



To: Bloomfield Zoning Board of Adjustment & Applicant

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

Date: February 20, 2025

Re: **D-1 Use Variance Approval**
Preliminary and Final Major Site Plan Approval
51-55 La France Avenue (Block #63, Lot #13)

Planning Review Memo

INTRODUCTION

This office has reviewed the application submitted by 52 La France 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: 51-55 La France Avenue (Block #63, Lot# 13) 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 a vehicle parking lot for a used car dealership. In preparation of this report, this office reviewed the following documents:

- Standard Development Application dated October 24, 2024.
- Variance Application Checklist undated.
- Preliminary Major Subdivision and Site Plan Checklist undated.
- Final Major Subdivision and Site Plan Checklist prepared by Angelo Onello dated June 26, 2024.
- Survey of Property prepared by James Pica of P² Land Surveying, Inc. dated September 4, 2024 with a revised date of September 18, 2024.



- Civil engineering site plans containing seven (7) sheets prepared by Onello Engineering., dated June 14, 2024 with revisions through October 23, 2024.
- Addendum to the application prepared by the Applicant.
- Letter re: minor subdivision prepared by John J. Galvin, dated November 13, 1968.
- Letter re: variance approval prepared by the Township dated November 18, 1994.
- Township Zoning Board of Adjustment Resolution for variance dated November 10, 1994.
- Letter re: unpermitted businesses operating at site/Violation dated April 16, 2024 prepared by Robert Beese.
- Property List Request, List of Property Owners within 200 feet of the subject site and Map showing property with 200 feet of the subject site.
- Property Tax Records of the subject site as of October 10, 2024.
- List of Township Public Utilities.
- 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 northwestern side of La France Avenue. The site contains one Township tax lot: Block 63, Lot 13. According to MOD-IV Tax Records, the site contains an irregular shape and an area of approximately 8.11 acres. A 2-story manufacturing building currently stands on the subject site. This building was constructed in 1923 per Tax Records. The building is currently occupied by S & F Supplies, Inc., a company that sells awnings, signs and displays, print and ink and marine products, as identified in the Addendum of the application. Elite Auto also uses the site for vehicle parking of their sales inventory. The subject site is located within the Township's General Industrial Zone (M-1).

Other existing site improvements consist of a two sheds, multiple shipping containers and commercial dumpsters. There are two curb cut vehicular access driveways; one is at the easterly end of the site (as shown in Photo 2; intended for cars and box trucks) and a two-way driveway at the general center of the site (as shown in Photo 1; intended for trailers to enter).

Surrounding land uses consist of an array of uses. The subject site abuts stretches of dwellings that front along the same side of La France Avenue, as shown on Map 1, Aerial. Manufacturing and industrial uses are present north and northwest of the site. Southeast of the side are residential dwellings that front along the southeastern side of La France Avenue.



Photo 1: View of subject site from its primary curb cut egress/ingress along La France Avenue.



Photos 2: View of easterly driveway providing access to the subject site.



Photo 3: View of residential dwellings on the northern side of La France Avenue that abut the subject site at its southwestern portion.



Photos 4: View of residential dwellings on the northern side of La France Avenue that abut the subject site at its northeastern portion.



Photos 5: Alternate view of the parking lot and central driveway looking northwest from the La France Avenue frontage.

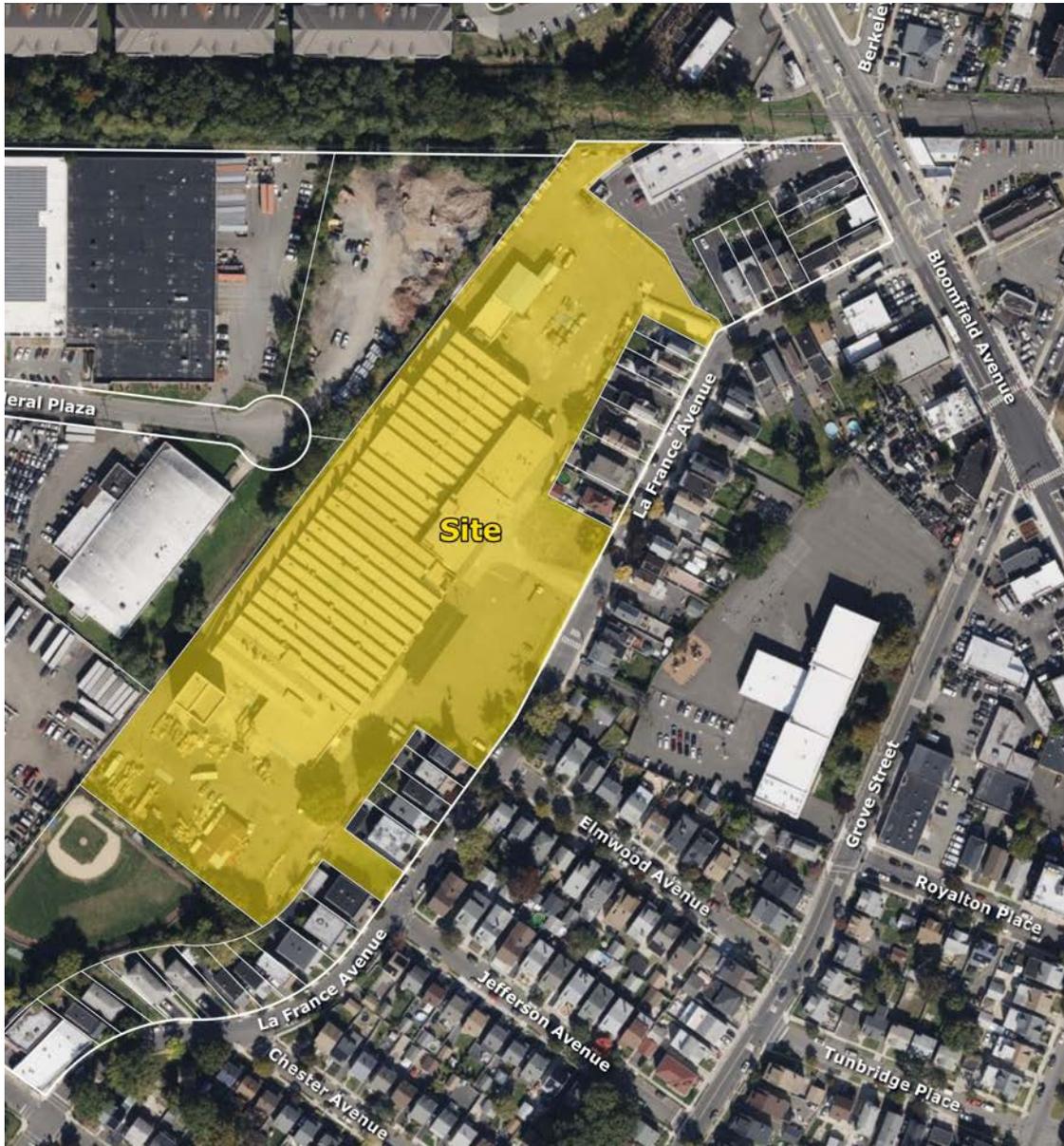


Exhibit 1. Aerial showing subject site location (Source: Google Maps, Accessed February 2025).

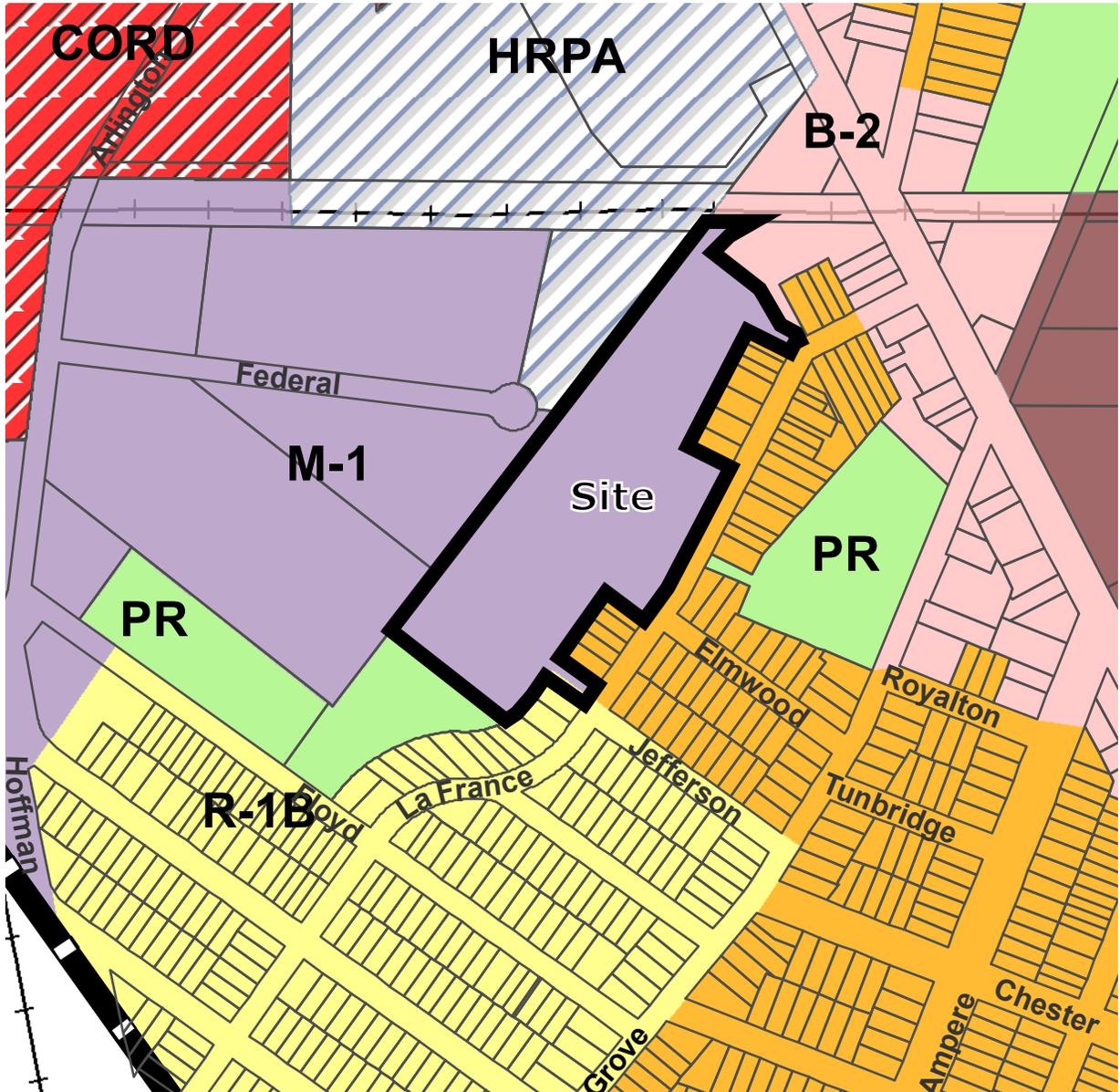


Exhibit 2. Zoning Map section depicting the subject site in the M-1 District



APPLICATION DESCRIPTION

The Applicant is requesting the legalization of an existing second use on the subject site, which consists of vehicle parking for a used car dealership's inventory (Elite Auto). Site improvements are proposed as part of this application consist of:

- Proposed 51-space parking lot with a vegetative/landscaped parking islands and buffers to be used by Elite Auto.
- Row of 20 parking spaces for the employees and visits of S & F Supplies, Inc., which is situated immediately north of the proposed parking lot for Elite Auto. These two parking areas will be separate by a two-way drive aisle.
- Installation of nine (9) storage sheds, each with an area of approximately 3,000 square feet. One of the nine storage sheds will be climate controlled.
- Demolition and removal of existing storage containers, dumpsters and pallet areas.

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.
- **"C" Variances:**
 - **Minimum rear yard setback** (20 feet is the minimum required, whereas 14.3 feet is provided)
 - NOTE: This is a pre-existing condition, and as per the civil engineering site plans, there will be no change involved regarding this condition

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 ratables, 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*)



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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*)

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. The Applicant shall discuss the relationship between the uses on the site, and if any conflicts are anticipated, and if so, how these conflicts will be mitigated.
3. The Applicant shall confirm if any user of the site will utilized the ‘open parking area’ (as shown on Sheet 4 of the civil engineering site plans) located to the right of the central driveway. Further, if so, if there will be any site improvements proposed to this parking area similar to the proposed parking lot to the right.
4. The Applicant shall confirm the height of the proposed sheds.
5. The Applicant shall indicate if the proposed lighting will spillover onto adjacent residential properties.
6. The Applicant shall provide testimony regarding safety, parking and vehicular/pedestrian circulation onsite.
 - a. La France is a one-way street and the rear access driveway to Carteret School is provided along the southern side of La France Avenue directly across from the site. Any potential conflicts with these existing conditions shall be addressed.



- b. The Applicant shall confirm that the driveway at the northeastern end of the site is a one-way ingress driveway.
 - c. We defer any further comments to the Board Traffic Engineer.
7. The Applicant shall confirm if there will be any screening and buffering proposed along the southerly end of the site where there are contiguous residential properties that line the northern side of La France Avenue.
 - a. Further, the Applicant shall confirm if any landscaped screening and buffering will be provided at the lawn area between Lots 43 and 45, and if there will be any additional landscaped screening and buffering at the southwestern property line where the site abuts Felton Field.
8. The Applicant shall confirm if any signage is proposed as part of the application in identifying the second use on the site.

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.