



To: Bloomfield Zoning Board of Adjustment & Applicant

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

Date: October 18, 2024

Re: **D-1 Use Variance Approval**  
**Minor Site Plan Approval**  
120 Arlington Avenue (Block #63, Lot #80)

### Planning Review Memo

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## INTRODUCTION

This office has reviewed the application submitted by Slater Drive Partners, LLC (“Applicant”). The applicant has filed an application with the Bloomfield Zoning Board of Adjustment to legalize the second existing principal use onsite. The property in question (“subject site”) consists of one tax lot: 120 Arlington Avenue (Block #63, Lot# 80) in the in the M-1 General Industrial Zone. Two principal uses cannot stand on a lot in the M-1 District as per Section 315-34 E. To that end, a “D-1” variance is required for the existing second principal use on the subject site, which is the outdoor truck parking. In preparation of this report, this office reviewed the following documents:

- Standard Development Application dated July 19, 2024.
- Variance Application Checklist undated.
- Minor Subdivision and Minor Site Plan Checklist undated.
- Plot Plan containing one (1) sheet prepared by Papparozzi Associates Inc., dated January 7, 2015.
- Township Planning Board resolution for minor site plan approval to permit the operation of a warehouse at the subject site, dated February 17, 2015.



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- Other prior resolutions, deeds and legal documents associated with the subject site's history.
- 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 eastern side of Arlington Avenue. The site contains one Township tax lot: Block 263, Lot 80. According to MOD-IV Tax Records, the site contains an area of approximately 6.77 acres and a 1 and 2-story office and warehousing building (currently occupied by 'Palumbo Trucking and Warehousing') currently stands on the subject site as well as a concrete block building in the rear yard. It is an irregularly-shaped, corner lot street frontages of approximately 250 feet along Arlington Avenue and 282 feet along Federal Plaza. This building was built in 1942. Other existing site improvements generally consist of a wide internal driveway circulating around the existing building, retaining wall along the front parking area, a line of trees opposite the retaining wall, concrete stairs, a small outbuilding near the southerly driveway and various parking areas. The subject site is located within the Township's General Industrial Zone (M-1).

Surrounding land uses consist of an array of uses. Immediately north of the subject site, along the northern side of Federal Plaza, is a property utilized by a construction company for the storage of equipment and vehicles. A manufacturing and warehouse use at 24 Federal Plaza abuts the subject site along its northeasterly boundary. Northeast of the subject site is a manufacturing use (55 La France Avenue) and southeast of the subject site is a municipal recreation field (125 Floyd Avenue). South of the subject site, along the northern side of Floyd Avenue is another municipal recreation field and field house (145 Floyd Avenue). A warehouse/office use is southwest of the subject site (136 Arlington Avenue) and slightly further west is a parking lot at 131 Arlington Avenue.



Exhibit 1. Aerial showing subject site location (Source: Google Maps, Accessed March 2023).

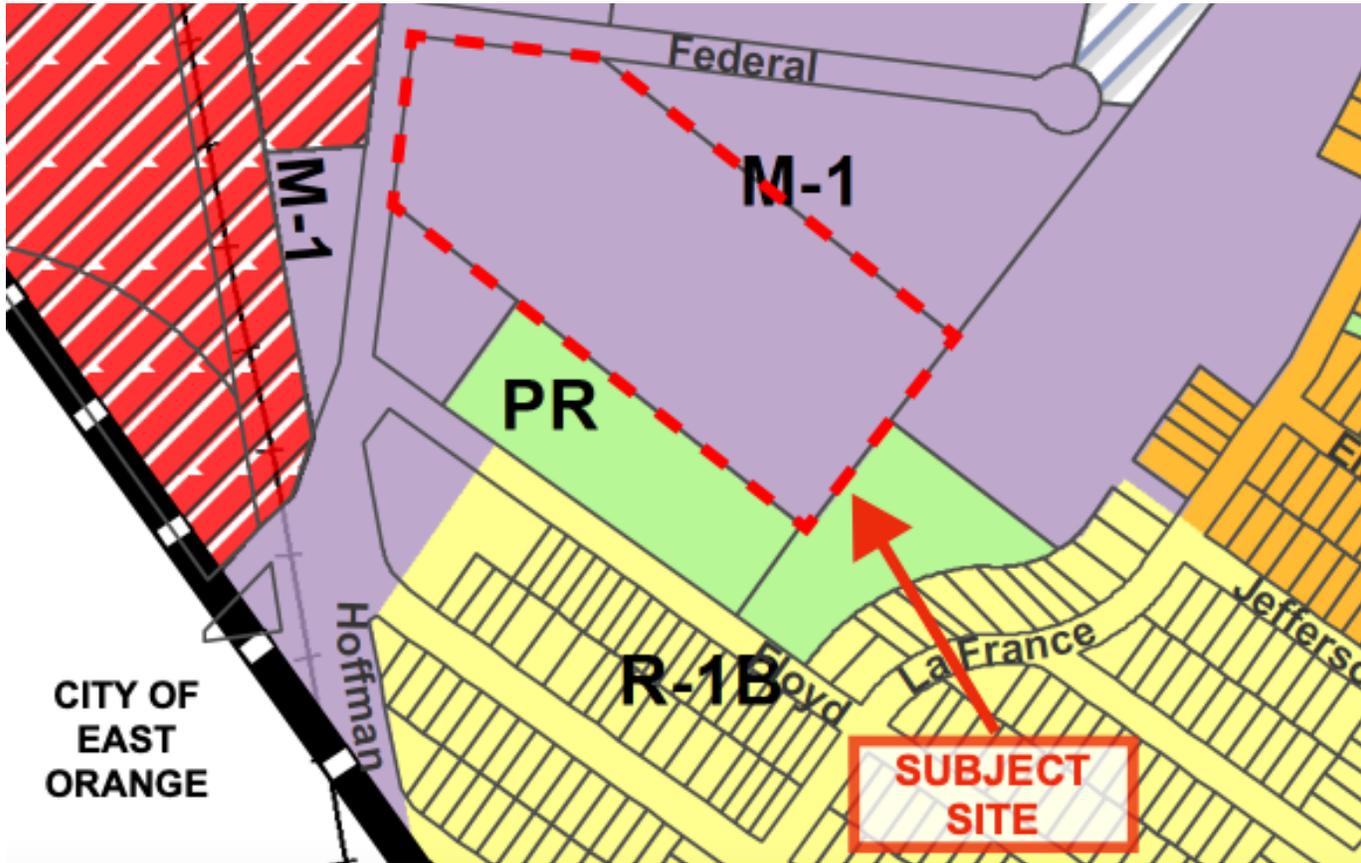


Exhibit 2. Zoning Map section depicting the subject site in the M-1 District



## APPLICATION DESCRIPTION

The Applicant is requesting the legalization of an existing second use on the subject site, which consists of outdoor truck parking.

## RELIEF SOUGHT ACCORDING TO THE APPLICATION

The relief that the Applicant is requesting is summarized below:

- **Use Variance ("D-1")** to for the second use on the subject site, whereas only one use is permitted as per Section 315-34.E. of the Township Land Use Ordinance.

## LAND USE AND ZONING ANALYSIS

The subject site is located within the Township of Bloomfield's General Industrial (M-1). According to *Section 315-38(K)* of the Land Development Ordinance, the intent of the M-1 zone is to establish areas within which industrial uses may be established and expanded under suitable controls. Such uses shall not be construed to include any use that, by reason of noise, odor, air and water pollution, glare or other nuisance factor, shall have an adverse effect upon adjacent property.

The following are principal, accessory and conditionally permitted uses in the M-1 District:

### Principal Permitted Uses

- a) Offices.
- b) Manufacturing.
- c) Automobile sales.
- d) Research laboratories.
- e) Public buildings.
- f) Public utilities.
- g) Educational institutions.
- h) Public parks.
- i) Warehousing and self storage
- j) Parking facilities.
- k) Outdoor storage.



### **Accessory Uses**

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

### **Conditional Uses**

- a) Adult uses.
- b) Gasoline service stations.
- c) Automotive repair services.
- d) Wireless communications facilities

## **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 #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 #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 #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*)

#### **Excerpts from 2002 Land Use Element**

**Land Use Issue #9:** The Industrial District is recommended for further consolidation and reduction because of the continued erosion of the Township's manufacturing base. (*Chapter II, Page 7*)

**Day Care Facilities:** "The Township of Bloomfield has experienced an influx of young couples and families that have fueled recent population growth. This increase in couples of child-bearing age and families with young children has also generated increased demand for child care services. The Township's Zoning Ordinance does not currently permit family day care and child care centers as a permitted use in any zone within the Township. The State Municipal Land Use Law (MLUL) requires that such uses be permitted in a municipality in order to meet the growing demand for child care throughout the State. Under the MLUL, family day care homes must be a permitted use in all residential zones and child care centers must be a permitted use in all non-residential zones. It is recommended that the Township Zoning Ordinance be amended to make such uses permitted in compliance with the MLUL." (*Chapter II, Pages 53-54*)

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

This Re-examination Report did not discuss any 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. As required of “D-1” use variances, the Applicant should provide the Positive and Negative Criteria of the use variance for the second principal use on the subject site. As outlined in *Medici v. BPR*, the Applicant must demonstrate the special reasons promote the general welfare of the community and that is 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. There is another active ZBA application for this site, which proposes a childcare facility to occupy the front portion of the building. The Applicant shall discuss the relationship between these uses on the site, and if any conflicts are anticipated, and if so, how these conflicts will be mitigated.
3. The Applicant shall confirm the number of employees per shift and in total for the truck parking facility.
4. The Applicant shall confirm the hours of operation of the truck parking facility, and further if deliveries are anticipated, how frequent these deliveries will occur and the times of
5. The Applicant shall provide testimony regarding safety, parking and vehicular/pedestrian circulation onsite.
  - a. The Applicant shall confirm the driveway that will be the primary ingress/ingress access point for the trucking vehicles (i.e., northerly or southerly driveway, or both driveways).
  - b. The Applicant shall discuss if trucks and commercial vehicles will continue to access and park in the front yard parking area, which is where the childcare center is proposed.



6. On February 17, 2015, a resolution was adopted by the Township Planning Board of a minor site plan approval to permit the operation of a warehouse at the subject 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.