



To: Bloomfield Zoning Board of Adjustment

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

Date: February 21, 2025

Re: **Preliminary and Final Site Plan Approval**
D-1 Use Variance Approval
D-4 FAR Variance Approval
"C" Variances Approval
219-227 Broad Street (Block 516, Lots 1 and 5)

Planning Review Memo

INTRODUCTION

This office has reviewed the application submitted by 223 Broad St LLC ("Applicant"). The applicant has filed an application with the Bloomfield Zoning Board of Adjustment to construct a 4-story, 32-unit multi-family residential dwelling. The property in question ("subject site") consists of two tax lots: 219-227 Broad Street (Block 516, Lots 1 and 5) The zoning designation for the subject site is PO/R Professional Office/Residential Zoning District.

A "D-1" use variance is required as multi-family dwelling is not listed as a permitted use in the PO/R Zone.

In preparation of this report, this office reviewed the following documents:

- Cover Letter, prepared by Lisa A. John-Basta, Esq. of CSG Law dated September 26, 2024
- Variance Application Checklist prepared by Lisa A. John Basta, Esq. undated.
- Preliminary Major Subdivision and Site Plan Checklist prepared by Adnan A. Khan of AWZ Engineering dated September 24, 2024.



- Final Major Subdivision and Site Plan Checklist prepared by Adnan A. Khan of AWZ Engineering undated.
- Topographic survey, prepared by James M. Gow, PLS of EIC Group dated April 2, 2024.
- Architectural drawings containing two (2) sheets, prepared by Yogesh Minstry, RA of Minstry Design dated August 29, 2024.
- Civil engineering site plans containing eleven (11) sheets, prepared by Adnan A. Khan, PE, CME of AWZ Engineering, Inc. dated September 4, 2024.
- Certification of payment of taxes for Block 516, Lots 1 and 5, dated August 12, 2024.
- Bloomfield Zoning Board of Adjustment Resolution dated October 19, 2024.
- Bloomfield Township Tax Map.
- List of Property owners within 200 feet radius of subject site.
- Township of Bloomfield Land Development Ordinance (Chapter 315).
- Township of Bloomfield Master Plan and Reexamination Reports.
- Township of Bloomfield Zoning Map.



PROPERTY AND AREA DESCRIPTION

The subject site is a corner lot with street frontages along Broad Street to the west and New Street to the south. The site contains two tax lots: Block 516, Lot 1 and 5. It contains an area of approximately 26,290.6 square feet. The site is vacant with no notable improvements.

The land use pattern surrounding the subject site varies. North and northeast of the site is a former railroad right-of-way. South and southeast of the site are residential dwellings fronting along the northern side of New Street. These dwellings have building heights between 2 and 2.5 stories. West of the site, on the western side of Broad Street, there is a 17-unit, 4-story multi-family residential building currently under construction. This project was approved by the Township's Zoning Board of Adjustment in February 2022.

There are three existing curb cuts present along the site's Broad Street frontage and there is one existing curb cut present along the site's New Street frontage.

The Broad Street is a Essex County Road and has multiple NJ Transit Bus Routes operating along it, including Routes 72, 102 and 109. The Historic Overlay District is immediately south of the site.

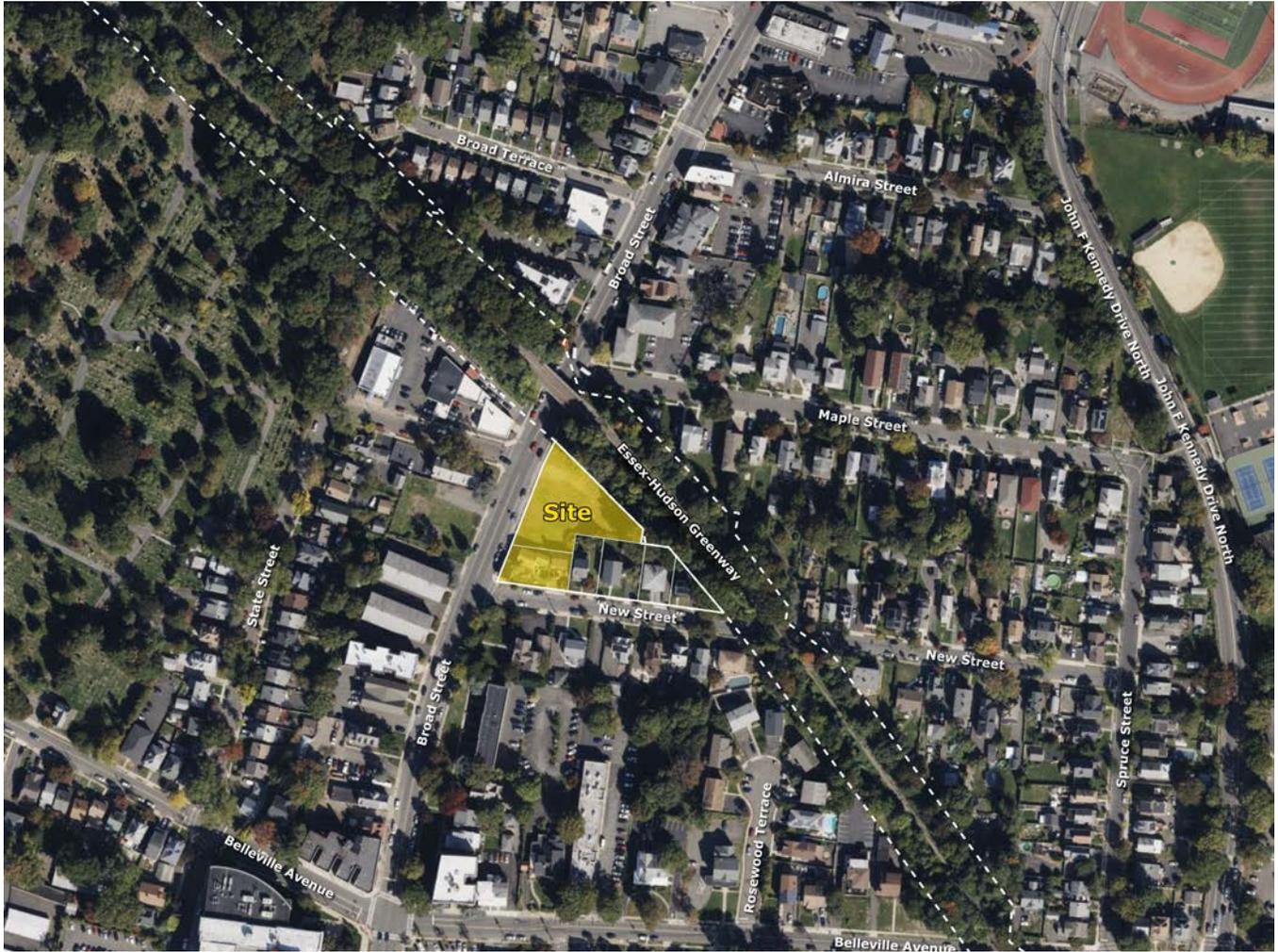


Exhibit 1: Aerial depicting subject site location as highlighted in yellow. (Source: Google Maps, dated February 2025)



PROJECT DESCRIPTION

The Applicant is proposing to construct a four-story multi-family dwelling containing 32 dwelling units (with a unit distribution of 15 one-bedroom units and 17 two-bedroom units). The first floor will consist of a partially covered parking area consisting of 58 parking spaces accessible via a two-way curb cut driveway along northerly end of Broad Street and a second two-way curb cut driveway along New Street. Of these 58 parking spaces, 9 spaces will be dedicated as EV charging stations and 9 spaces will be in a tandem arrangement. It will also contain a trash room, electrical room, vestibule/lobby, bicycle racks, office and mailroom. There will be stairwell and elevator access to the upper floors. The second and third floors will each contain 5 one-bedroom units and 5 two-bedroom units. The fourth floor will consist of 5 one-bedroom units, 5 two-bedroom units, a community room, and closets for storage and utilities. The community room leads to a rooftop terrace. There will also be stairwell and elevator access to the other floors.

Exterior materials proposed consist of a variety of materials. At the ground level, there will be veneer stone at ground level with decorative grilles. On the upper levels, there will be a mix of gray/white/beige vinyl lap siding, wall panels, and thin brick. A 4-foot vinyl fence will be installed along the eastern property line. The existing sidewalk and curbs along the site's frontage will be restored. A transformer pad will be installed at the northwestern corner of the site.

Regarding landscaping, 8 shade trees will be planted throughout the site, including along the Broad Street frontage, New Street frontage and at the easterly ends of the site. There will be concentrations of shrubs planted at the main entrance facing Broad Street and there will also be rows of shrubs planted at either side of the driveway at New Street and the northern side of the driveway on Broad Street. The transformer pad will also be screened with shrubs from streetview. A line of shrubs will also screen an uncovered portion of the parking area.

Seven light fixtures will be wall mounted at the ground floor façade along Broad Street. Two pole mounted light fixtures will be installed at the eastern end of the site with a mounting height of 13' as well as an additional wall mounted light fixture at the eastern side of the proposed building.



Photo 1: Subject site view from the corner of Broad Street and New Street:



Photo 2: Subject site looking north from New Street frontage.



Photo 3: 224 Broad Street consists of a 4-story multi-family currently under construction.



Photo 4: Bloomridge Condominiums (right) and the 4-story apartment building at 202 Broad Street (left) are situated southwest of the subject site.



Photo 5: 207 Broad Street is a 2.5-story, two-family dwelling.



Photo 6: Residential dwellings situated along the northern side of New Street. These dwellings have a building height of 2.5 stories and are southeast of the subject site.



RELIEF SOUGHT ACCORDING TO THE APPLICATION

The relief that the Applicant is requesting is summarized below:

- **Use Variance (“D-1”)**, as ‘multi-family dwellings’ is not a permitted use in the PO/R Zone.
- **D-4 FAR Variance** (0.60 is the maximum permitted, whereas 1.39 is proposed)
- **“C” Variance(s)**
 - **Minimum Front Yard Setbacks** (25’ is the minimum required, whereas 9.34’ is proposed along Broad Street and 15.40’ is proposed along New Street)
 - **Minimum Rear Yard Setback** (30’ is the minimum required, whereas 9.85’ is proposed)
 - **Maximum Building Height** (40’ is the maximum permitted, whereas 44’ is proposed)
 - **Maximum Building Coverage** (35% is the maximum permitted, whereas 45.69% is proposed)
 - **Maximum Lot Coverage** (70% is the maximum permitted, whereas 76.87% is proposed)

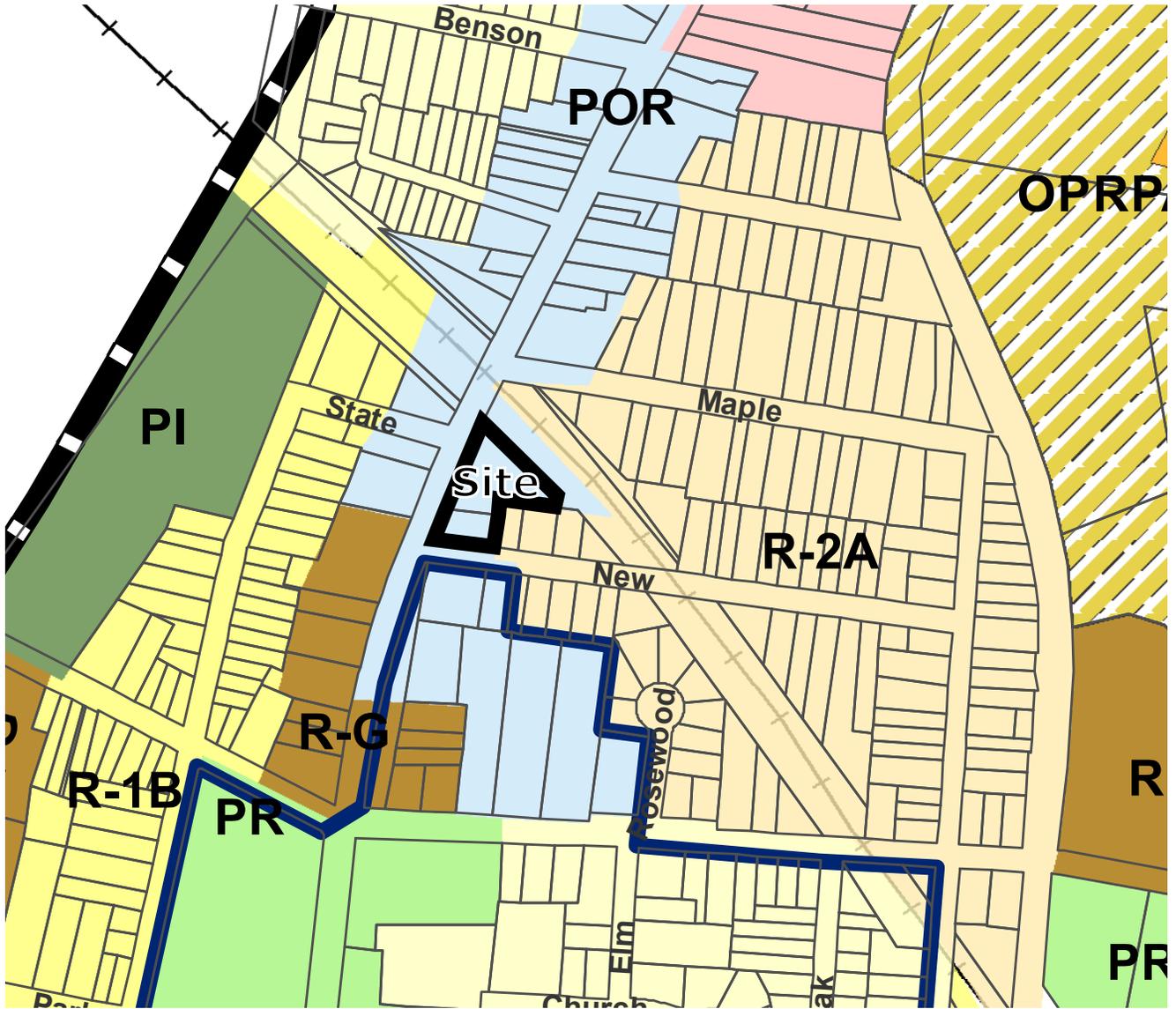


Exhibit 2: Excerpt of Bloomfield Township Zoning Map showing the subject site in a black outline in the PO-R Zone.



LAND USE AND ZONING ANALYSIS

As shown on Exhibit 2, the subject site is located in the Township's Professional Office/Residential Zoning District (PO/R). According to Section 315-38(H) of the Land Development Ordinance, the intent of the PO/R zone is to recognize those areas of the Township that are in transition from residential to commercial and to maintain a balance of uses in order to preserve the residential character while providing for compatible commercial activity.

Principal Permitted Uses

- (a) Single-family detached residences.
- (b) Two-family detached residences.
- (c) Garden apartments.
- (d) Offices.
- (e) Professional offices.
- (f) Public uses.
- (g) Places of worship.
- (h) Public utilities.
- (i) Educational institutions.
- (j) Public parks.
- (k) Banks.
- (l) Parking areas.

Accessory Uses

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

Conditional Uses

- (a) Home professional offices, subject to the provisions of Section 315-39B(6).
- (b) One or more residential units may be combined with any permitted nonresidential uses, provided the conditions of Section 315-39B(8) are complied with.

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, 2014, and 2020. 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 #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

A Master Plan Re-examination Report was adopted by the Township in 2014. The most recent Re-examination Report was adopted by the Township in 2014. Upon our review, there were no issues, changes or recommendations relevant to the subject site, surrounding area and the proposed development.

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. Within the submission packet received by this office, the Standard Development Application appeared to be missing.
2. As required of “D-1” use variances, the Applicant should provide the Positive and Negative Criteria of the use variance for the multi-family residential dwelling. 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*).
3. The Applicant shall provide proofs relevant to exceeding the maximum floor area ratio (FAR) permitted in the R-2B 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.
4. The Applicant shall demonstrate that the additional building height proposed will not obstruct neighboring properties from accessing sufficient light and air.
5. The Applicant shall confirm if any signage is proposed as part of the application.
6. The Applicant shall confirm the programming proposed for the community room and the roof terrace (i.e., will the community room serve as a multipurpose room, co-working, resident lounge, etc.? Will there be restroom access?). Further, the Applicant shall confirm the type and height



- of screening for the roof terrace and that it will be installed at the perimeter of the roof terrace.
7. The Applicant shall confirm if any exterior lighting will be provided along the New Street frontage. The Applicant should indicate if there will be any spillover onto adjacent properties from the proposed lighting.
 8. The Applicant shall provide testimony regarding any buffering and screening to be provided.
 9. The Applicant shall provide testimony regarding safety, parking and vehicular/pedestrian circulation onsite.
 - a. The Applicant shall provide testimony regarding the tandem parking spaces and how the parking arrangement of these spaces will function.
 - b. The Applicant should provide testimony demonstrating compliance with all applicable RSIS requirements
 10. There was a prior approval for this site. On October 19, 2017, the Township Zoning Board of Adjustment approved a 21-unit multi-family residential dwelling containing 3 stories over ground floor parking.

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.