



To: Bloomfield Zoning Board of Adjustment & Applicant

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

Date: February 13, 2026

Re: **D-1 Use Variance Approval**
"C" Variance Approvals
Minor Site Plan Approval
12 Park Street; 118 Broad Street; 45 and 49 State Street
(Block #245, Lot #18, 23, 27, and 29)

Planning Review Memo

INTRODUCTION

This office has reviewed the application submitted by Park United Methodist Church ("Applicant"). The applicant has filed an application with the Bloomfield Zoning Board of Adjustment to expanding an existing childcare center to include an outdoor playground area. The properties in question ("subject site") consists of four tax lots: 12 Park Street (Block 245, Lot 23); 118 Broad Street (Block 245, Lot 18); 45 State Street (Block 245, Lot 29); and 49 State Street (Block 245, Lot 27). 'Childcare center' is not among the permitted uses in the in the R-1B Zone. Therefore a "D-1" variance is required for the proposed accessory playground area to be installed on Lot 29. Additionally, "C" variances are required for deviating from bulk and area regulations. In preparation of this report, this office reviewed the following documents:

- Standard Development Application dated September 5, 2025.
- Statement of Applicant Intent and Relief Requested, prepared by Gaccione Pomaco dated August 21, 2025.



- Civil engineering site plans containing two (2) sheets (including boundary survey) prepared by Michael T. Lanzafama dated January 6, 2023 with revisions through May 15, 2025.
- Resolution No. 2025-17 of the Township's Historic Preservation Commission granting approval of a Certificate of Appropriateness for the application of Park United Methodist Church to make various improvements on property located at 45 and 49 State Street adopted on November 19, 2025 .
- Fees Explanation for the Land Use Application prepared by Gaccione Pomaco.
- Variance Application Checklist prepared by Michael J. Piromalli, Esq. of Gaccione Pomaco, P.C.
- Minor Subdivision and Minor Site Plan Checklist prepared by Michael J. Piromalli, Esq. of Gaccione Pomaco, P.C.
- List of Property owners within 200 feet radius of subject site and Tax Maps.
- Tax Details of subject site provided by dated September 24, 2025.
- Township of Bloomfield Land Development Ordinance (Chapter 315).
- 2025 Township of Bloomfield Master Plan.
- Township of Bloomfield Zoning Map.



PROPERTY AND AREA DESCRIPTION

The subject site consists of four Township tax lots:

- **Block 245, Lot 18** (118 Broad Street) is located in the Professional Office/Residential (P/OR) Zone. It has an area of approximately 17,922 square feet, with a width of 87 feet and depth of 206 feet. It is a corner lot with street frontages along Broad Street to the west and Park Street to the north. The Park United Methodist Church stands on this lot, which was constructed in 1911, according to MOD-IV tax records. A childcare center (known as 'Kids Corner') also operates within the house of worship. Kids Corner is a before/after-school childcare and enrichment programs for children in grades K-5.
- **Block 245, Lot 23** (12 Park Street; and also has an address of 20 Park Street per MOD-IV tax records) is located in the Single-Family Medium-Density Residential (R-1B) Zone. This lot is utilized as a surface parking lot serving the Park United Methodist Church. It has an area of approximately 4,200 square feet, with a width of 60 feet and depth of 70 feet.
- **Block 245, Lot 27** (49 State Street) is located in the Single-Family Medium-Density Residential (R-1B) Zone. This lot has an area of approximately 8,378 square feet, with a width of 59 feet and a depth of 142 feet. There is a 2.5-story building that is used as a single-family residential dwelling, which was constructed in 1885 according to MOD-IV tax records. The rear portion of this lot is used as a parking lot in conjunction with Lot 23.
- **Block 245, Lot 29** (45 State Street) is located in the Single-Family Medium-Density Residential (R-1B). There is a 2.5-story building. This lot has an area of approximately 6,532 square feet, with a width of 59 feet and a depth of 142 feet. There is a 2.5-story building that is used as a single-family residential dwelling, which was constructed in 1885 according to MOD-IV tax records.

The surface parking lot on Lots 23 and 27 consists of two-way vehicular access via a curb cut along Park Street.

As shown in Exhibit 2 below, the entire site is located within the Township's Green Historic District Overlay.

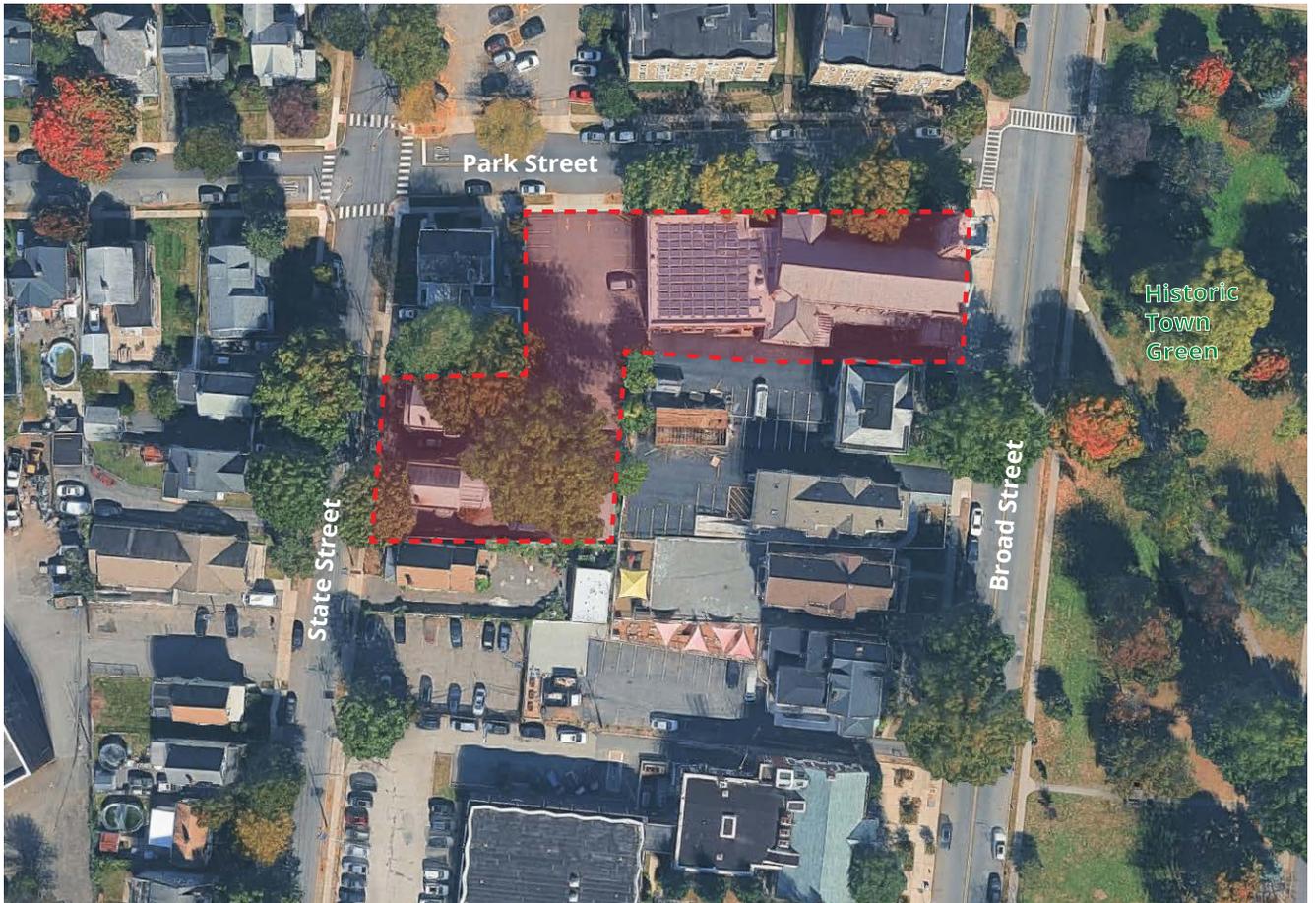


Exhibit 1. Aerial depicting subject site location (Source: Google Maps, accessed January 2026).

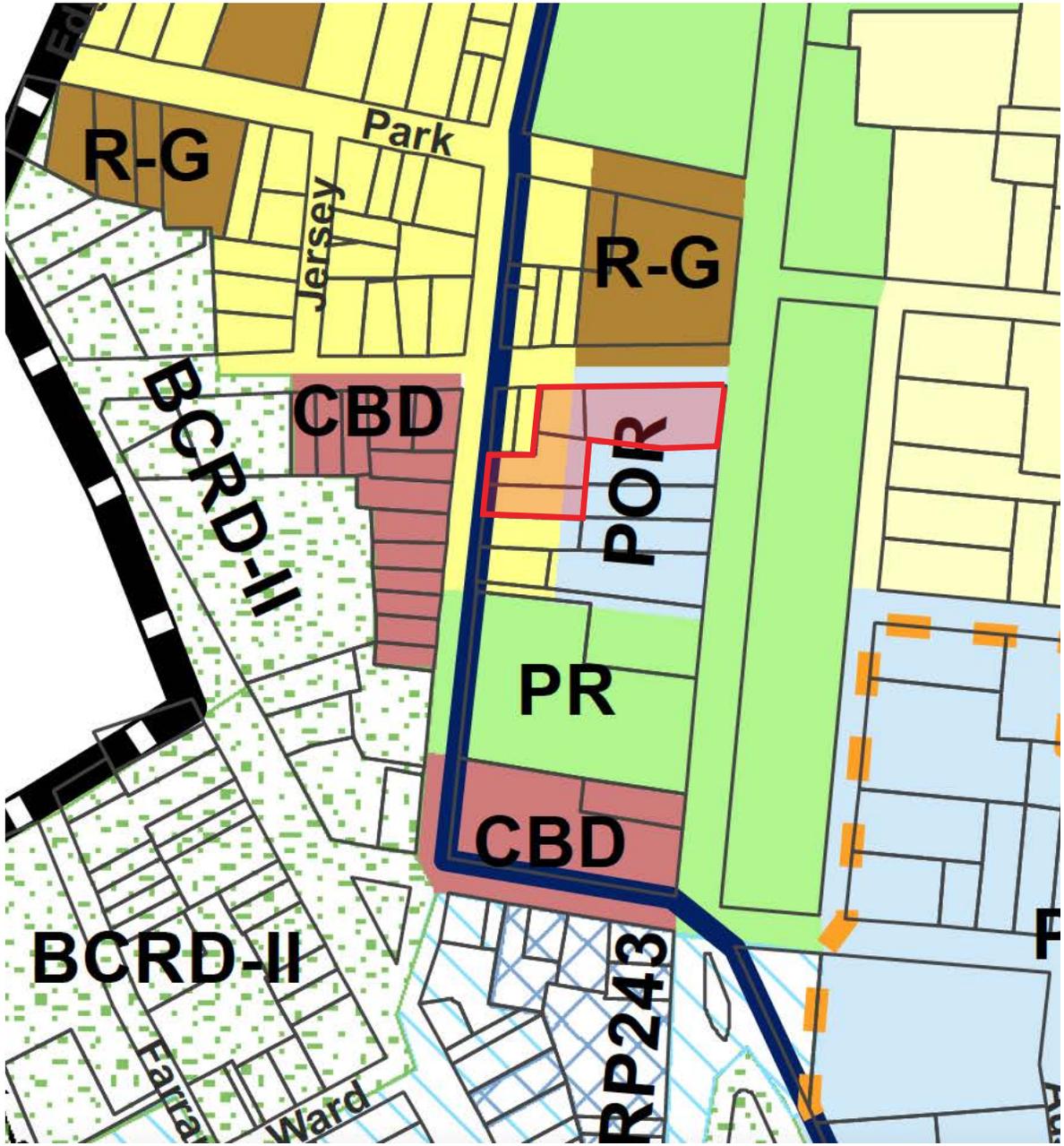


Exhibit 2. Zoning Map section depicting the subject site is split between the POR and R-1B Districts, as outlined in red.



Photo 1: View of existing accessory garage, look from parking lot (towards south).



Photo 2: Childcare center (Kids Corner) building is situated northwest of the site along Park Street.



Photo 3: View looking towards Park Street from nearby the location of the proposed playground area.



Photo 4: View of 45 State Street from its State Street frontage. Note that the at the rear of the driveway (behind the van) is the location where the existing garage will be removed and a playground area will be installed.



PROJECT DESCRIPTION

The Applicant is proposing to demolish an existing accessory garage on the rearmost portion of Lot 29 (45 Park Street) and in its place, construct an accessory playground area. This playground area shall be utilized in conjunction with the Park United Methodist Church's Kids Corner childcare center, which operates in a 2-story brick and stone building on Lot 18). The playground area will have a length of 33 feet and width of 26 feet and an overall area of 828 square feet. Within the area, coverage material to be installed will be fall-absorbing ground cover.

This playground area shall be accessed via the existing surface asphalt parking lot on Lots 23 and 27. A walkway from the parking lot to the playground area will be provided.

The playground area will be enclosed with a 4-foot high metal picket fence. This fence will be either an aluminum or wrought iron fence as per the notes on Sheet 1 of the civil engineering plans. Bollard will line the perimeter on the outer side of the fence.



RELIEF SOUGHT ACCORDING TO THE APPLICATION

The relief that the Applicant is requesting is summarized below:

- **D-1 Use Variance** as the childcare center is a pre-existing, non-conforming use in the R-1B Zone and the application is proposing the implementation of a new outdoor playground area to serve the childcare center. This playground addition shall be considered an expansion of the existing childcare center.

- **“C” Variances:**
 - **Parking spaces shall lead to a garage as per Section 315-40B.** (*“In residential zones, no required parking shall be permitted in any front yard except in a driveway leading to a garage.”*) whereas parking spaces on Lot 29 will no longer lead to a garage due to the demolition and removal of the existing accessory garage and replacement with the proposed playground area.
 - **Parking spaces within a garage as required in Section 315-41 A. 1.** (*“one- and two-family dwellings shall provide two parking spaces per dwelling unit, at least one of which shall be located within an enclosed garage.”*), whereas parking spaces on Lot 29 will no longer include an enclosed space within a garage due to the demolition and removal of the existing accessory garage and replacement with the proposed playground area.
 - **Section 315-35 (B) (5):** *“Lots in one zone that abut lots in a different zone. Structures on any lot in a particular zone that shares a common lot line with a lot in a different zone shall conform to the more restrictive setback requirements of the two zones along the common lot line.”* In the PO/R Zone, 10 feet is the minimum required for side and rear yard setback of accessory structures (which is more restrictive than the R-1B Zone requirement of 5 feet), whereas 5 feet is proposed along the rear and side yard of the proposed playground area on Lot 29.



LAND USE AND ZONING ANALYSIS

The subject site is split between two zoning districts: Block 245, Lots 23, 27, and 27 are located within the Township of Bloomfield's Residential, single-family, forty-foot frontage (R-1B). Block 245, Lots 18 is in the P/OR District

Single-Family Medium-Density Residential Zoning District (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.

The following are principal, accessory and conditionally permitted uses in the R-1B District:

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.

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.

Relevant definitions

- **Childcare center:** An establishment providing for the care, supervision, and protection of children that is licensed by the State of New Jersey pursuant to P.L. 1983, c. 492 (N.J.S.A. 30:5B-1 et seq.) (Section 315-6 of the Bloomfield Land Development Ordinance).
- **House of worship:** A building or structure, or groups of buildings or structures, that by design and construction is primarily intended for conducting organized religious services and associated accessory uses (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 Bloomfield Master Plan

- **R-1B Zone: The Single-Family Medium-Density Residential** category is located in areas throughout the Township and is similar in character and housing stock to the Single-Family Residential Low-Density District. The purpose of the category is to recognize the medium density single-family residential development within moderately sized lots that now exists within these areas. Neighborhoods in the single-family residential medium-density category include Halcyon Park neighborhood as well as portions of the Ampere, Brookside, Clark's Pond, Historic Green and Watsessing Heights neighborhoods. This category corresponds with the **R-1B Zone** district of the Township. The minimum lot size is 4,000 square feet and the minimum lot width is 40 feet. The maximum height is 2.5 stories and 40 feet. Current bulk regulations in the District provide for modest yards based upon a minimum front yard setback of 20 feet, rear yard setback of 25 feet and side yard setback of 6 feet. The maximum permitted building coverage is 25 percent; lot coverage is 60 percent; and floor area ratio (F.A.R.) is 0.5. The District also permits compatible non-residential uses such as public buildings, utilities and parks. Most lots in the District are sufficiently large to accommodate garages and adequate off-street parking. The District also permits compatible non-residential uses such as public buildings, utilities and parks. (Land Use Plan Element, pg. 52)
- **Review, Rationalize, and Update Zoning Districts and Regulations Examine all land use standards and make any necessary "housekeeping" amendments.** The ordinance should be reviewed and any standards that are conflicting, unenforceable, unlawful, unclear, or repetitive should be removed. The annual reports of the Zoning Board of Adjustment provide examples of issues that repeatedly come before the Board as well as consideration of changes to the land development ordinance as appropriate. For example, reviewing provisions for "home occupations"



and “home professional offices” in all Districts where they are permitted or conditionally permitted to clarify distinctions between them and correct existing ambiguities; and clarifying regulations governing pools and pool decks. (Land Use Element, pg. 50)

- **Professional Office/Residential (POR):** The Professional Office/Residential District is a mixed-use district. The implementing zoning is the PO/R Professional Office/Residential zone which, in addition to offices and professional offices, permits as a principal permitted use single-family and two-family detached residences and garden apartments. As well as other non-residential including banks, educational institutions, places of worship, public uses and utilities, public parks, and parking areas. Conditional uses include home professional offices, multifamily dwellings, and a mix of residential and non-residential uses. Minimum lot requirements for the PO/R district are 10,000 square feet for lot area and 100 feet for lot width. The maximum height is 40 feet. (Land Use Element, pg. 76)



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.”

SICA Balancing Test

The Municipal Land Use Law (MLUL) defines inherently beneficial uses: “Inherently beneficial use” means a use which is universally considered of value to the community because it fundamentally services the public good and promotes the general welfare. Such a use includes, but is not limited to, a hospital, school, child care center, group home, or a wind, solar or photovoltaic energy facility or structure.” Further, the Board may consider the house of worship use as an inherently beneficial use.

Inherently beneficial uses are considered to have automatically met the positive criteria necessary for the granting of a variance and there is no requirement that the site be particularly suitable for the proposed development. However, the negative criteria still must be met. The commonly called SICA balancing test must be applied by the Board when considering use variance applications involving inherently beneficial uses. The following framework may be used by the Board in their review of this prong of proofs:

- a) Identify the public interest at stake.
- b) Identify any detriments that might ensue from the grant of the variance.



- c) Consideration of appropriate conditions imposed by the Board to reduce the aforementioned detriments.
- d) Balance interest against public detriment.

C Variances

The 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 playground (accessory to the childcare center) on Lot 29 in the R-1B Zone. 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. If the Board considers the childcare center as an inherently beneficial use, the Applicant shall provide negative criteria proofs per the SICA Test.
3. As noted in Section 315-37. A. of the Bloomfield’s Land Development and Zoning Ordinance:
“Child-care centers are permitted uses in all nonresidential zones and the PO/R Zone. The floor area occupied in any building or structure as a child-care center shall be excluded in calculating any parking requirement otherwise applicable to that number of units or amount of floor space, as appropriate, under state or local laws or regulations adopted thereunder, and the permitted density allowable for that building or structure. New buildings shall comply with Township parking standards.”

However, as shown on Exhibit 2, the subject site is split between two zoning districts. Lots 23, 27, and 29 are in the R1-B Zone, while Lot 18 is located in the POR Zone. As noted in Cox & Koenig:

“Hardship may also arise out of ‘split lot zoning’. This occurs when a zoning boundary line runs through a piece of property so that, for example, the portion fronting on a street is zoned for a commercial use but the rear portion of the lot is zoned residential. If the effect of such zoning is to render unusable the rear portion of the lot so as to effectively zone it into idleness, hardship exists sufficient to support the grant of a variance subject, however, to an appropriate finding as to the negative criteria. In AMG Associates v. Tp. Of Springfield, [65 N.J. 101](#) (1974), for example, frontage



along a main thoroughfare was zoned for business to a depth of 150 feet which left the rear portions of two of an owner's lots in a residence district which, because of their size, could not be used in conformity with residential zoning purposes. The Supreme Court held that the owner was entitled to use the rear portions of the lot only to provide off-street parking required for office uses under the zoning ordinance."

4. There appears to be a discrepancy in the proposed dimensions of the proposed playground area. On Sheet 1 of the civil engineering site plans, the proposed dimensions are 33 feet by 26 feet, however, the Statement of Applicant Intent and Relief Requested notes that the proposed dimensions will be 33 feet by 25 feet. The Applicant shall confirm the correct dimensions and rectify the application documents accordingly.
5. The Applicant shall confirm that any additional lighting fixtures are proposed, and if so, the applicant shall confirm that the new lighting fixtures will not cause any spillover onto adjacent properties.
6. The Applicant should provide testimony to discuss whether any additional landscaping will be proposed onsite.
7. The Applicant shall discuss if the proposed playground area will have any impacts on the existing vehicular and pedestrian access/circulation of the site.
8. The Applicant shall discuss how the proposed addition will impact the surrounding residential neighborhood, especially the residential properties along the western side of State Street and the southern side of Park Street.
9. The Applicant shall confirm the childcare center's hours of operation, and if any changes are proposed with the addition of the playground area.
10. The Applicant shall confirm if any additional staff will be employed with addition of the playground area.
11. The Applicant shall confirm if what type of playground equipment is proposed within the playground area.



12. The Applicant shall confirm the width and material of the proposed walkway which will connect the parking lots on Lots 23 and 27 to the proposed playground area on Lot 29.
13. The Applicant shall confirm if there is a gate opening to the fence that will surround the playground area. Also, the Applicant shall confirm if the proposed material of the fence (i.e., aluminum or wrought iron) and the color. Black or white were noted in the resolution of the Historic Preservation Commission.

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.