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Board of Adjustment Application
Watchung Saints, LLC/Skopos Hospitality
Block 1606, Lot 13, 698-700 Bloomfield Avenue
Township of Verona

PLANNING EVALUATION

INTRODUCTION

Watchung Saints, LLC is applying to the Verona Township Board of Adjustment to convert the first floor of the two-story building at 698-700 Bloomfield Avenue from a dry-cleaning establishment (now vacant) into a full service restaurant and retain the existing two apartments on the second floor. Because the conversion of the first floor is not an office or retail use (a restaurant is not considered a retail use) and is not eligible as a mixed-use conditional use, the applicant is seeking a “d(1)” variance under N.J.S.A. 40:55D-70 as well as a parking variance.

This Planning Evaluation is prepared on behalf of the applicant. It concludes that the statutory criteria are satisfied warranting approval of the application. The basis for this conclusion follows:

DESCRIPTION OF SUBJECT PROPERTY

Lot 13 in Block 1606 is a corner lot at the intersection of Bloomfield Avenue and Rockland Terrace. It is improved with a two-story mixed-use building. Although now vacant, the first floor was occupied by Gemmell's as shown on Plate I. The second floor has two apartments, each with two-bedrooms. A paved five-car parking lot occupies part of the rear area as shown on Plate II.

PLATE I PRIOR USE OF THE SUBJECT PROPERTY



PLATE II
RECENT PHOTOS OF SUBJECT PROPERTY

1. View of subject property looking north.



2. View of rear of subject building.



3. Vis of parking area in rear of subject building looking north.

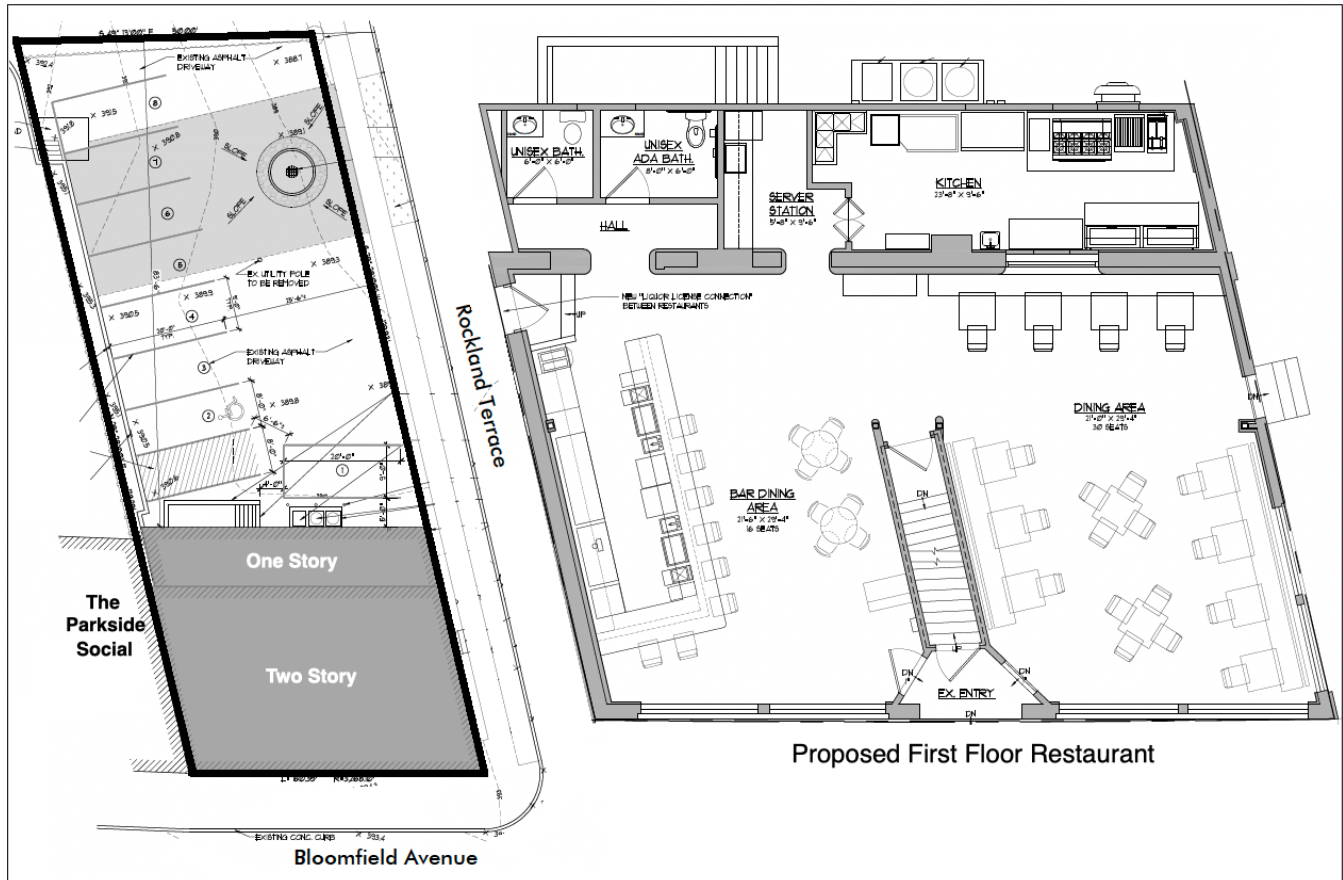


Photos taken by Peter Steck, P.P. on March 1, 2024

DESCRIPTION OF PROPOSED DEVELOPMENT

The applicant proposes to convert the 2,076 square foot first floor to a full-service restaurant with 46 seats. The restaurant is proposed to share the liquor license currently held by The Parkside Social restaurant to the west via a doorway connection. The two 2-bedroom apartments on the second floor are to remain. The parking area in the rear is to be expanded from 5 spaces to 8 spaces including one-handicapped space as shown on Plate III. To compensate for the added pavement, a stormwater seepage pit is being installed. No changes to the curb cuts on Rockland Terrace are proposed.

**PLATE III
PROPOSED DEVELOPMENT**

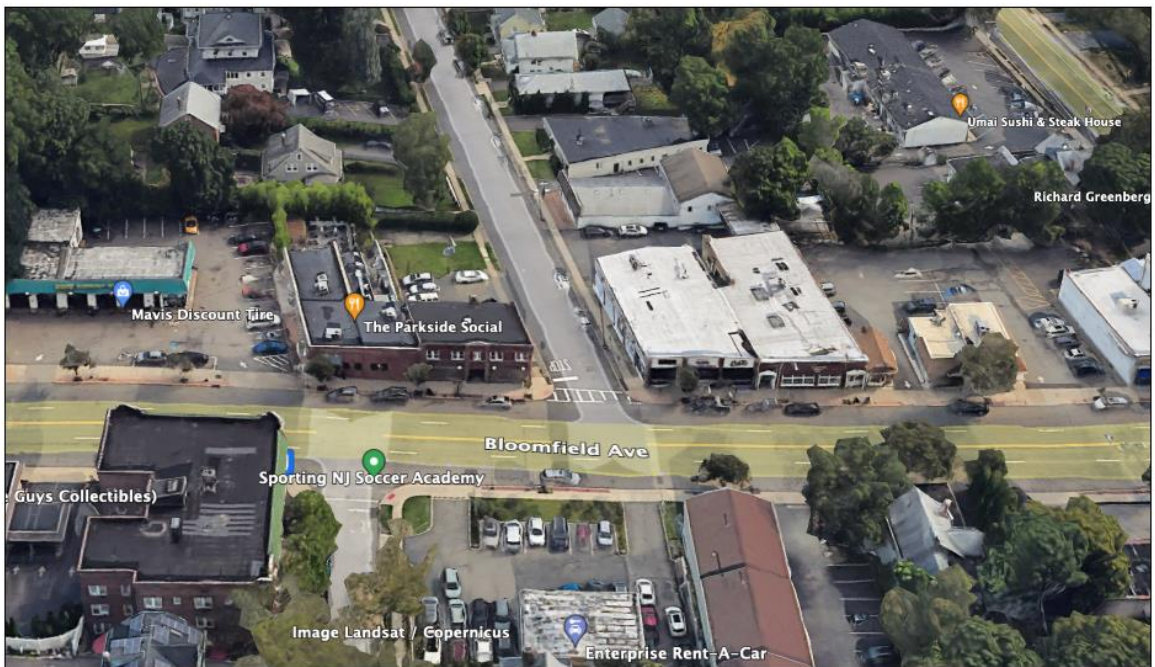


DESCRIPTION OF THE SURROUNDING AREA

The subject property is located within the Bloomfield Avenue commercial corridor. The Parkside Social restaurant is located to the west, followed by Mavis Tire. Across Bloomfield Avenue is Enterprise Rent-A-Car. To the east across Rockland Terrace are Canine Design, Bella Salon and Spa, and Jack's Café in a one-story building followed by a diner. To the north are single-family homes. Plate IV depicts the surrounding land uses from a 2020 satellite photo from NJDEP Geoweb and from Google Earth Pro.

Both sides of Bloomfield Avenue have metered parking Monday to Friday from 8 AM to 6 PM. Rockland Terrace has some metered parking along the east side effective during the same time period. No parking is permitted along the west side of Rockland Terrace.

PLATE IV
SURROUNDING AREA



ZONING CONSIDERATIONS

As shown on Plate IV, the subject property is located in the TC Town Center Zone and abuts a R-70 Residential Zone to the north. The TC Town Center Zoning District permits retail stores and service establishments, full-service restaurants, financial institutions, theaters, and family day care centers. No front or side yard setbacks are required. The minimum rear setback is 20 feet. The maximum building coverage is 80% of the lot area and covered lot areas (impervious surfaces) are permitted over the entire lot.

Although mixed-uses with residential uses on the upper floor are treated as conditional uses in the TC Zone, according to §150-8.3 the only uses eligible as first floor occupants are office or retail uses as noted below. Restaurant uses are considered as a separate type of use from a retail use.

§ 150-8.3. Mixed uses.

- A. Mixed uses may be permitted upon authorization of the Planning Board in accordance with the following conditions and subject to site plan review when required:
 - (1) Planned commercial developments. ... minimum of 1.5 contiguous acres.
 - (2) Residential/office or retail mixed use. When residential units are mixed with retail or office space, the residential units shall not be located on the first floor in any building. Access to a residential unit at the street level shall not be construed to be a residential unit on the first floor.
 - (3) Office/retail mixed use. When office space is mixed with retail space, the office space shall not be located on the first floor in any building. Access to office space from the street level shall not be construed as office space on the first floor.
- B. Conditional use requirements applicable to all mixed uses:
 - (1) Mixed uses shall have an even distribution between principal uses within each building(s).
 - (2) Parking for the various types of uses shall be provided in accordance with the requirements of Article XII of this chapter.
 - (3) Not less than 20% of the lot shall be reserved for open space and landscaping.
 - (4) A dense landscape buffer of not less than 15 feet shall be reserved between the mixed uses and any adjoining residential uses.
 - (5) In the C-2 zone, site access must be from Bloomfield or Pompton Avenues.

§ 150-2.3. Definitions.

RESTAURANT

A building or structure designed, used or intended for use in which food and beverages are sold and consumed primarily within the confines of an enclosed structure on the site, with seating and serving capacity for not less than 30 persons and with public floor area of not less than 600 square feet. A "restaurant" shall not include refreshment stands commonly called snack or dairy bars where consumption takes place outside of the structure or in automobiles parked upon the premises, whether brought to said automobile by the customer or by employees of the establishment. A "restaurant" shall also include pickup or delivery services wherein food is prepared on the premises for off-premises consumption. Cafés, coffeehouses and cyber cafés, which provide Internet access, are restaurants.

In the TC Zone, the parking standards in §150-12.6. do not apply except for certain uses that include “cafeterias, full-service restaurants, snack and nonalcoholic beverage bars, and limited-service restaurants with a seating capacity of greater than 50 patrons.” Hence, the parking standards in §150-12.6.C do apply and require 4 parking spaces for the two apartments and 23 spaces for the 46 seat restaurant for a total of 27 spaces whereas only 8 on-site spaces are provided (an increase from the existing 5 spaces). Given the past first floor use of the premises as a personal service establishment, the existing parking deficiency of 6 spaces is being increased to a deficiency of 19 spaces. However, as noted later, the peak activity time of the restaurant use is significantly different than a dry cleaner use.

MASTER PLAN CONSIDERATIONS

Although the proposed use would generically be considered a mixed-use, it is not strictly a mixed-use as the Verona Zoning Ordinance is currently crafted. However, the September 2022 Master Plan does not appear to exclude restaurants in underscoring the benefits of mixed-use buildings.

Mixed-Use

Mixed-use developments, typically with active uses such as retail shops, restaurants, or businesses on the lower floors, with more private uses such as apartments or office space on upper floors have been increasing in popularity compared to single use commercial areas. This was partly a response to the increased competition from e-commerce options that provides some convenience compared to brick-and-mortar stores. The COVID-19 pandemic has further exacerbated the ongoing decline of regional retail centers such as suburban malls and strip commercial retail.

An additional reason why this may be growing is the desire to create more walkable and pedestrian-oriented places. Recent demographic and market trends have pushed the need and desire for smaller scale housing units in suburban locations with downtown amenities, but within close proximity to and convenient access to major employment centers. Developers and property owners are also interested in mixed-use developments as they help to increase the number of revenue streams while building sites that people want to go to. In addition to combining uses in the same building, mixed-use developments work to create pedestrian friendly environments with uninterrupted pedestrian connections and public amenities.

(Page 48)

The most recent Master Plan for the Township of Verona recommended a TC Town Center designation for the subject property. Among its goals on page 14 were the encouragement of economic development by considering “mixed-use development opportunities in commercial areas to promote a more vibrant downtown area.”

Among the policies and observations in the 2022 Master Plan were the promotion of mixed-use developments as a favorable land use and consideration of removing the 20% open space requirement in the TC Zone in that 100% lot coverage is allowed. The Master Plan also cited the public’s interest in having more restaurants in the Township. Finally, the parking standards in the TC Zone were recognized as inhibiting rehabilitation and investment in the downtown area. Excerpts from the 2022 Master Plan are provided on the next page.

Mixed-Use

...

Mixed-use developments are a vital part of any community's downtown and commercial corridors. Given Verona's central location and proximity to major employment centers and its compact suburban development with a traditional downtown, there is ample opportunity for the Township to take advantage of these trends. Changes to land use policies to further promote mixed-use development at the proper scale for the Township would give Verona's downtown the opportunity to thrive in the changing residential and commercial real estate environment. These recommended changes are discussed within the **Future Land Use** section. (Page 48)

Areas Recommended for Change

Bloomfield Avenue

...

- The Township has conditional use requirements that are applicable to all mixed uses. One of the conditions stipulates that "Mixed uses shall have an even distribution between principal uses within each building(s)". This condition is a likely deterrent to encourage mixed-use development in Verona as most typical mixed-use development have an active ground floor use with residential uses on the upper floors. In the Town Center zone, where mixed-use development is allowed, a property owner can go up to three stories. The current ordinance in the TC Zone does prevent property owners from realizing the maximum potential with the restriction of the 50-50 mix of uses. This has caused multiple property owners along Bloomfield Avenue to seek conditional use variances from the Board of Adjustment over the past five years. Creating a mixed-use environment also adds to the vibrancy of a traditional downtown that Verona wants to create through its zoning. (Page 51)

» A possible change to the conditions applicable to mixed-use development in the TC Zone is to only require commercial or office uses where applicable on the first floor and ensure that residential use is only allowed on an upper story. This is already a separate condition for residential/office or retail mixed use. Consequently, the Township may wish to simply eliminate the even distribution condition in this zone.

» Additionally, the Township may also consider removing the condition requiring 20% or more of the lot be reserved for open space and landscaping for mixed-use development in the TC Zone. This condition conflicts with the bulk requirements of the TC Zone that allows for 100% lot coverage. (Page 52)

In the Town Center zoning district, parking requirements shall not apply except in the case of additions and/or new construction of greater than 1,000 square feet gross floor area or for cafeterias, full-service restaurants, snack and nonalcoholic beverage bars, and limited-service restaurants with a seating capacity of greater than 50 patrons.

This provision indicates that the Township understands the limitations of requiring property owners in the Town Center zone to provide the amount of off-street parking that is more applicable to the more auto-oriented parts of Verona. However, the provision limits the type of rehabilitation/redevelopment of existing buildings that would create the vibrancy that is desired in the Township as 79% of survey respondents would like to see more retail stores and 61% of respondents would like to see more restaurants.

Mixed-Use Regulations

Many of the Township's zone districts permit mixed-use buildings as a conditional use with several conditions that are more stringent than a permitted use. While the Township conditionally permits mixed-use buildings, some of the required conditions may be preventing property owners from turning single-use buildings into mixed-use buildings. (Page 54)

PLANNING CONCLUSIONS

1. Provisions of the Medici standards for “d(1)” variances.

Under the terms of the Medici Case, the applicant must show that certain public purposes are advanced, that the use is particularly suited to the subject property, and that the negative criteria are satisfied under the enhanced burden of proof.

2. The positive criteria are satisfied.

Approval promotes several goals of the 2022 Master Plan that include the encouragement of mixed-use developments along Bloomfield Avenue and the need to review impediments to building renovations. These Master Plan goals are supported by purposes of the Municipal Land Use Law and constitute satisfaction of the positive criteria.

40:55D-2. Purpose of the act. It is the intent and purpose of this act:

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare.
- g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens.
- m. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land.

3. The restaurant use is particularly suited to the subject property.

The proposed restaurant use can easily be accommodated within the confines of the existing first floor and has the potential for sharing the liquor license from the abutting property which is a valuable feature that better assures a viable restaurant use. Additionally, the property is not in the heart of the central business district and consequently does not experience the more intensive on-street parking demand that would otherwise be the case. Finally, it is noted that a full-service restaurant by itself is a permitted use in the TC Zone.

4. The negative criteria are fully satisfied.

- The building is already in mixed-use, is being upgraded, and is not being expanded. The curb cuts are not being changed.
- The prior dry cleaning use is being replaced by a use that the Master Plan’s survey concluded is desired by the public.

- A restaurant by itself is a permitted use in the TC Zone.
- Although not on the subject property, the adjacent single-family property has a substantial hedge that serves as a buffer.
- The proposed use has dramatically different peak activity hours than the prior use, and the proposed use can take better advantage of on-street meter parking that does not charge on weekends and after 6 PM on weekdays.
- The stormwater runoff from the new paved area is being handled by a seepage pit.
- The Master Plan encourages mixed-uses in the TC Zone, does not exclude restaurants as part of a mixed-use building, and recognizes that certain zoning standards effectively discourage mixed-uses and the upgrading of properties along Bloomfield Avenue.