

2012 RESOLUTION AUTHORIZATIONS

2012 RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BLOOMFIELD, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY, REFERRING A PROPOSED AMENDMENT TO CHAPTER 315 OF THE TOWNSHIP CODE, LAND DEVELOPMENT, WHICH WOULD PERMIT MORE THAN ONE PRINCIPAL BUILDING ON A LOT IN THE RO, REGIONAL OFFICE ZONE AND THE R-T, RESIDENTIAL TOWNHOUSE ZONE, TO THE TOWNSHIP OF BLOOMFIELD PLANNING BOARD.

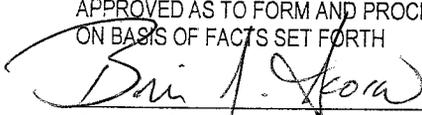
WHEREAS, Chapter 315, Land Development, of the Township of Bloomfield Code was adopted in November, 2005 as a comprehensive revision to the Township's land development ordinances, and incorporated into one chapter the regulations governing the operation of the Planning Board and Zoning Board of Adjustment, land use procedures, including site plan and subdivision review, design standards, fees and deposits, performance and maintenance guarantees and enforcement; and

WHEREAS, Article V of Chapter 315, which establishes the Township's zoning regulations, Section 35(D)(1) states that "only one principal building may be erected on lot in any zone" except if otherwise specifically permitted in Article V; and

WHEREAS, the R-G, Garden Apartment Zone, the B-2, Neighborhood Business Zone, the CORD, Commuter-Oriented Residential Zone, and the CC, Community Commercial Zone each contain a provision permitting more than one principal building on a lot; and

WHEREAS, a similar provision should have been included in the R-T, Residential Townhouse Zone, since townhouse developments most frequently include more than one principal building on a lot and such a development had been constructed in the zone prior to the

APPROVED AS TO FORM AND PROCEDURE
ON BASIS OF FACTS SET FORTH


Director of Law / Township Attorney

adoption of the Land Development Ordinance; and

WHEREAS, a similar provision also should have been included in the RO, Regional Office Zone, where there was more than one principal building on lot at the time the Land Development Ordinance was adopted, and that condition exists currently; and

WHEREAS, it was not the intent of the Mayor and Council when the Land Development Ordinance was adopted to zone the existing townhouse development in the R-T Zone and the office complexes in the RO Zone into nonconformity; and

WHEREAS, the Mayor and Council will introduce an ordinance to amend Chapter 315 to permit more than one principal building in the R-T Zone and the RO Zone, and recognize that pursuant to N.J.S.A. 40:55D-64, any proposed amendment to a zoning ordinance must be referred to the Planning Board following introduction.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Bloomfield, Essex County, New Jersey, as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Mayor and Council for the Township of Bloomfield hereby directs the Township of Bloomfield Planning Board to review the proposed Ordinance amending Chapter 315, Section 38(C) and 38(I) to permit more than one principal building in the R-T, Residential Townhouse Zone and the RO, Regional Office Zone and provide a report with its recommendations to the Mayor and Council within 45 days of the date of this resolution pursuant to N.J.S.A. 40:55D-26.

Section 3. The Township Clerk is hereby directed to forward a copy of the Ordinance

to the Planning Board for its review.

Section 4. This Resolution shall take effect immediately.

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I hereby certify that the above resolution was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on June 25, 2012.



 Municipal Clerk of the Township of Bloomfield



 Acting Mayor of the Township of Bloomfield

✓ Vote Record - Resolution 1922					
		Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Adopted	Elias Chalet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Carlos Bernard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Michael Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Peggy O'Boyle Dunigan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Approved	Bernard Hamilton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Approved by Consensus	Raymond McCarthy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Not Discussed					
<input type="checkbox"/> Tabled with No Vote					
<input type="checkbox"/> Discussed					
<input type="checkbox"/> Veto by Mayor					

RESOLUTION OF THE
TOWNSHIP OF BLOOMFIELD
PLANNING BOARD

FILE COPY

RESOLUTION IN THE MATTER OF THE
REVIEW OF A PROPOSED AMENDMENT TO
CHAPTER 315 OF THE TOWNSHIP CODE
WHICH WOULD PERMIT MORE THAN ONE
PRINCIPAL BUILDING ON A SINGLE LOT
IN THE REGIONAL OFFICE AND
RESIDENTIAL TOWNHOUSE ZONES.

WHEREAS, the Mayor and Council of the Township of Bloomfield adopted a resolution on June 25, 2012, referring a proposed ordinance to the Township of Bloomfield Planning Board which would permit more than one principal building on a lot in the R-T, Residential Townhouse Zone and the RO, Regional Office Zone;

WHEREAS, Chapter 315, Land Development, of the Township of Bloomfield Code was adopted in November, 2005, as a comprehensive revision to the Township's land development ordinances, and incorporated into one chapter the regulations governing the operation of the Planning Board and Zoning Board of Adjustment, land use procedures, including site plan and subdivision review, design standards, zoning, fees and deposits, performance and maintenance guarantees and enforcement; and

WHEREAS, Article V of Chapter 315, which established the Township's zoning regulations, Section 35(D)(1), stated that

"only one principal building may be erected on lot in any zone" except if otherwise specifically permitted in Article V; and

WHEREAS, the R-G, Garden Apartment Zone, the B-2, Neighborhood Business Zone, the CORD, Commuter Oriented Residential District, and the CC, Community Commercial Zone each contained a provision permitting more than one principal building on a lot; and

WHEREAS, the R-T, Residential Townhouse Zone, which permits townhouse developments, did not contain such a provision, although townhouse developments most frequently include more than one principal building on a lot and such a development had been constructed in the zone prior to the adoption of the Land Development Ordinance; and

WHEREAS, the RO, Regional Office Zone, also did not contain such a provision, although there was more than one principal building on a lot in the RO Zone at the time the Land Development Ordinance was adopted, and that condition exists currently; and

WHEREAS, at its meeting of May 8, 2012, the Planning Board heard an application from the owner of 1515 Broad Street, which is located in the RO Zone and which has more than one office building on its property; and

WHEREAS, the application proposed to demolish one of the existing office buildings and construct a new office building in its place; and

WHEREAS, although the Board approved the application, it subsequently recognized that it did not have jurisdiction over the application because upon demolition of the existing building, a use variance to construct a new principal building would be required because more than one principal building on a lot is prohibited in the RO Zone; and

WHEREAS, the 2002 Master Plan acknowledged the need to protect the existing developments in both the RO Zone and the R-T Zone; and

WHEREAS, the 2008 Master Plan Update did not alter those conclusions; and

WHEREAS, by permitting only one principal building on a lot in both Zones, the properties have been zoned into nonconformity, which is antithetical to the Master Plan's recommendations; and

WHEREAS, as a result, the Mayor and Council has introduced an ordinance to permit more than one principal building on a lot in the both the R-T and RO zones in order to correct an oversight in the adoption of the Land Development Ordinance which zoned properties in the R-T Zone and the RO Zone into

nonconformity by prohibiting more than one principal building on a lot; and

WHEREAS, this Resolution shall constitute the report of the Planning Board, pursuant to N.J.S. 40:55D-26, which requires the Board to determine whether the proposed ordinance is inconsistent with the Township Master Plan, while also permitting any other recommendations deemed appropriate by the Board, on the proposed ordinance amending Chapter 315 to permit more than one principal building on a lot in the RO and R-T Zone.

NOW, THEREFORE, be it resolved by the Planning Board of the Township of Bloomfield that the Board, by a vote of seven (7) in favor and none opposed, finds that the proposed ordinance is consistent with the 2002 Master Plan, which recommended that the RO and R-T Zones protect the then existing developments in those zones, which had more than one principal building on the lot.

IN FAVOR OF THE BOARD'S REPORT:

Chairman LaQuaglia	Yes
Mr. Lasek	Yes
Dr. Ophori	Yes
Mr. Pietrykoski	Yes
Dr. Sotillo	Yes
Mr. Stephan	Yes
Mr. Zimmerman	Yes

(7) Yes

OPPOSED TO THE RESOLUTION:

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 10th day of July, 2012, to reflect the action taken by said Board on that same date.


Alan LaQuaglia, Chairman