

**RESOLUTION OF THE
TOWNSHIP OF BLOOMFIELD
PLANNING BOARD**

RESOLUTION IN THE MATTER OF THE APPLICATION OF FRANKLIN DEVELOPMENT GROUP, LLC, AS APPLICANT, AND LAMBERSON REALTY, LLC, AS OWNER, FOR PRELIMINARY AND FINAL SITE PLAN APPROVAL, A VARIANCE PURSUANT TO N.J.S.A. 40:55D-70(c) FOR THE NUMBER OF PROPOSED PARKING SPACES, AND DESIGN WAIVERS FOR UNDERSIZED PARKING SPACES AND 23-FOOT WIDE DRIVE AISLES, PERMITTING THE CONSTRUCTION OF A MIXED COMMERCIAL AND RESIDENTIAL BUILDING WITH THIRTY RESIDENTIAL UNITS AT PROPERTY LOCATED AT 666-668 BLOOMFIELD AVENUE, BLOCK 226, LOT 18 AND 41-43 FARRAND STREET, BLOCK 226, LOT 28.

WHEREAS, Franklin Development Group, LLC, as Applicant, and Lamberson Realty, LLC, as Owner, filed an application with respect to property located at 666-668 Bloomfield Avenue, Block 226, Lot 18, and 41-43 Farrand Street, Block 226, Lot 28, both in the Township of Bloomfield, for preliminary and final site plan approval, a parking variance pursuant to N.J.S.A. 40:55D-70(c) and design waivers for undersized parking stalls and for a 23-foot wide drive aisle, to permit the construction of mixed-use building with 713 square feet of commercial space and 30 residential dwelling units; and

WHEREAS, the two lots share a common rear lot line, have been historically utilized as a single commercial parcel, and will be merged to facilitate the proposed development; and

WHEREAS, development of both tax lots is governed by the Bloomfield Center Redevelopment Plan - Phase II (the "Phase II

Plan"), with Lot 18 located within the Commercial Corridor Subdistrict and Lot 28 in the Washington Street South Subdistrict; and

WHEREAS, the split zones are of no consequence since both Subdistricts permit mixed-use buildings with retail on the ground floor and residential on the upper floors, and there are no differences in other relevant zoning standards under the Phase II Plan applicable to the proposed development;

WHEREAS, a (c) variance was necessary because 44 parking spaces were required and 30 would be provided; and

WHEREAS, design waivers were necessary because all the proposed non-ADA parking stalls would be less than the required 18 feet in depth and the drive aisle servicing the parking area would be 23 feet wide instead of the required 24 feet; and

WHEREAS, a hearing on this application was held before the Bloomfield Planning Board on February 6, 2024; and

WHEREAS, the Applicant filed an affidavit with this Board showing compliance with the statutory requirements concerning notice to the affected property owners, including those located in the Borough of Glen Ridge, and of making proper and timely publication of the application in the official newspaper of the Township of Bloomfield.

NOW, THEREFORE, be it resolved by the Zoning Board of Adjustment of the Township of Bloomfield as follows:

This was an application for preliminary and final site plan approval, a variance pursuant to N.J.S.A. 40:55D-70(c) and design waivers to permit the construction of a six-story condominium building with 30 residential units and 713 square feet of ground floor retail at property located at 666-668 Bloomfield Avenue, Block 226, Lot 18, and 41-43 Farrand Street, Block 226, Lot 28, both in the Township of Bloomfield. The lots share a common rear lot line and have been used as a single commercial use for many years. Development of the subject property was governed by the Phase II Plan, which permits mixed commercial and residential buildings to be constructed on the site provided the residential units are on the upper floors. In addition to preliminary and final site plan approval, the application required a variance pursuant to N.J.S.A. 40:55D-70(c) due to a deficiency in the number of on-site parking spaces, with 40 spaces required after applying the shared parking ratio in the Phase II Plan and the statutory credit for four proposed Electric Vehicle Charging Stations ("EVCS"), and 30 spaces proposed. The application also required two design waivers for undersized parking stalls, with none meeting the required 18 feet in depth, and for a 23-foot wide drive aisle when 24 feet is required.

The granting of a (c) variance requires the Applicant to demonstrate that due to unique circumstances affecting its property, it would suffer some hardship without the variance, or that the variance would benefit the community and advance the purposes of the Municipal Land Use Law. Applicant must additionally demonstrate that the granting of the application would not impose a substantial detriment to the public good or substantially impair the intent and purpose of the municipal master plan or zoning ordinance. To obtain design waivers, Applicant must demonstrate that the waiver is reasonable and within the general purpose and intent of the standards and that the literal enforcement of one or more provisions of the particular standard is impracticable or will exact undue hardship because of peculiar conditions pertaining to the development in question. Applicant must also demonstrate compliance with the standards governing review and approval of site plan applications set forth in the Township's Land Development Ordinance.

Applicant was represented by Michael J. Oliveira, Esq., of the firm Chiesa, Shahinian & Giantomasi. Mr. Oliveira presented the testimony of Robert Richardi, a principal of the Applicant; Shaun Delaney, a New Jersey licensed professional engineer with the firm Petry Engineering, LLC; Nicole Robertson, a New Jersey licensed architect with the firm GRO Architects, PLLC; and Kathryn Gregory, a New Jersey licensed professional planner. Mr.

Delaney, Ms. Robertson and Ms. Gregory were accepted by the Board as experts in their respective fields. The Board also received a report and heard testimony from Anthony Marucci with the firm Marucci Engineering Associates, the Board's consulting engineers. No members of the public participated in the hearing.

Based on the evidence presented at the hearing, the Board made the following findings of fact:

1. The subject property comprises two tax lots, one fronting on Bloomfield Avenue to the east and the other fronting on Farrand Street to the west, which together measure 15,578 square feet in area. The two lots share a common rear lot line but are not aligned, resulting in an irregularly shaped parcel. The Bloomfield Avenue frontage measures 60 feet and the Farrand Street frontage measures 60.24 feet;

2. The irregular shape of the site results from the southerly and northerly side lot lines of Lot 28 being twenty-one feet to the south of the corresponding side lot lines for Lot 18. Lot 18 has a uniform depth of 150 feet from the Bloomfield Avenue frontage while maintaining its 60-foot width for the full depth. Lot 28 is also 60 feet wide at the rear lot line, but widens slightly as it approaches Farrand Street, resulting in differing lengths of the side lot lines of Lot 28, with the southerly lot line measuring 112.3 feet and the northerly lot line measuring 106.96 feet;

3. Applicant will merge the lots, resulting in an irregularly shaped lot with a 21-foot jog to the south in both side lot lines at a point 150 feet from Bloomfield Avenue;

4. The site is currently improved with multiple buildings, including two along the Bloomfield Avenue frontage. A hardware store has occupied both tax lots for many years, with the westerly portion of the lot used for parking and outdoor storage. A second commercial use occupies a portion of one of the buildings fronting on Bloomfield Avenue;

5. Applicant proposed to demolish all improvements and construct a six-story mixed-use building on the easterly portion of the site, covering the nearly the entirety of Lot 18, with a footprint of 9,000 square feet. The walls of the building would be set back 0.3 feet from the northerly side lot line, 0.3 feet from the 21 feet of exposed rear lot line in the northwest corner of Lot 18, and 0.2 feet on the south side;

6. The upper five floors of the building will have 30, two-bedroom units. The ground floor will have 713 square feet of retail space, a lobby, a trash area, mechanical space and 13 parking stalls, including two ADA-complaint spaces. The uncovered easterly portion of the lot would be striped for 17 parking stalls, for a total of 30 parking spaces on site;

7. The subject property is located in two subdistricts created by the Phase II Plan, divided along the current common

rear lot line. Both the Commercial Corridor Subdistrict and the Washington Street South Subdistrict permit buildings with mixed commercial and residential uses provided residential is on the upper floors only. Thus, the proposed development was permitted by the Phase II Plan;

8. The Phase II Plan establishes a parking ratio of 1.4 spaces per residential unit and 2.7 spaces for each 1,000 square feet of retail space, for a total of 45 spaces for the proposed development. However, the Plan also incorporates a formula for determining the parking demand for a mixed-use development by utilizing a shared parking arrangement. Under this formula, the established parking ratios are adjusted to reflect the various demands of each use during different times of the day and on different days. Utilizing the formula, the peak demand for a combined residential and retail parking demand is during the six hour period beginning at 6 p.m. and ending at midnight on Monday through Friday, when the shared parking ratios require 100% of the required residential parking and 80% of the commercial parking. Applying the weekday evening ratios to the 42 residential spaces and three commercial spaces required by the Phase II Plan results in a total of 44 required spaces;

9. Applicant's plans differed as to the quantity of EVCS to be installed on-site, which, by statute, can reduce the number of parking spaces required to serve a mixed-use project. The

architectural plans depicted six EVCS, all accessory to stalls under the building along the northerly lot line. The engineering plans depicted seven EVCS, four along the northerly side and three along the southerly side, all also under the building;

10. The statute requires new construction of mixed-use buildings to wire for EVCS 15% of the 44 required spaces, rounded up, which equates to seven EVCS spaces for the project. The EVCS statute permits a developer to claim a credit for EVCS installations which reduces the required number of parking spaces by no more than 10%. Thus, the required parking count is reduced by four to 40;

11. Since 30 spaces were proposed, a (c) variance was required;

12. The westerly portion of the site is in a flood hazard area emanating from the Second River further to the west. To meet NJDEP requirements for a means of egress outside the flood zone, an emergency lane would be constructed under the building along the northerly side lot line, permitting vehicles parked on site to exit onto Bloomfield Avenue, away from the food hazard area;

13. The emergency exit driveway will angle from the central drive aisle toward the northerly side lot line and then continue parallel to the side lot line until it meets Bloomfield Avenue, measuring 10 feet in width throughout. An overhead door at the

front building wall will prevent vehicles from using the driveway other than during a flood event, when sensors will detect flooding sufficiently severe to open the doors automatically. There will also be a way to open the overhead door using digital technology and wi-fi;

14. Flood hazard regulations also require the covered parking area and the residential components of the building to be raised nearly four feet above grade, although the retail space can be constructed at grade. Thus, the sidewalk elevation along Bloomfield Avenue is 130.4 feet, the retail space will be at elevation 130.5, but the lobby, the parking area and the residential amenities on the ground floor will be at elevation 134.25. The access driveway from Farrand Street will begin at elevation 126.7 feet, rising to elevation 134.0 as the driveway enters the covered parking area;

15. The open space between grade level and the levels of the western parking area and the parking garage will be designed for flood storage with vents;

16. Steps and a concrete ADA ramp leading to the raised residential lobby entrance in the front of the building will be constructed along Bloomfield Avenue in the southeast corner of the building. Wrought iron railings will secure the landings of the ramp;

17. Two ADA complaint spaces will be included among the 13 stalls under the north side of the building. The ADA stalls will be located in the northeast corner of the covered parking area adjacent to a bicycle rack. The interior ADA space will be one of the seven stalls within the parking garage wired for EVCS. The seven stalls on the south side of the parking area will be located to the rear of ground floor residential amenities.

18. The front ramp and steps will lead to a entry vestibule and a doorway accessing the front stairwell. To the rear of the vestibule is a residential lobby, an elevator, a second stairwell, a trash room and mechanical rooms. All ground floor interior rooms and the rear second stairwell will be accessible from the lobby area, which also will have a rear doorway into the parking garage;

19. The commercial space would be accessible only from a doorway along the Bloomfield Avenue frontage. There will be no secondary access from the parking garage;

20. All parking will be accessed from a 23-foot wide curb cut on Farrand Street and a 23-foot wide drive aisle. The uncovered parking area in the westerly portion of the site will have seven spaces on the north side of the drive aisle and ten on the south side. A striped median in the northeast corner of Lot 28, between the northerly parking stalls and the rear building wall, will guide the swerve necessary to travel from the western

open parking area into the covered parking garage necessitated by the jog in the side lot lines;

21. There will be no overhead door securing access to the ground floor parking area from the uncovered parking area, or limiting access to the emergency exit driveway from inside the garage. A gated entry will be installed at the Farrand Street vehicular entranceway for security purposes;

22. A retaining wall along both side lot lines of the western parking area, and along the exposed 21-foot lot line in the southeast corner of Lot 28, will be constructed to contain parking vehicles within the raised open parking area. No fencing will be installed on top of the retaining walls. Curbing will surround the balance of the parking areas and wheel stops also will be installed;

23. The design standards set forth in the Township's Land Development Ordinance require drive aisle widths of 24 feet servicing 90-degree parking stalls. Thus, a design waiver was necessary because the parking areas would be served by a 23-foot wide drive aisle for their entire depth;

24. Excluding the two compliant ADA spaces, 27 of the 28 spaces on site will measure 9 feet wide by 17.5 feet deep, with the other space measuring 9 feet wide and 17 feet deep. Design standards require parking stall dimensions of 9 feet by 18 feet, with 20% of the required spaces permitted to be compact with

dimensions of 8.5 feet wide by 15 feet deep. Since none of the proposed parking spaces complied with either standard, another design waiver was necessary;

25. A fully conforming parking area with a 24-foot drive aisle centered between two rows of 18-foot deep parking spaces requires 60 feet in width, the same width as the subject property for nearly its full depth. However, building columns, parking lot curbing and the retaining walls around the western parking area leave insufficient width to provide a conforming drive aisle and conforming parking stalls while maximizing the parking count;

26. Trash will be transported by the building superintendent from the internal trash room through the emergency exit door for municipal pick-up on Bloomfield Avenue;

27. Applicant proposed a drainage system which will capture roof runoff and sheet flow from the uncovered parking area in a trench drain located at the driveway entrance. The trench drain will connect to a new inlet constructed within the Farrand Street right-of-way, which will then connect to the municipal stormwater system. Since the site is currently 100% impervious and will be reduced to 95.7%, the project did not qualify as a major development;

28. However, NJDEP approval is required because a portion of the site is in a flood hazard area;

29. Other utilities will also connect through Farrand Street, with sanitary sewer connecting to an existing manhole. The extensive utility work will require the milling and re-paving of Farrand Street for its full width along the entire property frontage;

30. Two 16 feet high pole mounted fixtures will be installed on each side of the uncovered parking area, and ceiling fixtures will illuminate the parking garage. The lighting plan was deemed conforming to municipal standards;

31. Small landscaped areas will abut the Farrand Street driveway entrance on both sides, resulting in an impervious coverage reduction from the existing 100% to 95.7%;

32. The upper floors of the front facade would be clad with brick veneer and metal panels. The brick would accentuate vertical column elements that rise the full height of the building and horizontal elements that will front the third floor balcony and the roof line. The metal panels will surround fenestration on the upper floors;

33. The ground floor front facade would be dominated by the emergency exit garage door, the glass retail entrance, and the residential steps and ADA ramp. The residential entranceway will be highlighted by orange metal battens installed along the rear wall of the landing and between the ramp and the retail space, for a total of approximately 12 linear feet;

34. At the suggestion of the Board, Applicant agreed to upgrade the finishes on the rear and side facades. The original design showed the metal panels from the front facade wrapping around both side walls to the point of the first set of windows. The remainder of both side facades and the entire rear facade would be stucco.

35. As redesigned, metal panels from the front facade will continue to wrap around both sides, but the balance of the exposed portions of the northerly and southerly side facades (above the roof lines of the adjacent buildings) will be sided with fiber cement panels instead of the stucco shown on the plans. The rear facade will be similar to the front facade, with vertical brick elements, but with fiber cement panels will be used instead of metal panels to surround the windows;

36. Each residential floor will have two courts along both side facades which will align with bedroom egress windows to conform with fire code requirements and provide natural light. The windows will overlook the roof of the floor below, but the exterior courts will not be accessible to residents. The indentations will measure seven feet in depth, will be clad with a different colored fiber cement panel than the rest of the side facade, and will be enhanced with planters;

37. A roof deck will provide outdoor common space for the residents, and a separate area of the roof will accommodate HVAC

condensers. Railings around the roof deck, the perimeter of the roof or enclosing the mechanical equipment were not shown on the plans but will be added;

38. The building will have a flat roof reaching a height of six stories and 66.5 feet. A penthouse for the stairwells and elevator shaft will rise to 78 feet, but height is measured to the roof line;

39. The Phase II Plan establishes a permitted range in building heights, with a minimum of four stories or 48 feet and a maximum of six stories or 88 feet for buildings fronting on Bloomfield Avenue. Buildings fronting on Farrand Street have the same minimum height requirement but are permitted a maximum height of 5 stories or 56 feet. Because the entirety of the proposed building will be located on existing Lot 18, which fronts on Bloomfield Avenue, no height variance was required;

40. All five residential floors will have six, two-bedroom units. The units on the lower two residential floors will range in size from 1,042 to 1,136 square feet, with the upper three floors having a slightly smaller footprint, with units ranging from 920 to 1,136 square feet;

41. The smaller units on the upper three floors will front on Bloomfield Avenue, and result from a 4.5-foot step-back along the front facade required by the Phase II Plan. The rooftop area outside the two smaller third-floor units will be accessible from

french doors in both the living space and one bedroom in the each unit, and will be protected by a code compliant railing. The remaining windows on the front facade of the residential floors will be double hung. The windows along the other facades will be casement;

42. The subject property is about one-quarter mile from a commuter train station in Bloomfield and within one-half mile of a commuter train station in Glen Ridge, both of which provide direct service to mid-town New York City. Bus service is also available along Bloomfield Avenue and elsewhere in the area, and on-street parking is available;

43. Parking spaces will be assigned one to each unit. There will be no on-site commercial parking;

44. Applicant will replace the curbs and sidewalks along both street frontages as directed by the municipal engineer; and

45. The property survey submitted to the Board depicts an ingress and egress easement benefitting Lot 18 and burdening Lot 20, which is immediately to the north. The easement extends from the northwest corner of the rear lot line of Lot 18 to the Farrand Street frontage of Lot 20. The application did not include any proposal to use the easement for the development on Lots 18 and 28.

On the basis of these findings of fact and the discussion of the Members of the Board present at the hearing, the Planning

Board of the Township of Bloomfield made the following conclusions of law:

1. The proximity of the subject property to two commuter rail stations and to bus routes justified the (c) variance for the parking deficiency;

2. The Residential Site Improvement Standards are inapplicable to this application due to the integration of the commercial and residential uses. (N.J.A.C. 5:21-1.5(c)(1));

3. The undersized parking stalls and the narrow drive aisle are a result of the width of the lot. While a different parking layout might eliminate those deficiencies, it would mean fewer parking spaces, and the benefits of maximizing the parking outweighed the relatively minor deviations;

4. The proposed development will promote the goals of the Phase II Plan, which encourages mixed-use development in proximity to the Lackawanna train station;

5. Promotion of the State's smart-growth principals through construction of high density multi-family residential dwellings near mass transit is an appropriate use of the land and advances the goals of the Municipal Land Use Law;

6. Any negative impact of the proposed development on neighboring properties was minimal, given the proximity of public transit;

7. The proposed development was not inconsistent with the Master Plan or zoning ordinance because it would promote the goals of the Phase II Plan by adding a mixed-use building proximate to mass transit;

8. The benefits of granting the parking variance outweighed any detriments; and

9. The proposed development complied with the requirements of the Township Land Development Ordinance governing site plan approval.

On the basis of these findings of fact and conclusions of law, and the discussion of the Members of the Board present at the hearing, the Planning Board of the Township of Bloomfield, by a vote of eight (8) in favor and none opposed, determined that preliminary and final site plan approval, the granting of the parking variance and the design waivers for the size of the parking stalls and the width of the drive aisle, were warranted. In support of its decision, the Board concluded that the parking deficiency would be mitigated by the abundance of nearby mass transit and that the parking layout deviations were the result of the width of the lot. In addition, the Applicant had met the criteria in the Township's Site Plan Ordinance justifying preliminary and final site plan approval.

NOW, THEREFORE, be it resolved by the Planning Board of the Township of Bloomfield that the application for preliminary and final site plan approval, a (c) variance for number of parking spaces and design waivers for the size of parking stalls and the width of the drive aisle, to permit the construction of a six-story mixed commercial and residential building with 30 residential units, 731 square feet of ground floor commercial space and 30 parking spaces, at property located at 666-668 Bloomfield Avenue, Block 134, Lot 18, and 41-43 Farrand Street, Block 134, Lot 28, be and hereby is GRANTED, subject to:

1. Conformance with the engineering plans submitted to the Board prepared by Petry Engineering, LLC, dated October 13, 2023;

2. Conformance with the architectural plans submitted to the Board prepared by GRO Architects, PLLC, dated October 12, 2023, as modified hereby;

3. Conformance with the letter report prepared by Marucci Engineering Associates, LLC, dated January 14, 2024;

4. Upgrading the northerly, southerly and westerly facades of the proposed building in accordance with paragraphs 34 through 36 of the Board's factual findings, above;

5. Installing sensors to detect flooding to trigger the opening of the emergency egress door which will permit access to Bloomfield Avenue from the site in case of a flood event;

6. Installing code compliant railings around the perimeter of the roof, around the tenant roof deck and around the mechanical equipment area;

7. Wiring and installing EVCS as accessory to seven parking spaces, including one ADA complaint stall, in accordance with state law;

8. Assigning one parking stall to each residential unit;

9. Installing new curbing and sidewalks along both street frontages as directed by the Township Engineer;

10. Connecting all utilities through Farrand Street, which will require the milling and re-paving of the street for its full width and for the entire frontage of Lot 28;

11. Conformance with all building and fire code requirements;

12. Any other necessary governmental approvals, including, without limitation, the NJDEP and the Essex County Planning Board;

13. Execution of a redevelopment agreement between the Township and the Applicant, as required by the Phase II Plan; and

14. Posting of performance and maintenance guarantees and inspection fees as required by law.

IN FAVOR OF GRANTING THE APPLICATION:

Mr. Babula	Yes
Mr. Farnsworth	Yes
Mayor Gamble	Yes
Mr. Lasek	Yes
Chairman LaQuaglia	Yes
Ms. Richardson	Yes
Councilman Rockwell	Yes
Mr. Zitka	Yes

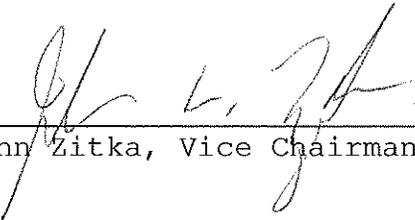
(8) Yes

OPPOSED TO GRANTING THE APPLICATION:

None

(0) No

The undersigned, a member of the Township of Bloomfield Planning Board, certifies that the foregoing is a true copy of the Resolution adopted on the 26th day of March, 2024, to reflect the action taken by said Board on the 6th day of February, 2024.



John Zitka, Vice Chairman