



To: Bloomfield Zoning Board of Adjustment & Applicant

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

Date: December 8, 2023

Re: **D-1 Use Variance Approval**
"C" Variance Approvals
Preliminary and Final Major Site Plan Approval
67 Park Avenue (Block #249, Lot #1)

Planning Review Memo

INTRODUCTION

This office has reviewed the application submitted by Ann Lauda ("Applicant"). The applicant has filed an application with the Bloomfield Zoning Board of Adjustment to convert existing commercial space within a 2-story mixed-use building as two one-bedroom dwelling units. The mixed-use building currently contains ground floor commercial space and 4 dwelling units on the second floor. The property in question ("subject site") consists of one tax lot: 67 Park Avenue (Block # 249, Lot# 1). "Garden apartments" is not a permitted use in the in the R-1B Zone. Therefore a "D-1" variance is required for the proposed use. Additionally "C" variances are required for deviating from the bulk and area regulations. In preparation of this report, this office reviewed the following documents:

- Standard Development Application dated September 25, 2023.
- 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.



- Preliminary Major Subdivision and Site Plan Checklist prepared by prepared by Michael J. Piromalli, Esq., undated.
- Survey of the subject site, prepared by Canfora Surveying, Inc. dated September 14, 2023.
- Certification of Applicant.
- Statement of Applicant Intent and Relief Requested dated September 25, 2023.
- Fees Explanation for Land Use Applications.
- Property Tax Records of the subject site as of September 25, 2023.
- 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 September 14, 2023.
- Tax Map of subject site.
- List of Township Public Utilities.
- Site Plans/ Architectural Drawings containing four (4) sheets prepared by Thomas J. Mesuk, LLC dated August 9, 2023 with a ZBA issuance date of September 5, 2023.
- Deed of subject site dated September 13, 2005.
- Deed of subject site dated August 4, 1978.
- 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 northern side of Park Avenue. The site contains one Township tax lot: Block 249, Lot 1. The site contains an area of approximately 8,397 square feet. It is a corner lot with street frontages along Park Avenue to the south and Edgewood Road to the east. A 2-story mixed-use building currently stands on the site. This residential dwelling was built in 1927. The subject site is located within the Township's Single-Family Medium Density Residential Zone (R-1B). The site is located at the Township's municipal border with the Borough of Glen Ridge, as the eastern side of Edgewood Road is located in Glen Ridge .

Surrounding land uses are diverse. North of the subject site are single-family dwellings along both sides of Edgewood Road. Immediately east of the site along Park Avenue is 2.5-story single-family dwelling (65 Park Avenue). South of the site is 5-story brick apartment building (68-70 Park Avenue), 2.5-story single-family dwelling, (72 Park Avenue). West of the site, along the opposite side of Edgewood Road, is a multiple-story brick condominium complex within the Borough of Glen Ridge.



Exhibit 1. Aerial depicting subject site location (Source: Google Maps, accessed December 2023).

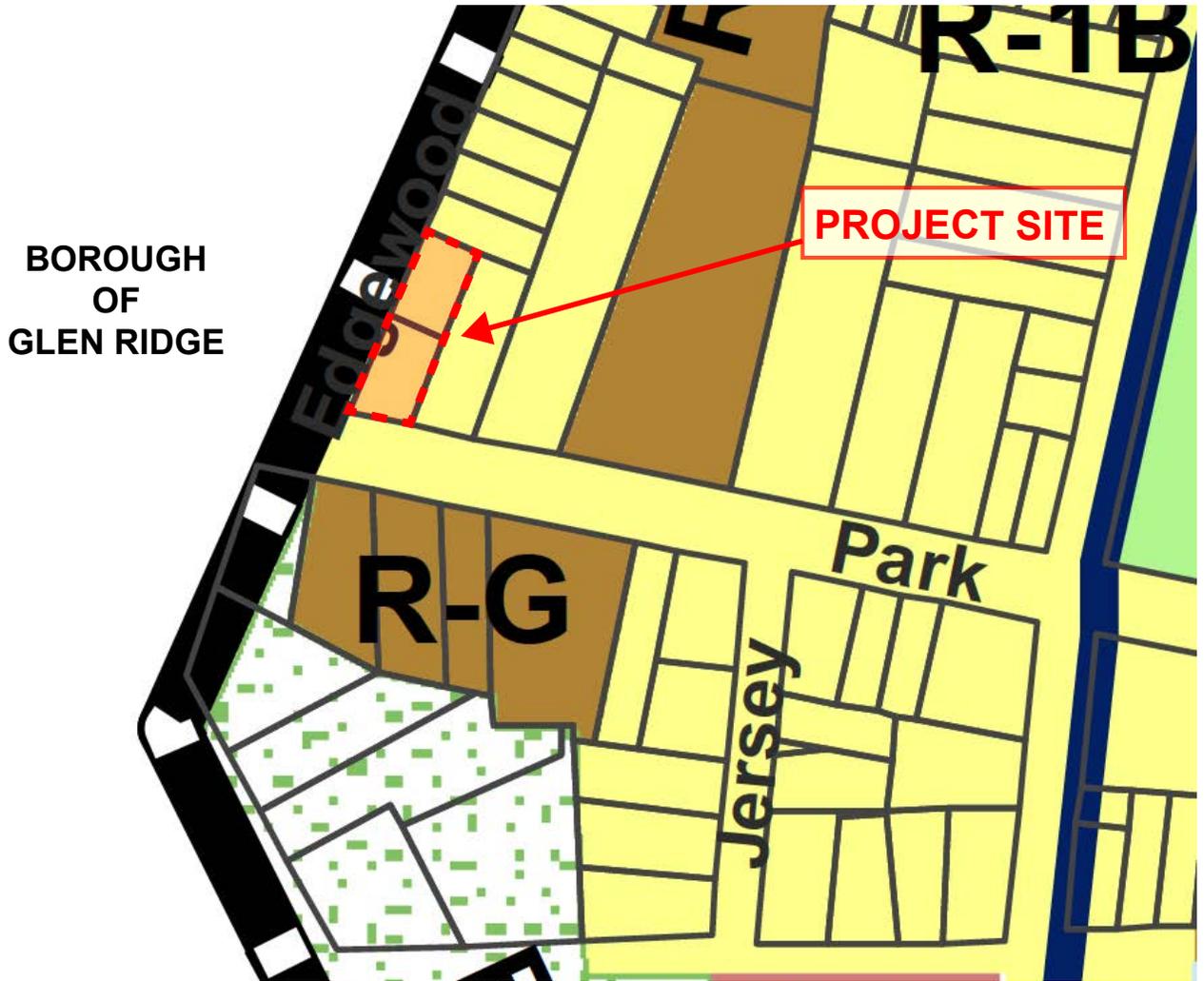


Exhibit 2. Zoning Map section depicting the subject site in the R-1B District, as outlined in red.



Photo 1: View of the existing two-story mixed-use building from the Park Avenue facade.



Photo 2: View of the existing two-story mixed-use building from the Edgewood Road facade.



Photo 3: View of the rear of the subject site, looking from the northwestern corner.



Photo 4: Immediately north of the site is a row of 2.5-story single-family dwellings along the eastern side of Edgewood Road. The western side of Edgewood Road is in the Borough of Glen Ridge.



Photo 5: A condominium complex is situated west of the site and is located in Glen Ridge.



Photo 6: Rear view looking south of the existing parking area and rear entrance to subject site's building.



Photo 5: A 2.5-story single-family dwelling and 5-story brick apartments are south and southeast of the site along Park Avenue.



Photo 6: Corner view of subject site's building.



PROJECT DESCRIPTION

As per the application filed, the Applicant is proposing to legalize the conversion of a ground floor commercial tenant space into two (2) one-bedroom residential dwelling units. Each of the proposed dwelling units will be one-bedroom units. Two of the existing commercial spaces on the ground floor will remain as is with no changes proposed. These commercial units are identified on Sheet A-1 as 71 Park Avenue, which contains a floor area of approximately 1,546 square feet and is tenanted by an accounting office. It has two entrances accessed via the Park Avenue frontage. The second commercial unit is identified on the same sheet as 67 Park Avenue, which has a floor area of approximately 441.8 square feet and it tenanted by an ice cream shop. The unit at 67 Park Avenue is accessed via an entrance at the corner of the building where both street frontages meet.

The proposed unit identified as 3 Edgewood Road on Sheet A-1 of the proposed site plans/architectural drawings will be accessed via the existing common area, accessed from an entrance along the Edgewood Road façade. The unit at 3 Edgewood Road will contain a floor area of approximately 993.9 square feet. The floor plan features a living area, kitchen, utility closet, bathroom, bedroom with walk in closet, washer/dryer area, and a den.

The second unit, identified on Sheet A-1 as 7 Edgewood Road, is accessed via an existing double-door entrance at the rear of the building. The proposed unit at 7 Edgewood Road contains a floor area of approximately 598.8 square feet. The floor plan features a combined living area and kitchen, bathroom, washer/dryer area and bedroom with closet and HVAC closet.

The second floor contains 4 dwelling units (including two one-bedroom units and two two-bedroom units). As indicated on Sheet A-2 of the proposed site plans/architectural drawings, there are no changes proposed to any of these units.

Additional exterior building improvements proposed consist of the installation of sconce lighting fixtures along both building facades (with 4 fixtures to be installed along the Park Avenue frontage and 7 fixtures to be installed along the Edgewood Road frontage. There will also be two fixtures installed at the corner entrance (to the ice cream shop at 67 Park Avenue). New Andersen windows will be installed at the ground floor level along both Park Avenue and Edgewood Road. The



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windows on the second floor will also be replaced. New stone will be installed as well as stucco finishings on the facades along both Park Avenue and Edgewood Road. The existing shake siding on the second floor will be repainted. Similar improvements regarding stone and painting are also proposed at the corner of the building. There will also be an address plaque installed above the corner entrance.

At the rear of the site, there will be a parking area with 11 spaces. Two Electric Vehicle charging stations will be provided. The parking area will continue to be accessed via the existing curb cut along the Edgewood Road frontage.



RELIEF SOUGHT ACCORDING TO THE APPLICATION

The relief that the Applicant is requesting is summarized below:

- **Use Variance (“D-1”)** for the using the proposed renovated and converted accessory garage for multiple uses including storage, workspace and entertainment purposes (with a full bathroom, closet and climate-controlled capabilities) since this is not permitted in the R-1B zone.
- There is also a pre-existing non-conforming condition regarding the Floor Area Ratio (0.5 is the maximum permitted, whereas 0.9 is existing and proposed)
- **“C” Variances:**
 - **Minimum front yard setback** (20 feet is required; 0.14 feet is existing and proposed). **NOTE:** This is a pre-existing, non-confirming condition which will not be changed as part of this Application.
 - **Minimum side yard setback** (5 feet is required; 0.12 feet / 0.04 feet are existing and proposed). **NOTE:** This is a pre-existing, non-confirming condition which will not be changed as part of this Application.
 - **Minimum building coverage** (35% is the maximum permitted; 44.9% is proposed). **NOTE:** This is a pre-existing, non-confirming condition which will not be changed as part of this Application.
 - **Minimum lot coverage** (60% is the maximum permitted; 100% is existing and proposed). **NOTE:** This is a pre-existing, non-confirming condition which will not be changed as part of this Application.
 - **Minimum residential floor area for apartment:** As per Section 315-35. F. (4), one-bedroom apartments must have a



minimum floor area of 750 square feet for garden apartments. Per the Township Land Development Ordinance, the proposed apartments shall be identified as garden apartments. The proposed one-bedroom unit identified as 7 Edgewood Road will contain a floor area of 598.8 square, which is both below the requirement of 750 square feet.

- **Minimum parking spaces:** 20 spaces are the minimum required, whereas 11 spaces exist and are proposed (as well as 2 Electric Vehicle charging stations)
- **RSIS De minimis exception** for minimum parking spaces



LAND USE AND ZONING ANALYSIS

The subject site is located within the Township of Bloomfield's Residential, single-family, forty-foot frontage (R-1B). According to §315-38(A) of the Land Development Ordinance, the intent of the R-1B 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.

As depicted on Exhibit 2, the subject site is located in close proximity to other zones. There are Garden Apartment zones (R-G) situated across Park Avenue, south of the subject site and east of the subject site along the same side of Park Avenue. The northernmost portion of the Bloomfield Center Redevelopment Plan Area - 2 (BCRD-II) is also south of the subject site, approximately 210 feet away.

Principal Permitted Uses

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

Accessory Uses

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

Conditional Uses

- (a) Home occupations.

Relevant definitions

- **Floor Area:** The sum of the area of all floors of buildings measured to the dimensions of the outside walls of the buildings inclusive of ground floor parking, but excluding attics, basements, cellars, sheds and detached garages, except to the extent such areas are finished for use as bedrooms, family rooms, studies or other such living quarters; open porches, decks, patios, terraces, balconies, breezeways and arcades; utility, mechanical and



emergency power equipment areas; stairwells and elevator shafts in commercial buildings and multifamily dwellings; guard houses; and any open area above the ground floor within an open atrium space (Section 315-6 of the Bloomfield Land Development Ordinance)

- **Multi-family:** A building containing three or more dwelling units that share common horizontal or vertical separations, including garden apartments and townhouses (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)*



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 #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*)

Housing Goal #1: Protect and preserve established residential character through zoning enforcement, inspections of multi-family dwellings and rehabilitation, where necessary. (*Goals & Objectives, Chapter I, Page 5*)

Housing Goal #2: Maintain a balance of housing options to meet the needs of all residents. (*Goals & Objectives, Chapter I, Page 5*)

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.”

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. The Applicant should address the waivers requested on the submitted Checklists for Final Major Site Plan and Variances, including the survey of the property.
2. As required of “D-1” use variances, the Applicant should provide the Positive and Negative Criteria of the use variance for the proposed conversion from ground floor commercial space to two one-bedroom residential units. 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*).
3. There does not appear to be a rear elevation provided within the site plans/architectural drawings set.
4. The Applicant shall confirm that the existing rear doubled door entrance will be the primary ingress/egress for the occupants of the proposed unit at 7 Edgewood Road.
5. The Applicant should provide testimony demonstrating compliance with all applicable RSIS parking requirements.
6. If the floors plan of the proposed dwelling units were to be rearranged, could both units reach compliance regarding the minimum floor area requirement? (e.g., decrease the size of the den in the proposed 3 Edgewood Road unit and add this area to the 7 Edgewood Road unit.)



7. The Applicant should if there is any lighting proposed for the parking area, and if so, the Applicant indicate if there will be any spillover onto adjacent properties.
8. The Applicant should provide testimony to discuss whether any landscaping will be proposed. Will any screening or buffering be installed along the northerly property line at the rear of the property, where the parking area abuts a residential property?

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.