prepared by Michael J. Piromalli, Esq., undated.
- Preliminary Major Subdivision and Site Plan Checklist prepared by prepared by Michael J. Piromalli, Esq., undated.



- Final Major Subdivision and Site Plan Checklist prepared by prepared by Michael J. Piromalli, Esq., undated.
- Statement of Applicant Intent and Relief Requested dated January 31, 2024.
- Fees Explanation for Land Use Application.
- Certification of Applicant.
- Property Tax Records of the subject site as of January 31, 2024.
- List of Property Owners within 200 feet of the subject site, map showing these properties, and request for properties received by the Township Assessment Department on February 5, 2024.
- Tax Map of subject site.
- List of Township Public Utilities.
- Topographic survey of the subject site, prepared by Lakeland Surveying, Inc. dated December 11, 2023.
- Site Plans/Architectural Drawings containing six (6) sheets prepared by Sionas Architecture, P.C. dated January 26, 2024.
- Township of Bloomfield Land Development Ordinance (**Chapter 315**).
- Township of Bloomfield Master Plan Reexamination Report (**2014**).
- Township of Bloomfield Zoning Map.



## PROPERTY AND AREA DESCRIPTION

The subject site is located along the western side of Walnut Street. The site contains one Township tax lot: Block 287, Lot 21. The site contains an area of 3,749.9 square feet. A 2-story masonry building is situated at the front portion of the site along Walnut Street. The first floor contains one-bedroom apartment to the north (right) and a garage and storage portion to the south (left). There is an overhang garage door that provides access to the garage. The second floor consists of two one-bedroom dwelling units and stairwell access to the first floor. This building was built in 1947 as per MOD-IV Municipal Tax Records, and further, these Tax Records describe the site as “shop + 3 apt’.

At the rear portion of the subject site, there is a second building. This building is one-story. The subject site is located within the Township’s Two-Family Lower-Density Residential Zone (R-2A). Other existing site improvements consist of a loading dock, driveway, concrete pads, and chain-link fence surrounding the site.

The surrounding land use pattern contains an array of uses. To the immediate north and south of the site, along the same side of Walnut Street, there is a 2.5-story, two-family residential dwelling. East of the subject site, on the opposite side of Walnut Street, there is a row of 2.5-story residential dwellings containing between one and two dwelling units. West of the site is a 2-story multi0-familu residential condominium building (Walnut Village Condo Association).

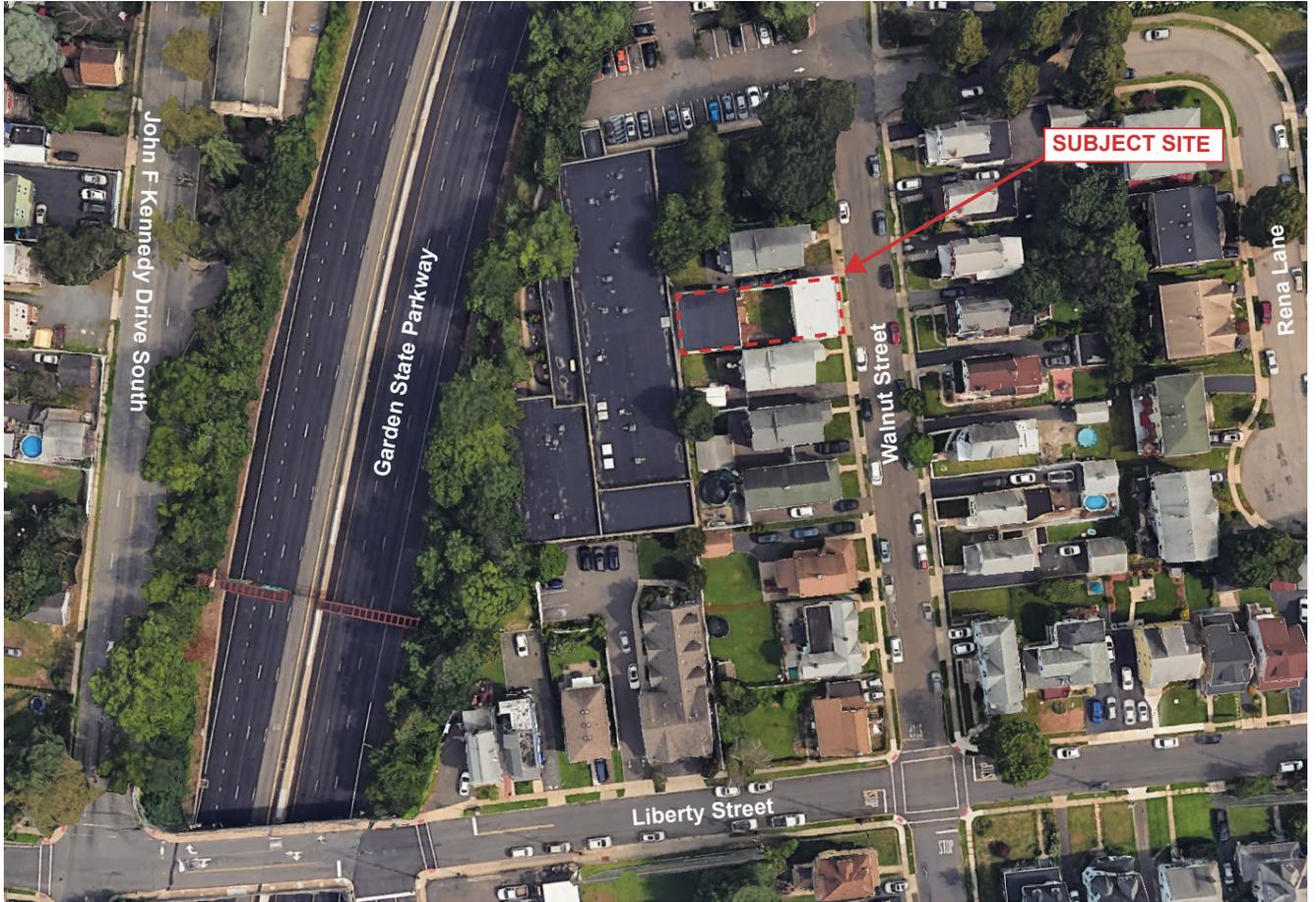


Exhibit 1. Aerial depicting subject site location (Source: Google Maps, accessed April 2024).

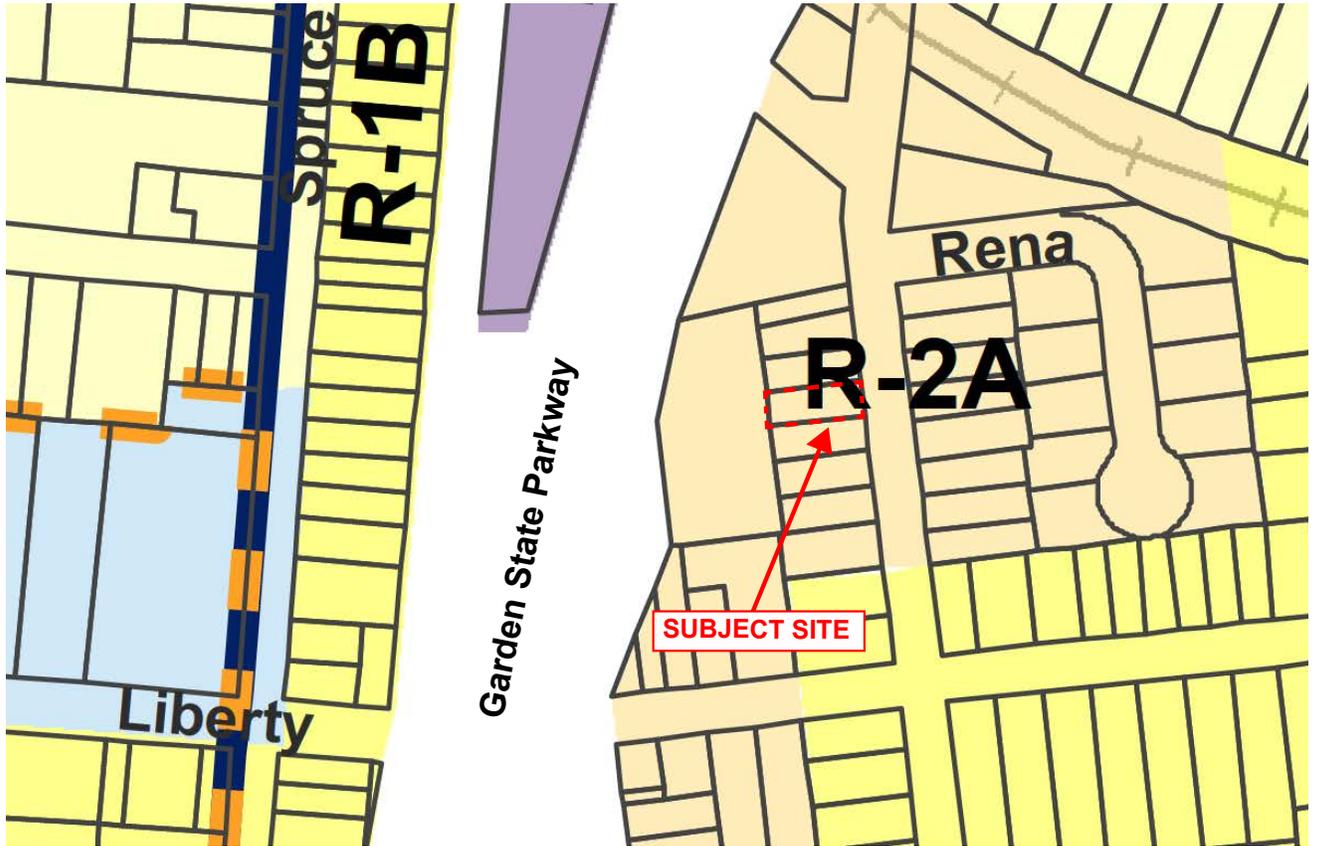


Exhibit 2. Zoning Map section depicting the subject site in the R-2A District, which is shown in a dashed red line.



**Photo 1: Front view of the existing 2-story building looking from the Walnut Street frontage. Note that the rear building is only accessible by traveling through this front principal building.**



**Photo 3: Directly north of the subject site is a 2.5-story, two-family dwelling.**



**Photo 4: Contiguous to the site's southerly boundary is another 2.5-story, two-family dwelling.**



**Photo 5: Along the eastern side of Walnut Street, across from the subject site, there are 2.5-story dwellings with typical building height of 2.5 stories.**



**Photo 6: View of Walnut Street streetscape looking north.**



## PROJECT DESCRIPTION

The Applicant is proposing to convert the rear building to be used as a manufacturing/fabrication use on the first floor and a storage/warehouse use at the basement level. Additionally, improvements are proposed to the front building at the first floor. These improvements consist of providing an interior laundry and refuse/recycling areas for the residents of the dwelling units, new door to the mechanical room and installation of a No Parking sign at the garage entrance at front of the building.

At the basement level, there is a storage room accessed via an attached ramp, as well as a storage area to the left. There is also a janitor closet, washroom, and mechanical room.

The first floor will be utilized for the manufacturing/fabrication use. There is a conference room/office and a washroom at the left corner.

Other proposed site improvements consist of removal and replacement of sconce lighting fixtures, removal of existing chain-link fence and replacement with a 6-foot vinyl fence to match. Permeable pavers will be installed at the driveway.



## RELIEF SOUGHT ACCORDING TO THE APPLICATION

The relief that the Applicant is requesting is summarized below:

- **Use Variance (“D-1”)** for the proposed manufacturing/fabrication use on the subject site since this is not permitted in the R-2A zone.
- **D-1 Use Variance** as only one principal use is permitted on a single lot, whereas two principal building are on the site.
- **FAR Variance (“D-4”)** as the maximum permitted is 0.5, whereas 0.89 is existing.
- **“C” Variances:**
  - **Minimum lot area** (5,000 square feet is the minimum required, whereas 3,749.9 square feet is provided)
    - NOTE: This is a pre-existing condition, and as noted on the Statement of Applicant Intent, there will be no change involved regarding this condition.
  - **Minimum lot width** (50 feet is the minimum required, whereas 37.5 feet is provided)
    - NOTE: This is a pre-existing condition, and as noted on the Statement of Applicant Intent, there will be no change involved regarding this condition.
  - **Minimum front yard setback** (20 feet is the minimum required, whereas 0.1 feet is provided)
    - NOTE: This is a pre-existing condition, and as noted on the Statement of Applicant Intent, there will be no change involved regarding this condition.



- **Minimum side yard setback** (6 feet is the minimum required for one side, whereas 0.2 feet and 0.4 feet are provided)
  - NOTE: This is a pre-existing condition, and as noted on the Statement of Applicant Intent, there will be no change involved regarding this condition.
- **Minimum combined side yard setback** (14 feet is the minimum required, where as 0.6 feet is provided)
  - NOTE: This is a pre-existing condition, and as noted on the Statement of Applicant Intent, there will be no change involved regarding this condition.
- **Maximum building lot coverage** (25% is the maximum permitted, whereas 66% is provided)
  - NOTE: This is a pre-existing condition, and as noted on the Statement of Applicant Intent, there will be no change involved regarding this condition.
- **Maximum lot coverage** (60% is the maximum permitted, whereas 68% is provided)
- **Minimum required parking aisle width** (24 feet is the minimum required, whereas 17.5 feet is provided)
- **Driveway access for non-residential use from a residential street is prohibited**, whereas this driveway access for the proposed manufacturing/fabrication and storage uses is proposed.
- **Minimum two-way driveway width** (24 feet is the minimum required, whereas 8.75 feet is provided)
- **Parking for commercial vehicles in a residential zone is prohibited**, whereas parking for commercial vehicles is provided



- **Minimum parking requirement** (9 spaces are required, whereas 3 spaces are provided).
  - NOTE: The required parking calculation for all uses onsite consist of the following:
    - Residential: 3 one-bedroom units X 1.8 spaces per unit = 5.4 spaces
    - Manufacturing/fabrication: 1,419 sq. ft. x 1 spaces per 500 sq. ft. = 2.8 spaces
    - Warehouse/storage: 1,419 sq. ft. x 1 spaces per 1,000 sq. ft. = 1.4 spaces
    - **Total: 9.6 spaces**



## LAND USE AND ZONING ANALYSIS

As shown on Exhibit 2, the subject site is located within the Township of Bloomfield's Residential, two-family, fifty-foot frontage (R-2A). According to §315-38(A) of the Land Development Ordinance, the intent of the R-2A zone is to preserve the integrity of the existing residential areas by preventing the intrusion of nonresidential uses into residential neighborhoods and by maintaining existing development intensity and population density consistent with residential neighborhood patterns and the specified one- or two-family density for the zone.

The following are principal, accessory and conditionally permitted uses in the R-2A District:

### Principal Permitted Uses

- (a) Single-family detached dwellings.
- (b) Public parks and playgrounds.
- (c) Two-family dwellings.

### Accessory Uses

- (a) Uses that are customarily incidental and accessory to the principal use as permitted herein.

### Conditional Uses

- (a) Home occupations.

### Relevant definitions

- **Accessory use:** A use of land or of a building or structure or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use (Section 315-6 of the Bloomfield Land Development Ordinance).
- **Duplex/two-family:** A building on a single lot containing two dwelling units, each of which is separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units (Section 315-6 of the Bloomfield Land Development Ordinance).



- **Dwelling:** A structure or portion thereof that is used exclusively for human habitation (Section 315-6 of the Bloomfield Land Development Ordinance).
- **Dwelling unit:** One or more rooms designed, occupied or intended for occupancy as separate living quarters with cooking, sleeping and sanitary facilities provided within the dwelling unit (Section 315-6 of the Bloomfield Land Development Ordinance).
- **Principal building:** A building in which is conducted the main use of the lot (Section 315-6 of the Bloomfield Land Development Ordinance).
- **Storage:** The keeping or placing of goods, wares, materials, merchandise or equipment in a warehouse or other structure or in any open space (Section 315-6 of the Bloomfield Land Development Ordinance).
- **Storage shed:** An accessory building used for the storage of items, such as, but not limited to, tools, lawn and garden equipment and furniture, and similar items of personal property belonging to the occupant or owner of the principal structure (Section 315-6 of the Bloomfield Land Development Ordinance).



## BLOOMFIELD MASTER PLAN

The last comprehensive Master Plan for the Township of Bloomfield was adopted in November 2002. The Bloomfield Planning Board adopted Reexamination Reports in 2008 and 2014. Many of its recommendations are repeated in both Reexamination Reports for official incorporation into the Bloomfield Master Plan.

Accordingly, the Township of Bloomfield has set the following Goals & Objectives and Recommendations relevant to this application:

### 2002 Master Plan Goals and Objectives

**Goals and Objectives #1:** Provide a balanced land use pattern that preserves residential neighborhoods, strengthens the vitality of commercial districts, enhances remaining industrial areas, preserves and addresses parks and open space, protects environmentally sensitive natural features, accommodates community facilities and facilities local/regional circulation. *(Goals & Objectives, Chapter I, Page 1)*

**Goals and Objectives #2:** Preserve and enhance the suburban residential character of the Township by protecting established neighborhoods, maintaining a balance of housing choices, providing for compatible in-fill housing and planning for appropriate residential development in targeted redevelopment areas where land uses are in transition *(Goals & Objectives, Chapter I, Page 1)*

**Goals and Objectives #4:** Promote the growth of a diversified economic base that generates employment growth, increases tax rates, improves income levels and facilitates the redevelopment of brownfield sites. Focus economic development efforts on growth sectors of the economy and existing commercial and industrial districts. *(Goals & Objectives, Chapter I, Page 1)*

**Land Use Objective #2:** Maintain established residential neighborhoods by adhering to density limits, preventing the intrusion of non-residential uses and controlling bulk. *(Goals & Objectives, Chapter I, Page 2)*



**Land Use Objective #3:** Encourage and retain industrial uses wherever feasible, subject to the provision of buffering and screening, adequate access and performance standards to mitigate nuisances. *(Goals & Objectives, Chapter I, Page 2)*

**Land Use Objective #9:** Address quality of life issues resulting from land use conflicts, intensive commercial and industrial uses, increases in residential density from illegal conversions, vacant or underutilized parcels and limited parking in residential and commercial districts. *(Goals & Objectives, Chapter I, Page 2)*

**Economic Objective #1:** Promote increased diversification of the economic base to address the regional decline of manufacturing, capitalize on growth in the service sector and protect against cyclical downturns in the economy. *(Goals & Objectives, Chapter I, Page 3)*

**Economic Objective #7:** Continue commercial and industrial retention and recruitment efforts. *(Goals & Objectives, Chapter I, Page 3)*

### **2014 Re-examination Report**

This Re-examination Report did not mention issues, changes or recommendations relevant to the subject site.



## STANDARDS FOR GRANTING VARIANCE RELIEF

The New Jersey Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-70 sets forth the statutory requirements for variance relief.

### D Variances

The Municipal Land Use Law (MLUL) at N.J.S.A. **40:55D-70(d)(1)** permits the Board of Adjustment in particular cases for special reasons, grant a variance to allow departure from regulations to permit "a use or principal structure in a district restricted against such use or principal structure". This represents the Positive Criteria of the statute. A "d" variance also requires a showing of the Negative Criteria. An applicant must demonstrate that the proposed variances can be granted "without substantial detriment to the public good and will be substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance."

#### *D-4 Floor Area Ratio (FAR) Variance*

Floor area ratio controls are controls on intensity of use. They apply primarily to nonresidential and multi-family residential structures. There has been a trend, however, toward using floor area ratio provisions in single-family residence districts.

The term "floor area ratio" is defined in N.J.S. [40:55D-4](#) as meaning "the sum of the area of all floors of buildings or structures compared to the total area of the site". The term "building" is defined in N.J.S. [40:55D-3](#) as meaning "a combination of materials to form a construction adapted to permanent, temporary, or continuous occupancy and having a roof." The term "structure" is defined in N.J.S. [40:55D-7](#) as "a combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above or below the surface of a parcel of land."

According to N.J.S. [40:55D-70d\(4\)](#), variances from FAR controls may be granted only by boards of adjustment under subsection d(4) and not by planning boards. The reason is that variances of this type can pose a greater threat to the zone plan



and public good than other dimensional controls, which are regulated by subsection (c).

Any application to "increase ... the permitted floor area ratio" is cognizable only under subsection d(4) of the statute and relief can be granted only upon the showing of "special reasons." However, it has been held that in establishing special reasons for a FAR variance, *Coventry Square v. Westwood Zoning Bd. of Adjustment*, [138 N.J. 285](#) (1994) and **not** *Medici v. BPR Co.*, [107 N.J. 1](#) (1987) controls. Therefore, the applicant for a FAR d(4) variance need **not** show that the site is particularly suited for more intensive development. Rather, such an applicant must show that the site will accommodate the problems associated with a floor area larger than that permitted by the ordinance. (Cox & Koenig)

### C Variances

The Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-70c sets forth the standards for variances from the bulk regulations of a zoning ordinance. A c(1) variance is for cases of hardship due to a) exceptional narrowness, shallowness or shape of a specific property, or b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property or c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

A c(2) variance may be granted where the purposes of the Municipal Land Use Law would be advanced by deviation from the zoning ordinance requirements, that the variance can be granted without substantial detriment to the public good, that the benefits of the deviation would substantially outweigh any detriment and that the variance will not substantially impair the intent an purpose of the zone plan and zoning ordinance. The benefits identified in granting a c(2) variance must include benefits to the community as a whole, not only the applicant of the property owner. A c-variance applicant must address the "negative criteria," and affirmatively demonstrate that the variance can be granted "without substantial detriment to the public good" and "without substantial impairment to the intent and purpose of the zone plan and zoning ordinance".



## PLANNING COMMENTS

1. As required of “D-1” use variances, the Applicant should provide the Positive and Negative Criteria of the use variance for the proposed manufacturing/fabrication establishment. As outlined in *Medici v. BPR*, the Applicant must demonstrate the special reasons promote the general welfare of the community and that the site is particularly suited for the development (*positive criteria*). Also stated in *Medici*, the Applicant must show that the project will not be substantial detrimental to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance (*negative criteria*).
2. The Applicant shall provide proofs relevant to exceeding the maximum floor area ratio (FAR) permitted in the R-2A Zone (“D-4” variance). The Applicant should address that the site can accommodate the greater FAR than permitted, as outlined in *Price v. Himeji* case.
3. The Applicant should confirm that the proposed exterior lighting will not any spillover onto adjacent any residential properties.
4. The Applicant shall provide testimony regarding parking, vehicular access and circulation, especially the driveway access is via the two-bay garage of the front building.
  - a. The Applicant shall confirm the locations of the three parking spaces proposed.
  - b. The Applicant shall discuss which use onsite will utilize these spaces (dwelling units or manufacturing/fabrication establishment?)
  - c. If spaces will be allocated to each use, the Applicant shall testify how these spaces will be arranged, how conflicts will be minimized with the commercial vehicles and the residents’ vehicles.
  - d. The Applicant shall confirm that vehicular access will be provided through the garage (from both the front and rear) to access the driveway.



5. The Applicant should provide testimony to discuss whether any additional landscaping will be proposed.
6. The Applicant shall confirm manufacturing and/or fabrication is proposed. (i.e., what products will manufactured? What type of equipment will be stored and operation in the building?).
  - a. This is inquired to understand the intensity of the use. Will it be welding? Woodworking? Mechanical? Electronic? Combination of trades?
7. The Applicant shall indicate the proposed hours of operation of the manufacturing/fabrication establishment. Would these be the same hours for the storage/garage component?
8. The Applicant shall confirm the number of employees in total and maximum per shift.
9. The Applicant shall identify if any signage is proposed as part of the application. If so, will this signage be located on the front principal building in order to direct individuals to the correct building?
10. Will trucks need to access the rear building (i.e., for deliveries, equipment pick-up, etc.)? If so, how will this access be provided? What times would be anticipated for deliveries/truck access?
11. Is there any lighting proposed as part of the application? If so, the applicant shall confirm that the proposed lighting will not spillover onto adjacent properties.
12. Being that this is a primarily residential neighborhood, are the any mitigation measures in place regarding noise that is anticipated from the manufacturing/fabrication use?



105 Grove Street, Suite 3  
Montclair, NJ 07042  
[www.Nishuanegroup.com](http://www.Nishuanegroup.com)  
973.954.2677

## CONCLUSION

The above comments are based on the review of the materials submitted to date. Nishuane Group reserves the right to provide new or updated comments as additional information becomes available. This Report should be cross-referenced with the Board Engineer's Review Letter.