



To: Bloomfield Zoning Board of Adjustment & Applicant

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

Date: July 18, 2025

Re: **D-1 Use Variance Approval**
224 Broughton Avenue (Block #901, Lot #1)

Planning Review Memo

INTRODUCTION

This office has reviewed the application submitted by Luis Alicea (“Applicant”). The applicant has filed an application with the Bloomfield Zoning Board of Adjustment to open a tattoo parlor. The property in question (“subject site”) consists of one tax lot: 224 Broughton Avenue (Block #901, Lot#1). A two-story mixed use building exists on the subject site with a ground floor commercial storefront space and residential dwelling unit on the upper floor. The Applicant proposes to occupy the first floor commercial space with a tattoo parlor, which is not among the permitted uses in the in the R-1B Zone. Therefore a “D-1” variance is required for the proposed use. In preparation of this report, this office reviewed the following documents:

- Boundary Survey prepared by Andrew A. Schmidt of Schmidt Surveying dated April 2, 2025.
- Proposed Floor Plan and Front Elevation, containing two (2) sheets prepared by P+A2 Studio LLC dated May 28, 2025.
- Standard Development Application dated February 24, 2025.
- Owners Statement dated February 24, 2025.
- Tax Records, Tax Map, and List of property owners within 200 feet radius of site.



105 Grove Street, Suite 3
Montclair, NJ 07042
www.Nishuanegroup.com
973.954.2677

- Letter prepared by Luis Alicea dated April 12, 2025.
- Zoning Denial Letter prepared by Robert Beese, Deputy Zoning Officer dated February 6, 2025.
- Affidavit of Property signed by Hike Bajro dated March 12, 2025.
- Township of Bloomfield Land Development Ordinance (Chapter 315).
- Township of Bloomfield Master Plan.
- Township of Bloomfield Zoning Map.



PROPERTY AND AREA DESCRIPTION

The subject site is a corner lot with street frontages along Broughton Avenue to the east and Norwood Place to the south. The site contains one tax lot: Block 901, Lot 1. The site contains an area of 3,500 square feet with a lot width of approximately 35 feet and depth of approximately 100 feet. A 2.5-story mixed-use building is situated on the site. This building was built in 1938 as per MOD-IV Municipal Tax Records, and further, these tax records describe the building as “STORE + APT”.

The subject site is located within the Township’s Single-Family Forty-foot Frontage Residential Zone (R-1B). Other existing site improvements consist of a paver walkway along the northerly side of the building leading to the entrance of the upper floor residential dwelling. There is a black and white fence along the sides and rear property line. In the rear yard, there is a detached, accessory, two-car garage that is accessed via curb cut along Norwood Place. This garage has a building height of 1.5 stories.

The surrounding land use pattern is mostly residential uses. Directly north of the site, along the same side of Broughton Avenue, is a 2.5-story, single-family dwelling. East of the site, along the eastern side of Broughton Avenue is a 2.5-story, two-family dwelling with one dwelling’s front entrance oriented along Broughton Avenue and the other along Tomar Court. Similarly, south of the site, along the opposite corner of Broughton Avenue and Norwood Place, there is a two-story, two-family dwelling, with the front entrance of the one of the units oriented towards Broughton Avenue and the other along Norwood Place. West of the site, there is a 2.5-story, single-family dwelling.

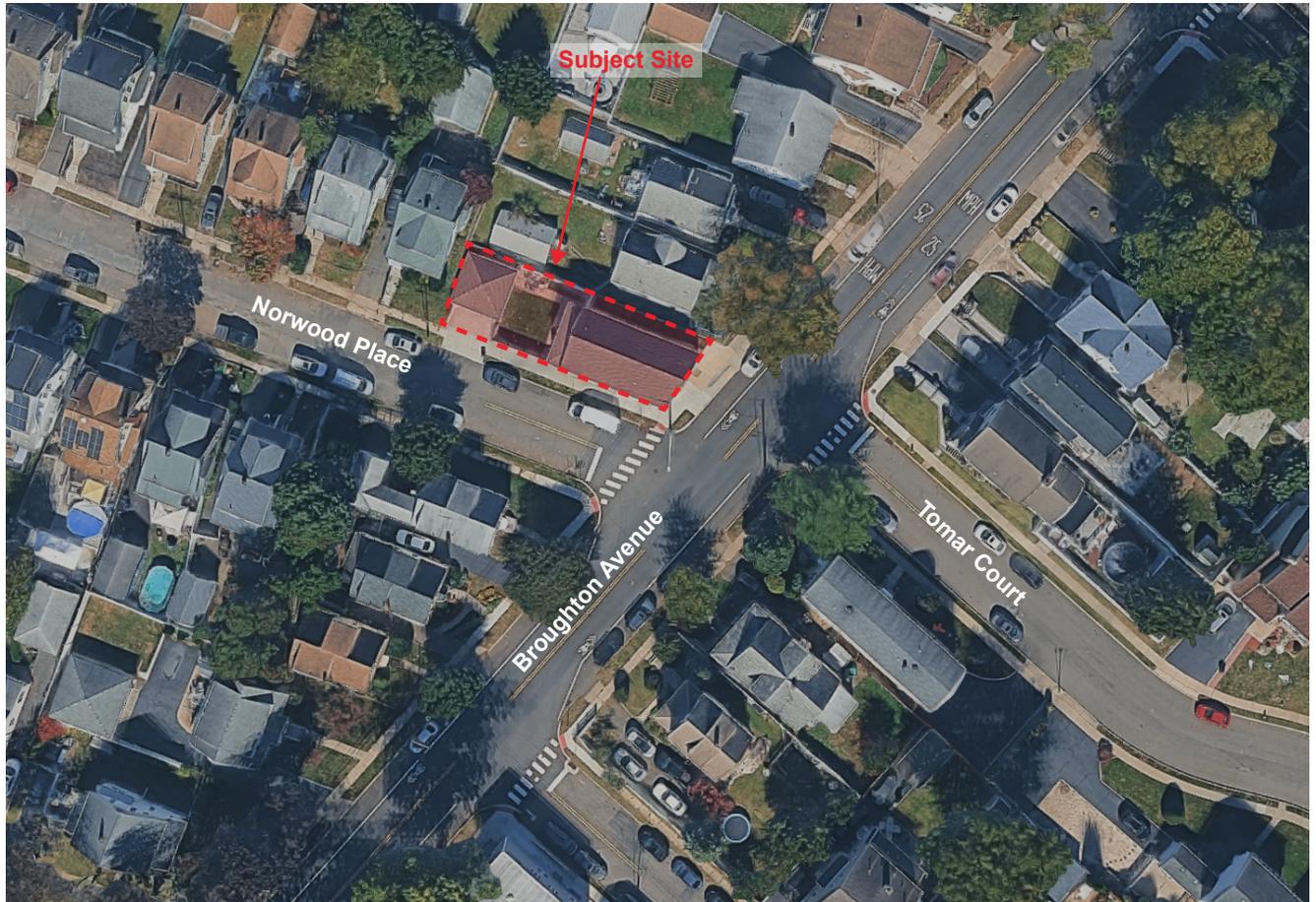


Exhibit 1. Aerial depicting subject site location (Source: Google Maps, accessed July 2025).

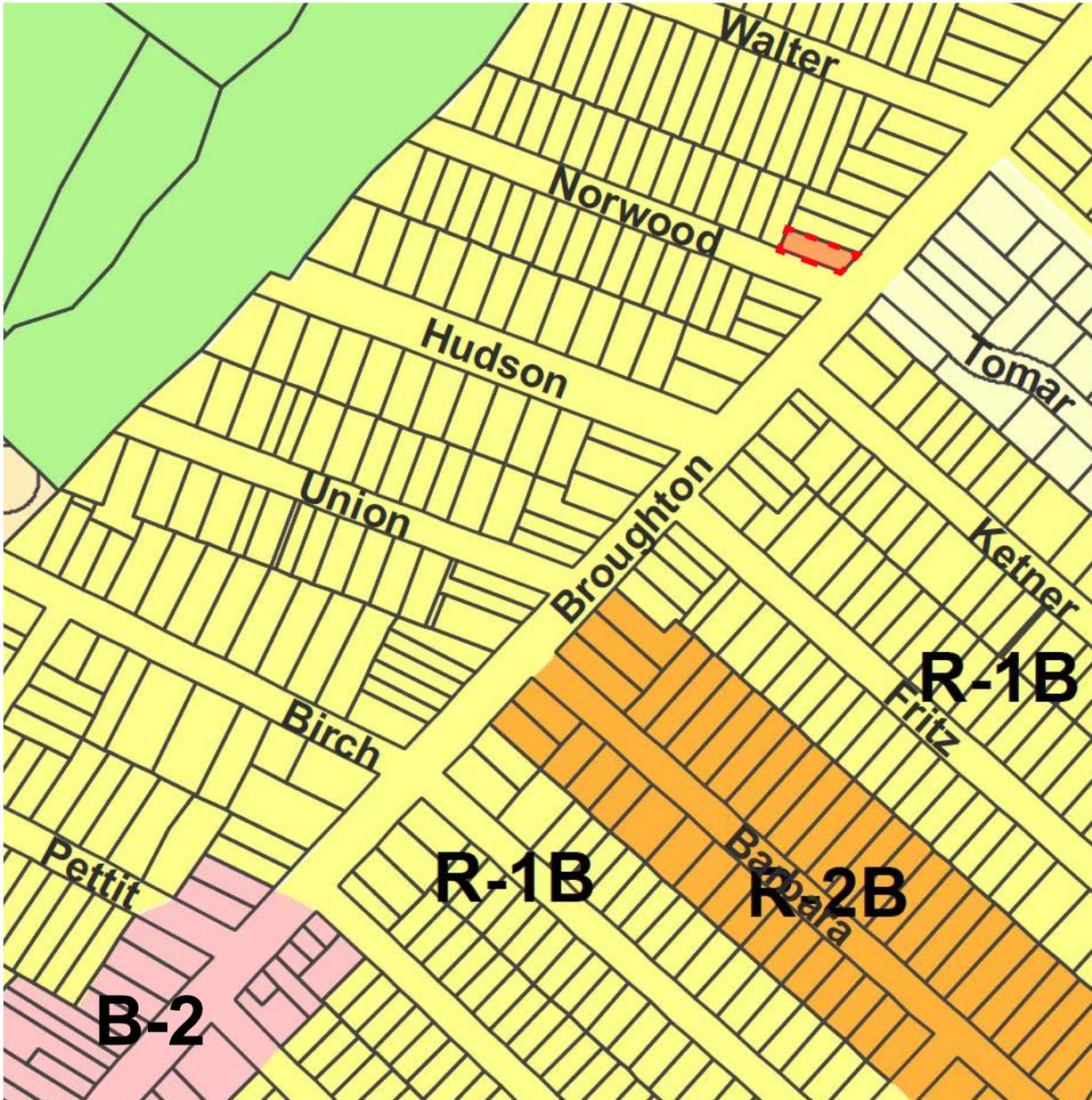


Exhibit 2. Zoning Map section depicting the subject site in the R-1B District, which is shown in a red.



Photo 1: View of site looking towards its Broughton Avenue frontage.



Photo 2: View of site looking from its Norwood Place frontage.



Photo 3: East of the site on eastern side of Broughton Avenue, there are 2.5-story, two-family dwellings



Photo 4: West of the site is a row of 2.5-story, single-family dwellings.



Photo 5: South of the site is a two-story, two-family dwelling.



PROJECT DESCRIPTION

The Applicant is proposing to occupy a first floor commercial storefront space with a tattoo parlor. Within the proposed tattoo parlor, there will be four tattoo booths, an existing office, existing lunch area, existing restroom, and an existing reception area at entrance. There is an existing rear stairwell that provides access to the upper floor.

Four decal signs to be displayed as “INKD YOU TATTOOS” is proposed in four of the front façade windows. The existing stone material on the façade will remain as is.

No other site improvements are proposed as part of this application.

RELIEF SOUGHT ACCORDING TO THE APPLICATION

The relief that the Applicant is requesting is summarized below:

- **Use Variance (“D-1”)** for the proposed tattoo parlor as this is not a permitted use in the R-1B zone.
- **“C” Variance(s)**
 - **Minimum Parking Spaces**



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

- **Principal building:** A building in which is conducted the main use of the lot (Section 315-6 of the Bloomfield Land Development Ordinance).
- **Tattoo parlor:** An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration (Planner's Dictionary).



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 Bloomfield Master Plan

- **Examine permitted uses in the downtown commercial districts and make zoning amendments as necessary.** Municipalities have had to reposition their downtowns to offer a variety of uses and activities that will draw visitors for experiences and events not available online. Bloomfield has been proactive about amending the zoning to allow commercial uses that were once illegal such as cannabis retailers and *tattoo parlors*, and for allowing relatively new uses such as microbreweries in certain redevelopment areas. However, despite these zoning amendments, property owners may still find it difficult to re-tenant all the currently vacant commercial space with uses permitted under the current zoning. The existing permitted uses in the commercial business districts should be reviewed to make sure that the permitted uses are up-to-date and economically viable. (Assessment of All Commercial Business Districts, Recommended Actions, pg. 74).
- 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 tattoo parlor. 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. Tattoo parlors are permitted in the B-2 and CBD Zones, provided that not more than one establishment of the same type shall be permitted in the same block from side street to side street. Section 315-37 D. 3. of the Township’s Land Development Ordinance states: *“Tattoo parlors and similar establishments which utilize needles for the purpose of making indelible markings upon the body by the insertion of pigment under the skin or by production of scars are permitted, but only in the CBD Central Business District and the B-2, Neighborhood Business District, and subject to compliance with all other existing local and state laws and ordinances.”*
3. The Applicant shall confirm the proposed tattoo parlor’s days and hours of operation.
4. The Applicant shall confirm the maximum patron capacity of the proposed tattoo parlor.
5. The Applicant shall confirm the number of employees anticipated in total and the number of employees staffed on the business’s peak shift.
6. The Applicant shall provide testimony indicating how parking will be accommodated for the proposed tattoo parlor. There is no parking requirement stated in Section 315-41 (Specific off-street parking



- requirements) of the Township's Land Development Ordinance. For comparison purposes, some parking requirements of similar uses stated in the Ordinance include:
- a. Retail sales and services: 1 space per 150 square feet
 - b. Medical/dental offices/clinics: 4 spaces per practitioner
 - c. Office, professional office/government/corporate headquarters: 1 spaces per 300 square feet or 2 for each three employees on the largest shift, whichever is greater
7. The Applicant should provide testimony to discuss whether any landscaping will be proposed along either of the site's street frontages.
 8. The Applicant should confirm if any exterior lighting is proposed, and if so, the Applicant should indicate whether there will be any spillover onto adjacent properties.
 9. The Applicant shall provide further signage details, including letter dimensions and color. The Applicant shall testify that the proposed signage meets the requirements of the Township signage regulations.

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.