



To: Bloomfield Zoning Board of Adjustment & Applicant

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

Date: June 19, 2025

Re: **D-1 Use Variance Approval**  
33 Dewey Street (Block #909, Lot #15)

### Planning Review Memo

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## INTRODUCTION

This office has reviewed the application submitted by Antonito Sanchez (“Applicant”). The applicant has filed an application with the Bloomfield Zoning Board of Adjustment to continue to use a dwelling as a two-family dwelling. The property in question (“subject site”) consists of one tax lot: 33 Dewey Street (Block #909, Lot#15). A single-family dwelling with a non-conforming second unit exists on the subject site. The Applicant proposes to continue two-family residence is not among the permitted uses in the in the R-1B Zone. Therefore a “D-1” variance is required for the proposed use. Additionally, a “D-4” variance for exceeding the maximum floor area ratio permitted is required as well as “C” variances are required for deviating from multiple bulk and area regulations. In preparation of this report, this office reviewed the following documents:

- Survey of the subject site, prepared by Schmidt Surveying, Inc. dated May 22, 2023.
- Site Plans/ Architectural Drawings containing two (2) sheets prepared by Matthew G. Evans of Evans Architects AIA dated March 25, 2024.
- 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 Dewey Street. The site contains one Township tax lot: Block 909, Lot 15. The site contains an area of 5,000 square feet. A 2-story frame residential building is situated on the site. This building was built in 1964 as per MOD-IV Municipal Tax Records, and further, these Tax Records describe the building as “1-FAM”.

The subject site is located within the Township’s Single-Family Forty-foot Frontage Residential Zone (R-1B). Other existing site improvements consist of an asphalt driveway, concrete walkway leading to a front porch, two-story rear deck, rear chain-link fence, pavers, two yellow bollards at the front portion of the driveway and concrete sidewalk along the site’s frontage.

The surrounding land use pattern is mostly residential uses. Immediately east of the site is a 3.5-story, two-family dwelling (31 Dewey Street), and west of the site is a 2.5-story, two-family dwelling (37 Dewey Street). South of the site, along the southern side of Dewey Street is a 2-story, single-family dwelling (36 Dewey Street). North of the site are residential dwellings along the southern side of Hobson Street, including a 1.5-story, single-family dwelling (38 Hobson Street) and a 2-story, two-family dwelling (46 Hobson Street).

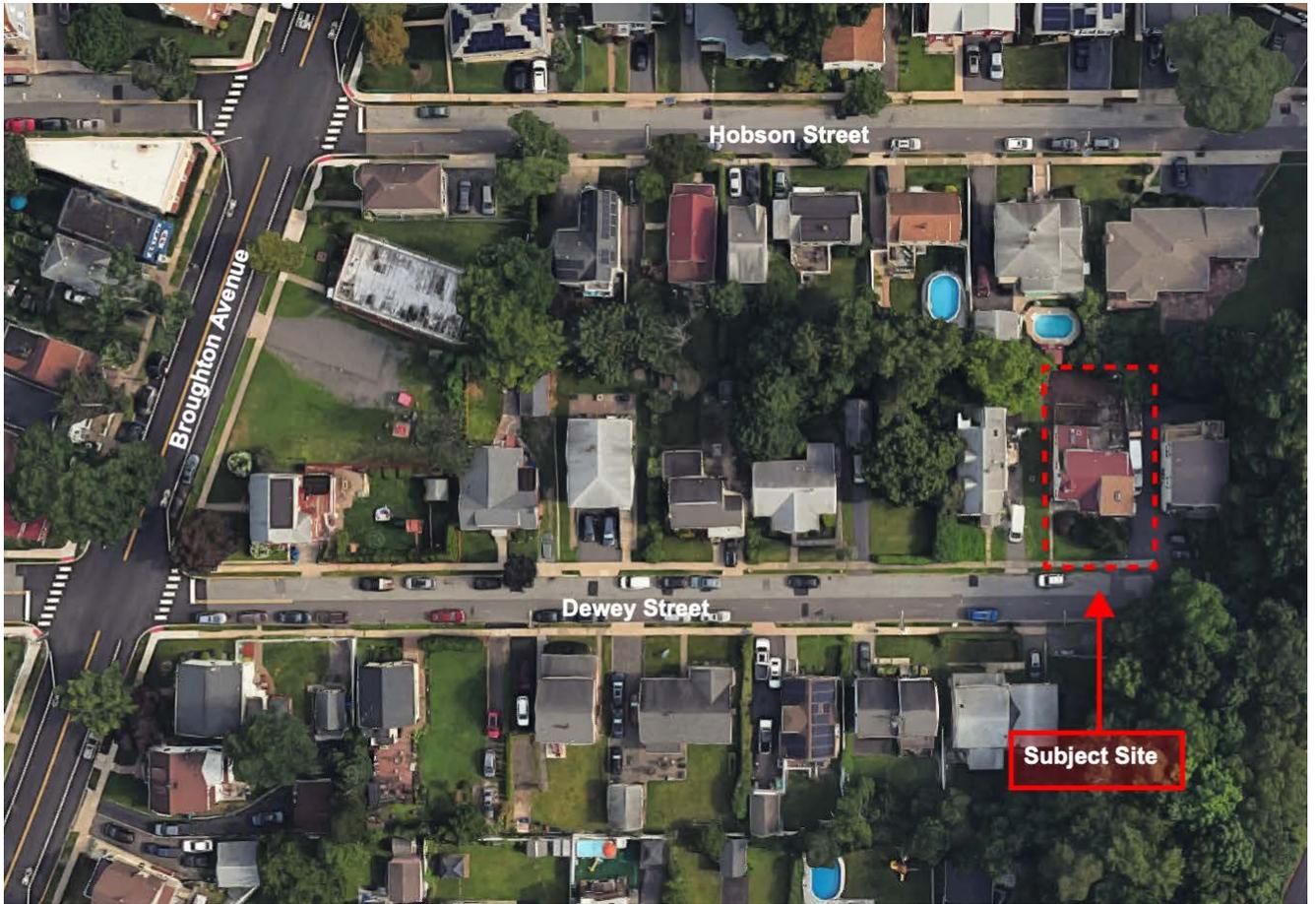


Exhibit 1. Aerial depicting subject site location (Source: Google Maps, accessed June 2024).

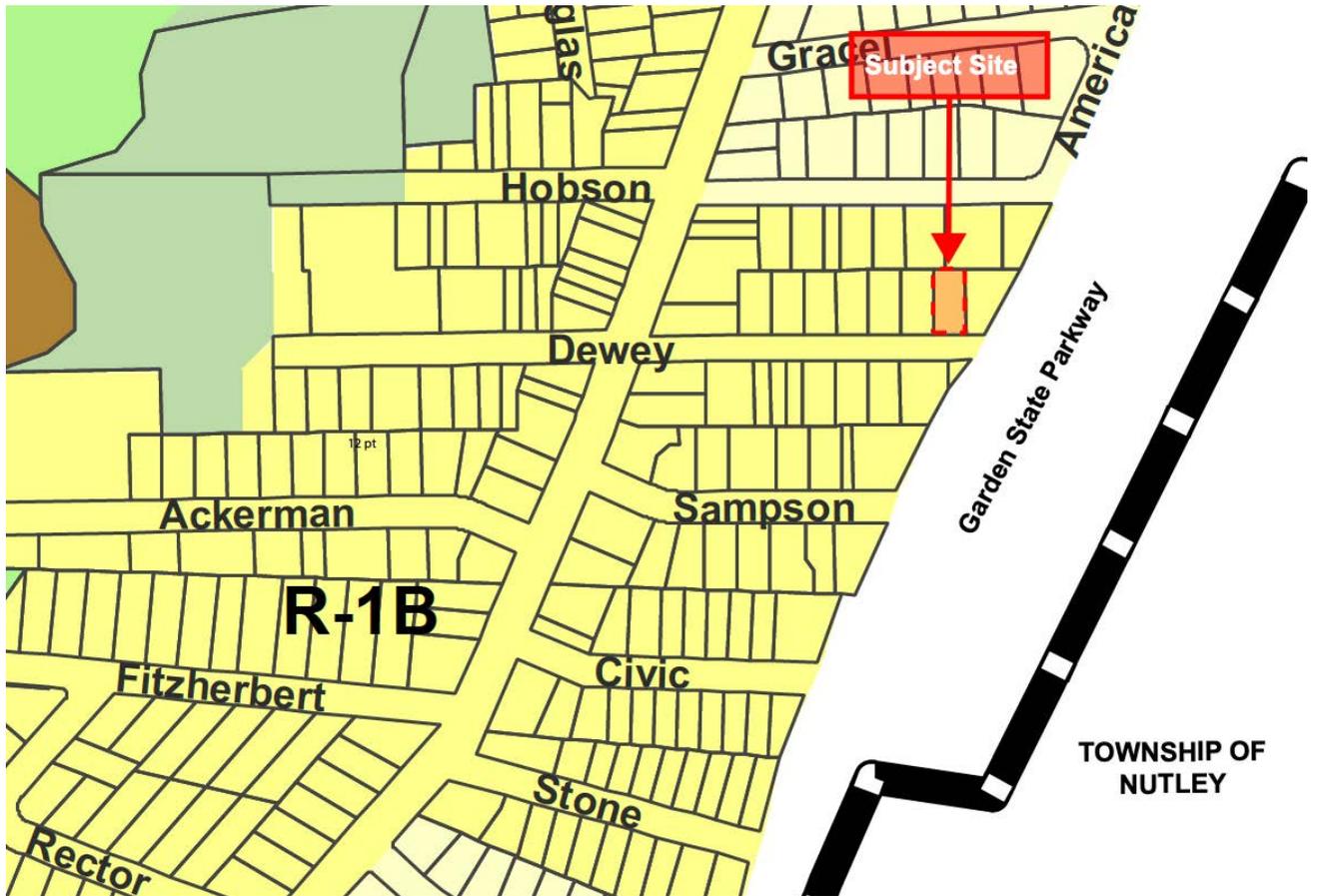


Exhibit 2. Zoning Map section depicting the subject site in the R-1B District, which is shown in a dashed red line.



**Photo 1: View of the existing residence looking from the site's Dewey Street frontage.**



**Photo 3: Existing driveway at the subject site. Note that appears to be shared with the adjacent residence at 31 Dewey Street to the immediate east of the site.**



**Photo 4: Contiguous to the site's western boundary is a 2.5-story, two-family dwelling.**



**Photo 5: Immediately east of the site is a 3.5-story, two-family dwelling located at 31 Dewey Street.**



**Photo 6: View of rear deck and yard from the subject site's driveway.**



## PROJECT DESCRIPTION

The Applicant is seeking to legalize an existing non-conforming two-family dwelling.

At the basement level, there is an open unfinished area as well as existing mechanical units and stairwell access to the upper floors.

The first floor contains a three-bedroom unit with a bathroom, kitchen, linen closet, living room, and stairwell access to the other floors. At the rear of the dwelling, there is a first floor deck, accessible from the kitchen. This three bedroom unit has a floor area of approximately 1,007 square feet.

The second floor contains a one-bedroom unit with a living room, kitchen, bathroom with linen closets, and additional storage closets. This unit has access to a second floor rear deck via a rear door in the kitchen. This one-bedroom unit has a floor area of approximately 760 square feet.

Contiguous to the eastern end of the dwelling, there is a driveway providing 4 parking spaces and accessed via a curb cut along the Dewey Street frontage.



## RELIEF SOUGHT ACCORDING TO THE APPLICATION

The relief that the Applicant is requesting is summarized below:

- **Use Variance (“D-1”)** for the proposed two-family dwelling on the subject site since this is not permitted in the R-1B zone.
- **“C” Variance** for minimum parking spaces as one space must be located within an enclosed garage.

## 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 *Section 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.

### 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

- **Density:** The permitted number of dwelling units per gross area of land to be developed, which, if not specifically stated, is derived using minimum lot area. (Section 315-6 of the Bloomfield Land Development Code).



- **Duplex/two-family:** A building on a single lot containing two dwelling units, each of which is separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units (Section 315-6 of the Bloomfield Land Development Ordinance).
- **Dwelling:** A structure or portion thereof that is used exclusively for human habitation (Section 315-6 of the Bloomfield Land Development Ordinance).
- **Dwelling unit:** One or more rooms designed, occupied or intended for occupancy as separate living quarters with cooking, sleeping and sanitary facilities provided within the dwelling unit (Section 315-6 of the Bloomfield Land Development Ordinance).
- **Principal building:** A building in which is conducted the main use of the lot (Section 315-6 of the Bloomfield Land Development Ordinance).



## BLOOMFIELD MASTER PLAN

The Township's Planning Board adopted the most recent Township Master Plan on April 10, 2025. The following goals, objectives recommendations, and excerpts from the Master Plan are relevant to this application:

### 2025 Master Plan

- Under the Community Vision, one of the characteristics identified was providing *'a variety of housing options that suit the needs of different age groups, lifestyles, and income levels. Development and redevelopment of residential projects should include housing choices specifically for young adult long term residents wishing to remain in Bloomfield; renters looking to purchase a home; and seniors who would like to age in place.'* (Community Vision, Goals and Objectives, pg. 40)
- Goal 3 of the Land Use Element states: *'Address quality of life issues resulting from land use conflicts, increases in residential density from illegal conversions, vacant or underutilized parcels, and limited parking in residential and commercial districts.'* (Community Vision, Goals and Objectives, pg. 41)
- Under Assessment of the R-1B: *The one- and two-family residential districts are considered to be among the more stable residential neighborhoods in the Township. Anticipated future activity includes subdivision and infill development.* (Land Use Plan Element, pg. 53)
- Under Recommended Actions for the R-1B: *'Develop design guidelines to encourage new development and renovations be consistent with the architectural character of the neighborhood where the property is located.'* (Land Use Element, pg. 54)



## 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 proposed two-family dwelling. 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*).
2. The Applicant shall discuss the functionality of the existing driveway. Given that the asphalt pavement continues onto the adjacent property at 31 Dewey Street, the Applicant shall indicate if this is a shared driveway. The Applicant shall also confirm that the driveway can safely accommodate the storage and maneuverability of 4 vehicles.
3. The Applicant should provide testimony to discuss whether any additional landscaping will be proposed.
4. The Applicant should confirm if any exterior lighting is proposed, and if so, that it will not have any spillover onto adjacent residential properties.
5. The Applicant shall confirm if any modifications or changes are proposed internally to the dwelling (either unit), on the building’s exterior or on the subject site.
6. The Applicant shall confirm if there is any existing and proposed use for the basement level (e.g., storage, utilities, etc.). The Applicant shall confirm if occupants of either dwelling unit have access to the basement level.



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7. 2024 Application: In 2024, an application was filed with the Township's Zoning Board of Adjustment for the continued occupancy of an existing non-conforming two-family dwelling in the R-1B District. This application was ultimately withdrawn.



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## 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.