



To: Bloomfield Zoning Board of Adjustment & Applicant

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

Date: April 17, 2025

Re: **D-1 Use Variance Approval**
D-4 Floor Area Ratio (FAR) Variance Approval
D-5 Density Approval
"C" Variance Approval
Preliminary and Final Site Plan Approval
25 Lawrence Street (Block 94, Lots 12 and 14)

Planning Review Memo

INTRODUCTION

This office has reviewed the application submitted by 3X Lawrence, LC ("Applicant"). The applicant has filed an application with the Bloomfield Zoning Board of Adjustment proposing to construct a 3-story multi-family residential dwelling containing 12 units. The property in question ("subject site") consists of two tax lots: 25 Lawrence Street (Block 94, Lots 12 and 14). The subject site is located in the R-2B Two-Family Residential Zone.

A variance is requested for the proposed use ("D-1") as the proposed multi-family dwelling is not permitted in the R-2B Zone. Further, "D-4" Floor Area Ratio (FAR) variance is required for exceeding the maximum FAR permitted in R-2B Zone and a "D-5" Density variance is required for exceeding the maximum density permitted in the R-2B Zone. Additionally, "C" bulk and area variances are requested for exceeding the maximum lot coverage, among others, in the R-2B Zone.

In preparation of this report, this office reviewed the following documents:

- Cover Letter, prepared by Michael Piromalli, Esq. of Gaccione Pomaco dated October 14, 2024.



- Standard Development Application dated October 14, 2024.
- Preliminary and Major Subdivision and Site Plan Checklists undated.
- Variance Application Checklist undated.
- Statement of Applicant Intent and Relief Requested prepared by Gaccione Pomaco dated September 9, 2024..
- Fees Explanation for Land Use Application prepared by Gaccione Pomaco.
- Business Entity Disclosure Statement signed by Eli Stoll, Managing Member of 3X Lawrence, LLC.
- Property List Request (completed by the Township in July 2024), List of Property Owners within 200 feet of the subject site and Map showing property within 200 feet of the subject site.
- Property Tax Records of the subject site as of December 17, 2024.
- Architectural drawings containing three (3) sheets prepared by Orestes Valella, AIA, PC dated August 23, 2024.
- Architectural drawings for prior project proposed at the subject site containing three (3) sheets prepared by Orestes Valella, AIA, PC dated July 15, 2021 with revisions through June 6, 2022.
- Civil engineering site plans containing nine (9) sheets prepared by .
- Comparative site data chart displaying the R-2B and R-G zones standards for the proposed project.
- Drainage Statement prepared by J. Michael Petry, PE of Petry Engineering, LLC dated August 28, 2024.



- Board Engineer Review Letter, prepared by Anthony Marucci dated March 20, 2025.
- Township of Bloomfield Land Development Ordinance (**Chapter 315**).
- Township of Bloomfield Master Plan and Reexamination Reports.
- Township of Bloomfield Zoning Map.

PROPERTY AND AREA DESCRIPTION

The subject site is located along the eastern side of Lawrence Street. The site contains two Township tax lots: Block 94, Lots 12 and 14. Lot 12 is vacant and Lot 14 has remnants of a former parking lot use. Collectively, the site contains an area of approximately 11,988 square feet with a width of approximately 100 feet and a lot depth of approximately 120 feet.

Surrounding land uses mostly consists of residential uses. Immediately north of the site, along the same side of Lawrence Street, is a single-family, 2.5-story dwelling (35 Lawrence Street). South of the site, also along the same side of Lawrence Street, is a two-family, 2.5-story dwelling (21 Lawrence Street). West of the site is a mix of single and two-family dwellings along the western side of Lawrence Street with a typical building height of 2.5 stories. Lastly, east of the site is vacant land.



Exhibit 1. Aerial showing subject site location outline in red (Source: Google Maps, Accessed April 2025).

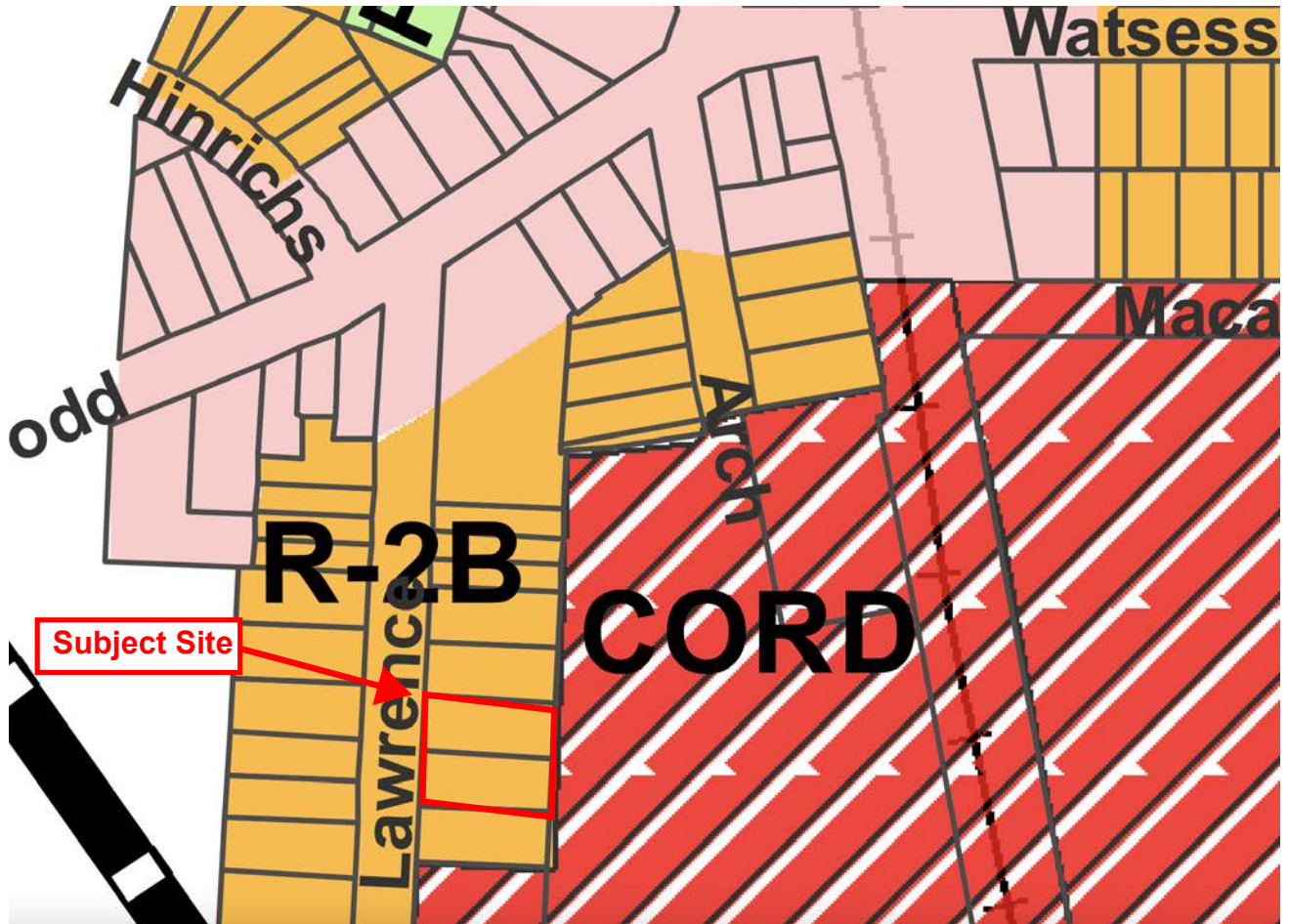


Exhibit 2: Excerpt of Bloomfield Township Zoning Map.



Photo 1: View of the subject site from the Lawrence Street frontage.



Photo 2: View of Lot 14 from its Lawrence Street frontage. Note the remnants of a former parking lot.



Photo 3: View of Lot 12 from its Lawrence Street frontage.



Photo 4: 35 Lawrence Street is a single-family dwelling with a building height of 2 stories.



Photos 5: 21 Lawrence Street is a two-family dwelling with a building height of 2.5 stories.



Photo 6: West of the subject site is 26 Lawrence Street (left), a two-family dwelling and 32 Lawrence Street (right), a single-family dwelling. Both dwellings have a building height of 2.5 stories.



PROJECT DESCRIPTION

The Applicant is proposing to construct a 3-story multi-family residential dwelling containing 12 units. All 12 of these units will be one-bedroom units. The front entrance of the proposed dwelling will be oriented towards the Lawrence Street frontage.

The basement level will consist of a mechanical room, cellar area, trash/recycling collection area, bicycle/package room (with a bicycle storage capacity of 18 bicycles), and several crawl spaces. There will be stairwell access to the upper floors

The ground floor will contain 4 one-bedroom units. Two of these units are identified as 'Apartment Type A', which has an area of 645 square feet and contains a living area, kitchen, bedroom with walk in closet, kitchen, and washer and dryer units. The other two units are identified as 'Apartment Type B', which has an areas of 959 square feet and contains a living areas, den, bedroom with walk in closet, kitchen, and washer and dryer units. There will be stairwell access to the other floors.

The second and third floors will each contain 4 one-bedroom units. For each floor, two of the units are identified as 'Apartment Type B' (with the same layout as those on the first floor). The remaining two units on each floor are identified as 'Apartment Type C', which has an areas of 670 square feet, and containing a living area, kitchen, bathroom, bedroom with walk in closet, and washer and dryer units. Stairwell access is provided to the other floors.

A parking area is proposed at the southern end of the site, which will be accessible via a two-way curb cut along Lawrence Street. This parking area will consist of 18 parking spaces. Three of these spaces will be electric vehicle charging stations and four will be compact spaces. At the rear, there will be 3 tandem spaces. A walkway will contact the parking area to the front entrance of the dwelling. Other site improvement consist of a 6-foot fence along the southern and eastern property lines as well as a portion of the northeastern property line.

Landscaping will be provided the entire southerly property line, a large portion of the easterly property line and the eastern portion of the northerly property line.



There will also be landscaped provided in the front yard. The majority of the proposed landscaping consists of Inberry shrubs, however, there will also be two Flowering Dogwood trees planted on each side of the dwelling's front entrance.

The proposed lighting will consist of two decorative wall scones at the front entrance with a mounting height of 6 feet. On the southern side of the proposed building facing the parking lot, there will be two fixtures installed with a mounting height of 19 feet.

RELIEF SOUGHT ACCORDING TO THE APPLICATION

The relief that the Applicant is requesting is summarized below:

- **"D" Variances:**
 - **Use Variance ("D-1"):** Multi-family dwellings are not a permitted use in the R-2B Zone.
 - **Maximum FAR ("D-4"):** 0.5 is the maximum permitted in the R-2B Zone, whereas approximately 0.94 is proposed.
 - **Maximum Residential Density ("D-5"):** 21.8 dwelling units per acre is the maximum permitted, whereas 43.6 dwelling units per acre is proposed.
- **"C" Variances:**
 - **Minimum Front Yard Setback:** 20' is the minimum required whereas 10' is proposed
 - **Minimum Side Yard Setback:** 6' is the minimum required, whereas 3.1' is existing and will continue to remain.
 - **Maximum Building Coverage:** 25% is the maximum permitted, whereas 31.2% is proposed
 - **Maximum Lot Coverage:** 60% is the maximum permitted, whereas 85.1% is proposed.
 - **Minimum Apartment Floor Area:** 650 square feet is the minimum required, whereas 645 square feet is proposed for two of the units.
 - **Minimum Parking Spaces:** 22 spaces (1.8 spaces per one-bedroom unit x 12 units proposed = 22 spaces) are the minimum required, whereas 18 spaces are proposed
 - **RSIS De minimis exception** for minimum parking spaces
 - **Minimum sidewalk width between any principal structure:** 4' is the minimum required, whereas none is proposed
 - **Minimum parking space setback from any property line:** 5' is the minimum required, whereas 1.8' is proposed.
 - **Maximum illumination at property lines:** 0.1 footcandles is the maximum permitted at any property line, whereas 0.2 footcandles is proposed.
 - **Locating parking spaces in the front yard:** Parking in the front yard is not permitted in residential zones, whereas parking in the front yard is proposed.



LAND USE AND ZONING ANALYSIS

As shown on Exhibit 2, the subject site is located in the Two-Family Higher-Density Residential Zone (R-2B).

R-2B

According to Section 315-38. A. (1) of the Land Development Ordinance, the intent of the R-2B 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.
- (c) Two-family dwellings.

Accessory Uses

- (a) Uses that are customarily incidental and accessory to the principal use as permitted herein.

Conditional Uses

- (a) Home occupations.

Definitions

- **Building Coverage:** The ratio of the horizontal area of all principal and accessory buildings measured from the exterior surface of the exterior walls of the ground floor on a lot to the total lot area. (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)

- **Dwelling:** A structure or portion thereof that is used exclusively for human habitation. (Section 315-6 of the Bloomfield Land Development Ordinance)
- **Garden Apartment:** Three or more dwellings located within a single building, with an entrance to each dwelling by direct access from the outside or through a common hall. Garden apartments may include buildings in cooperative or condominium ownership. (Section 315-6 of the Bloomfield Land Development Ordinance)
- **Multi-family:** A building containing three or more dwelling units that share common horizontal or vertical separations, including garden apartments and townhouses. (Section 315-6 of the Bloomfield Land Development Ordinance)
- **Floor Area:** The sum of the area of all floors of buildings measured to the dimensions of the outside walls of the buildings inclusive of ground floor parking, but excluding attics, basements, cellars, sheds and detached garages, except to the extent such areas are finished for use as bedrooms, family rooms, studies or other such living quarters; open porches, decks, patios, terraces, balconies, breezeways and arcades; utility, mechanical and emergency power equipment areas; stairwells and elevator shafts in commercial buildings and multifamily dwellings; guard houses; and any open area above the ground floor within an open atrium space. (Section 315-6 of the Bloomfield Land Development Ordinance)
- **Floor Area Ratio (FAR):** Representing the floor area divided by the lot area. (Section 315-6 of the Bloomfield Land Development Ordinance)
- **Impervious coverage:** Any material which generally reduces or prevents absorption of stormwater into the ground, including but not limited to buildings, parking areas, driveways, sidewalks, paving, decks and patios, but excluding outdoor swimming pools accessory to one- or two-family dwellings. All required parking areas that are permitted to remain unimproved and all gravel areas shall be considered as impervious surfaces. (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-2B: *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-2B: *'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)
- Under Public Transit, it is noted that the area around the Watsessing Station has experienced redevelopment projects that are mostly mixed-use projects with multi-family residential units. (Circulation Plan Element, pg. 102)

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-4 Floor Area Ratio (FAR) Variance

Floor area ratio controls are controls on intensity of use. They apply primarily to nonresidential and multi-family residential structures. There has been a trend, however, toward using floor area ratio provisions in single-family residence districts.

The term "floor area ratio" is defined in N.J.S. [40:55D-4](#) as meaning "the sum of the area of all floors of buildings or structures compared to the total area of the site". The term "building" is defined in N.J.S. [40:55D-3](#) as meaning "a combination of materials to form a construction adapted to permanent, temporary, or continuous occupancy and having a roof." The term "structure" is defined in N.J.S. [40:55D-7](#) as "a combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above or below the surface of a parcel of land."

According to N.J.S. [40:55D-70d\(4\)](#), variances from FAR controls may be granted only by boards of adjustment under subsection d(4) and not by planning boards. The reason is that variances of this type can pose a greater threat to the zone plan

and public good than other dimensional controls, which are regulated by subsection (c).

Any application to "increase ... the permitted floor area ratio" is cognizable only under subsection d(4) of the statute and relief can be granted only upon the showing of "special reasons." However, it has been held that in establishing special reasons for a FAR variance, *Coventry Square v. Westwood Zoning Bd. of Adjustment*, [138 N.J. 285](#) (1994) and **not** *Medici v. BPR Co.*, [107 N.J. 1](#) (1987) controls. Therefore, the applicant for a FAR d(4) variance need **not** show that the site is particularly suited for more intensive development. Rather, such an applicant must show that the site will accommodate the problems associated with a floor area larger than that permitted by the ordinance. (Cox & Koenig)

D-5 Density Variance

The term "density" is defined in N.J.S. 40:55D-4 as "The permitted number of dwelling units per gross area of land to be developed."

Density restrictions, primarily applicable to residential structures, perform the same functions as floor area ratios, that is, they control intensity of use.

The standard for granting such relief is that applied to a floor area ratio case: i.e., demonstration that the site may accommodate the extra density. Note, however, that although variances for density and height are subject to the weighing analysis of other (d) variances, when a zoning board considers application for (d)(1) use variances, associated density and height variances are tested against a more relaxed standard that requires applicants to demonstrate that the site will accommodate problems associated with a proposed use with greater density or height than permitted. *Price v. Himeji, LLC*, 214 N.J. 263, 296-297 (2013).

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 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 or 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 conversion to an 8-unit multi-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*). Further, the Applicant shall address how the proposed 10-unit multi-family dwelling will fit into the surrounding land development pattern.
2. The Applicant shall provide proofs relevant to exceeding the maximum floor area ratio (FAR) permitted in the R-2B Zone (“D-4” variance). The Applicant should address that the site can accommodate the greater FAR than permitted, as outlined in *Price v. Himeji* case.
3. Similarly, the Applicant should address that the site can accommodate the greater density (“D-5” variance) than permitted in the R-2B Zone, as outlined in *Price v. Himeji* case.
4. There appears to be discrepancies on the Comparative Zoning Chart, which shows that a 4-story building with 14 dwelling units is proposed as part of the application. It appears that this chart was provided in context of the prior application in 2022. The Applicant shall confirm if this chart has been updated to reflect the current application.
5. On Sheet V-1 of the architectural drawings, the Type B apartment unit contains a den. The Applicant shall confirm that the den cannot be converted into an additional bedroom.
6. The Applicant shall discuss if there will be any common area amenities onsite for residential (i.e., lounge, recreational room, fitness room, outdoor patio space, etc.).

7. The Applicant shall confirm that there is only one point of egress proposed from the dwelling.
8. The Applicant shall provide testimony whether any of the proposed lighting will spillover onto the adjacent residential properties.
9. The Applicant shall provide testimony regarding safety, parking and vehicular/pedestrian circulation.
 - a. The Applicant shall provide testimony regarding the tandem parking spaces and how the parking arrangement of these spaces will function.
 - b. The Applicant should provide testimony regarding all applicable RSIS requirements, and rationale for any deviations from the requirements.
10. The Applicant shall confirm the exterior architectural materials proposed (i.e., finishes for the façade, details of windows, roof etc.). These did not appear to be identified on the architectural plans submitted as part of the application.
11. In August 2022, an application was approved by the Township's Zoning Board of Adjustment for this site, which consisted of a 3-story multi-family dwelling containing 10 dwelling units (6 one-bedroom units and 4 two-bedroom units) and 17 parking spaces onsite. To that end, the Applicant shall discuss the changes from the 2022 application and reasons for the changes (i.e., two additional units, etc.).

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.