



To: Bloomfield Zoning Board of Adjustment & Applicant

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

Date: October 24, 2025  
*December 9, 2025*

Re: **D-2 Use Variance Approval**  
**"C" Variance Approvals**  
**Minor Site Plan Approval**  
936 Broad Street (Block #931, Lot #50)

### **Planning Review Memo**

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## **INTRODUCTION**

This office has reviewed the application submitted by Temple Ner Tamid ("Applicant"). The applicant has filed an application with the Bloomfield Zoning Board of Adjustment to expanding an existing house of worship. The property in question ("subject site") consists of one tax lot: 936 Broad Street (Block #931, Lot#50). The 'Houses of worship' is not among the permitted uses in the in the R-1A Zone. Therefore a "D-2" variance is required for the proposed expansion of the pre-existing, non-conforming house of worship. Additionally, "C" variances are required for deviating from multiple bulk and area regulations. In preparation of this report, this office reviewed the following documents:

- Standard Development Application dated September 3, 2025.
- Preliminary and Final Major Site Plans Checklists both undated.
- Minor Subdivision and Minor Site Plan Checklist, prepared by Michael Higgins undated.
- Bound and Topographic Survey of the subject site prepared by James D. Sens, PLS, dated June 6, 2025



- Preliminary and final civil engineering site plans containing fourteen (14) sheets prepared by Robert L. Streaker, P.E. of Bohler, LLC , dated July 28, 2025.
- Architectural drawings containing three (3) sheets prepare by Brawer Hauptman + Larkin Architects, dated August 5, 2025.
- Stormwater Management Report prepared by Robert L. Streaker, P.E. of Bohler, LLC dated July 2025.
- List of Property owners within 200 feet radius of subject site.
- Traffic Statement prepared by Paul B. Going, P.E. and David W. Fahim, P.E. of Traffic Planning and Design, Inc. (TPD) dated July 28, 2025.
- Tax Details of subject site provided by Louise Conditto, Township Tax Collector, dated July 24, 2025.
- Township of Bloomfield Land Development Ordinance (**Chapter 315**).
- 2025 Township of Bloomfield Master Plan.
- Township of Bloomfield Zoning Map.

*This review memo has been updated since its initial submission and these updates are indicated in bold italic font.*



## PROPERTY AND AREA DESCRIPTION

The subject site is located along the western side of Broad Street. The site contains one Township tax lot: Block 931, Lot 50. The site is an irregularly-shaped lot and contains an area of 2.32 acres. A 1.5-story brick building exists on the subject site, which is used as a house of worship (Temple Ner Tamid). The building is also used as a pre-school, community space, administrative offices for the house of worship and school, and other ancillary uses associated with the house of worship. There is an existing driveway access from the site's frontage along Broad Street. This two-way driveway provides vehicular access to the surface parking lot in the rear. The subject site is located within the Township's Single-Family Medium Density Residential Zone (R-1A). Currently, the house of worship consists of a sanctuary, pre-school, religious studies, community space, administrative offices, and ancillary uses.

The surrounding land use pattern contains an array of uses. South and west of the site is the Glen Ridge Country Club and Golf Course. East of the site, across the opposite side of Broad Street, there is 2-story brick condominium/garden apartment complex. North of the site, along the same side of Broad Street, there is a mixed-use building consisting of an office and a dwelling unit and has street frontages along Yantecaw Avenue to the north and Broad Street to the east. Also north of the site is a row of single-family dwellings that front along Yantecaw Avenue and have a typical building height of 2.5 stories.



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

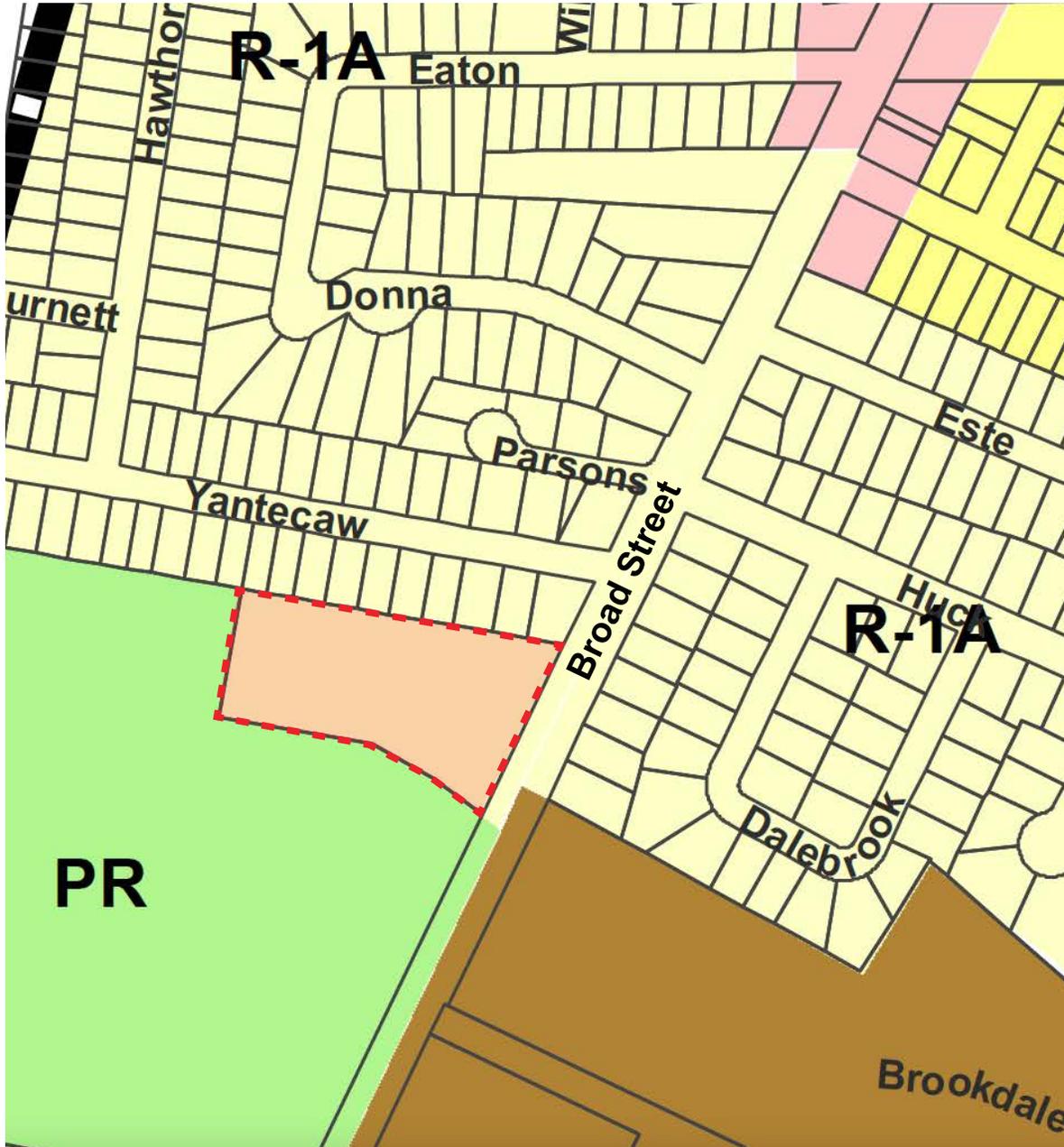


Exhibit 2. Zoning Map section depicting the subject site in the R-1A District, as shaded in red.



**Photo 1: View of subject site from its Broad Street frontage.**



**Photo 2: View of site looking from its driveway, which is accessed from Broad Street.**



**Photo 3: Parking area looking towards the adjacent Glen Ridge Country Club.**



**Photo 4: Rear parking area onsite looking northeast.**



**Photo 5: Residential uses are present along the eastern side of Broad Street with a typical building height of 2.5 stories. This includes a condominium/garden apartment complex directly opposite the site.**



**Photo 6: Residential uses are present along the southern side of Yantecaw Avenue with a typical building height of 2.5 stories.**



## PROJECT DESCRIPTION

The Applicant is proposing to expand an existing house of worship and its components within. Specifically, this expansion consists of expanding the sanctuary and create additional classrooms, office space and common space in the building.

The expansion at the lower level will consist of a 356 square foot footprint with a lounge, meeting rooms, restrooms and a multipurpose room with storage. Existing components on the lower level are five classrooms, closets, a lobby, kitchenette and elevator and stairwell access to the upper level.

The upper level expansion will consist of an additionally footprint of approximately 4,839 square feet. At the upper level, there will be two new classrooms. This will accompany the existing five classrooms on this level. Adjacent to the classrooms, there is an open office area, Shoresh school office, multipurpose room/chapel/meeting room, lounge/gathering space, café, kitchen, maintenance room, and restroom. Other building components on this floor consist of the sanctuary, social hall with a movable partition, coat room and storage area. There is stairwell and elevator access to the lower level.

Exterior building improvements proposed will consist of a new roof, new clerestory monitor windows in the new roof, and new entry canopy at the building's rear entrance. A new northerly wall will be added with the proposed brick to match the existing brick. At the front of the building, a new storefront glazing will be included within a new wall along the front of the building. Within the new building addition, there will be a new exterior wall roof, skylights and clerestory windows.

Site improvements proposed will consist of a new sidewalk adjacent to the driveway providing pedestrian connection from Broad Street to the building. The driveway consist of asphalt. A light pole and light fixture will be relocated. The existing playground will be relocated and contain a 4-foot vinyl fence. A rear parking area will contain 71 spaces.



## RELIEF SOUGHT ACCORDING TO THE APPLICATION

The relief that the Applicant is requesting is summarized below:

- **Expansion of a pre-existing, nonconforming use variance (“D-2”)** as the house of worship is a pre-existing, non-conforming use in the R-1A Zone and the application is proposing an expansion to the house of worship.
- **“C” Variances:**
  - **Maximum building coverage:** 20% is the maximum permitted, whereas 23.34% is proposed.
  - **Maximum lot coverage:** 45% is the maximum permitted, whereas 59.19% is proposed.
  - **Minimum parking spaces:** 104 spaces are the minimum required (1 space per 2 sanctuary seats is required for a place/house of worship as per Section 315-41.B. of the Township Land Development Ordinance), whereas 71 spaces are proposed.



## LAND USE AND ZONING ANALYSIS

As shown on Exhibit 2, the subject site is located within the Township of Bloomfield's Residential, single-family, fifty-foot frontage (R-1A). According to §315-38(A) of the Land Development Ordinance, the intent of the R-1A 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-1A 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.

### **Relevant definitions**

- **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-1A Zone: The Single Family Low-Density Residential** category is the largest residential district in Bloomfield and is located predominantly in the northern and central portions of the Township, as well as in certain areas of the Third Ward. Neighborhoods in the single-family residential low-density category include the Brookdale and North End neighborhoods as well as portions of the Brookside, Clark's Pond, Historic Green and Watsessing Heights neighborhoods. The purpose of this land use category is to recognize the relatively large lot single-family detached residential development located throughout these areas that is suburban residential in character. The implementing zoning mechanism for this category is the **R-1A Zone**. The minimum lot size is 5,000 square feet and the minimum lot width is 50 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 25 feet, rear yard setback of 25 feet, an individual side yard setback of 6 feet, and combined side yard setback of 14 feet. The maximum permitted building coverage is 20 percent; lot coverage is 45 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. (Land Use Plan Element, pgs. 51-52)
- **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"



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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)



## 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-2 Expansion of a Pre-existing, non-conforming use*

The expansion or intensification of a lawfully created pre-existing, nonconforming use, which also includes the expansion of a building in which a lawfully created preexisting nonconforming use is to be carried on, requires a d(2) variance pursuant to [40:55D-70d\(2\)](#). To the extent the proposal is to change a lawfully created preexisting nonconforming use to an entirely new, non-allowed use, then a d(1) variance is required. Similarly, the addition of an entirely new non-permitted accessory or additional primary use should require a d(1) variance. Also, in the event a use approved by a d(1) variance is sought to be expanded, a new d(1) variance is required. Similarly, when an applicant seeks to expand a lawfully created preexisting nonconforming business use, which also includes the expansion of a building in which a lawfully created preexisting nonconforming use is to be carried on, application must be made under subsection d(2). When, however, the proposal amounts to either the creation of a new use or material modification of an existing nonconforming use the application must be considered under the standards for a d(1) variance.



An applicant for a d(2) variance permitting expansion of a lawfully created preexisting nonconforming use must satisfy the same positive and negative criteria test as other d variance applicants.

### **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.



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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 and 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. Although a Preliminary and Final Site Plan Checklist was received, a Variance Checklist not received by this office.
2. As mentioned above, an applicant for a d(2) variance permitting expansion of a lawfully created pre-existing, nonconforming use must satisfy the same positive and negative criteria test as other d variance applicants. Therefore, the Applicant should provide the Positive and Negative Criteria of the use variance for the proposed expansion of the house of worship, a pre-existing nonconforming, use in the R-1A Zone. 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. *If the Board considers the house of worship as an inherently beneficial use, the Applicant shall provide negative criteria proofs per the SICA Test.*
4. The Applicant shall clearly differentiate the existing building components and the proposed conditions.
5. The Applicant shall confirm that any relocated lighting fixtures will not cause any spillover onto adjacent properties. The Applicant should confirm if there will be any additional lighting proposed.
6. The Applicant should provide testimony to discuss whether any additional landscaping will be proposed onsite.
7. The Applicant shall discuss the vehicular and pedestrian access/circulation of the site and any changes to the existing conditions.
  - a. The Applicant shall confirm if the 71 spaces is the current amount of spaces proposed or if this total differs from the existing parking supply.



- b. The Applicant shall confirm if any bicycle parking/storage will be provided as part of the project.
  - c. With multiple uses existing simultaneously onsite, the Applicant shall discuss how the parking arrangement will function.
  - d. The Applicant shall confirm if Electric Vehicle (EV) charging stations will be provided among the parking spaces provided.
  - e. The Applicant shall discuss the operations of pick-up and drop-off of pre-school students.
  - f. We defer any further comments to the Board Traffic Engineer.
8. The Applicant shall discuss how the proposed addition will impact the surrounding residential neighborhood, especially the residential properties along the southern side of Yantecaw Avenue.
  9. The Applicant shall confirm the house of worship's hours of service and also the hours of operation for the other uses onsite (pre-school, religious studies, community space, etc.)
  10. The Applicant shall confirm the cumulative capacity of the house of worship and other uses onsite, including the pre-school, religious studies, community space, etc.
  11. The Applicant shall provide the location of the existing playground's relocation. Further, the Applicant shall provide details regarding the relocated playground (i.e., is there gate opening access? Will there will be a walkway leading to the playground area?).

## 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.